

STATE OF THE JUDICIARY & THE ADMINISTRATION OF JUSTICE

Annual Report

2016 - 2017





THE JUDICIARY

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ADMINISTRATION OF JUSTICE

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2016 -2017

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Foreword



This publication, the sixth since the introduction of the State of the Judiciary and the Administration of Justice reports (SOJAR), captures important milestones in the accelerated transformation of Kenya's justice sector.

It is the first one that covers the period during which I have been the Chief Justice, and introduces the new phase of Judiciary Transformation under the Sustaining the Judiciary Transformation (SJT): A Service Delivery Agenda blueprint.

The SJT, which focuses on service delivery, takes over the Transformation mantle from the Judiciary Transformation Framework, which between 2012 and 2016 focused on institutional improvements and saw many positive changes in the state of Judiciary processes, policies, independence, infrastructure and the enhancement in personnel structures and capacity.

My blueprint stresses the need for individual accountability and defines ways of improving the quality of service delivery in all the courts. Each court station is required to develop and display prominently in its premises its own Service Charter, aligned to the service delivery objectives elaborated in the SJT agenda.

The Service Delivery Charters will contain a comprehensive set of performance indices,

including corruption and public complaints reduction strategies; case backlog reduction strategies; duration for concluding civil and criminal matters; range and state of ICT services; timelines in retrieval of files and impact of Court Users Committee meetings, among others.

We continued to implement some of the changes in justice delivery brought about by the Constitution of Kenya 2010. The Tribunals, which previously fell under the Executive, have started migrating to their new home in the Judiciary. The Tribunals Bill is currently at the AGs' office. We would like to see it processed quickly through Parliament so that we can complete the transition.

The level of funding for the Judiciary and other players in the Justice system remains a matter of considerable concern. While our recurrent budget is largely covered from Government of Kenya funds, only 30 per cent of the development budget comes from the Treasury. The rest is derived from donor funding, particularly the World Bank's Judicial Performance Improvement Program (JPIP). This programme comes to an end in December 2018, meaning that alternative funding must be found in order not to slow down the progress we have made so far.

At the moment, Judiciary funding by the Government falls below 1 per cent of the national budget, which is dismally low considering the national footprint of our work, with a staffing complement of more than 5,000. Indeed, international best practice recommends that the Judiciary receives 2.5 per cent of the national budget. Some of the other players in the justice sector, such as Probation and Aftercare, as well as Community Service Orders and the Directorate of Public Prosecution, are even worse off and require large infusion of funds to improve their operations and physical facilities.

The imbalance in the terms and conditions of service in the justice sector needs to be harmonised across the board, to create institutional stability in the sector. That way, the great collaboration that is underway in the sector, especially at the NCAJ through its various reform committees, will greatly improve the state of administration of justice in Kenya.

We are implementing the Constitutional requirement for the establishment of the Judiciary Fund. The process of delinking from the District Treasuries has begun in earnest, and is expected to be completed soon. We hope that the Judiciary Fund Regulations that have been drafted shall be gazetted to fully operationalize the Fund.

Let me thank the team under able leadership of Duncan Okello, Irene Omari, John Muriuki, Isaac Wamaasa, Hon. Joseph Were, Mundia Muchiri, Jackie Mulwa, Hon. Moses Wanjala, Lucy Njaramba, Dominic Maina, Peter Bunde, Sophie Kaibiria, Moses Maranga, Martin Astiba, Dr. Masha Baraza, Anne Asugah, David Waga, Fred Nyinguro and Joy Bigambo; that has put together this publication and congratulate them for delivering it within the required timelines. It comes to you only a few months after the end of the reporting period. Their dedication and effort have been admirable.

I wish to thank the Judiciary fraternity and all justice sector agencies and their leadership for the great work they are doing in the service of the Kenyan public.

Thank you.

Hon. David Kenani Maraga

Chief Justice and President of the Supreme Court of Kenya, and, Chairman, National Council on the Administration of Justice (NCAJ)

Executive Summary

The Judiciary, together with the other Justice sector agencies, have witnessed phenomenal growth and development in the last six years. Arguably, the Constitution, 2010 had a dramatic effects on the sector, which continues to live that reality to date. Indeed, the FY 2016/2017 was no exception, with several achievements being recorded, the numerous challenges notwithstanding.

The Judiciary oversaw a successful leadership transition – the first one since the promulgation of the new Constitution. Chief Justice Hon. Dr. Justice Willy Mutunga and Deputy Chief Justice Kalpana Rawal both retired in June 2016. The Judicial Service Commission (JSC) conducted open and competitive recruitment processes that resulted in the appointment of Hon. Justice David Kenani Maraga as Chief Justice and Hon. Justice Philomena Mbete Mwilu as Deputy Chief Justice in October 2016. At the same time, Hon Justice Isaac Lenaola was appointed judge of the Supreme Court to replace Hon. Justice Philip Tunoi.

During the reporting period, the launch of a new strategic blueprint by the new leadership, Sustaining Judiciary Transformation: A Service Delivery Agenda, 2017–2021 in January 2017, was one of the most significant developments in the institution. It heralded a new beginning intended to not only consolidate the gains of the successful Judiciary Transformation Framework, 2012–2016 but also identify new strategic priorities. The SJT shifts focus away from institutional capacity building approach of the JTF to service delivery as its overriding theme. The SJT is anchored on five thematic issues: Access to justice; reduction of case backlog; enhanced integrity and restructuring and strengthening of the Office of the Ombudsman; accelerated digitization of Judiciary operations, and mainstreaming leadership and good governance.

However, beyond the launch of SJT, other notable developments also occurred during the reporting period. These included: The establishment of new court stations; re-

cruitment of more judges and staff; expansion of the court infrastructure; reduction of case backlog; continued transition of Tribunals from the Executive to the Judiciary; enhanced trainings for Judges, Magistrates, Kadhis and staff; deepening the work of justice sector committees; promoting inter-agency cooperation; taking both promotional and disciplinary measures among staff. These are the issues discussed in detail in the chapters that follow.

Chapter One focuses on issues of Leadership and Management in the Judiciary during the reporting period. The Chief Justice, Deputy Chief Justice and Chief Registrar undertook a number of activities including visiting 24 court stations; hosting local and international visitors; conducting local and international speaking engagements in Egypt, Sudan, and Uganda; admitting 1175 advocates to the Bar; swearing in at least 10 Commissions and other members of statutory bodies including IEBC Selection Panel; IEBC, EACC, CRA and various Tribunals.

The office of the Ombudsman received 3005 complaints in the FY 2016/17, down from 3586 received in the previous year. Out of the complaints

received, slow service delivery was the highest at 31 per cent, followed by missing files at 26 per cent and poor services at 17 per cent.

The Judiciary Committee on Elections (JCE) was re-launched under the new leadership of Hon. Justice Mbogholi Msagha who led the preparations for handling election disputes. In that exercise, all judges of the Superior Courts and Senior Magistrates had, by March, 2017, been trained on election petition management.

The period also witnessed the retirement of three Judges, two from the Court of Appeal and one from the High Court. Hon. Justice John Mwera and Hon. Justice Festus Azangala, of the Court of Appeal and Hon. Justice Anyara Emukule of the High Court retired from the Bench. The Judiciary held special tribute sessions for retired judges. The Judiciary also held a special tribute session in hon-



The SJT shifts focus away from institutional capacity building approach of the JTF to service delivery as its overriding theme".

our of former Chief Justice Abdul Majid Cocker, who died in October 2016.

In the FY 2016/17, the Judiciary lost 23 members of staff through death and 75 through retirement.

The Judiciary continued to dispense justice as mandated by the Constitution. **Chapter Two** examines in detail access to justice in our Courts. During the period under review, a total of 344,180 cases were filed, out of which 258,982 were criminal while 85,198 were civil in nature. In the same period, a total of 304,182 cases were concluded, comprising 218,796 criminal cases and 85,386 civil cases.

At the end of the FY 2016/17, there were 533,350 pending cases in the judiciary, which comprised 185,369 criminal and 347,981 civil cases. The pending cases represented an increase of 7 per cent from the 499,341 at the close of FY 2015/16. Out of the 533,350 pending cases, 315,378



Tribunals are emerging as an influential and consequential institutional framework in the administration of justice”.

were categorized as backlog. The Magistrates Courts continue to bear the heaviest burden, accounting for 87 per cent of all cases filed in FY 2016/17.

Tribunals are emerging as an influential and consequential institutional framework in the administration of justice. The transition of Tribunals from the Executive to the Judiciary continued apace in this financial year, even though the process faces major legal, policy, administrative and infrastructural challenges.

During the year under review, two Tribunals - Competition Tribunal and Communication and Multimedia Appeals Tribunal - transited to the Judiciary, bringing the total number now under Judiciary to 16. An Acting Registrar of the Tribunals was appointed to coordinate the activities of the various tribunals, and a secretariat established at Reinsurance Plaza in Nairobi. And for the first time, the Secretariat commenced the collection of data on caseload and jurisprudence from the Tribunals, which form part of this Report. During the year under review, 11,981 cases were pending at the Tribunals. Some 11,383 cases were filed, and 14,942 resolved. There were 8332 pending cases representing a 30.5%

reduction in case backlog.

The Tribunals Bill, 2017, a suggested comprehensive framework for the transition and management of Tribunals, was drafted and forwarded to the Office of the Attorney-General for review and presentation to the National Assembly.

Judicial authority is founded on Article 159 of the Constitution of Kenya. The judicial mandate is to resolve disputes presented before the Courts and Tribunals by private citizens, companies and Government institutions. During the year under review, the Judiciary developed jurisprudence through the decisions made in various spheres of law including Constitutional law, Judicial Review, Commercial law, Land law, Criminal law and Electoral law, among others.

Chapter Four on jurisprudence highlights some of the landmark decisions made by the Supreme Court, Court of Appeal (COA), High Court, Environment and Land Court (ELC), Employment and Labour Relations Court (ELRC) and Tribunals. These decisions had the effect of settling the law, clarifying certain aspects of the law or breaking new grounds. The decisions cover areas of jurisdiction of specialized courts,



These decisions had the effect of settling the law, clarifying certain aspects of the law or breaking new grounds".

Electoral laws, Devolution, Children matters, employment and labour disputes among others.

There has been significant progress made in human resource development and management in the Judiciary during this financial year as discussed in **Chapter Five**. The key milestone achieved was actualizing performance appraisal in all court stations, preparation of customer service charter, and undertaking a comprehensive organizational review. In June 2017, the Judiciary launched the first report of the Performance Management and Measurement Steering Committee (PMMSC) on the outcome of the evaluation of the first cycle of targets set in the FY2015/2016 and good performers recognized.

During the period under review, 28 new judges were appointed, bringing the total number in the entire Judiciary to 159 judges. Three serving judges were appointed to the Supreme

Court (the Chief Justice, Deputy Chief Justice and a Supreme Court judge). Of the 28, nine joined the High Court while 19 were appointed ELC judges. The recruitment complied with the one third gender rule.

The 1711 newly recruited judicial staff who were serving on probation, were confirmed to their positions. Thus, during the period under review, the Judiciary had 5619 employees, 52 per cent being male and 48 per cent being female. Judges, Magistrates and Kadhis, and judicial staff constitute 2.8 per cent, 8.4 per cent, and 88.8 per cent of the workforce respectively.

The human resource development of the Judiciary employees continues through trainings offered internally by the Judiciary Training Institute as well externally by other institutions. A total of 1668 staff members were trained locally in various institutions, including at the Kenya School of Government and a further 37 staff members were sponsored to attend professional training outside Kenya, including ESAMI in Arusha, Tanzania, and in Johannesburg, South Africa. There were 2886 students who went through attachment in the Judiciary that included clinical attachment for law students,

law pupillage and students from other disciplines.

Magistrates and Kadhis numbering 157, and 419 judicial staff were promoted during the year under review. Similarly, 649 judicial staff transfers were implemented over the same period. Some 127 judicial officers were transferred to various stations within the Republic in line with the Judiciary Transfer Policy.

A total of 666 judicial staff were recruited during the year.

The disciplinary mechanism of the JSC and the Human Resource Management Advisory Committee (HRMAC) remained active during the reporting period. The Commission received 59 cases against officers in PLS 9 and above. Of these, 39 were fresh cases while 20 were appeals or reviews. A total of 31 cases were concluded and 28 were pending. The HRMAC, on the other hand, handled cases against officers in PLS 8 and below. It had a backlog of 51 cases and received 57 new cases, bringing the total to 108. Out of these, 45 were concluded and six referred to JSC with 57 pending at the close of the reporting period.

The education profile of Judiciary staff is expanding in the middle of the pyramid, as

more staff go for further studies. The Judiciary had 10 members of staff with doctorate degrees, 198 with Masters degrees, 1101 with bachelor's degrees, 195 had post graduate diplomas, 73 higher diplomas, 834 diplomas, 244 certificates 2761 high school certificates and 203 primary level certificates.

The budget allocation to the Kenyan Judiciary has remained very low, standing at an average of 1 per cent over the past five years. Indeed, in this financial year, it slipped to 0.99 per cent. This falls way below the internationally-recommended ratio of Judiciary budget against the national budget which is 2.5 per cent. **Chapter Six** demonstrates the trends in the financing of Judiciary activities, as well as the state of infrastructural development.

The Judiciary bids for its budget under the Governance, Justice, Law and Order (GJLO)



The budget allocation to the Kenyan Judiciary has remained very low, standing at an average of 1 per cent of the national budget over the past five years".

Sector which comprises 14 sub-sectors. The State Department for Interior receives the lion's share of the budget allocated for the GJLO sector. Analysis reveals that in 2016/17, the Ministry of Interior was allocated more than half of the sector's entire budget, at 64%. This was followed by the Independent Electoral and Boundaries commission (IEBC) at 11 per cent, State Department for Correctional Services came third with almost 10 per cent while the Judiciary followed with 8 per cent. The Judiciary budget was 23 per cent less than what was required to effectively finance the delivery of justice - Kshs.17 billion compared to a requirement of Kshs.23 billion.

During the period under review, the budgetary absorption levels improved significantly, especially on development vote which previously had severe implementation challenges. The operationalization of the in-house Directorate of Building Services (DBS) propelled absorption from 54% in the FY 2015/16 to 67% in the FY 2016/17.

The revenue yields from fines and fees charged at the courts have risen sharply over the last five years. The total revenue collected in FY 2016/17

amounted to Kshs 1.972 Billion compared to Kshs 2.308 Billion in FY 2015/16, representing a minor decline. In addition, the Judiciary holds Court Deposits in trust and as at the end of the FY 2016/17, the Judiciary held court deposits amounting to Kshs 4.367 billion, a marginal increase from the Kshs. 4.306 billion it held at the end of FY 2015/16.

In compliance with Article 173 of the Constitution, the Judiciary Fund Act was assented to in December 2015. The Judiciary Fund Regulations have been drafted pursuant to the Act and are awaiting adoption and gazettment for the Fund to become operational.

Infrastructural development has been a major plank in the Judiciary transformation program. During the FY 2016/17, the Judiciary was involved in the construction of new court buildings, refurbishment of existing ones and construction of court facilities such as ramps, public waiting sheds, customer care offices, gate houses, boundary walls, lifts, signage, robbing rooms, lactation rooms, and public ablution blocks.

Significant progress has been made in the construction of various court buildings and facilities. The courts in Bungo-

ma, Garsen, Rongo and Mpeketoni were handed over during the reporting period. Another five courts – in Chuka, Kigumo, Engineer, Molo and Makindu – were awaiting handover. Other building works and renovations throughout the country were at various stages of completion.

Funding came from the Government of Kenya development fund and development partners such as the World Bank, which supported the construction of 19 new High Courts and the refurbishment of 11 Magistrate Courts through the Judicial Performance Improvement Project (JPIP).

Even though the establishment of DBS boosted the implementation of projects, a number of projects experienced faltering progress due to various challenges such as: delay by the previous project managers in formalizing instructions, variations and extension of time, which, for example, affected projects in places such as Embu and Nkubu; delay in processing payment for contractors due to various reasons such as IFMIS failure; pending court cases and disputes such as in Runyenjes, Tawa, Marimanti and Lodwar; contractors' financial challenges, which has affected Bomet; security challenges, for exam-

ple, in Mandera.

Various activities and initiatives were undertaken under the aegis of the National Council for the Administration of Justice. A new technical committee, the Criminal Justice Reform Committee, was gazetted. The NCAJ devoted itself to strengthening access to justice through enhancement of Court Users Committees (CUCs) which received a significant boost in their funding and capacity. Various stakeholder interventions were put in place for better administration of justice. This included legislation on children's matters and amendments to the Sexual Offences Act, implementation of Policies on Bail and Bond, reforms in the traffic sector and measures adopted for the business community to enhance investor confidence.

The Constitution of Kenya envisages that the different agencies of Government will continuously interrelate and collaborate on various aspects of the administration of justice. During the period under review, there were many collaborative activities, the main one being joint assessment of election preparedness. The different players discussed strategies to enhance security, integrity, peace and cohesion during the electoral process.

This report gives a com-

prehensive account of the accelerated rate of transformation in the Judiciary and the justice sector as a whole and provides data that will be useful for empirical policy making decisions. It is forthright in its discussion of the challenges facing the sector and points at options and avenues for perfecting the administration of justice in Kenya.



Infrastructural development has been a major plank in the Judiciary transformation program".

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Annex 3:From Chapter 2

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Acronyms

AACs	Area Advisory Councils	CV	Civil
ACA	Anti-Counterfeit Agency	DBS	Directorate of Building Services
ACC	Advocates Complaints Commission	DCI	Directorate of Criminal Investigation
ACM	Active Case Management	DCJ	Deputy Chief Justice
ACSA	African Correctional Services Association	DCRT	Daily Court Returns Template
ACU	Aids Control Unit	DPAC	Directorate of Public Affairs and Communication
ADAK	Anti-Doping Agency of Kenya	DPP	Directorate of Public Prosecution
ADOC	Alternative Dispute Operationalization Committee	DR	Deputy Registrar
ADR	Alternative Dispute Resolution	EAAP	East Africa Association of Prosecutors
AG	Attorney General	EABC	East Africa Business Council
AIE	Authority to Incur Expenditure	EAC	East Africa Community
AJS	Alternative Justice System	EACC	Ethics and Anti-Corruption Commission
ALB	Auctioneers Licensing Board	EIA	Environmental Impact Assessment
ANAW	Africa Network for Animal Welfare	ELC	Environment and Land Court
AOC	Alternative Dispute Operationalization Committee	ELRC	Employment and Labour Relations Court
ARIPO	African Regional Intellectual Property Organization	EMCA	Environmental Management and Co-ordination Act
ASK	Agricultural Society of Kenya Shows	ESMP	Environmental Social Management Plan
ATP	Advocates Training Programme	FGM	Female Genital Mutilation
AU	African Union	Fida - Kenya	Federation of Women Lawyers in Kenya
BBIC	Bail and Bond Implementation Committee	FiRe	Financial Reporting
BCUC	Business Court Users Committee	FRC	Finance Reporting Centre
BIC	Best Interests of the Child	FY	Financial Year
BPRT	Business Premises Rent Tribunal	GALCK	Gay and Lesbian Coalition of Kenya
CAM	Court Annexed Mediation	GBV	Gender Based Violence
CBA	Collective Bargain Agreements	GIZ	Gesellschaft für Internationale Zusammenarbeit
CCPOs	Child Care and Protection Officers	GJLOS	Governance, Justice Law and Order Sector
CCR	Case Clearance Rate	HAPCA	HIV and AIDS Prevention Control Act
CDC	Center for Disease Control	HC	High Court
CDF	Constituency Development Funds	HRDs	Human Rights Defenders
CEO	Chief Executive Officer	IAU	Internal Affairs Unit
CIC	Case Intake Committee	IC	Initiated Cases
CID	Criminal Investigations Department	ICESCR	International Covenant on Economic, Social and Cultural Rights
CJ	Chief Justice	ICJ	International Commission of Jurists
CJE	Continuous Judicial Education	ICPA	International Corrections and Prisons Association
CJS	Criminal Justice System	ICT	Information and Communication Technology
CLE	Council of Legal Education	IDAHOT	International Day Against Homophobia, Transphobia and Biphobia
COA	Court of Appeal	IDLO	International Development Law Organization
COG	Council of Governors	IDPs	Internally Displaced Person
CPCs	Child Protection Centres	IEBC	Independent Electoral and Boundaries Commission
CPIMS	Child Protection Information Management System	IEC	Information, Education and Communication
CPTA	Committee on the Prevention of Torture in Africa	IFMIS	Integrated Financial Management Information System
CPUs	Child Protection Units	IG	Inspector General of Police
CR	Criminal	IGAD	Intergovernmental Authority on Development
CRC	Convention on the Rights of the Child	IGRA	Intergovernmental Relations Act
CRJ	Chief Registrar of the Judiciary	IJS	Informal Justice Systems
CRPD	Convention on the Rights of Persons with Disability	IPMAS	Integrated Performance Management and Accountability System
CSO	Civil Society Organization	IPOA	Independent Policing Oversight Authority
CTiP	Counter Trafficking in Persons	IPSAS	International Public Sector Accounting Standard
CT-OVC	Cash TransThfer - Orphans and Vulnerable	IPT	Industrial Property Tribunal
CUCs	Court Users Committees	IT	Information Technology

JATS	Judiciary Audio Transcription System	NACCSC	The National Anti-Corruption Campaign Steering Committee
JAVIT	Judiciary Audio-Visual Transcription System	NALEAP	National Legal Aid (and Awareness) Programme
JCE	Judiciary Committee on Elections	NCAJ	National Council on the Administration of Justice
JFMIS	Judiciary Integrated Management Information System	NCIC	National Cohesion and Integration Commission
JICA	Japan International Cooperation Agency	NCLR	National Council on Law Reporting
JJAs	Juvenile Justice Agencies	NCPWD	National Council of Persons with Disability
JKUAT	Jomo Kenyatta University of Agriculture and Technology	NCRC	National Crime Research Centre
JMVB	Judges and Magistrates Vetting Board	NEMA	National Environmental Management Authority
JNS	Justice Needs Survey	NET	National Environment Tribunal
JOSS	Judiciary of South Sudan	NGEC	National Gender & Equality Commission
JPIP	Judicial Performance Improvement Program	NGO	Non-Governmental Organisation
JSC	Judicial Service Commission	NHIF	National Hospital Insurance Fund
JTF	Judiciary Transformation Framework	NLC	National Land Commission
JTI	Judicial Training Institute	NMK	Nation Media Kenya
JTSP	Judiciary Transformation Support Project	NPS	National Police Service
JUV	Juvenile	NPSC	National Police Service Commission
JWCEP	Judiciary Working Committee on Election Preparations	NTSA	National Transport and Safety Authority
JWC-T	Judiciary Working Committee on the Transition and Restructuring of the Tribunals	NVK	New Vision Kenya
KAM	Kenya Association of Manufacturers	NYS	National Youth Service
KCA	Kenya Children Assembly	OAG&DOJ	Office of the Attorney General and Department of Justice
KEBs	Kenya Bureau of Standards	OCJ	Office of the Chief Justice
KECOBO	Kenya Copyright Board	OCS	Officer Commanding Station
KELIN	Kenya Legal and Ethical Issues Network	ODCJ	Office of the Deputy Chief Justice
KeNHA	Kenya National Highways Authority	ODPP	Office of the Director of Public Prosecution
KESSULO	Kenya South Sudan Liaison Office	OJO	Office of the Judiciary Ombudsperson Office
KHRC	Kenya Human Rights Commission	ORMC	Office of Registrar Magistrate Court
KIP	Kenya Integrity Plan	ORMS	Offender Records Management
KIPI	Kenya Industrial Property Institute	P&C	Protection and Care
KISCOL	Kwale International Sugar Company Limited	PAD	Project Appraisal Document
KLRC	Kenya Law Reform Commission	PAS	Performance Management System
KMJA	Kenya Magistrates and Judges Association	PFM	Public Finance Management Act
KNCHR	Kenya National Commission on Human Rights	PIL	Public Interest Litigation
KNUT	Kenya National Union of Teachers	PMD	Performance Management Directorate
KPS	Kenya Police Service	PMMUs	Performance Management and Measurement Understandings
KSL	Kenya School of Law	POCA	Proceeds of Crime and Anti-Money Laundering Act
KUAPO	Kenyans United Against Poaching	POCA	Prevention of Organized Crimes Act
KURA	Kenya Urban Roads Authority	POCAMLA	Proceeds of Crime and Anti-Money Laundering Act
KWS	Kenya Wildlife Services	PPDT	Political Parties Disputes Tribunal
LAN	Local Area Network	PPOA	Public Procurement Oversight Authority
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex, And Questioning	PRI	Penal Reform International
LLM	Master of Laws	PSAs	Public Service Announcements
LRA	Land Registration Act	PSC	Public Service Commission
LRF	Legal Resource Foundation	PSTC	Prisons Staff Training College
LSK	Law Society of Kenya	PSV	Public Service Vehicle
MAC	Mediation Accreditation Committee	PWDs	Persons Living with Disability
MDA's	Ministries, departments, agencies	QMS	Queue Management System
MDR	Mediation Deputy Registrars	RC	Resolved Cases
MKCRM	Magistrates and Kadhis Courts Registry Manual		
MoU	Memorandum of Understanding		
MRC	Mombasa Republican Council		
MTP	Medium Term Plan		
MUHURI	Muslims for Human Rights		
NACC	National Aids Control Council		

RETRAK Retail Trade Association of Kenya
 RHC Registrar High Court
 RMC Registrar Magistrate Court
 RRT Rent Restriction Tribunal
 SALWs Small arms and light weapons
 SCJ Supreme Court Judge
 SGBV Sexual and Gender-Based Violence
 SGR Standard Gauge Railway
 SIL Strategic Impact Litigation
 SLAA Security Laws (Amendment) Act
 SOA Sexual Offences Act
 SOJAR State of the Judiciary and the
 Administration of Justice Report
 SOPs Standard Operating Procedures
 SRC Salary and Remuneration Commission
 SSR Security Sector Reform
 SWG Special Working Group
 TA Transition Authority
 TC Technical Committee
 TDGA Transition to Devolved Government Act
 TJRC Truth Justice and Reconciliation
 Commission

TNA Training Needs Assessment
 TOT Training of Trainers
 TSC Teachers Service Commission
 UNCAC United Nations Convention
 Against Corruption
 UNDP United Nations Development
 Programme
 UNODC United Nations Office on Drugs
 and Crime
 UPR Universal Periodic Review
 UW University of Washington
 WAN Wide Area Network
 WHO World Health Organisation
 WPA Witness Protection Agencies
 WPP Witness Protection Programme

Chapter 1

LEADERSHIP AND MANAGEMENT
OUTLOOK

Leadership and Management

1.0 Introduction: Leadership and Management Structure of the Judiciary

Article 1 (1) (c) of the Constitution provides that sovereign authority belongs to the people of Kenya and they have delegated it to various organs of state, including the Judiciary. Pursuant to Article 159 of the Constitution, the authority delegated to the Judiciary is to be exercised through the courts and tribunals.

The Chief Justice is the Head of the Judiciary, President of the Supreme Court, Chair of the Judicial Service Commis-

sion (JSC), Chair of the National Council on Law Reporting (NCLR) and the Chair of National Council on the Administration of Justice (NCAJ). The Deputy Chief Justice is the Deputy Head of the Judiciary and Vice President of the Supreme Court while the Chief Registrar of the Judiciary is the Accounting Officer and Chief Administrator of the Judiciary, Secretary to the JSC and NCAJ. The Judiciary operated without a Chief Justice and Deputy Chief Justice for the first quarter of the reporting period (July to October 2016) following the retirement of Chief Justice Hon. Justice Dr. Willy Mutunga and Deputy Chief Justice Lady Justice Kalpana Rawal.

The Constitution establishes the offices of President of the Court of Appeal (PCA) and Principal Judge (PJ) of the High Court respectively, under Articles 164(2) and 165 (2) respectively. Section 6 of the Environment and Land Court Act, 2011 establishes the office of Presiding Judge of the court, who is the head of the Environment

Chief Justice David Maraga takes the oath of office on October 19, 2016, as the 15th Chief Justice (CJ) of Kenya.



and Land Court and reports to the Chief Justice on the management of the court. Section 5 of the Employment and Labour Relations Court, 2011 creates the office of the Principal Judge of the court who is the head of that court and answers to the Chief Justice on the management of the court. These offices form an integral and vital part of Judiciary leadership.

1.1 Transition and New Leadership in the Judiciary

The retirement of Hon. Justice Dr. Willy Mutunga as Chief Justice and Hon. Justice Lady Kalpana Rawal as Deputy Chief Justice in June 2016 heralded the first and rare dual leadership transition in the Judiciary under the new Constitution, 2010. This transition was managed successfully by the Judicial Service Commission (JSC) which, following a competitive process, made recommendation for the appointment of Hon. Justice David Kenani Maraga and the Hon. Lady Justice Philomena Mbete Mwilu as Chief Justice and Deputy Chief Justice respectively. The Chief Justice was sworn in on 19th October 2016 while the Deputy Chief Justice was sworn in on 28th October 2016. Hon. Justice Isaac Lenaola, was also sworn in on the 28th October,



2016 as a judge of the Supreme Court replacing Hon. Justice Philip Tunoi who had also retired in June 2016.

Deputy Chief Justice Philomena Mbete Mwilu takes the Oath of Office on October 28, 2016, at State House, Nairobi.

1.2 Sustaining Judiciary Transformation (SJT)

The new leadership of the Judiciary drew up a new strategic and programmatic direction for the Judiciary titled “**Sustaining Judiciary Transformation: A Service Delivery Agenda (SJT) 2017-2021**”. This blueprint was launched on 26th January, 2017 and it builds on the successes and lessons of the Judiciary Transformation Framework (JTF), 2012-2016 that had been initiated by Chief Justice Hon. Justice Dr. Willy Mutunga. While the JTF placed emphasis on access to justice through new courts and more judges and magistrates, rapid institutional and policy reform, capacity building, massive infrastructural development, significant

improvement of staff welfare, revival of training, introduction of data culture, enhancement of public accountability, protection of the independence of the Judiciary, the SJT focuses on service delivery.

The SJT is a novel strategy for enhanced service delivery across the institution. It places emphasis on service delivery through enhancing access to justice; clearance of case backlog; addressing the challenges of integrity by restructuring and strengthening the office of the Ombudsperson; institutionalizing Judiciary digitization; and mainstreaming leadership and governance issues.

The interventions contained in the blueprint focuses on completing and consolidating reforms commenced in the JTF process, and emphasizing the improvement in the speed and quality of service delivery in the Judiciary by increasing efficiency and effectiveness at individual and system levels, as well as individual accountability for performance. The blueprint is a recognition that real transformation of the Judiciary can only be achieved if the court user and the wider citizenry experience a qualitative difference in the services the institution offers to them.

Most importantly, the implementation of SJT is being undertaken through a bottom-up approach with each court station, division, directorate, and tribunal playing the central role in the implementation of the strategic blueprint. Each of the units is required to develop contextualised, feasible and measurable sub-strategies on all the key areas of focus under the SJT. These contextual, unit-specific comprehensive action plans will be the vehicle by which service delivery shall be improved through the SJT.

In order to coordinate and support the various court stations, tribunals, directorates and implementing units across the Judiciary, the Hon. the Chief Justice established an Implementation and Monitoring Committee (IMC) of the SJT strategic blueprint. The IMC is chaired by the Hon. the Deputy Chief Justice and reports regularly to the Hon. the Chief Justice on the progress in the implementation of SJT. The IMC further comprises, Hon. Justice Isaac Lenaola SCJ, Hon. Justice Daniel Musinga JA, Hon. Justice Gatembu Kairu JA, Hon. Justice Richard Mwongo, Principle Judge, Hon. Anne Amadi Chief Registrar of Judiciary, Hon. Caroline Kabucho Deputy Registrar



The SJT is a novel strategy for enhanced service delivery across the institution.

Magistrates Courts, and Ms. Mu-
thoni Rwenji, Secretary General
of the Kenya Judiciary Staff As-
sociation. The IMC is supported
by a secretariat headed by Mr.
Duncan Okello, Chief of Staff,
Office of the Chief Justice.

1.3 Key Events Presided over by the Judiciary Leadership in 2016/2017

In the period under review, the
Chief Justice received cour-
tesy calls from several lead-
ers and institutions including
foreign envoys of the United
States, European Union, Neth-
erlands, Denmark, Italy and In-
dia; Council of Governors led by
Chairperson Hon. Peter Munya,
Law Society of Kenya (LSK),
Coalition for Reforms and De-
mocracy (CORD) Principals led
by Rtd Hon. Raila Odinga, group
MD Kenya Commercial Bank,
Governor Central Bank of Ken-
ya, the Kenya Magistrates and
Judges Association (KMJA) and
Judges from the Zambian Judi-
ciary, among others.

1.3.2 Swearing in of Commissions and Admission of Advocates

The Chief Justice carried out the
ceremonial and statutory duties
required of the office by law.
These included the admission of



Chief Justice David Maraga poses for a group photo with lawyers shortly after he admitted them to the bar in a ceremony, held at the Supreme Court, Nairobi.

1175 lawyers to the Roll of Advo-
cates. The CJ, DCJ and CRJ swore
in members of Commissions,
tribunals and boards. These in-
cluded the Independent Elec-
toral and Boundaries Commis-
sion (IEBC) and IEBC Selection
Panel, Commission on Revenue
Allocation (CRA), Ethics and
Anti-Corruption Commission
(EACC), Communication and
Multimedia Appeals Tribunal,
National Civil Aviation Admin-
istrative Board, Micro and Small
Enterprises Tribunal, Standards
Tribunal, Transport Licensing
Appeals Board and HIV/Aids
Tribunal.

1.3.3 Tributes

The practice of paying tribute to
retiring and departed judges and
advocates are a legal tradition
that emphasizes the unity and
harmony amongst and between
the bar, the bench and across
the legal profession. In the pe-

riod under review, the Judiciary paid tribute to the Judges, Judicial officers and staff who retired. These include Hon. Justices John Mwera, Festus Azangalala and Anyara Emukule.

Special tribute was also paid to the late Chief Justice Hon. Justice Majid Cocker at a Special Court session at the Supreme Court as well as to the late Hon. Lucy Kaitany a magistrate from Machakos Law Courts who passed away in a road accident. In total, 23 members of staff passed away in the year under review and 75 members of staff retired both under the early retirement plan or on attaining the retirement age.

1.3.4 Court Visits

To assess the state of court operations and inspect various infrastructural development in the Institution, the CJ, DCJ and CRJ visited various court stations

in the country. These included Bungoma, Kisumu, Vihiga, Kakamega, Narok, Molo, Nakuru, Kabarnet, Nyahururu, Nyamira, Meru, Isiolo, Maua, Nkubu, Chuka, Keroka, Ogembo, Kisii, Homa Bay, Makueni, Garsen, Mpeketoni and Lamu. The other institutions visited were the Kamiti Prisons and Langata Women's Prison.

1.3.5 Speaking Engagements

In addition, the Chief Justice and Deputy Chief Justice were invited to speak, preside over and attend various fora, including the launch of the Worldwide Wildlife Foundation (WWF) Strategic Plan; East African Magistrates & Judges Association (EAMJA) conference in Kampala; Symposium on the Rule of Law in Africa at Strathmore University; and the International Association of Women Judges (IAWJ) conference held in Nairobi. The Deputy Chief Justice presided over the International Anti-Corruption Day held at Kajiado. She also represented the Chief Justice at the African session for Chief Justices at Cairo, Egypt, and the Legislative Summit in Mombasa and was a panelist at the IDLO meeting that discussed Gender

Chief Justice David Maraga opens a newly completed prefabricated High Court building at Garsen, Tana River county.



Equality in Kenya in the context of constitutional transformation.

1.4 Election Preparedness: 2017

General Election.

Ensuring that the Judiciary was adequately prepared to adjudicate disputes arising from the 2017 General Elections cycle was a key priority for the institution. This effort was spearheaded by the Judiciary Committee on Elections (JCE) that was re-launched in August 2015 as a standing committee to provide a sustainable mechanism to assist the Judiciary to continuously prepare for and discharge its mandate on election dispute resolution. The Chief Justice appointed Hon. Mr. Justice A. Mbogholi Msagha as Chair of the standing committee.

During the reporting period, the Committee engaged in various activities in preparation for the 2017 General Election and made significant progress in preparing the institution to handle all electoral disputes and petitions relating to the 2017 elections. The Committee projections were that the number of petitions to be filed in relation to the 2017 General elections are expected to be higher than those filed in 2013.

During the reporting

period, the JCE developed and launched its 2016–2019 Strategic Plan to guide the Committee in the implementation of its mandate. It carried out an evaluation of the previous EDR (Election Dispute Resolution) Training Program and undertook a Training Needs Assessment to identify the training needs for judges, judicial officers and staff, vis-à-vis election dispute resolution. Subsequently, the Committee developed an EDR Training Curriculum, Calendar and Training Materials, and began the development of an EDR Bench Book.

The JCE actively contributed to electoral law reforms engaging internally and externally with the Judiciary, Parliament and the IEBC and developing and revising a raft of draft election dispute resolution rules. Further, the Committee mobilized resources both from the Government of Kenya and from donor partners to support its programs.

1.5 Status of Specialised Committees within the Judiciary

The Judiciary has established several ad hoc and standing committees tasked with, among other, developing rules and procedures; recommending legislative, regulatory and policy



The JCE actively contributed to electoral law reforms engaging internally with the Judiciary, Parliament and the IEBC and developing and revising a raft of draft election dispute resolution rules".

reform; and studying, investigating and making recommendations on specific and often problematic areas for the progressive development and improvement of the institution's functions.

Recognizing the importance of these Committees and the need to streamline, coordinate, monitor and support them towards the completion of their various mandates, the Hon. the Chief Justice hosted a Status Conference for the chairs and secretaries of all the Judiciary Committees on 12th April 2017.

Summary of Reports:

1.5.1 Judiciary Committee on Inquiry into the Status of Judiciary Land in Kenya

The Committee was established on 16th July 2015 with a mandate to: identify, study, and inquire into all land ownership documents relating to land belonging to the Judiciary with a view to developing an asset register of all Judiciary real property assets; and make recommendations to the Chief Justice for appropriate action to be taken to recover all Judiciary land illegally acquired; and secure already acquired land. The committee has made tremendous progress in identifying and recovering Judiciary land. This

includes Judiciary land illegally annexed in Mombasa, Eldoret, and Kisumu. The Judiciary has also acquired new assets in Busia, Narok, Meru, and Githongo.

1.5.2 Judiciary Infrastructure Committee

The membership to the Project Committee is drawn from various spending units relevant in the budgeting process and in line with Treasury Circular No. 14/2016 on guidelines for preparation of the MTEF for 2016/17 – 2019/2020. The Committee is chaired by the Hon. Chief Registrar of the Judiciary. The committee prepared building plans for new court buildings and supervised the development of 2 major ongoing projects at Garsen and Msambweni, 18 ongoing projects and 101 completed refurbishments under the GoK funding. Under JPIP, there are 20 ongoing projects at different levels of completion.

1.5.3 Performance Measurement and Management Steering Committee

The Committee was established on 11th January 2013. During the year under review, the PMMSC undertook the first evaluation of the 227 units that had signed their performance targets for the FY 2015/2016 and prepared



The Judiciary has established several ad hoc and standing committees tasked with, among other, developing rules and procedures; recommending legislative, regulatory and policy reform; and studying, investigating and making recommendations on specific and often problematic areas for the progressive development and improvement of the institution's functions".

a report that was launched in June 2017. They also facilitated the target setting for 258 implementing units to sign PMMU's for the FY 2016/2017.

1.5.4 Technical Committee Developing a Criminal Procedure Bench Book

The Committee was appointed on 13th November 2015 to develop a Criminal Procedure Bench Book that provides judges and judicial officers with a thorough and comprehensive guide and reference resource on all aspects of criminal procedure. During the year under review, the committee prepared a final draft that is due for validation by stakeholders.

1.5.5 Human Resource Management Advisory Committee and Selection Board

The Human Resource Management Advisory Committee and Selection Board were established to ensure effectiveness and efficiency of the Human Resource function in the Judiciary. During the period under review, the Committee and Board facilitated the training of committee members on labour laws, reduced backlog of pending disciplinary cases by 37%, and concluded 45 disciplinary matters that were not pending before the court.



Best Performing Courts are recognised. The Judiciary unveiled the First Performance Evaluation Report.

1.5.6 Judiciary Library Committee

During the period under review, the committee prepared a draft policy document which was presented to the JSC for adoption and implementation; acquired 5,403 volumes of Law Report for distribution to 17 existing and newly established court libraries; acquired 1,414 numbers of assorted titles; and subscribed to three online information resources databases. These were Hein online, Lexis-Nexis United Kingdom and LexisNexis South Africa.

1.5.7 Technical Committee to Develop an Election Dispute Resolution Bench Book

The Technical Committee to Develop an Election Dispute Resolution Bench Book was established on 18th November 2016 to develop an Election Dispute Resolution Bench Book that will

provide a summary of procedures in the EDR process; highlight key legal issues and legal provisions from the Constitution, legislation and regulations governing EDR; distil and present EDR jurisprudence in the thematic areas of the EDR process; and provide a quick reference of key resources and authorities for key thematic areas in EDR. The Bench Book has been validated and adopted by the JCE. The publication and roll out of the Bench Book is scheduled before August 2017.

1.5.8 Rules Committee

The Rules Committee of the Judiciary is established under Section 81 of the Civil Procedure Act, Cap 21 Laws of Kenya (CPA) and is tasked with making rules that are consistent with the CPA and providing for any other matters relating to the procedure in civil courts. The committee prepared The HIV & AIDS Tribunal (Practice & Procedure) Rules; the Sports Disputes Tribunal Rules; amendment of the Court of Appeals Rules; the draft Small Claims Court Rules pending stakeholder engagement; draft Contempt of Court Rules; a draft of the Kadhi's Court Rules; and amendment of the Civil Procedure Rules, 2010.

The Committee is ex-

ploring options to increase its capacity in order to draft the 73 pending rules and regulations. These include the hiring of a legal researcher, a legislative drafter, expansion of its membership and mandate through the amendment to section 81 of the CPA, and increased budgetary allocation for the Committee.

1.5.9 Judiciary Working Committee on Restructuring of Tribunals

The Judiciary Working Committee on Restructuring of Tribunals was established to advise on the efficient transition of tribunals from their parent ministries to the Judiciary and on facilitating the efficient and effective functioning of tribunals thereafter. During the review period, the Committee, in collaboration with other stakeholders prepared a draft Tribunals Bill, 2016 which has been presented to the Attorney General.

1.5.10 Committee on the Judiciary Code of Conduct and Ethics

The Committee was established in 2011 to review and analyse the Judicial Service Code of Conduct and Ethics. The committee has prepared a draft Code of Conduct and Ethics, which is

awaiting validation and publication.

1.5.11 Taskforce on Traditional, Informal and Other Mechanisms used to Access Justice in Kenya

In March 2016, the Taskforce on Traditional, Informal and Other Mechanisms used to Access Justice in Kenya (AJS Taskforce) was established. The Taskforce is mandated to, inter alia: Convene stakeholders and practitioners in AJS in order to map out and understand the prevalence of use of AJS, undertake a situational analysis of any existing reports, manuals, guidelines, practice notes, legal provisions on mainstreaming AJS; study and consolidate best practices from selected traditional justice systems of selected communities; develop a strategic plan to implement the policy; and develop a National Model for Court-annexed traditional justice resolution mechanism for possible adoption.

1.5.12 Mediation Accreditation Committee

The Mediation Accreditation Committee is established under Section 59A of the Civil Procedure Act (Cap 21) Laws of Kenya. The Committee has developed

the Mediation (Pilot Project) Rules; accredited and trained 73 mediators who are now taking part in the Pilot Court annexed mediation program at the Commercial and Family Divisions of the High Court at Milimani; developed the Mediator Code of Conduct and Ethics; and has developed and adopted Mediator Accreditation Standards.

1.5.13 Court Annexed Mediation Pilot Project

On 4th April 2016, the Judiciary initiated a Pilot Program in the Family and Commercial Divisions of the High Court in Milimani on Court Annexed Mediation. During the period under review, 93 matters were concluded through mediation.

The following is a summary of matters concluded during the phase

Item No.	Description	Division		Total		
		Family	Commercial			
1	Total number of files screened	497	990*	1487		
2	Total number of matters referred to mediation	245	218	463		
3	Total Number of concluded matters	105	45	150		
4	Total number of matter with settlement agreements					
	Breakdown	Full Settlements	50	Full Settlements	15	65
		Partial Settlements	5	Partial settlements	3	8
		Consents	1	Consents	7	8
5	Total number of matters where parties have failed to reach an agreement	46	17	63		
6	Terminated	3	3	6		
7	Total number of mediations where settlement agreements have been adopted	42	25	67		
8	Total value of matters in mediation	1,765,900,000	8,461,504,112	10,327,404,112		
9	Total value of matters in mediation with settlement agreements	80,287,273	486,446,843	566,734,116		
10	Average duration of matters in mediation	69 days	63 days	66 days		



The Judiciary developed several procedural, administrative and policy documents during the reporting period. These documents were a product of very elaborate consultative processes involving internal and external stakeholders”.

1.6 Major Policy Developments

The Judiciary developed several procedural, administrative and policy documents during the reporting period. These documents were a product of very elaborate consultative processes involving internal and external stakeholders. Some of these policies were developed in ful-

filment of the requirements of the law while others were administrative interventions reflecting the leadership priorities of the institution in pursuance of public good of promoting access to justice. The following Policy documents were developed and launched in the FY2016/17.

- Sustaining Judiciary

Transformation (SJT),
launched on January 26,
2017

- The Case Census Report,
launched in February 2017
- Communication Policy and
Procedures, July 2017
- JCE Strategic Plan,
launched in May 2017
- KWJA Strategic Plan, May
2017

1.7 External Engagements

External engagements and collaborations with stakeholders and partners continued in the year under review on a variety of issues that affect the administration of justice and staff welfare.

The Judiciary had productive deliberations with the Kenya Law Reform Commission, Attorney General and the Justice and Legal Affairs Committee (JLAC) of Parliament on the Bills, policies and budgets that touch on the Judiciary. The Judiciary continued with its productive partnership with donor organisations including the World Bank, UNDP, IDLO as well as civil society organisations and the private sector.

Collaboration with the Executive also continued beyond the confines of NCAJ. For example, after the State of the Nation address by the President, the Hon. Attorney General appoint-

ed a Task Force to consider the Legal, Policy and Institutional reforms required to combat corruption in the country. The Judiciary was made a member of the taskforce and participated in the activities of the taskforce through representation from the office of the Chief Justice and the Chief Registrar.

Partnerships between the Judiciary and development partners also continued to grow especially with the World Bank, UNDP, Ford Foundation, GIZ, Embassies of Netherlands, Sweden, Denmark, International Development and Law Organization (IDLO) among others.

1.7.1 Executive and Independent Offices

a. Parliament

The Constitution requires all State Organs to be accountable to the people. The Chief Registrar of the Judiciary (CRJ), as required by law, prepared and presented the Judiciary and JSC budget estimates to the National Assembly. The judiciary also made reports to the Controller of Budget on the Judiciary expenditure, as well as to Treasury and the PPOA on the contracts awarded to Women, Youth and Persons with Disability, who are required to access at least 30%



Collaboration with the Executive also continued beyond the confines of NCAJ. For example, after the State of the Nation address by the President, the Hon. Attorney General appointed a Task Force to consider the Legal, Policy and Institutional reforms required to combat corruption in the country. The Judiciary was made a member of the taskforce”.

of all Government contracts.

1.8 Streamlining Internal Management

The Chief Registrar is the Chief Administrator and Accounting Officer of the Judiciary. By law, the CRJ is responsible for the overall administration and management of the Judiciary and implements that mandate through Directors and Registrars who implement activities within their respective units. The CRJ continually performs a supervisory and oversight role and facilitates activities aimed at strengthening the policy and administrative function of the Judiciary.

Key activities coordinated by OCRJ in the period under review include:

1. A breakfast meeting for the media was hosted on 11th August 2016 to brief the Fourth Estate on key activities in the Judiciary including the recruitment of the Chief Justice, Deputy Chief Justice and Supreme Court Judge.
2. The Annual Judges' Conference was held on 22nd – 27th August 2016 under the theme “Enhancing Public Confidence in the Judiciary”.
3. The Judiciary Working Committee on Tribunals and members of Tribunals held a three-day consultative forum to discuss the Tribunals' Bill on 8th – 10th September 2016.
4. The Judiciary hosted the countrywide Law Society of Kenya Legal Awareness Week 2016 from 26th – 30th September 2016. The event, whose theme was “Improving Access to Justice through Alternative Dispute Resolution”, was hosted in various Court stations across the country as a way of sensitizing the public on key legal procedures and encouraging the use of ADR and resolution of disputes.
5. Recruitments: In the month of August, 2016 the OCRJ coordinated the interview process for the new Chief Justice, Deputy Chief Justice and Judge of the Supreme Court, judges of the Environment and Land Court (ELC), and the High Court. The process is meant to alleviate the acute shortage of Land and Environment judges across the country and also ensure that there is a High Court in every county. The recruitment process was successful and a new CJ, DCJ, SCJ, 9 Judges of the High Court and

- 19 Judges of the Environment and Land Court were recruited and sworn in.
6. Swearing in of the new CJ on 19th October 2016 and the new DCJ and SCJ on 28th October 2016 and the judges of the High Court and ELC on 19th December 2016.
 7. The OCRJ coordinated the annual Judiciary/Development Partners meeting that took place on 14th October, 2016 and the Donors Round Table meeting on the 23rd January, 2017
 8. Stakeholders' Conference on Implementation of the Register of Convicted Sexual Offenders was held on 26th October 2016.
 9. The CRJ represented the Judiciary at the 19th meeting of the Sectoral Council on Legal Aid Affairs, in Dar-es-Salaam from 31st October to 4th November, 2016.
 10. Children's Service Week was launched at Makadara Law Courts, on November 14, 2016.
 11. Recruitments: The office facilitated the recruitment process for Court Interpreters Archivists, IT personnel and Secretaries
 12. The office oversaw the Bi-annual Heads of Stations meeting held in Mombasa from 14th-19th February, 2017 and graced by both the CJ and DCJ.
 13. The development by consultants of the Judiciary Organizational Review was undertaken and a report prepared for approval and adoption by the JSC.
 14. The draft ICT Masterplan 2017-2022 was developed and submitted to the management and CRJ for review and forwarded to JSC for approval. The plan will provide for strategies of acquiring and integrating ICT systems across all implementing units allowing for organization-wide management of the ICT environment.
 15. Facilitated the provision of technical support in the integration of IFMIS Modules for the Judiciary: Judiciary Financial Management and Information System (JFMIS) in managing expenditure, revenue and deposits.
 16. Facilitated the installation and Use of Court Fees and Fines E-receipting system at Milimani Law Court. Request for approval to implement E-receipting was made to the Treasury. High Court Commercial Division and Supreme Court Staff were trained on E-filing and case

management.

17. Enhanced the use of mobile money payments (MPESA) to 80% of the Court stations. The process of linking up the remaining 20% is ongoing.
18. Oversaw the establishment of a Project Team, Business Analysis Team, Software Development Team, and Customer Support Team. These teams are established under ICMS and are working on assigned projects.
19. The Judiciary has commenced the roll-out of Speech to Text Software: Speech to text is a software system that will be used by judges and judicial officers to prepare judgments and other reports.
20. The Judiciary is piloting the Central Sexual Offenders Register: The Sexual Offences Act has mandated the Hon. Chief Registrar to keep a record of all convicted sexual offenders.
21. The Judiciary has operationalized JFMIS: JFMIS is a Judiciary developed accounting system currently being rolled out at various court stations. It is supporting the delinking of the stations from the district treasury. To date, 55 courts have been delinked.

22. Quarterly Performance Progress Reports: Performance Progress Reports for registrars and directorates and Monthly Courts Statistics reports were received from respective implementing units and compiled for the management. The reports provided the implementing units performance progress against the PMMU targets.
23. Monitoring and Evaluation: The Directorate of PMD continued to offer technical support on M&E to other Judiciary programs and initiatives. These included; the Bail and Bond Committee, Committee on ADR and Judiciary Committee on Elections, among others. The support entailed development of monitoring and evaluation tools for the committees as well as data collection and analysis.
24. DCRT Review: The review aims at simplifying the DCRT tool to make it more robust and enhance accuracy. DCRT version 3.0 has been developed and is expected to be rolled out to courts at the start of the next financial year.
25. Court users, employee and customer satisfaction Survey and environment surveys:



The Judiciary accomplished the following: Audited Revenue and Deposits Management at the Judiciary Headquarters and thirty three (33) court stations and 15 tribunals”.

The surveys were conducted in March/April 2017. The purpose of the surveys was to assess the level of satisfaction with the services offered by the Judiciary. The report will be published in the 2017/2018 financial year. The findings and recommendation of the surveys are expected to inform policy decisions and interventions in the Judiciary.

26. Through the Internal Audit and Risk Management Directorate, the Judiciary accomplished the following: Audited Revenue and Deposits Management at the Judiciary Headquarters and thirty three (33) court stations and 15 tribunals and provided secretarial service to the Audit, Governance and Risk Management Committee of JSC.
27. The directorate also Prepared and submitted and Internal Audit and Procedures Manual to the Audit, Governance and Risk Management Committee of the JSC for review and approval.

1.9 Office of Judiciary Ombudsman

The new strategic blueprint, **Sustaining Judiciary Transformation (SJT): A Service Delivery Agenda** places emphasis

on better service delivery. This can only be accomplished if the Judiciary upholds integrity among its officers, and remains accountable to the public that it serves.

In this regard, the process of restructuring and strengthening the Office of the Judiciary Ombudsperson was initiated to create an effective internal institutional mechanism to deal with public complaints on the quality, efficiency and speed of our services. The restructured office of the Judiciary Ombudsman is now headed by the Deputy Chief Justice, supported by a fully established Secretariat.

During the reporting period, the office embarked on a rebranding exercise where it focused on re-aligning its activities in line with the objectives of the blueprint. Emphasis was put on activities that sensitize the public on the SJT, their rights to services and to the Judiciary employees on their obligations under the SJT framework.

1.10.1 Public Complaints Resolution and Referral Mechanism

In the period 2016/2017, the office of the Ombudsman received 3005 complaints. Out of these, 2235 cases (representing 75% of total complaints received) were



In the period 2016/2017, the office of the Ombudsman received 3005 complaints. Out of these, 2235 cases (representing 75% of total complaints received) were processed and closed successfully as compared to 3586 that were received in the previous financial year".

processed and closed successfully as compared to 3586 that were received in the previous financial year. 90 cases were closed with workaround, meaning that there were chances the case would come up again as the matter was not fully resolved. A further 4 cases were closed unsuccessfully.

Table 1.2: OJO Data on Complaint Processing

STATE	2015/2016	2016/2017
Closed successful	2347	2235
Closed unsuccessful	15	4
Closed with workaround	162	90
Merged	57	2
New	253	236
Open	752	438
Total	3586	3005

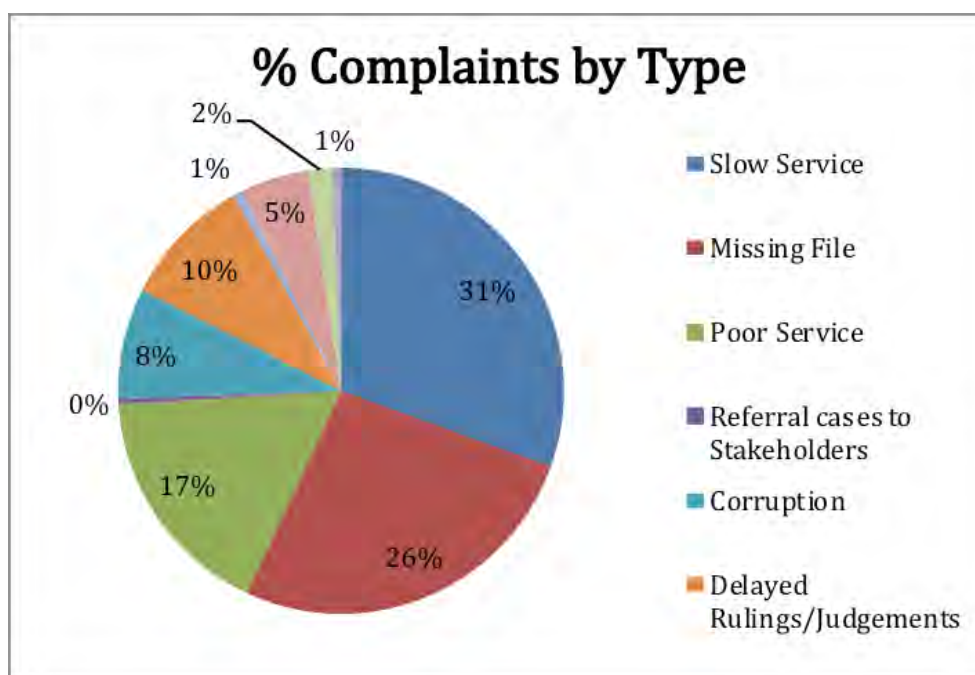
Table 1.3: Comparative Chart of Prevalent Complaints

SERVICES	2015 / 2016	2016 / 2017	CHANGE
Slow services	242	141	-101
Missing files	281	122	-159
Poor services	81	79	-2
Referral cases to stakeholders	12	2	-10
Corruption	32	37	5
Delayed rulings/ judgements	94	44	-50

Date allocation	12	3	-9
Delayed orders	21	23	2
Cash bail refunds	17	8	-9
Cannibalised files	9	3	-6

Table 1.3 above is a comparison of the prevalent complaints handled in the last two financial years. During the reporting period, there has been an overall decline in all the categories of complaints except for corruption-related complaints which ticked up from 32 cases in FY2015/16 to 37 cases in FY2016/17. This decline can be attributed to several factors: one, employee sensitization on service delivery; two, the implementation of performance management and measurement framework in the Judiciary; and three, the reduction in the public engagement and sensitization exercise undertaken by the office in the FY2016/17 during the transition and restructuring period. The increase in corruption related cases during the period is attributed to the extensive audit exercises undertaken by the Judiciary Internal Risk and Audit Directorate in various courts across the country.

Fig. 1.2: Complaints by type



While there was an overall decline in the total number of complaints received in the reporting period, the numbers are still high. Out of the complaints received, slow services were the highest at 31%. This was followed by missing files at 26% and poor services at 17%.

Table 1.4: Complaint Trends in Percentage

Services	2011 /2012	2012/ 2013	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017
Slow services	33%	39%	29%	37%	30%	31%
Missing files	24%	24%	22%	36%	35%	26%
poor services	18%	13%	10%	3%	10%	17%
Referral cases to stakeholders	6%	5%	4%	3%	1%	0%
Corruption	9%	5%	3%	7%	4%	8%
Delayed rulings/judgements	4%	5%	23%	7%	12%	10%
Date allocation	3%	3%	2%	2%	1%	1%
Delayed orders	1%	2%	3%	3%	3%	5%
Cash bail refunds	1%	2%	3%	2%	2%	2%
Cannibalised files	1%	1%	1%	1%	1%	1%

Table 1.5: Complaint Trends

Services	2011/ 2012	2012/ 2013	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017
Slow services	2331	473	212	155	242	141
Missing files	1740	294	161	149	281	122
Poor services	1286	163	75	13	81	79
Referral cases to stakeholders	404	66	28	14	12	2

Corruption	621	64	21	29	32	37
Delayed rulings/judgements	267	62	167	28	94	44
Date allocation	242	36	18	8	12	3
Delayed orders	61	29	20	11	21	23
Cash bail refunds	86	21	22	8	17	8
Cannibalised files	66	7	10	4	9	3

Though there has been a steady decline over the last six years, Slow services, Missing files and Poor services have consistently remained the top three dominant complaints. The significant decline in Delayed ruling and Judgments in the reporting period can be attributed to initiatives made to ensure that Magistrates and Judges are accountable for their rulings and Judgments through completion of Daily Court Returns Template (DCRT).

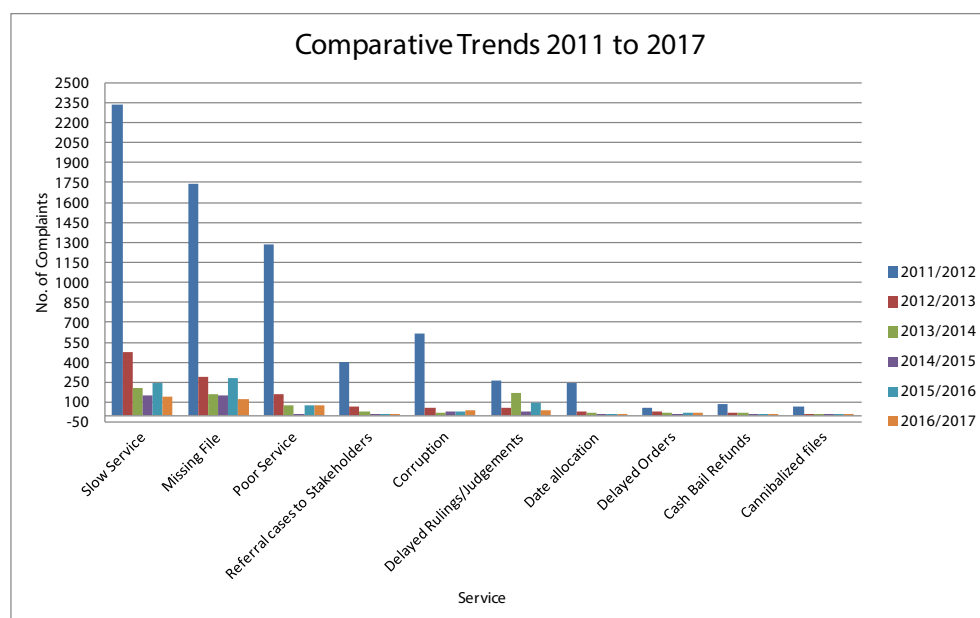


Fig 1.2: Comparative Complaints Trends FY2011/12 to FY2016/17

1.10.2 OJO Outreach and Partnerships

To create awareness and enhance public participation during the reporting period, the Office of the Judiciary Ombudsman participated in 9 Agricultural Society of Kenya Shows (ASKs) in various parts of the country and conducted 20 public clinics together with a Prison visit. These

outreach activities provided opportunities to engage with the public and other stakeholders.

Through its established complaints referral mechanism, the office continued to partner with various stakeholders and partners in the Justice Chain by participating in forums to discuss strategies of addressing and resolving emerging com-

plaints from the public.

1.10.3 Monitoring Compliance with Practice Directions and Service Charters

The office of the Ombudsman also plays a public education role for the institution and acts as a review and monitoring mechanism on the effectiveness of judicial services from the public's point of view. It executes this mandate by conducting spot checks in court stations, holding clinics to receive public complaints and sensitize them on Judiciary operations, and receiving and processing complaints at source. It works closely with other government agencies and has established an effective referral system.

To monitor compliance and adherence to the Sustaining Judiciary Transformation blueprint and the Service Charters court stations subscribe to, the Office of the Ombudsman conducts Spot checks to mapped court stations. These provide an opportunity to randomly test compliance to the timelines in the Service Charters that guide the provision of administrative services in courts stations as well as address public complaints at the source and inves-

tigate integrity issues.

During the reporting period the number of spot checks made to court stations reduced to 19 compared to 46 in the previous reporting period representing a 59% decline in this activity. The effect of the decline in this core activity can be seen in the decline in the number of complaints received in the reporting period, as well as the steadily increasing Corruption related complaints.

Chapter 2

ACCESS TO JUSTICE: COURTS

PART 1: CASE LOAD DATA

ACCESS TO JUSTICE: COURTS

PART 1: CASE LOAD DATA

2.0 Introduction

Access to justice is a fundamental constitutional right for all Kenyans, and a core tenet of democracy. In fulfilment of its constitutional obligations to dispense justice, the Judiciary has put in place an elaborate policy, legal and administrative framework, and implemented diverse strategic initiatives to facilitate access to justice.

Therefore, access to justice is measureable in both quantitative and qualitative terms, as this Chapter does in its two parts, as it discusses judicial output for the financial year 2016/2017.

The first part is quantitative in nature, and it measures access to justice using caseload data for every tier of court. This information is presented using caseload statistics on filed and resolved cases; pending cases; and case backlog. The second part of the Chapter is both qualitative and quantitative. It elucidates the strategic efforts and initiatives spearheaded by the Judiciary to improve access to justice and how these impact the numbers.

2.1.1 Filed and Resolved Cases in the Judiciary, FY2016/17

The total number of filed cases (FC) is an indicator of the demand for justice by the public. The total number of resolved cases (RC), on the other hand, represents the supply of justice by the judges and judicial officers. The interplay between the two reflects court efficiency and productivity.

In the FY 2016/17, a total of **344,180** cases were filed in the entire Judiciary out of which 258,982 were criminal cases while 85,198 were civil cases. In the same period, a total of 304,182 cases were resolved in all the courts which comprised 218,796 criminal cases and 85,386 civil cases. This translated into an overall efficiency of 88 per cent.

According to the data, the Magistrates Courts were the busiest during the financial year registering 300,655, cases thus accounting for about 87 per cent of the total case inflow in the Judiciary in FY2016/17. It is followed by the High Court where 20, 553 cases were filed, accounting for about 6 per cent of all the new cases registered.



According to the data, the Magistrates Courts were the busiest during the financial year registering 300,655 cases thus accounting for about 87 per cent of the case inflow in the Judiciary in FY2016/17.

Figure 2.1 below provides the trend on filed and resolved cases in the Judiciary from the FY 2013/14 to 2016/17 by broad case types, namely, criminal (CR) and civil (CV) cases.

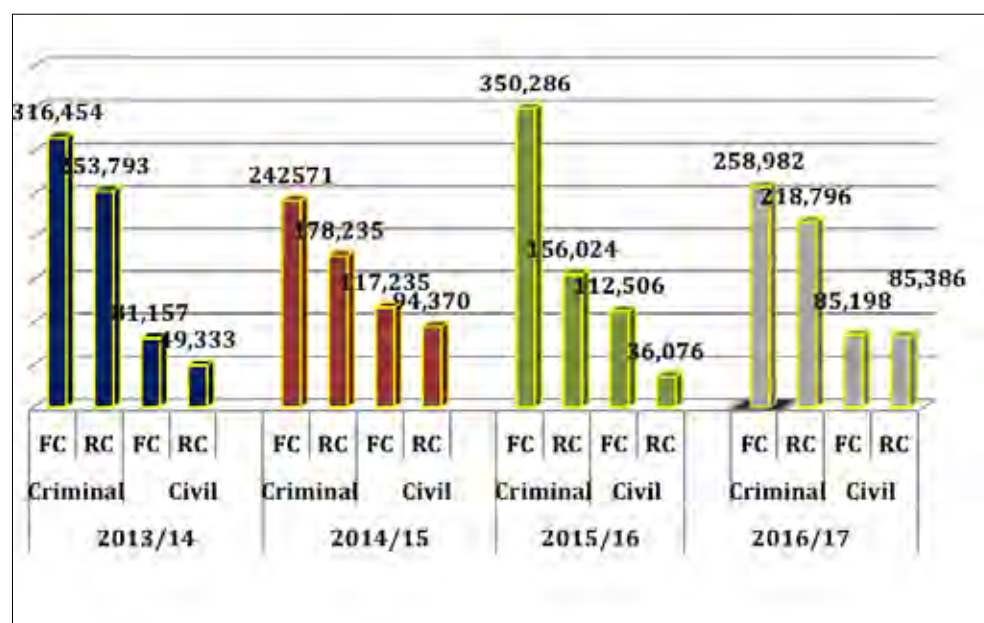


Figure 2.1: Filed and Resolved Cases in the Judiciary by broad Case Type, 2013/14 to 2016/17

Information on filed and resolved cases for each Court type for the last two financial years is given in Table 2.1.

Table 2.1: Trend on Filed and Resolved Cases by Court Type and Broad Case Type

Court Type	2015/16				2016/17					
	Criminal		Civil		Criminal		Civil		ALL FC	ALL RC
	FC	RC	FC	RC	FC	RC	FC	RC		
Supreme Court	-	-	38	23			38	16	38	16
Court of Appeals	535	352	839	705	345	202	1,233	850	1,578	1,052
High Courts	10,092	2,999	31,907	11,003	7,288	5,259	13,265	22,728	20,553	27,987
Employment & Labour Relations Court (ELRC)	-	-	6,159	1,836			6,082	3,668	6,082	3,668
Environment and Land Court (ELC)	-	-	5,329	2,403			9,770	6,307	9,770	6,307
Magistrate Court	339,659	152,673	64,499	18,185	251,349	213,335	49,306	46,984	300,655	260,319
Kadhi Court	-	-	3,735	1,921			5,504	4,833	5,504	4,833
All Courts	350,286	156,024	112,506	36,076	258,982	218,796	85,198	85,386	344,180	304,182

2.1.2 Pending Cases in the Judiciary

Pending cases refer to cases where the final judicial decision has not been made. Pending cases at the start of the period under reference together with filed cases during the period under reference represents the overall effective demand for justice over that period.

At the end of the FY2016/17, there were 533,350 pending cases in the whole Judiciary, which comprised 185,369 criminal cases (CR)

and 347,981 civil cases (CV). The pending cases represented an increase of 7 per cent (34,009 cases) from the 499,341 pending cases at the closure of FY2015/16. Further, new ELC and Kadhi court stations were established and therefore determination of their pending cases did not entail the use of baseline statistics. The trend on pending cases in the Judiciary by broad case type is summarized in Figure 2.2.

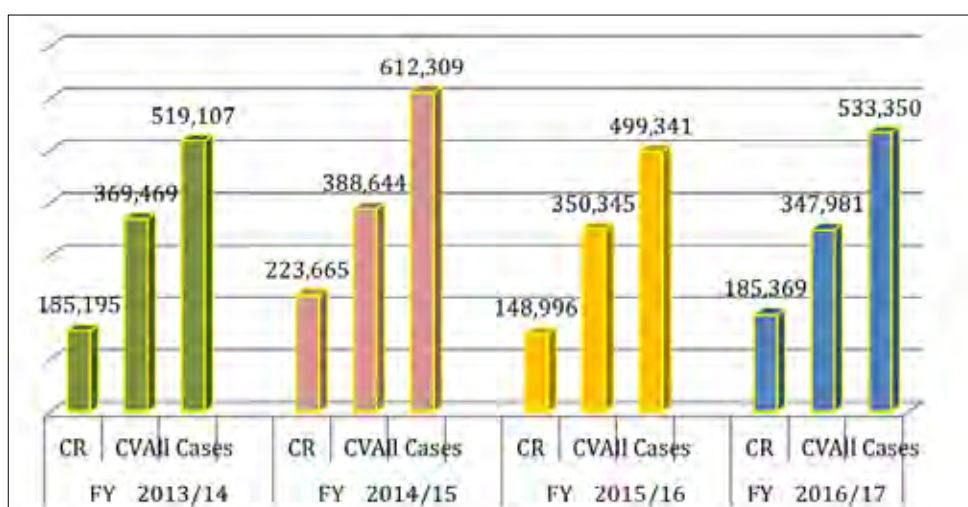


Figure 2.2: Pending cases by broad case type, 2013/14 to 2016/17

Information on pending cases for all court types is provided in Table 2.2.

Table 2.2: Pending cases by court and broad case type

Court Type	2014/15			2015/16			2016/17		
	CR	CV	All	CR	CV	All	CR	CV	All
Supreme	-	60	60	-	68	68		73	73
COA	641	1,926	2,567	931	1,930	2,861	1,074	2,313	3,387
High Court	18,750	133,152	151,902	14,693	113,265	127,958	16,888	102,889	119,777
ELRC	-	8,121	8,121	-	11,309	11,309		13,723	13,723
ELC	-	7,297	7,297	-	20,875	20,875		27,242	27,242
Mag. Courts	200,127	238,264	438,391	133,372	199,642	333,014	167,407	198,726	366,133
Kadhi Courts	-	2,792	2,792	-	3,256	3,256		3,015	3,015
All Courts	223,665	388,644	612,309	148,996	350,345	499,341	185,369	347,981	533,350

Of all pending cases, 69 per cent were in Magistrate Courts, 23 per cent in High Court while the remaining 8 per cent were in other courts. This is elaborated in Figure 2.3.

2.1.3 Case Backlog in the Judiciary

Case backlog refers to unresolved cases that have been in the court system for over one year since the date they were filed. At the end of the FY 2016/17, the total case backlog stood at 315,378 cases. Out of these, 83,046 cases were aged 1-2 years; 113,766 cases were aged 2- 5 years; 66,214 cases were 5- 10 years and 52,352 cases were over 10 years in age since the date of filing. The Magistrate Courts and High Court had the highest case backlog at 199,536 cases (63 per cent) and 94,686 cases (30 per cent) respectively. Details on case backlog by age for all courts are provided in Table 2.3.

Table 2.3: Case Backlog by Age and Court Type

Court Type	1 -2 yrs.	2 - 5 yrs.	5 - 10 yrs.	Over 10 yrs.	All Backlog
Supreme Court	13	1	0	0	14
COA	693	768	502	34	1,997
High Court	18,354	34,356	21,657	20,319	94,686
ELRC	3,519	2,880	532	0	6,931
ELC	3,825	5,683	1,367	492	11,367
Magistrate Courts	55,811	70,065	42,153	31,507	199,536
Kadhi Courts	831	13	3	0	847
All Courts	83,046	113,766	66,214	52,352	315,378



In the FY 2016/17, a 83,046 cases were aged 1-2 years ; 113,766 were aged 2-5 years ; 66,214 were aged 5-10 years and 52,352 were over 10 years old.

Dispensation of Justice by Court Type

2.2.1 Supreme Court

The Supreme Court is established under Article 163 of the Constitution of Kenya and the Supreme Court Act, 2011. It is composed of the 7 judges namely the Chief Justice, who is the president of the Court, the Deputy Chief Justice and five other judges. The court has exclusive original jurisdiction to hear and determine disputes relating to the election of the President as well as appellate jurisdiction to hear and determine appeals. The Supreme Court also gives advisory opinions at the request of the National Government, State organ, or county government.

2.2.1.1 Filed and resolved cases in the Supreme Court

In the FY 2016/17, 38 cases were filed while 16 were resolved. Figure 2.6 provides details on the types of filed and resolved cases in the Supreme Court.



Figure 2.3: Filed and Resolved Cases by type, Supreme Court

2.2.1.2 Pending cases in the Supreme Court

There were 73 pending cases in the Supreme Court as at 30th June 2017. The growth in pending cases in the Supreme Court for the last five years is highlighted in Figure 2.7.

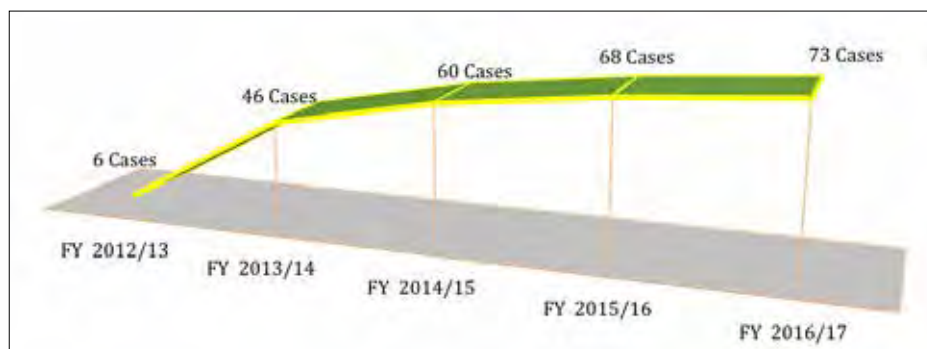


Figure 2.4: Growth in pending Cases in Supreme Court, 2012/13-2016-17

The growth of pending cases categorized by specific case types is expounded in Table 2.4

Table 2.4: Pending Cases by Type, Supreme Court

Case Type	2012/13	2013/14	2014/15	2015/16	2016/17
Petitions	2	27	42	44	40
Applications	2	17	14	18	29
Advisory opinions	2	2	4	6	4
All case types	6	46	60	68	73

From table 2.4, the percentage pending petitions as at 30th June 2017 was 55 per cent, applications 40 per cent and advisory opinions at 5 per cent.

2.2.1.3 Case Backlog at Supreme Court.

By the end of the FY 2016/17, there were 14 backlog cases at the Supreme Court. These cases are detailed in Table 2.5.

Table 2.5: Case Backlog by Type for Supreme Court, 2016/17

Case Type	Backlog in Ages				
	1-2Yrs	2-5Yrs	5 - 10Yrs	Over 10Yrs	Total
Petitions	6	1	0	0	7
Applications	6	0	0	0	6
Advisory opinions	1	0	0	0	1
All case types	13	1	0	0	14

Court of Appeal

The Court of Appeal (COA) is established under Article 164 (1) of the Constitution of Kenya. The Court is organized and administered under the Court of Appeal Organization and Administration Act of 2015. The jurisdiction of the Court is provided under the Appellate Jurisdiction Act (Cap. 9) while its practice and procedure rules are regulated by the Court of Appeal Rules, 2010. Currently, there are 4 Court of Appeal stations namely Kisumu, Malindi, Nairobi and Nyeri. In addition, there are sub-registries at Bungoma, Busia, Eldoret, Mombasa, Meru and Nakuru.

2.2.2.1 Filed and resolved cases in the COA

In the FY 2016/17, a total of 1,578 new cases were filed in the COA. This comprised 345 criminal cases and 1,233 civil cases. In the same period, a total of 1,052 cases were resolved comprising 202 criminal cases and 850 civil cases. Figure 2.8 highlights the trend of filed and resolved cases in the COA for the last four FYs.

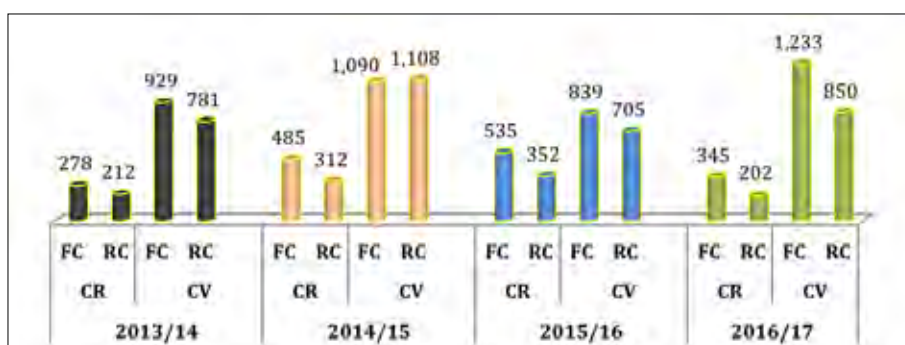


Figure 2.5: Filed and Resolved Cases by Broad Case Type for CoA, 2013/14-2016/17

Table 2.6 gives the details of filed and resolved cases in all COA stations for the past four financial years.

Table 2.6: Filed and Resolved Cases by COA Station and Broad Case Types

COA Station	2013/14				2014/15				2015/16				2016/17			
	CR		CV		CR		CV		CR		CV		CR		CV	
	FC	RC	FC	RC	FC	RC	FC	RC	FC	RC	FC	RC	FC	RC	FC	RC
Kisumu	100	70	123	112	220	112	170	169	205	111	180	165	98	36	147	90
Malindi	138	75	97	142	87	60	162	139	46	90	213	145	94	47	178	138
Nairobi	0	0	599	422	82	123	661	699	173	45	274	309	122	60	621	557
Nyeri	40	67	110	105	96	17	97	101	111	106	172	86	31	59	287	65
All	278	212	929	781	485	312	1,090	1,108	535	352	839	705	345	202	1,233	850

For the period under review, the filed cases by specific case types are detailed in Table 2.7

Table 2.7: Filed Cases by COA station and specific case type, FY2016/17

COA Station	CIVIL CASES									CRIMINAL CASES			
	Civil Application	Civil Appeal	Certificate Application	Commercial Appeal	Election Petition	Family Appeal	Labour Relations	Land Appeal	All Civil Case s	Criminal Application	Criminal Appeal	Criminal Misc	All Criminal Case
Malindi	34	84	9	4	5	0	13	29	178	1	93	0	94
Nyeri	95	171	17	0	0	0	0	4	287	0	31	0	31
Kisumu	37	94	12	0	2	1	0	1	147	4	94	0	98
Nairobi	8	587	26	0	0	0	0	0	621	0	122	0	122
All Stations	174	936	64	4	7	1	13	34	1,233	5	340	0	345

For the period under review, the resolved cases by specific case types are detailed in Table 2.8

Table 2.8: Resolved Cases by COA Station and Specific Case Type, FY2016/17

COA Station	CIVIL CASES									CRIMINAL CASES			
	Civil Application	Civil Appeal	Certificate Application	Commercial Appeal	Election Petition	Family Appeal	Labour Relations	Land Appeal	All Civil Cases	Criminal Application	Criminal Appeal	Criminal Misc	All Criminal Case
Malindi	33	46	6	3	1	7	14	28	138	0	47	0	47
Nyeri	8	49	7	0	0	0	0	1	65	0	59	0	59
Kisumu	18	58	3	1	0	0	2	8	90	1	35	0	36
Nairobi	115	429	13	0	0	0	0	0	557	3	57	0	60
All Stations	174	582	29	4	1	7	16	37	850	4	198	0	202

2.2.2.2 Pending Cases in the COA

The COA had 3,387 pending cases at the close of FY2016/17. The growth in pending cases in COA by broad case type for the past two years is highlighted in Figure 2.8.

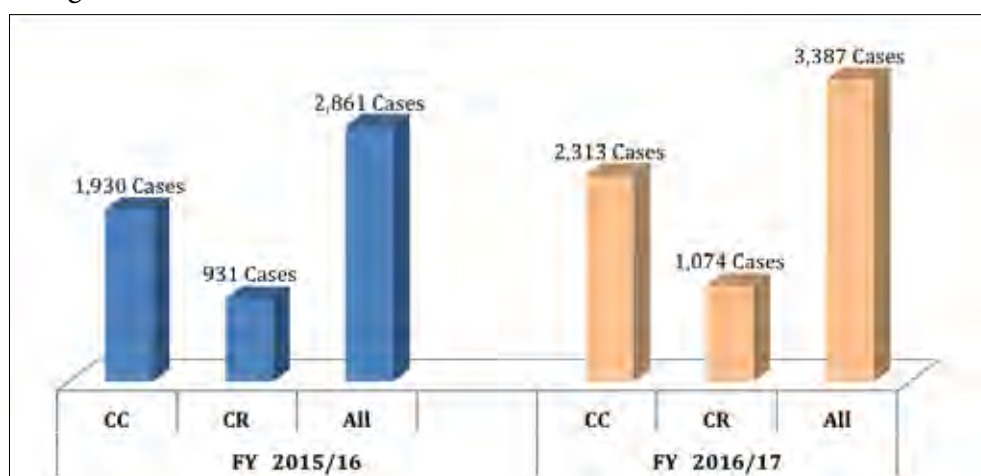


Figure 2.6: Pending cases by broad case type for COA, FY2015/16- FY2016/17

The percentage of pending cases by COA station at the end of the FY 2016/17

are summarized in Figure 2.10.

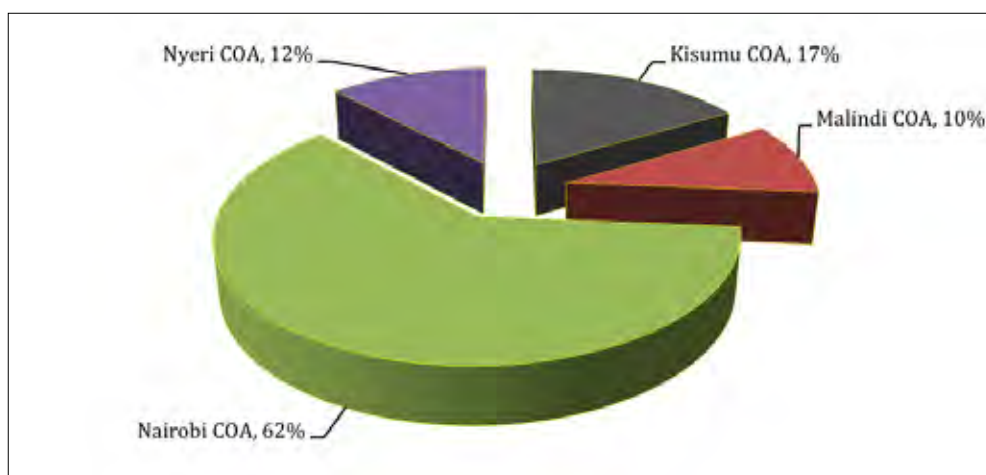


Figure 2.7: Percentage Distribution of Pending Cases by COA Stations

The bulk of pending cases in the COA were civil in nature. Details on pending cases by broad case type and stations are given in Table 2.9.

Table 2.9: Pending Cases By Case Type for Court of Appeal, FY2016/17

COA Station	CIVIL CASES									CRIMINAL CASES			
	Civil Application	Civil Appeal	Certificate Application	Commercial Appeal	Election Petition	Family Appeal	Labour Relations	Land Appeal	All Civil Cases	Criminal Application	Criminal Appeal	Criminal Misc	All Criminal Case
Malindi	18	65	24	17	6	0	7	28	165	1	162	0	163
Nyeri	88	142	37	0	0	1	14	40	322	9	76	0	85
Kisumu	19	119	21	5	5	9	1	71	250	3	307	0	310
Nairobi	172	1,391	13	0	0	0	0	0	,	0	516	0	516
All Stations	297	1,717	95	22	11	10	22	139	2,313	13	1,061	0	1,074

2.2.2.3 Case Backlog in COA

Out of the 3,387 pending cases in the COA, 1,997 were backlog. Figure 2.11 highlights the percentage case backlog in the COA by age.

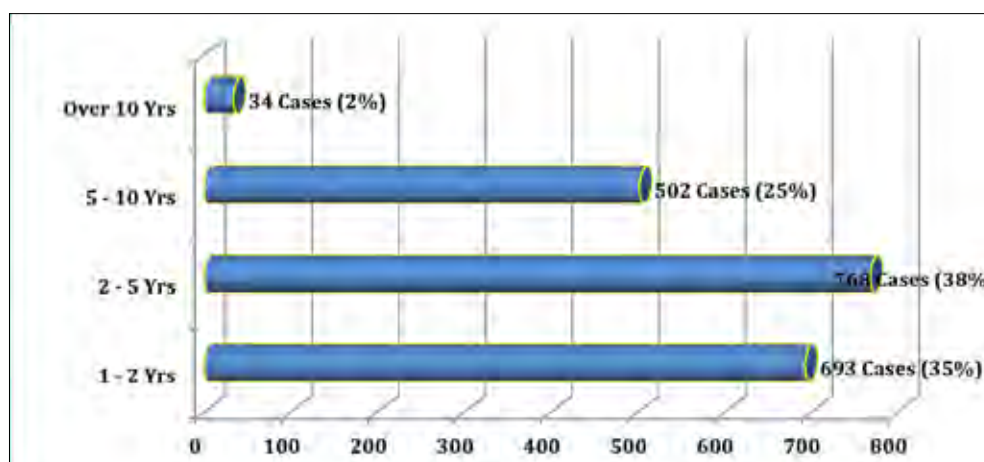


Figure 2.8: Percentage Distribution of Case Backlog By Age in COA, FY2016/17

The case backlog by age for different COA stations at 30th June 2017 is detailed in Table 2.10.

Table 2.10: Case Backlog by Court of Appeal Stations, 30th June 2017

Court Name	1 - 2 Yrs	2 - 5 Yrs	5 - 10 Yrs	Over 10 Yrs	All
Kisumu	186	93	3	7	289
Malindi	17	48	1	2	68
Nairobi	401	614	448	21	1,484
Nyeri	89	13	50	4	156
All Stations	693	768	502	34	1,997

Majority of the case backlog were at COA Nairobi at 74 per cent. The percentage case backlog in all COA stations at the end of the review period is portrayed in Figure 2.12.

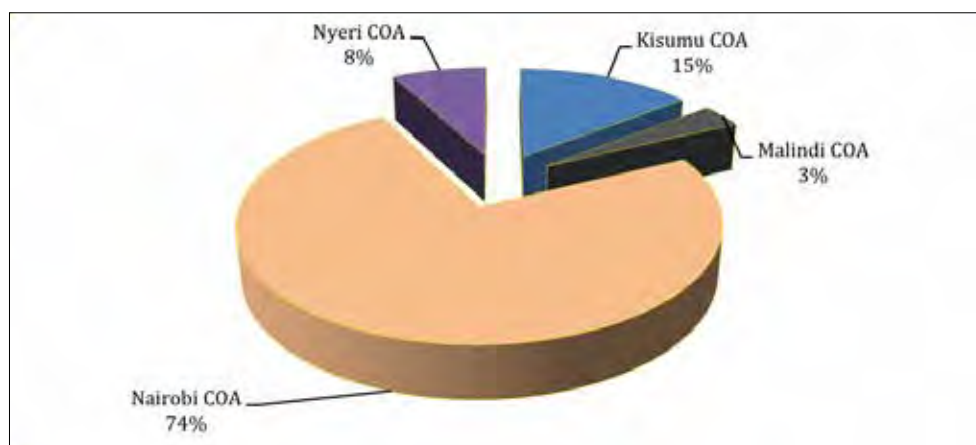


Figure 2.9: Percentage Distribution of Case Backlog by Age in COA, FY2016/17.

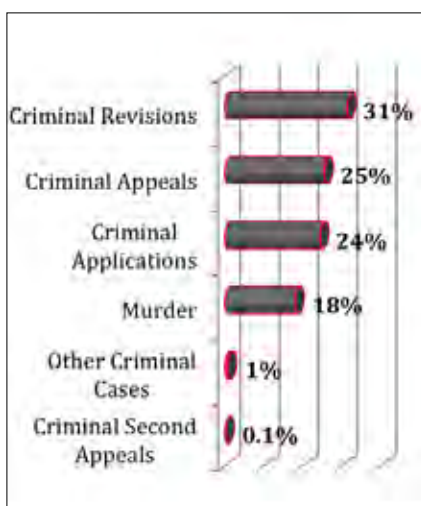
High Court

The High Court of Kenya is established under Article 165 of the Constitution of Kenya and is administered and organized under the High Court Organization and Administration Act 27 of 2015. It has unlimited original jurisdiction in criminal and civil matters, as well as jurisdiction to determine Constitutional matters relating to rights and fundamental freedoms. In addition, it has appellate and supervisory jurisdiction over subordinate courts.

2.2.3.1 Filed and Resolved Cases in the High Court

In the FY 2016/17, a total of 20,553 cases were filed in all high court stations. This comprised 7,288 criminal cases and 13,265 civil cases. In the same period, 27,987 cases were resolved which comprised 5,259 criminal cases and 22,728 civil cases. The distribution of filed and resolved criminal cases by case type are summarized in Figure 2.13.

Filed Criminal Cases



Resolved Criminal Cases

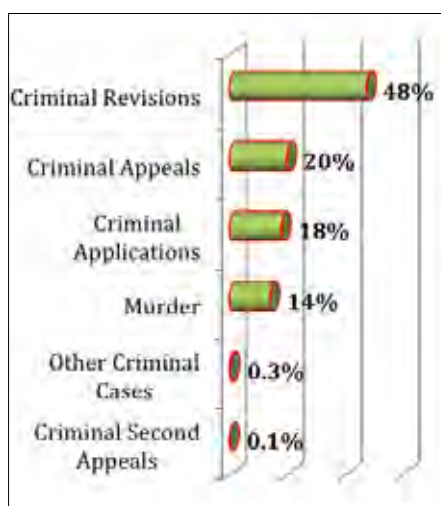


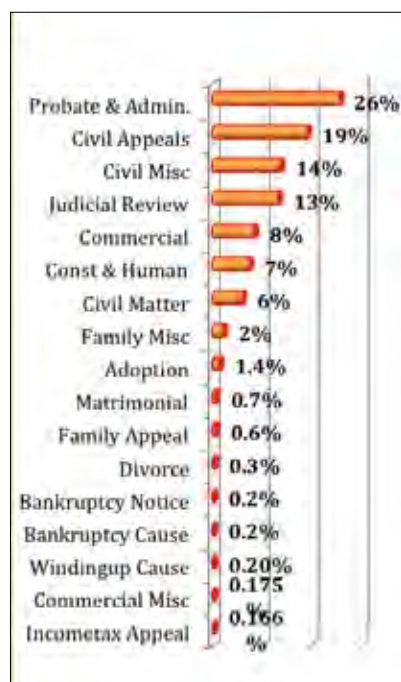
Figure 2.10: Percentage Distribution of filed and resolved criminal cases in the High Court, 2016/17.

The percentage filed and resolved civil cases are given in Figure 2.14.



In the FY 2016/17, a total of 20,553 cases were filed in all high court stations. This comprised 7,288 criminal cases and 13,265 civil cases. In the same period, 27,987 cases were resolved which comprised 5,259 criminal cases and 22,728 civil cases.

Filed Civil Cases



Resolved Civil Cases

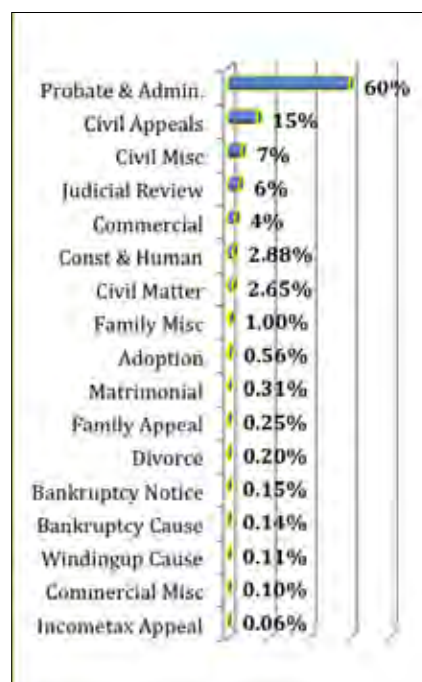


Figure 2.11: Percentage Distribution of filed and resolved civil cases in the High Court, FY2016/17

Details on filed and resolved cases for individual High Court stations and by broad case type are given in Table 2.11.

Table 2.11: Filed and Resolved Cases by Broad Case Type, High Court

High Court Station	FILED CASES			RESOLVED CASES		
	CR	CC	ALL	CR	CV	ALL CASES
Bomet	38	55	93	37	35	72
Bungoma	58	58	116	175	267	442
Busia	28	152	180	64	246	310
Chuka	22	309	331	28	221	249
Eldoret	239	243	482	107	231	338
Embu	183	133	316	137	267	404
Garissa	133	80	213	125	61	186
Garsen	3	1	4	10	1	11
Homabay	180	122	302	232	248	480
Kabarnet	151	6	157	24	3	27
Kajiado	92	99	191	49	112	161
Kakamega	65	194	259	117	793	910
Kapenguria	27	10	37	43	21	64
Kericho	16	158	174	17	204	221
Kerugoya	141	140	281	127	132	259
Kiambu	123	149	272	136	126	262
Kisii	355	348	703	95	250	345
Kisumu	263	473	736	320	1,709	2,029
Kitale	205	137	342	130	1,117	1,247
Kitui	49	37	86	50	28	78
Lodwar	22	0	22	59	0	59

High Court Station	FILED CASES			RESOLVED CASES		
	CR	CC	ALL	CR	CV	ALL CASES
Machakos	467	622	1089	222	3,543	3,765
Makueni	5	4	9	2	9	11
Malindi	17	283	300	97	251	348
Marsabit	36	6	42	38	4	42
Meru	385	730	1,115	382	1,327	1,709
Migori	99	159	258	136	421	557
Milimani Anti Corruption & Econ. Crimes	48	2	50	18	2	20
Milimani Civil Division	0	860	860	0	1,074	1,074
Milimani Commercial & Admiralty Division	1	1,027	1,028	0	822	822
Milimani Constitutional & Human Rights	0	589	589	0	362	362
Milimani Criminal Division	1,353	14	1,367	801	14	815
Milimani Family Division	0	2,203	2,203	0	4,236	4,236
Milimani Judicial Review Division	0	556	556	0	253	253
Mombasa	440	824	1,264	159	1,393	1,552
Muranga	155	294	449	113	604	717
Naivasha	136	155	291	101	143	244
Nakuru	223	1,471	1,694	207	699	906
Nanyuki	430	41	471	102	79	181
Narok	29	14	43	20	3	23
Nyamira	68	37	105	25	27	52
Nyandarua	25	39	64	8	13	21
Nyeri	216	218	434	381	1,123	1,504
Siaya	359	145	504	161	127	288
Voi	403	68	471	204	127	331
All Stations	7,288	13,265	20,553	5259	22,728	27,987



At the end of June 2017, there were 119,777 pending cases in the High Court. These comprised 16,888 criminal cases and 102,889 civil cases

Details on filed and resolved cases for individual High Court stations and by specific case types are provided in the appendices.

2.2.3.2 Pending Cases, High Court

At the end of June 2017, there were 119,777 pending cases in the High Court. These comprised 16,888 criminal cases and 102,889 civil cases. The trend in pending cases in the High Court for the last five years is shown in Figure 2.15.

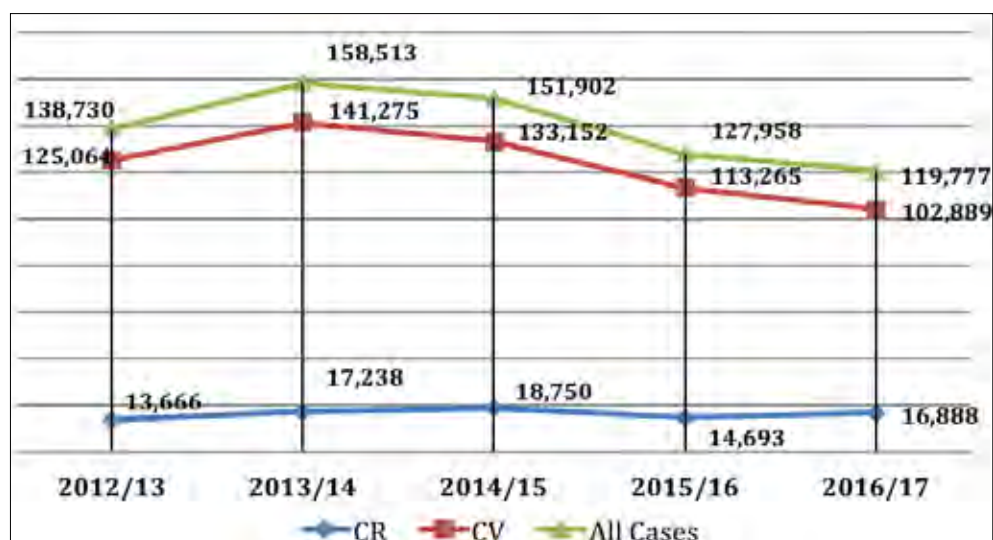


Figure 2.12: Pending Cases in High Court, FY2012/13-FY2016/17

The percentage pending cases by specific case types for the High Court is shown in Figure 2.16.

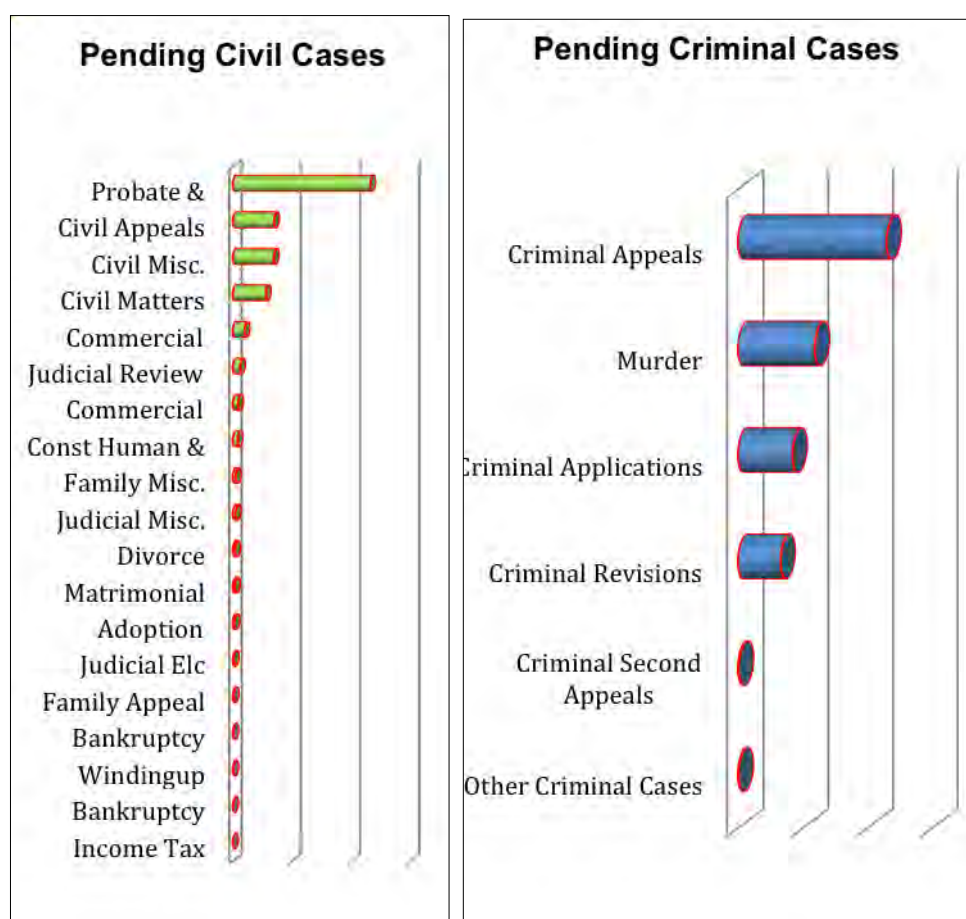


Figure 2.13: Percentage Distribution of Pending Cases in the High Court, FY2016/17

Table 2.12 gives information on pending cases in all High Court stations at the end of the FY 2016/17

Table 2.12: Pending Cases by Broad Case Type, High Court

High Court Station	CR	CC	ALL
Bomet	79	274	353
Bungoma	652	2,450	3,102
Busia	328	1,774	2,102
Chuka	11	629	640
Eldoret	1,520	3,166	4,686
Embu	360	2,347	2,707
Garissa	273	231	504
Garsen	57	75	132
Homabay	107	893	1,000
Kabarnet	128	3	131
Kajiado	96	74	170
Kakamega	609	4,221	4,830
Kapenguria	53	30	83
Kericho	198	1,901	2,099
Kerugoya	130	2,241	2,371
Kiambu	127	77	204
Kisii	458	2,111	2,569
Kisumu	284	2,410	2,694
Kitale	481	986	1,467
Kitui	129	196	325
Lodwar	10	2	12
Machakos	724	5,750	6,474
Makueni	3	5	8
Malindi	84	803	887
Marsabit	16	18	34
Meru	757	3,846	4,603
Migori	122	767	889
Milimani Anti-corruption & Econ. Crimes	30	0	30
Milimani Civil Division	0	12,303	12,303
Milimani Commercial & Admiralty Division	1	5,774	5,775
Milimani Constitutional Division	0	843	843
Milimani Criminal Division	3,161	0	3,161
Milimani Family Division	0	18,832	18,832
Milimani Judicial Review Division	0	983	983
Mombasa	1,487	10,804	12,291
Muranga	751	2,525	3,276
Naivasha	292	533	825
Nakuru	1,558	8,005	9,563
Nanyuki	477	77	554
Narok	49	64	113
Nyamira	107	394	501
Nyandarua	17	26	43
Nyeri	439	4,043	4,482
Siaya	443	195	638
Voi	280	208	488
All stations	16,888	102,889	119,777

Information on pending cases by specific case types for all High Court Stations is provided in the appendices.

2.2.3.2 Case Backlog in the High Court

Out of the 121,566 pending cases in the High Court, 94,686 cases were backlog cases. Figure 2.17 summarizes the case backlog in High Court by age.

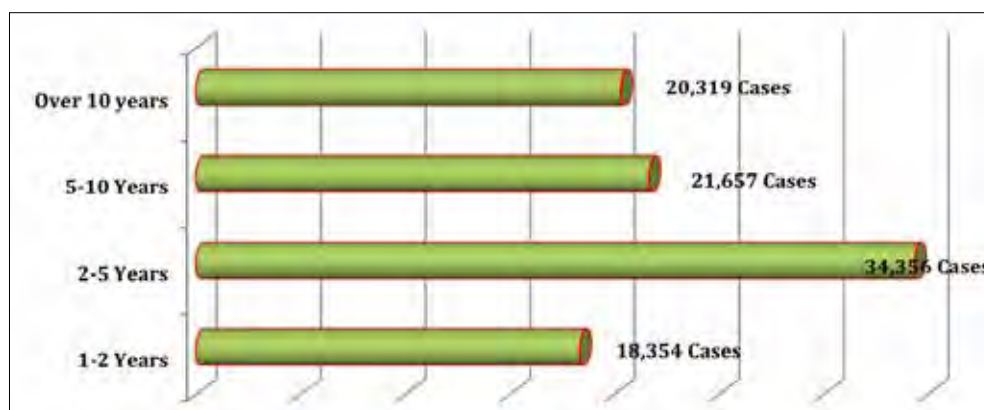


Figure 2.14: Case Backlog in the High Court, end of 2016/17

Distribution of case backlog across the High Court Stations is presented in Table 2.13.

Table 2.13: Case Backlog by Age, High Court

High Court Station	1-2 yrs yyYears	2-5 yrs Years	5-10 yrs Years	Over 10 yrs years	All Backlog
Bomet High Court	244	13	-	-	257
Bungoma High Court	604	1,158	981	279	3,022
Busia High Court	430	980	394	67	1,871
Chuka High Court	353	-	-	-	353
Eldoret High Court	1,254	1,720	662	310	3,946
Embu High Court	427	751	504	618	2,300
Garissa High Court	119	219	9	-	347
Garsen High Court	80	27	4	2	113
Homabay High Court	146	358	240	18	762
Kabarnet High Court	32	3	10	4	49
Kajiado High Court	8	2	-	1	11
Kakamega High Court	901	2,687	684	294	4,566
Kapenguria High Court	55	-	-	-	55
Kericho High Court	197	586	549	535	1,867
Kerugoya High Court	658	1,413	93	10	2,174

High Court Station	1-2 yrs yyYears	2-5 yrs Years	5-10 yrs Years	Over 10 yrs years	All Backlog
Kiambu High Court	9	-	-	3	12
Kisii High Court	406	989	300	25	1,720
Kisumu High Court	460	943	447	74	1,924
Kitale High Court	374	454	253	61	1,142
Kitui High Court	244	-	-	-	244
Lodwar High Court	5	3	-	-	8
Machakos High Court	716	1,749	2,640	2,146	7,251
Makueni High Court	2	2	-	-	4
Malindi High Court	186	233	64	-	483
Marsabit High Court	2	-	-	-	2
Meru High Court	818	1,590	897	390	3,695
Migori High Court	210	329	130	11	680
Milimani AntiCorruption & Econ. Crimes Division	-	-	-	-	-
Milimani Civil Division	833	3,420	3,051	4,252	11,556
Milimani Commerical & Admiralty Division	894	1,947	1,461	437	4,739
Milimani Con. Law & Human Rights Division	164	99	-	-	263
Milimani Criminal Division	430	823	370	14	1,637
Milimani Family Division	1,504	3,351	4,164	7,976	16,995
Milimani Judicial Review Division	130	150	84	-	364
Mombasa High Court	1,380	1,861	950	467	4,658
Muranga High Court	872	1,814	15	-	2,701
Naivasha High Court	393	148	1	-	542
Nakuru High Court	1,475	3,278	1,827	736	7,316
Nanyuki High Court	30	40	6	-	76
Narok High Court	76	12	-	-	88
Nyamira High Court	207	130	42	-	379
Nyandarua High Court	-	-	-	-	-
Nyeri High Court	606	1,072	825	1,589	4,092
Siaya High Court	249	-	-	-	249
Voi High Court	171	2			173
All stations	18,354	34,356	21,657	20,319	94,686

Employment and Labour Relations Court (ELRC).

The ELRC is established under Article 162(2) of the Constitution. It has jurisdiction over Employment and Labour disputes. There are six ELRC stations in Kenya at Nairobi, Kericho, Kisumu, Mombasa, Nakuru and Nyeri. In addition to the six stations, ELRC has sub-registries in Meru, Bungoma, Eldoret, Malindi, Machakos and Garissa.

2.2.4.1 Filed and resolved cases in ELRC.

During the reporting period, 6,082 cases were filed while 3,668 cases were resolved. Figure 2.18 gives the trend of filed cases and resolved cases by ELRC station.

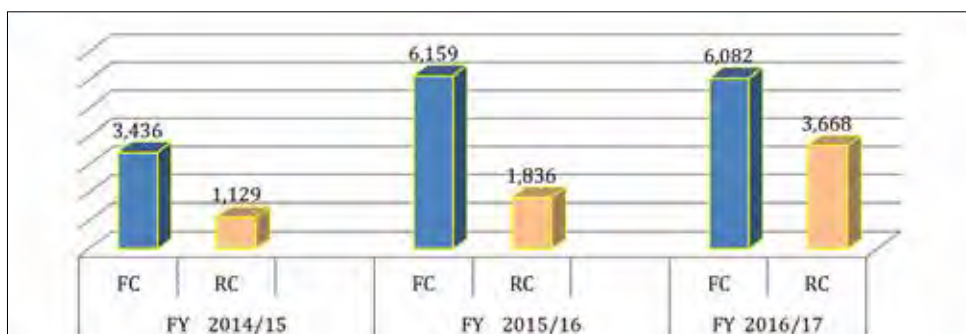


Figure 2.15: Filed and Resolved Cases by ELRC Station

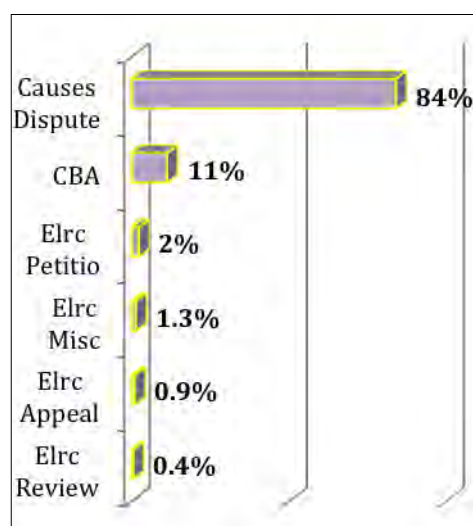
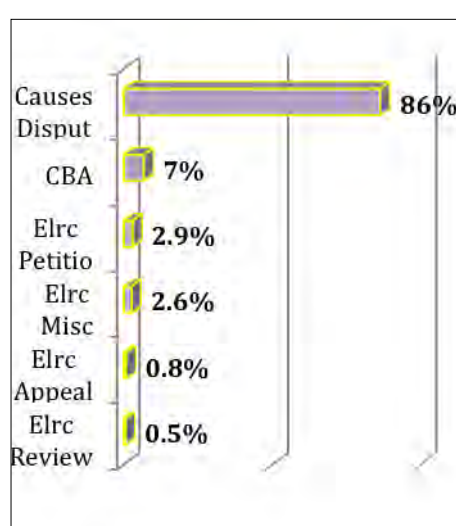
The trend on filed and resolved cases over the past three financial years for ELRC stations is given in Table 2.14.

Table 2.14: Trend on Filed and resolved cases by ELRC station, 2015/16

ELRC Station	FY2014/15		FY2015/16		FY2016/17	
	FC	RC	FC	RC	FC	RC
Nairobi	3,184	1,428	3,160	1,518	116	105
Kericho	206	13	225	75	499	179
Kisumu	330	51	476	56	1,045	646
Mombasa	878	276	700	249	3,631	1,980
Nakuru	737	228	463	231	391	285
Nyeri	216	160	305	274	400	473
All ELRC	5,551	2,156	5,329	2,403	6,082	3,668



During the reporting period, 6,082 cases were filed while 3,668 cases were resolved.

% Filed cases, ELRC**% Resolved cases, ELC****Figure 2.16: Percentage Distribution of Filed and Resolved Cases in ELRC, FY2016/17**

In the FY 2016/17, cause disputes were the bulk of filed and resolved cases in ELRC. Information on filed and resolved case types is given in Table 2.15 and 2.16 respectively.

Table 2.15: Filed Cases by Type and ELRC station, FY2016/17

ELRC Station	CBAs	Causes Disputes	ELRC Petition	ELRC Misc	ELRC Appeal	ELRC Review	All Cases
Kericho	0	115	0	0	1	0	116
Kisumu	0	424	34	25	4	12	499
Mombasa	0	994	14	27	9	1	1,045
Nairobi	411	3,016	89	85	17	13	3,631
Nakuru	0	358	17	11	3	2	391
Nyeri	0	348	22	11	15	4	400
All stations	411	5,255	176	159	49	32	6,082

Table 2.16: Resolved Cases by Type and ELRC station, FY2016/17

ELRC Station	CBAs	Causes Disputes	ELRC Petition	ELRC Misc	ELRC Appeal	ELRC Review	All Cases
Kericho	0	105	0	0	0	0	105
Kisumu	0	164	6	4	3	2	179
Mombasa	0	631	1	4	9	1	646
Nairobi	411	1,473	47	35	5	9	1,980
Nakuru	0	258	17	2	5	3	285
Nyeri	0	450	9	3	10	1	473
All stations	411	3,081	80	48	32	16	3,668

2.2.4.2 Pending Cases in ELRC.

As at 30th June 2017, 13,723 cases were pending in ELRC up from 11,309 cases at the end of FY2015/16. The trajectory of pending ELRC cases for the past 5 years is demonstrated in Figure 2.20.

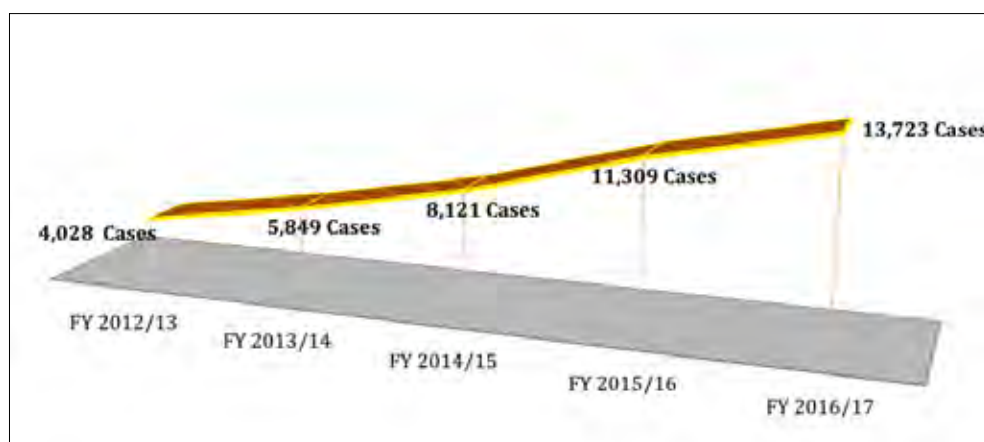


Figure 2.17: Annual Pending Cases in ELRC Court, FY2012/13-FY2016/17

Details on the growth of pending cases by ERLC station are provided in Table 2.17.

Table 2.17: Trend on Pending Cases by ELRC Station

Court Name	FY2015/16	FY2016/17
Kericho	299	310
Kisumu	862	1,182
Mombasa	1,418	1,817
Nairobi	7,416	9,067
Nakuru	1,046	1,152
Nyeri	268	195
All ELRC Stations	11,309	13,723

The percentage pending cases for ERLC by case type are highlighted in Figure 2.21.

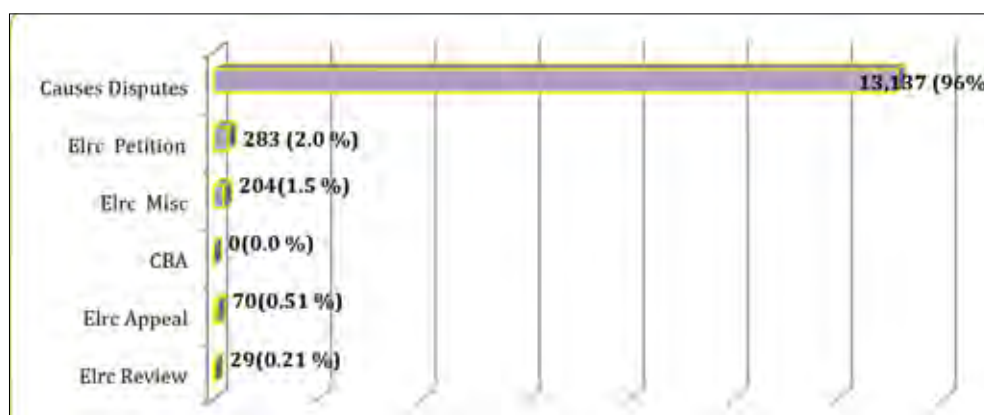


Figure 2.18: Percentage Distribution of Pending Cases in ELRC, 30th June 2017



As at 30th June 2017, 13,723 cases were pending in ELRC up from 11,309 cases at the end of FY2015/16.

The annual pending cases by ERLC station and specific case type are detailed in Table 2.18.

Table 2.18: Pending Cases in ELRC Stations by Specific Case Types

ELRC Station	CBAs	Causes Disputes	ELRC Petition	ELRC Misc	ELRC Appeal	ELRC Review	All Cases
Kericho	0	307	2	0	1	0	310
Kisumu	0	1,086	50	34	2	10	1,182
Mombasa	0	1,740	23	39	15	0	1,817
Nairobi	0	8,729	183	100	41	14	9,067
Nakuru	0	1,115	8	22	6	1	1,152
Nyeri	0	160	17	9	5	4	195
All stations	0	13,137	283	204	70	29	13,723

2.2.4.3 Case Backlog in ELRC.

Out of the 13,723 pending cases in ELRC, 6,912 cases were backlog. Figure 2.22(a) and (b) show the age and percentage backlog in ELRC.

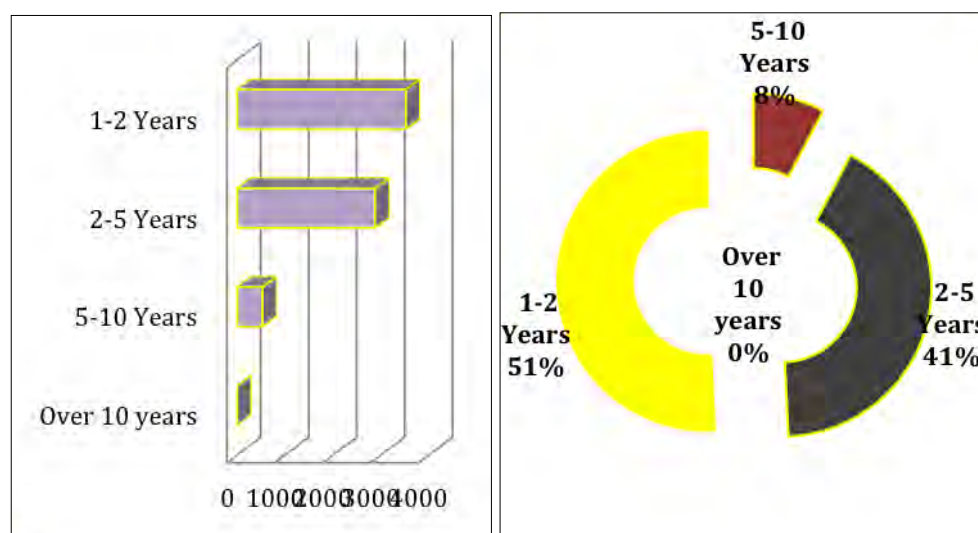


Figure 19(a): Case Backlog by Age, ELRC Figure 2.20(b): % Case Backlog, ELRC

Case backlog for all ELRC stations as at 30th June 2017 are detailed in Table 2.19

Table 2.19: Pending Cases in ELRC Stations by specific case types

Court Name	1-2 Years	2-5 Years	5-10 Years	Over 10 years	All Backlog
Kericho ELRC	123	23	0	0	146
Kisumu ELRC	326	279	41	0	646
Mombasa ELRC	520	179	0	0	699
Nairobi ELRC	2,198	2,052	481	0	4,731
Nakuru ELRC	298	332	10	0	640
Nyeri ELRC	54	15	0	0	69
All ELRC stations	3,519	2,880	532	0	6,931

The Environment and Land Court (ELC)

The Court is established under Article 162 (2) of the Constitution. The Court enjoys the same status as the High Court and has exclusive jurisdiction to hear and determine environment and land related disputes.

2.2.5.1 Filed and resolved cases in ELC

During FY 2016/17, a total of 9,770 cases were filed in all ELC stations while 6,307 cases were resolved. The history of filed and resolved cases in ELC is given in Figure 2.23.

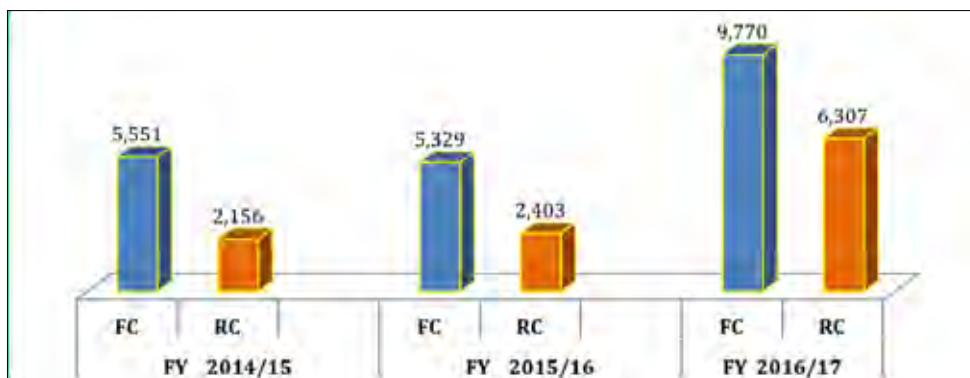


Figure 2.21: Filed and resolved cases FY2014/15 – FY2016/17, ELC.

Detailed information on Filed and Resolved cases for all ELC stations is given in Table 2.20.

Table 2.20: Filed and resolved cases in ELC, FY2014/15-FY2016/17

ELC Station	2014/15		2015/16		2016/17	
	FC	RC	FC	RC	FC	RC
Bungoma	180	57	112	144	263	436
Busia	47	104	144	14	267	209
Chuka	-	-	-	-	464	78
Eldoret	113	190	521	68	473	234
Embu	341	5	130	9	54	15
Garissa	-	-	-	-	62	32
Kajiado	-	-	-	-	201	18
Kakamega	544	41	262	10	117	16
Kericho	23	93	332	10	116	38
Kerugoya	85	62	875	217	308	190
Kisii	264	76	601	462	563	975
Kisumu	109	35	174	33	483	422
Kitale	65	32	193	98	388	307
Machakos	-	-	-	-	149	1,502
Makueni	-	-	-	-	327	2
Malindi	227	151	295	170	552	292
Meru	80	102	155	50	512	322
Migori	-	-	-	-	793	7
Milimani	1,788	2,340	1,437	141	936	428
Mombasa	305	66	408	250	445	474



During FY 2016/17, a total of 9,770 cases were filed in all ELC stations while 6,307 cases were resolved.

ELC Station	2014/15		2015/16		2016/17	
	FC	RC	FC	RC	FC	RC
Muranga	-	-	-	-	145	14
Nakuru	161	17	191	31	199	10
Narok	-	-	-	-	526	28
Nyandarua	-	-	-	-	418	22
Nyeri	592	20	329	129	318	220
Thika	-	-	-	-	691	16
All stations	4,924	3,391	6,159	1,836	9,770	6,307

- station was not operational.

The specific case types that were filed and resolved in all ELC stations during the period under review is given in Table 2.21.

Table 2.21: Filed and Resolved Case Types Per ELC Station by Specific Case Type

ELC Station	ELC matters		ELC Misc.		ELC Appeals		All Case Types	
	FC	RC	FC	RC	FC	RC	FC	RC
Bungoma	252	332	9	98	2	6	263	436
Busia	223	173	24	12	20	24	267	209
Chuka	453	78	11	0	0	0	464	78
Eldoret	453	231	9	0	11	3	473	234
Embu	49	11	0	0	5	4	54	15
Garissa	39	20	13	6	10	6	62	32
Kajiado	200	17	1	1	0	0	201	18
Kakamega	117	16	0	0	0	0	117	16
Kericho	115	38	1	0	0	0	116	38
Kerugoya	237	146	53	30	18	14	308	190
Kisii	527	950	35	13	1	12	563	975
Kisumu	439	421	32	1	12	0	483	422
Kitale	388	307	0	0	0	0	388	307
Machakos	118	1,490	25	7	6	5	149	1,502
Makueni	322	2	4	0	1	0	327	2
Malindi	513	248	36	35	3	9	552	292
Meru	355	221	95	64	62	37	512	322
Migori	779	7	12	0	2	0	793	7
Milimani	800	393	121	26	15	9	936	428
Mombasa	413	460	27	10	5	4	445	474
Muranga	142	13	1	0	2	1	145	14
Nakuru	195	10	4	0	0	0	199	10
Narok	520	27	4	0	2	1	526	28
Nyandarua	402	20	11	1	5	1	418	22
Nyeri	289	177	20	18	9	25	318	220
Thika	677	16	12	0	2	0	691	16
All Courts	9,017	5,824	560	322	193	161	9,770	6,307

2.2.5.2 Pending Cases in ELC.

As at 30th June 2017, there were a total of 27,242 cases pending in the ELC court. Figure 2.24 gives the change in pending cases in ELC over the past

four years.

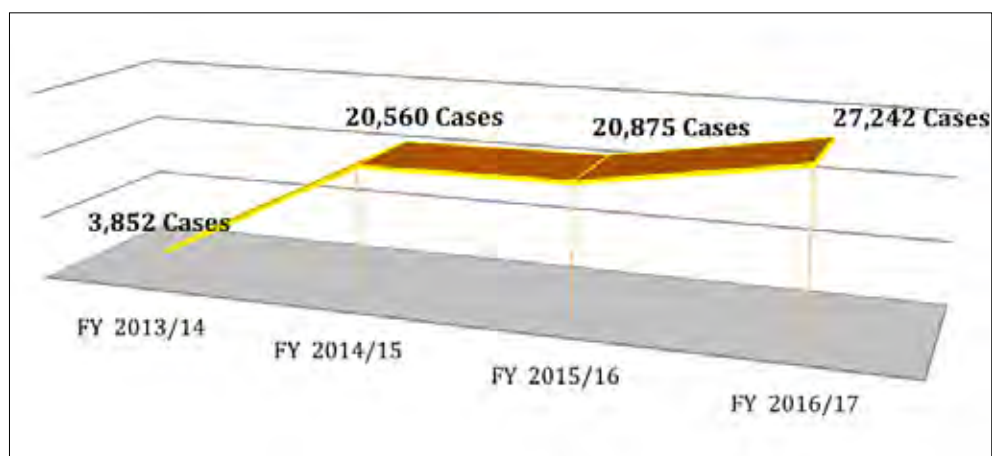


Figure 2.22: Growth of pending cases in ELC, 2013/14 to 2016/17

The percentage pending cases by type for ELC as at 30th June 2017 is illustrated in Figure 2.25

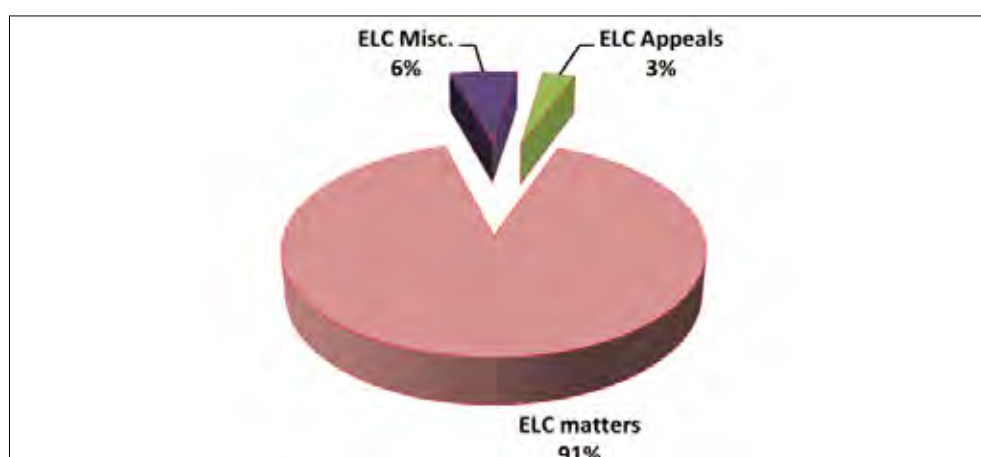


Figure 2.23: Percentage Distribution of Pending Cases by Type in ELC, FY2016/17

Milimani ELC had most of the pending cases at 4,833, while Garissa had the least at 30 cases.

The number of pending cases for the other ELC stations is given in Table 2.22.

Table 2.22: Pending cases by type in ELC, FY2016/17

Station	ELC matters	ELC Misc.	ELC Appeals	All cases
Bungoma	693	131	27	851
Busia	480	14	10	504
Chuka	375	11	0	386
Eldoret	2,041	33	58	2,132
Embu	701	0	1	702
Garissa	19	7	4	30
Kajiado	183	0	0	183



As at 30th June 2017, there were a total of 27,242 cases pending in the ELC court. Milimani ELC had the most of the pending cases at 4,833.

Kakamega	804	0	5	809
Kericho	645	1	2	648
Kerugoya	720	89	159	968
Kisii	1,675	160	134	1,969
Kisumu	2,123	83	41	2,247
Kitale	893	3	4	900
Machakos	220	152	70	442
Makueni	320	4	1	325
Malindi	1,109	32	7	1,148
Meru	492	38	53	583
Migori	772	12	2	786
Milimani	4,210	553	70	4,833
Mombasa	1,503	381	52	1,936
Muranga	129	1	1	131
Nakuru	1,856	4	2	1,862
Narok	493	4	1	498
Nyandarua	382	10	4	396
Nyeri	1,231	25	42	1,298
Thika	661	12	2	675
Grand Total	24,730	1760	752	27,242

2.2.5.3 Case Backlog in ELC

From the 26,133 pending cases in ELC Court, 11,367 were backlog. Majority of these cases were aged 2-5 years (5,683 cases). Their distribution by age is given in Figure 2.26

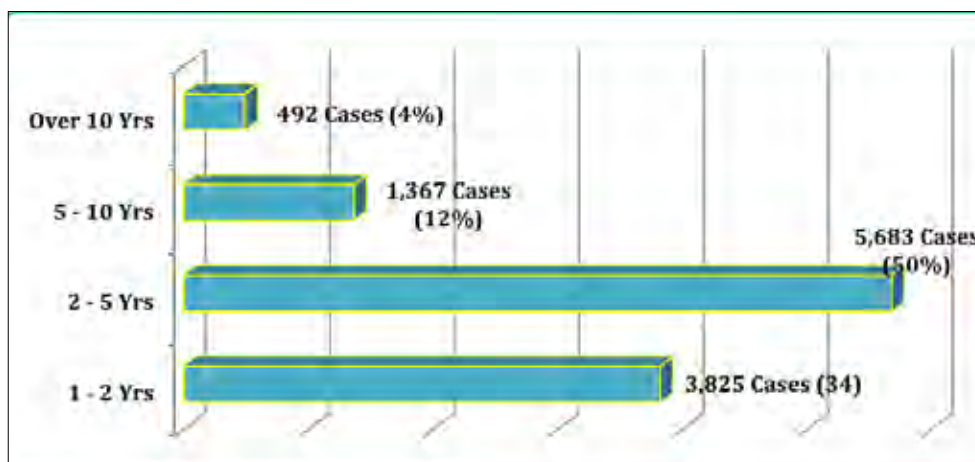


Figure 2.24: Percentage distribution of case backlog in ELC, 2016/17.

The distribution of the backlog cases by age and ELC stations is given in Table 2.23.

Table 2.23: Distribution of case backlog by age for ELC, 30th June, 2017

ELC Station	1-2 Yrs.	2-5 Yrs.	5-10 Yrs.	Over 10 Yrs.	Total Case Backlog
Bungoma	60	50	20	5	135
Busia	121	179	12	3	315

“

From the 26,133 pending cases in ELC Court, 11,367 were backlog. Majority of these cases were aged 2-5 years (5,683 cases).

Chuka	3	18	10	2	33
Eldoret	321	156	95	12	584
Embu	183	420	4	2	609
Garissa	10	7	4	0	21
Kajiado	0	0	0	0	0
Kakamega	137	547	14	2	700
Kericho	217	167	65	90	539
Kerugoya	193	380	0	0	573
Kisii	216	63	29	16	324
Kisumu	471	385	32	4	892
Kitale	136	284	95	0	515
Machakos	5	12	117	203	337
Makueni	1	0	0	0	1
Malindi	161	280	24	0	465
Meru	15	37	39	5	96
Migori	0	5	0	0	5
Milimani	701	512	66	32	1,311
Mombasa	277	691	508	21	1,497
Muranga	0	0	0	0	0
Nakuru	372	886	227	88	1,573
Narok	0	0	0	0	0
Nyandarua	0	0	0	0	0
Nyeri	224	604	6	7	841
Thika	1	0	0	0	1
All ELC stations	3,825	5,683	1,367	492	11,367

Magistrate Court

Magistrate's Courts are established under Article 169 of the Constitution of Kenya, 2010. The Magistrates Courts Act, Act No. 26 of 2015 provides the general jurisdiction; administration and related issues of the Court. There are 123 magistrate Court stations in Kenya. The jurisdiction of the Court includes criminal matters as prescribed by the Criminal Procedure Code and other statutes; and civil matters according to the pecuniary jurisdiction granted to each cadre of magistrate.

2.2.6.1 Filed and resolved cases in Magistrates Courts

During the FY 2016/17, a total of 300,655 cases were filed in magistrate's court while 260,319 cases were resolved. Statistics on Filed and Resolved cases in the magistrate court for the last three financial years is highlighted in Figure 2.19.



During the FY 2016/17, a total of 300,655 cases were filed in magistrate's court while 260,319 cases were resolved.

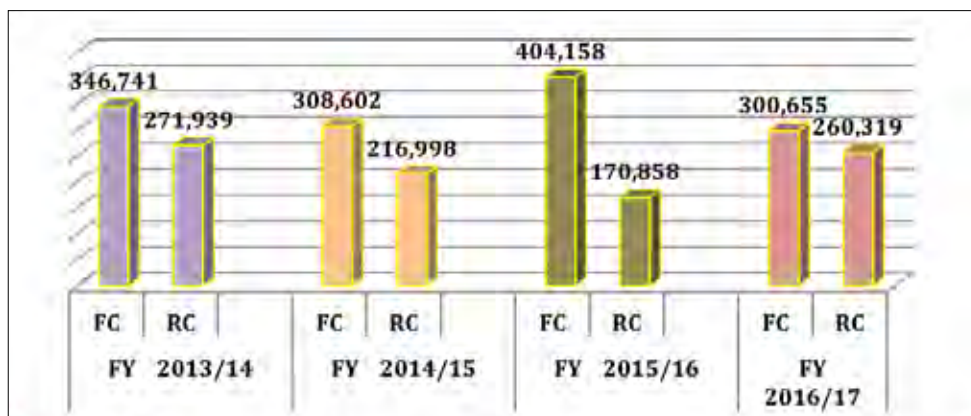
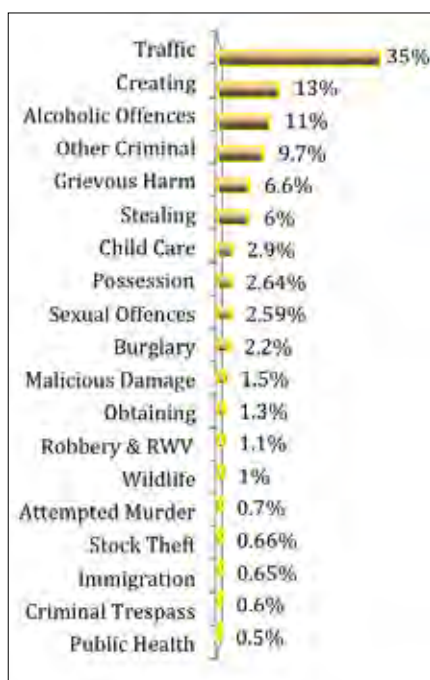


Figure 2.25: Trend on Filed and Resolved cases, Magistrate Court.

During the FY2016/17, a total of 250,864 criminal cases were filed while 211,857 were resolved. Further, a total of 48,721 civil cases were filed while 46,958 cases were resolved. The percentage filed and resolved cases in magistrates courts is presented in Figures 2.28 and 2.29.

% Criminal Cases Filed, Magistrate Court



% Criminal Cases Resolved, Magistrate Court

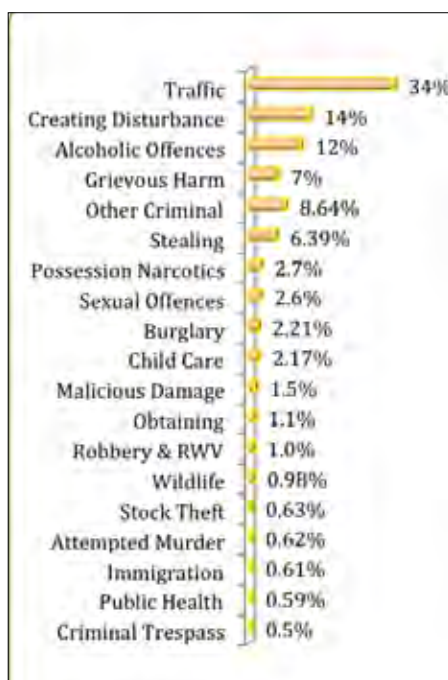
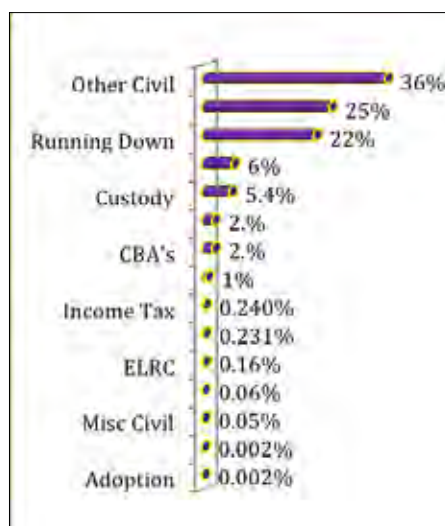


Figure 2.26: Percentage Distribution of Filed and Resolved Criminal Cases, Magistrate Court



During the FY2016/17, a total of 250,864 criminal cases were filed while 211,857 were resolved. Further, a total of 48,721 civil cases were filed while 46,958 cases were resolved.

% Civil Cases Filed, Magistrate Court



% Civil Cases Resolved, Magistrate Court

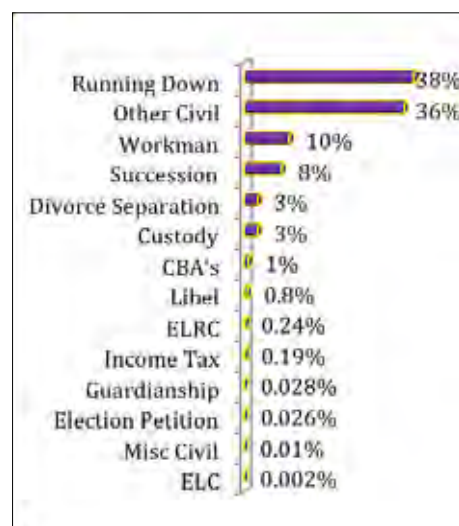


Figure 2.27: Percentage Distribution of Filed and Resolved Civil Cases, Magistrate Court

2.2.6.2 Pending Cases in Magistrate Court, FY2016/17

At the end of the FY 2016/17, the pending cases in the magistrate court were 366,133 cases comprising 167,407 criminal cases and 198,728 civil cases. This represented a 10% increase as compared to the previous financial year. The change in pending cases in magistrates' court for the last four years is highlighted in Figure 2.20.

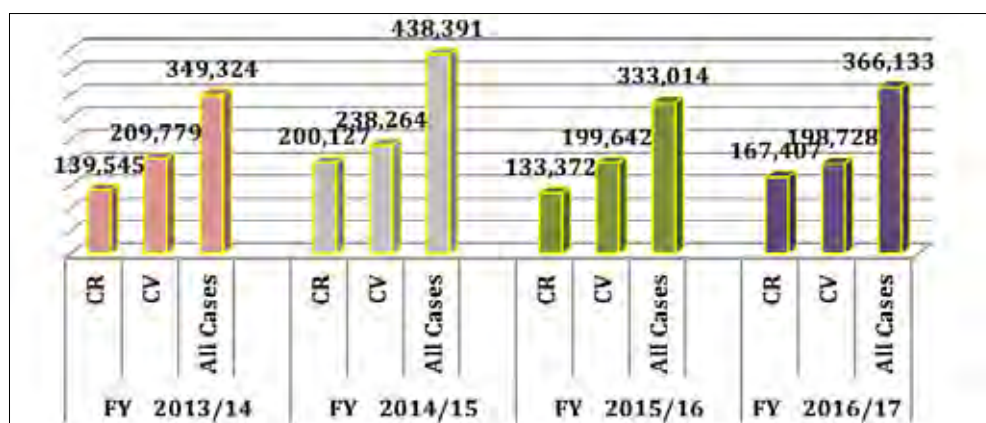


Figure 2.28: Trend on Pending Cases, Magistrate Court

Details of pending cases for all Magistrate Court stations are provided in the annexes.

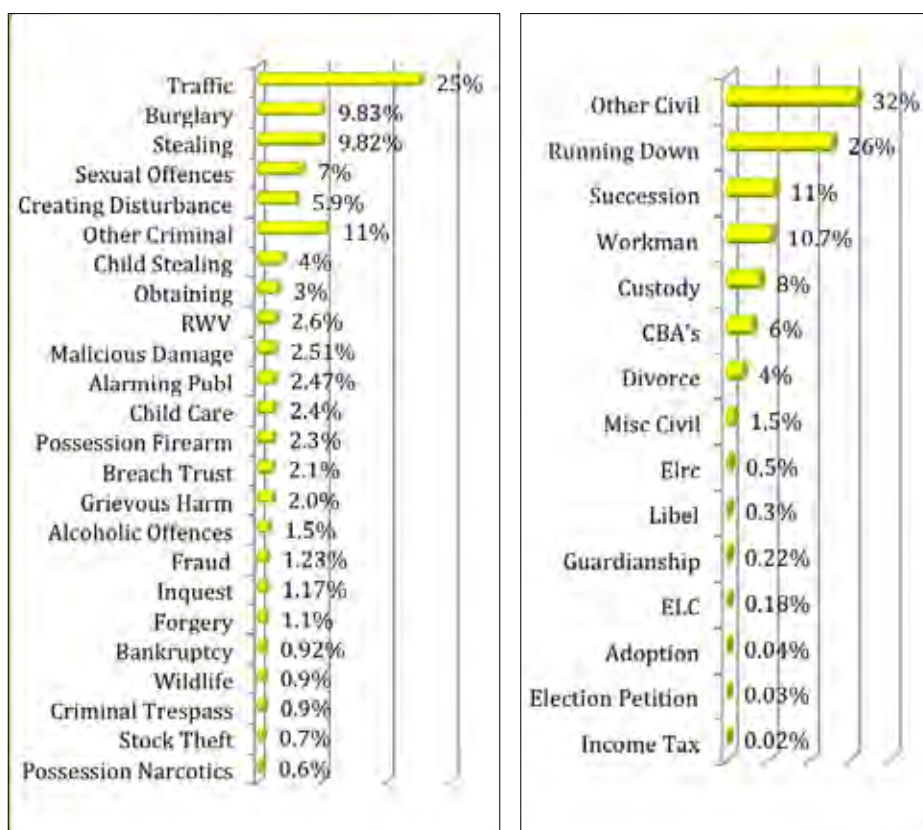


Figure 2.29: Percentage Distribution of Pending Criminal and Civil Cases, Magistrate Court

2.2.6.3 Case backlog in Magistrates Court.

Out of the 366,567 cases pending in Magistrates' Court, a total of 199,536 cases were backlog. The distribution of case backlog in Magistrate Court is illustrated in Figure 2.32.

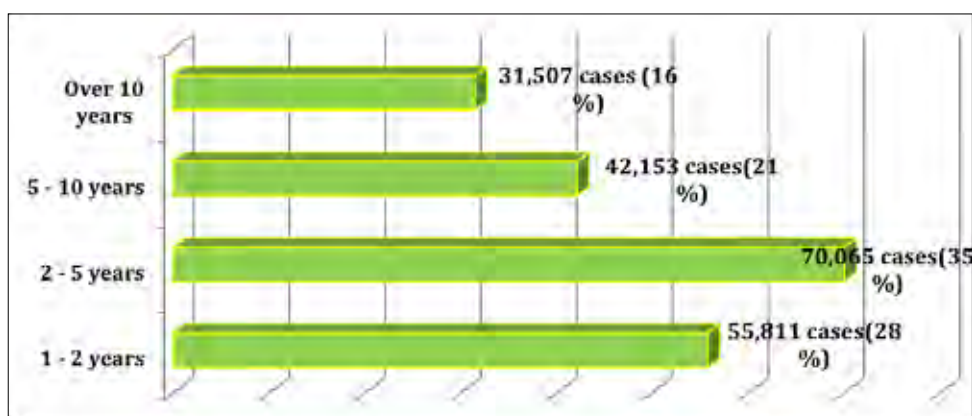


Figure 2.30: Distribution of Case Backlog by age, Magistrate Court.

Details of case backlog for all Magistrate Court stations are provided in the annexes.

Kadhis' Courts

Kadhis' Courts are established under Article 170 of the constitution. It has limited jurisdiction to determine cases relating to personal status, marriage, divorce and inheritance in proceedings in which both parties profess Muslim religion.

2.2.7.1 Filed and resolved cases in Kadhis Court

During the period under review, a total of 5,504 cases were filed while 4,833 cases were resolved. Figure 2.23 shows the number of filed and resolved cases for the last four financial years.

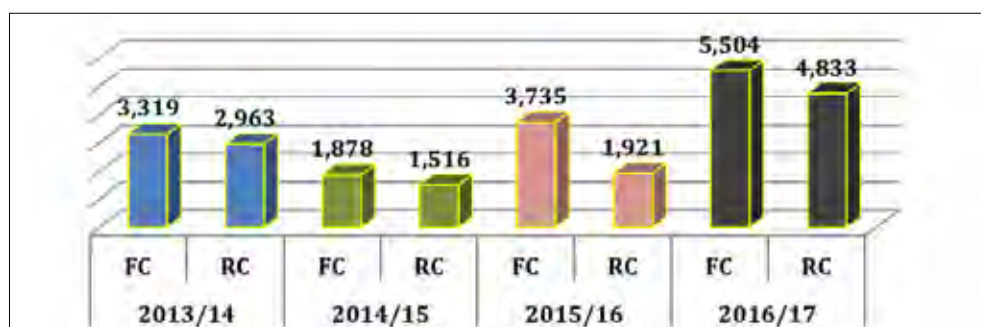


Figure 2.31: Trend on Filed and resolved cases, Kadhis' Court

2.2.7.2 Pending Cases in Kadhis' Court

At the end of the FY 2016/17, the pending cases in the Kadhis' court were 3,015 cases. The change in pendency of cases at Kadhi court is highlighted in Figure 2.34.

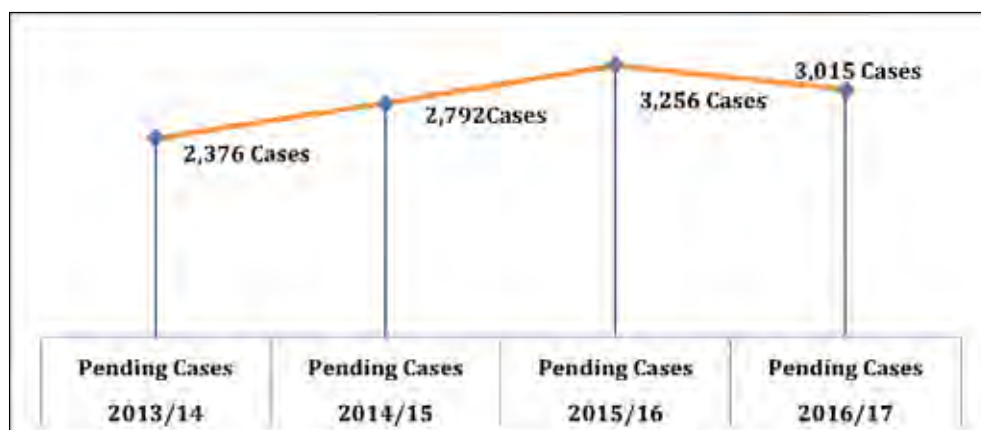


Figure 2.32: Annual Change in Pending Cases, Kadhis' Court

The detailed analysis for individual Kadhis' court stations in reference to filed and resolved, pending cases and case backlog is given in appendices.

PART II: STRATEGIC EFFORTS AND INITIATIVES TO IMPROVE ACCESS TO JUSTICE

PART II: STRATEGIC EFFORTS AND INITIATIVES TO IMPROVE ACCESS TO JUSTICE

2.3.1 Background

The Judiciary has adopted diverse strategic initiatives to reduce barriers to justice and thereby enhance access to justice for Kenyans. This section provides information on efforts and initiatives that the Judiciary carried out in the FY2016/17 to accelerate access to justice. These include establishment of new court stations, investing in court construction projects, recruitment of more judges and judicial staff, promoting procedural access to justice, use of alternative dispute resolution mechanisms, application of case backlog reduction strategies, and implementing performance management and measurement standards.

2.3.2 Establishment of New Courts, Sub registries, Mobile Courts and Infrastructural Developments

Long physical distance to courts, as well as dilapidated working environment, are barriers to access to justice. Consequently, the establishment of new court stations and focused investment in court infrastructural development are two interventions that the Judiciary has made to support access to justice.

During the period under review, three (3) new High Court stations were established

in Makueni, Narok and Nyahuru-ru Counties; the Anti-Corruption & Economic Crimes Division was operationalized at the Milimani Law Courts, Nairobi; Eight (8) new ELC stations were established at Makueni, Nyahururu, Thika, Garissa, Narok, Chuka, Kajiado and Migori; one (1) Magistrate's court in Ngong while Tononoka became a fully-fledged court. Further, 22 High Court mobile and special bench court sessions were held at Loitokitok, Kakuma, Mombasa, Kericho (ELC), Kisumu, Narok, Machakos (ELC), Meru, Murang'a, Kwale (ELC) and Kisumu where a total of 947 cases were heard.

The construction of courts continued with ongoing projects having a total contract sum of Kshs. 5.9 billion. Of this, Kshs. 2.4 billion was donor funded while Kshs. 3.5 billion was GOK funded.

2.3.3 Recruitment of More Judges and Staff

The number of judges, magistrates, judicial officers and staff is a critical factor in the promotion of access to justice. During the FY2016/17, a total of 31 new Judges were recruited – 3 in the Supreme Court, 9 in the High Court and 19 in the Environment and Land Court (ELC). A total of 667 judicial staff of various cadres were also recruited. Majority of the recruited judicial staff were clerical officers who are expected to ease registry operations and hence increase efficiency that is critical for dispensation of justice.



The number of judges, magistrates, judicial officers and staff is a critical factor in the promotion of access to justice".

2.3.4 Promoting Procedural Access to Justice

The policy and legal environment promotes procedural access to justice. During the period under reference, the Presidential Election Petition Rules 2017; the Employment and Labour Relations Court (ELRC) Rules, 2017; and the Competition Tribunal Rules of Procedure were gazetted. Further, the Legal Aid Act, No. 6 of 2016 was enacted and the National Legal Aid Service Board operationalized.

2.3.5 Employment of Alternative Dispute Resolution Mechanisms

The Judiciary has been promoting ADR mechanisms with an aim of enhancing access to justice in line with the provisions of Article 159 of the Constitution. During the period under review, 88 mediators were accredited to undertake the Court Annexed Mediation (CAM) process at the Milimani High Court specifically at Family and Commercial Divisions. A total of 1,497 case files were screened with 463 matters being referred for mediation. Of the 463 matters, 156 cases were concluded with a total monetary value of Kshs. 615,594,226. On average it took 69 days to finalize a case through CAM. This demonstrates that there is speedy resolution of cases through mediation as compared to cases that undergo the normal court process. Further, in March 2016, a taskforce on traditional, informal and other mechanisms used to access Justice in Kenya (AJS Taskforce) was established. The taskforce has commenced consolidating the best practices from traditional justice systems in Kenya with the aim of developing a National Model for Court-Annexed traditional justice resolution mechanism.

2.3.6 Strategies for Reduction of Case Backlog

Whereas case backlog in courts has remained as one of the significant hurdles in promoting access to justice, considerable progress has been made over the years to clear it. During the period under review, courts had special interventions including Rapid Results Initiatives, Justice@Last Initiatives, Service Weeks to clear old cases. In addition, court stations undertook other court specific initiatives and strategies given their own unique circumstances as spelt out in their FY2016/17 PMMUs. Emanating from these initiatives and interventions, the entire Judiciary was able to reduce its overall case backlog by 8 per cent from 344,658 cases at the end of FY2015/16 to 315,539 cases at the end of FY2016/17. The High court held service weeks at Nyeri, Machakos, Bungoma, Nakuru and Eldoret where a total of 4,768 were cause-listed leading to resolution of 2,817 cases.

2.3.7 Implementation of Performance Management and Measurement

Judiciary has continued to institutionalize performance management and measurement with an overall goal of increasing productivity of courts and consequently enhance access to justice both quantitatively and qualitatively.

In the FY 2015/16, a total of 227 implementing units comprising of Courts, Registries and Directorates signed Performance Management and Measurement Understandings (PMMUs) which is a tool that allows for setting of targets and measurement of performance within one year. The evaluation for the 2015/16 PMMUs was done in the FY 2016/17 and a



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report launched on 8th June 2017. This provided the Judiciary with an opportunity to recognize and award the best courts and other implementing units. The evaluation process revealed a progressive growth of performance and is an affirmation that performance management has taken root in the Judiciary.

In FY 2016/17, a total of 242 units signed PMMUs for the second cycle. These units are: The Supreme Court, 4 Court of Appeal Stations, CRJ's Office, 47 High Court Stations & Divisions, 5 ELRC, 12 ELC, 123 Magistrates' Courts, 30 Kadhis' Courts, NCAJ, NCLR, JTI, Judiciary Ombudsman, 6 Registrars and 9 Directorates. The annual evaluation will be done in the next reporting period.

2.3.8 Implementation of Judiciary Digital Strategy

One of the focal areas in SJT is harnessing of ICT to support access to justice. The key areas of ICT improvement for the judiciary includes E-filing, Transcription Solution, Case Management, Speech to Text Software, e-ticketing and receipting, among others. During the period under review, Judiciary developed its ICT Master plan 2017-2022 which is expected to be launched in FY 2017/18. Further, two courts were installed with Judiciary Automated Transcription System (JATS); e-filing system was developed for Milimani Commercial Division, Case Management System (CMS) was developed and its prototype is being implemented in Supreme Court, Milimani Commercial and Tax Division as well in Chief Magistrate Court at Milimani. Judiciary plans to roll out JATS in more courts in the FY 2017/18.

On internet connectivity, a total of 29 court stations were installed with WiFi while 76 stations were connected to WAN and WiFi. To support the financial function, JFMIS System was developed and its roll out in most courts will be finalized in 2017/18 FY. Further, 80 per cent of court stations are using mobile money payments. Moreover, Judiciary Asset Management System was operationalized in all Courts with over 6,000 assets having been documented. Operationalization of Judiciary Integrated Performance Management and Appraisal System (JIPMAS) will be done in the 2017/18 FY.



The evaluation for the 2015/16 PMMUs was done in the FY 2016/17 and a report launched on 8th June 2017. This provided the Judiciary with an opportunity to recognize and award the best courts and other implementing units".

Chapter 3

TRIBUNALS

TRIBUNALS

3.0 Transition of Tribunals to the Judiciary

Article 1(3) (c) of the Constitution recognizes the Judiciary and Independent Tribunals as State Organs to which sovereign power is delegated by the people of Kenya. Pursuant to Article 159 (1), judicial authority vests in and is to be exercised by the courts established by or under the Constitution under Article 169 (1) which defines subordinate courts under the Judiciary to include local Tribunals as may be established by an Act of Parliament.

Due to the above constitutional requirements, the former Chief Justice, Hon. Justice Dr. Willy Mutunga, established the Judiciary Working Committee on the Transition and Restructuring of the Tribunals (JWC-T), to prepare a comprehensive structured transition plan of the Tribunals from the Executive into the Judiciary.

The report of the JWC-T was presented to the Judicial Service Commission on 15th February 2017 where it was resolved that: (a) only Tribunals that discharge functions similar to those discharged by courts should transit to the Judiciary; (b) the office of Registrar of Tribunals be established (c) drawing up of both long and short-term plans that would ensure seamless transition of the Tribunals to the Judiciary; (d) a Secretariat be established to coor-

dinate the work and transition of Tribunals.

The transition of Tribunals from the Executive to the Judiciary accelerated during the period under review. So far, sixteen (16) tribunals have already transited to the Judiciary. The nature and character of the transition is manifested in the recruitment process which take place under the aegis of the JSC; and in the transfer of the operational process of Tribunals such as budgeting and procurement to the Judiciary.

At the beginning of the FY2016/17, the total Tribunals caseload stood at 11,981. A total of 11,383 new cases were filed in FY2016/17, and 14, 942 cases determined over the same period. The pending cases at the close of the financial year stood at 8332, representing a drop of 3,649 cases (30.5%). Cooperatives, Rent Restriction and Business Premises Tribunals were the busiest accounting for nearly 98% of total Tribunal caseload. The total budget expenditure for all the 16 Tribunals stood at about Ksh. 285 million.

3.2 Key Developments and Achievements in the Tribunals Sector, FY2016/17

During the period under review, several developments as discussed below occurred. Many Tribunals recorded significant achievements. These included:



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1. **Establishment of the office of the Registrar:** During the period under review, the Office of Registrar, Tribunals and the Tribunals Secretariat were established to coordinate the affairs of Tribunals.
 2. **Appointment of the Registrar-Tribunals:** The Judicial Service Commission at its meeting held on 15th February 2017, resolved that an office of Registrar Tribunals be established to coordinate the affairs of Tribunals in the Judiciary. Further, the Registrar set up a Secretariat to coordinate the affairs of Tribunals. The JSC appointed an acting Registrar as it waits to fill the vacancy substantively.
 3. **Establishment of a Tribunals Secretariat and Securing of office space:** The acting Registrar Tribunals established a Tribunals Secretariat in June 2017 and had staff deployed to the Secretariat. The Secretariat has been able to secure office space at the Cooperative Tribunal offices. To ensure efficient coordination, all tribunal affairs were moved to the Headquarters of the Judiciary and all the processes centralized to allow for easier coordination. The procurement, accounting and other functions are taking place through the Secretariat.
 4. **Hearing of political parties' disputes:** Political Party Disputes Tribunals, distinguished itself by handling party primaries and nominations disputes. They received 541 cases relating to party primaries and party lists.
 5. **Stakeholder engagements:**
- The Tribunal Secretariat has been able to organize publicity shows in order to sensitize the public on the existence of the Tribunals and their work. Tribunals have actively participated in the ASK shows across the country.
6. **Financial management of Tribunals:** The Finance Directorate organized a workshop where all tribunals that are in the Judiciary attended for budgeting and planning purposes for the next financial year. The Directorate of Risk and Internal Audit has been able to carry out audits of Tribunals and how they manage public resources. Several gaps have been identified including lack of a legal framework to run Tribunals, staffing, operational and infrastructural weaknesses.
 7. **Development of rules of procedure for several tribunals:** Several Tribunals have developed their rules of procedure to guide their operations. These are Competition Tribunal and Sports Disputes Tribunal, who have finalized their Rules and are waiting Gazettement.
 8. **Revenue Collection:** The Tribunals continue to collect revenue on behalf of the government through a cashless model. All Tribunal payments are made to Milimani Law Courts Revenue Account. Validation of Draft Tribunal Bill by stakeholders: Although the Legal Framework to the Tribunals has not been enacted, the Draft Tribunals Bill underwent critical validation process from stakeholders.
 9. The Competition Tribunal

formulated the **Competition Tribunal Rules of Procedure**, (Rules under S.71 (6) of the Act) which are complete and have been gazette (Legal Notice 108/2017) The Tribunal is currently using the Rules of Procedure to determine one of the cases filed matter: e.g. case: East African Tea Trade Association v. Competition Authority of Kenya.

10. The Standards Tribunal has collected data of pending cases against KEBS to allow for the speedy process of handling the respective KEBS cases in the following stations; Nairobi, Kajado, Namanga, Nakuru, Naivasha, Garissa, Kisumu, Mombasa and Eldoret.
11. The Cooperative Tribunal has been able to move their hearings from County offices to the regional Courts where they get facilitated in terms of space to hear their matters.

3.3 Challenges

Similarly, during the reporting period, several challenges were encountered which were legal, operational, financial, and infrastructural in nature. These have impeded the effective operations of Tribunals in the discharge of their varied mandates.

3.3.1 Legal Challenges

The ad hoc transition of Tribunals to the Judiciary by the National Treasury without a facilitative framework created several operational challenges that affected the workings of Tribunals. As we have noted, all the existing Tribunals operate under different legislative frameworks and mandates. Their

composition and appointment of members is distinct to each tribunal and is carried out in some cases by different bodies.

The mandate of each Tribunal is as provided by the law under which it is established. The accountability mechanism is not clear since most of the Tribunals operate under their parent ministries, which are in most cases the appointing authorities. The key principles of professionalism, independence, impartiality and fairness, which must guide a dispute resolution body, are not readily apparent in the setup and operations of some of the Tribunals.

To ensure that Tribunals that are transited to the Judiciary operate on a common and shared ethos of professionalism, standards, performance and accountability, and render equal justice to citizens, it is imperative that a comprehensive review of the legislative frameworks under which they are established be undertaken as a priority. The review should aim to result in a new common framework for appointment and operationalization of Tribunals be informed by the principles of judicial authority that run throughout the Constitution and in particular those set out in Article 159(2) of the Constitution

3.3.2 Operational Challenges

Under the previous framework, Tribunals were the responsibilities of the parent ministries. The minister was responsible for appointing members of the Tribunals. The relevant ministry provided the offices from which the Tribunals operated. Staff of the Tribunals was employed by or seconded from the ministry. The Ministries similarly provided all other oper-



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ational resources.

The abrupt change entailing transfer of some of the Tribunals to the Judiciary has posed serious challenges. The staff who work in Tribunals are considered ministerial staff and can be assigned other duties therefore affecting the work of the Tribunals. Due to the still-incomplete transition process, the staff are anxious due to the uncertainty since they have not effectively been transited to the Judiciary. The new framework for Tribunals must therefore address the question of staff absorption, bearing in mind that some of the members of staff in some of the Tribunals are specialists in such areas as the economy, agriculture, medicine etc. Their career progression will pose problems if they are immediately transited to Judiciary.

It is also to be noted that the majority of the Tribunals exist only on paper and are yet to be operationalized. In some of the Tribunals, the chairperson and members have never been appointed, or no appointments have been made since the expiry of the terms of the previous office orders. The remuneration of members and staff of different Tribunals is also a thorny issue that will have to be addressed and harmonized. Presently, there is great disparity in the salaries and remuneration of members of different Tribunals, which will have to be addressed once the Tribunals have been transited to the Judiciary.

Pending the preparation and adoption of the new framework, it is desirable that the Judiciary should consider applying, across the board for members and staff of the Tribunal already transited to the Judiciary, the rates that have been set or approved

by the Salaries and Remuneration Commission.

3.1.3 Infrastructural Challenges

Virtually all the tribunals are poorly resourced and lack adequate facilities to execute their mandate. Their offices and registries are mostly domiciled in their parent ministries, and are inadequate. They have no courtrooms in which to hear and determine disputes.

Some of the parent ministries are very eager to cut off links with the tribunals now that they are part of the Judiciary; evict them; and put their office space to other use. On the other hand, the Judiciary itself does not have adequate facilities for its own existing staff, let alone for the transiting tribunals. Accommodating tribunals within the Judiciary will require additional funds and resources to acquire the requisite space and infrastructure.

Since the Judiciary and the relevant parent ministries have a common constitutional obligation of delivering services to the citizens, the Judiciary shall endeavor to engage with the relevant ministries, who are presently housing tribunals for continuation of the accommodation, until the new framework is in place.



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CASE LOAD OF TRIBUNALS FY 2016/17

The table below is a summary of the case load for the Tribunals

Table 3.1 Case load for tribunals

Name of Tribunal	Pending Cases 30 th June, 2016	Cases filed in 2016/17	Cases resolved in 2016/17	Pending Cases 30 th June 2017*
Business Premises Rent Tribunal	2,085	2,351	1,334	3,302
Communication and Media Appeals Tribunal				
Competition Tribunal	-			
Co-operative Tribunal	9,273	1,002	6,576	3,699
Education Appeals Tribunal		90	0	No members
Energy Tribunal	-	6	6	0
HIV & AIDS Tribunal	-	81	30	51
Industrial Property Tribunal	19	20	19	20
National Environment Tribunal	-	24	8	16
Political Parties Disputes Tribunal	5	574	574	0
Public Private Partnership Petition Committee	-	2	2	0
Rent Restriction Tribunal	587	7,091	6,321	800
Sports Disputes Tribunal	12	89	26	75
Standards Tribunal	0	2	1	1
State Corporation Appeals Tribunal	-			
Transport Licensing Appeals Board Tribunal	0	51	45	6
All tribunals	11,981	11,383	14,942	7,970

3.5 Tribunals Currently Fully Transitioned to The Judiciary

3.5.1 Business Premises Rent Tribunal

The Business Premises Rent Tribunal (BPRT) was established in 1965 through ‘The Landlords And Tenants (Shops, Hotels, And Catering Establishments) Act, Cap.301 of the Laws of Kenya. Its core functions are; assessment of rent, repossession of premises by landlords, hearing and determination of general tenancy complaints, protection of tenants from arbitrary eviction and exploitation, ensuring that the landlords get returns for their investment and levying distress by landlords.

BPRT has 28 members of staff and one Chairperson. It has county registries in Mombasa, Nyeri, Nakuru, Kakamega, Kisumu, Eldoret, Embu and Kisii which are housed in the County Commissioners Office. The County Registries receive references and complaints at the County Level with the intention of taking BPRT services closer to the users. The matters filed at the Counties are heard and determined by the Tribunal conducting circuit sitting sessions in the counties.

3.5.2 Rent Restriction Tribunal

The Rent Restriction Tribunal (RRT) is established under the Rent Restriction Act, Cap 296, Laws of Kenya. Its mandate is to determine disputes between landlords and tenants of protected tenancies which are residential buildings whose rent does not exceed Ksh. 2500. The Tribunal is under the Ministry

of Lands, Housing and Urban Development. The Tribunal conducts its hearings through County circuits.

3.5.3 HIV and AIDS Tribunal

The HIV& AIDS Tribunal is established under the HIV Prevention and Control Act, 2006 with the mandate to adjudicate cases relating to violations of HIV related rights arising from breaches of the Act. Majority of the cases brought to the tribunal relate to discrimination of persons living with HIV and AIDS.

3.5.4 National Environment Tribunal

It is established under the Environment Management and Coordination Act, 1999 with the mandate to hear disputes arising from decisions of the National Environment Management Authority on issuance, denial or revocation of licenses. It also deals with offences from the Kenya Wildlife Management Act and the Kenya Forests Act. The tribunal is housed by the Ministry of Mining.

3.5.5 Industrial Property Tribunal

The Industrial Property Tribunal is a specialized court for the resolution of disputes in several areas of intellectual property, which include: patent disputes, industrial designs disputes, utility model disputes and technovations. The Tribunal is established under the Industrial Property Act, 2001 and comprises a Chairperson and four members who sit to hear and determine disputes. The Tribunal has both original and appellate jurisdiction and thus receives applications on infringement of patents, industrial designs and utility



BPRT has 28 members of staff and one Chairperson. It has county registries in Mombasa, Nyeri, Nakuru, Kakamega, Kisumu, Eldoret, Embu and Kisii which are housed in the County Commissioners Office.

models.

In addition, the Tribunal hears appeals from the decisions taken by the agencies responsible for the administration of patents, industrial designs and utility models such as Kenya Industrial Property Institute (KIPI), the Minister responsible for matters relating to industry, as well as the relevant Arbitration Board under the Act. The Tribunal also has an advisory responsibility to government ministries and departments on exploitation of intellectual property in specified circumstances under the Act. The Tribunal held 42 court sittings at which 10 out of 20 pending cases were heard and determined. From these determinations, 9 decisions were published through collaboration with the National Council for Law Reporting (Kenya Law). (the decisions are available at the Kenya Law website).

The Tribunal also signed an MOU with African Regional Intellectual Property Organization (ARIPO) for technical cooperation in several areas of service with a view of addressing internal resource gaps.

3.5.6 Standards Tribunal

It is established under the Standards Act, Cap 496, Laws of Kenya. The Tribunal's mandate is to hear appeals from any person aggrieved by a decision of the Kenya Bureau of Standards or the National Standards Council. It also gives general directions to the Director, Kenya Bureau of Standards on matters involving a point of law or any matter on reference by the Director.

3.5.7 Sports Tribunal

It is established under the Sports Act, No. 25 of 2013. The jurisdiction of the Tribunal is anchored in Section 59 of the Act which stipulates that the Tribunal shall determine appeals against decisions made by national sports organizations or umbrella sports organizations, whose rules specifically allow for appeals to be made to the Tribunal in relation to issues including, appeals against disciplinary decisions, 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. It also hears appeals from decisions of the Sports Registrar under this Act.

The Tribunal has jurisdiction on matters under the Anti-Doping Act No. 5 of 2016 to determine all cases on Anti-Doping rule violations on the part of athletes and athlete personnel and matters of compliance to sports organizations as per the Act.

The Tribunal commenced hearing of Anti-doping cases in the FY2016/17 filed by the Anti-Doping Agency of Kenya (ADAK). The Tribunal, because of its independence, has become the institution of choice by anti-doping organizations beyond Kenya's borders for determining their cases. For instance, pending doping cases over the years from the Africa Region V (RADO V) were filed for determination by ADAK forcing the Tribunal to increase sessions per week to cope with the increased workload.



The Tribunal commenced hearing of Anti-doping cases in the FY2016/17 filed by the Anti-Doping Agency of Kenya (ADAK). The Tribunal, because of its independence, has become the institution of choice by anti-doping organizations beyond Kenya's borders for determining their cases.

3.5.8 State Corporations Appeals

Tribunal (SCOT)

It is established under the State Corporations Act, Cap 446, Laws of Kenya. The Tribunal deals with disputes arising from surcharges and provides that any person who is aggrieved by a disallowance or surcharge may, within thirty days of the date of the certificate of surcharge, appeal by written memorandum to the Tribunal. The Tribunal shall, on appeal, have power to confirm, vary, or quash the decision of the Inspector-General (Corporations) with such directions as the Tribunal thinks fit. The Tribunal has not been able to sit due to quorum hitches.

3.5.9 Education Appeals Tribunal

Education Appeals Tribunal is established under section 93(3) of the Basic Education Act No 14 of 2013. The Tribunal replaced the former Teachers Service Appeals Tribunal, which was abolished together with the TSC Cap 2012 on promulgation of Constitution 2010.

The mandate of the Tribunal is to hear appeals from any persons aggrieved by decisions of County Education Board, TSC and SAGAs connected with issues of Basic Education on matters involving a point of law or matters of unusual importance or complexity. The Board, which consists of seven members, is yet to be operationalized since the gazettment of the members is pending. During the FY 2015/16 the tribunal's caseload of 35 was transferred to TSC for handling. There are about 9 cases filed in the FY 2016/17 and are awaiting gazettment of members.

3.5.10 Public Private Partnership Petition Committee

It is established under the Public Private Partnership Act, 2013. It considers all petitions and complaints submitted by a private party during the process of tendering and entering into a project agreement under this Act. In the period under Review, the terms of all the members of the Committee expired and new appointments are yet to be made.

3.5.11 Competition Tribunal

The Tribunal is established under the Competition Act, 2010 to determine disputes between aggrieved party and the Competition Authority on any matter brought before the Authority. The Tribunal enforces Part VII of the Competition Act and its mandate is to determine appeals emanating from the orders of the Competition Authority.

The Tribunal may confirm, modify or reverse the order appealed against. In giving any direction regarding any appeal, the Tribunal shall advise the Competition Authority of its reasons for so doing, and give the Authority such directions as it thinks just concerning the rehearing or reconsideration or otherwise of the whole or any part of the matter that is referred back for consideration.

3.5.12 Co-operative Tribunal

It is established under the Co-operative Societies Act, Cap, 490, Laws of Kenya. It has jurisdiction to hear disputes concerning the business of a co-operative society arising among members, past members and persons claiming through members, past mem-

bers and deceased members of cooperatives, past members and deceased members; or between members, past members or deceased members and the Society, it's Committee or any officer of the society; or between the society and any other cooperative society

The Tribunal oversees disputes from over 22,000 cooperatives societies as well as appeals from the Commissioner of Cooperatives. It operates circuit courts and sits in panels of 3 members.

3.5.13 Energy Tribunal

It is established under the Energy Act, 2006. The Tribunal sits on appeals from the decision of the Energy Regulatory Commission. The Tribunal was operationalized in October 2016.

3.5.14 Transport Licensing Appeals Board (TLAB)

It is established under sections 38 and 39 of the National Transport and Safety Authority Act, 2012 and became operational in 2015. It hears and determines appeals against the licensing decisions of the National Transport and Safety Authority (NTSA). In the FY 2016/2017, the Board heard and concluded 51 cases.

3.5.15 Political Parties Disputes Tribunal

It is established under Section 39 (1) of the Political Parties Act 2011, Laws of Kenya. It handles disputes between members of a political party, members of a political party and a political party, a political party and a political party, an independent candidate and a political party and among coalition parties. The Tribunal handles

appeals from decisions of the Registrar under the Act. The Tribunal handled over 300 cases over party primaries in a record 2 weeks! It is the only Tribunal whose decisions can be challenged in the Supreme Court as provided by section 41(2) of the Political Parties Act.

3.5.16 Communication and Media

Appeals Tribunal

It is established under Section 102 (1) of the Kenya Information and Communication (Amendment) Act 2013. It has the jurisdiction to hear and determine cases of persons aggrieved by a publication by or conduct of a journalist or media enterprise. It also hears cases on anything done against a journalist or media enterprise that limits or interferes with the constitutional freedom of expression of such journalist or media enterprise, and any action taken, any omission made or any decision made by any person under the Act. The Tribunal was operationalized in May 2017.

3.6 Tribunals Undergoing Operationalization Process

In 2016/2017, several requests were made for the operationalization of several tribunals such as the Competent Authority, Legal Education Appeals Tribunal, the Micro and Small Enterprises Tribunal, Communications and Multimedia Appeals Tribunal as well as the National Civil Administrative Review Board. While issues of budgeting and staffing hindered the operationalization, the Judiciary, in conjunction with the National Treasury, continued to discuss ways and means of ensuring that the Tribunals get the funds they require. Despite the challenges faced by tribunals in the

period under review, they continued to discharge their respective mandates on service delivery.

Below is the expenditure report for tribunals as at 30th June 2017 .

Table 3.2 Expenditure Returns For Tribunals as at 30th June 2017

		TOTAL AIE'S	EXPENDITURE (Posted Payments Summary)	CASH BALANCE	SPENT AIE (%)
		A	B	C (A-B)	D (A-B)
	Tribunal	KES	KES	KES	KES
1	Business Premises Rent Tribunal	36,322,164.25	36,321,054.70	1,109.55	99.997%
2	Competition Tribunal	28,000,001.50	27,967,436.90	32,564.60	99.884%
3	Cooperative Tribunal	54,691,704.75	54,679,402.20	12,302.55	99.978%
4	Education Services Dispute Tribunal	5,960,551.25	5,959,946.50	604.75	99.990%
5	Energy Tribunal	9,628,707.00	9,544,892.00	83,815.00	99.130%
6	Public Private Partnership Petition Committee	33,919,510.50	33,902,389.80	17,120.70	99.950%
7	Industrial Property Tribunal	15,024,205.25	15,018,946.30	5,258.95	99.965%
8	Rent Restriction Tribunal	29,948,341.25	29,948,201.68	139.57	100.000%
9	Sports	18,900,065.00	18,899,608.90	456.10	99.998%
10	Standard Tribunal	17,434,222.50	17,434,113.00	109.50	99.999%
11	Transport Licensing Advisory Board	30,919,510.50	30,901,662.00	17,848.50	99.942%
12	SCAT	3,750,000.00	3,745,304.00	4,696.00	99.875%
	Total	284,498,983.75	284,322,957.98	176,025.77	99.938%

3.7 Jurisprudence From Tribunals

Tribunals are generated interest-ing and inovative jurisprudenc, as they grapple with emerging issues of law, society, politics and econ-omy. Discussed below is a very small sample of a growing area of law.

3.7.1 Political Parties Disputes Tribu-nal

Complaint No. 210 of 2017: Wan-jiku Muhia -vs- Jubilee Party & Another

This complaint emanated from the Jubilee Party nomination pri-maries for the position of Wom-en Representative for Nyandarua County. According to the final results as announced by the par-ty the claimant emerged second. The claimant contended that the nominations were shrouded with mystery and suspicion and that the same were neither free nor fair.

The claimant alleged that the nominations were conduct-ed on 26th April 2017 but secret-ly proceeded on 27th April 2017. She further alleged and tendered evidence to prove that the par-ty officials burnt the votes cast in Nyandarua County on 30th April, 2017 prior to the hearing of the appeal which was due on 3rd May 2017.

The party through its Le-gal Counsel argued that the com-plainant prematurely rushed to the Tribunal before exhausting the internal party dispute resolu-tion mechanism. The party there-fore contended that the Tribunal lacked jurisdiction to hear and determine the dispute. The party further averred that its Appeals Tribunal had found no malprac-tice to render the process of nom-ination a nullity.

The tribunal held that the

burning of voting material prior to the hearing of the appeal amount-ed to suppression of evidence.

It allowed the appeal, an-nulled the nomination of the sec-ond Respondent and declared the claimant Wanjiku Muhia as the duly nominated Jubilee Party rep-resentative for the Women Repre-sentative seat, Nyandarua Coun-ty.

3.7.2 HIV And Aids Tribunal C.n.m -Vs- The Karen Hospital Limit-ed

The complainant sought treat-ment at the Respondent's hospi-tal for severe diarrhea. The Com-plainant alleged that she had been subjected to a HIV test without her consent and without being counselled either before or after the tests. She contended that the results showed that she was HIV positive but when her husband was tested he was found to be HIV negative.

The claimant alleged that after her discharge from hospital and without her consent, the hos-pital shared her HIV status with her Insurance Company. She filed a complaint with the custom-er service department of the Re-spondent Hospital but after inves-tigations, the department did not find any wrongdoing on the part of the hospital.

The claimant then filed this claim at the Tribunal seeking damages for breach of confiden-tiality and abuse of her right to human dignity and privacy. She contended that the Respondent Hospital had violated her right by testing her for HIV without her consent and without pre-testing counselling.

The claimant further con-tended that the Hospital had breached her right to confidenti-



The tribunal held that the burning of voting material prior to the hearing of the appeal amounted to suppres-sion of evidence.

ality and privacy as enshrined in Article 31 of the Constitution.

In response, the Respondent Hospital averred that the HIV testing complied with the National Guidelines for HIV testing and Counseling in Kenya and that its staff members had conducted themselves professionally and in full compliance with their Professional Ethics.

The Respondent denied disclosing the claimant's HIV status to her Insurers but admitted that they only sent medical bills to the insurers for settlement.

In determining the dispute, the Tribunal held that the claimant had been subjected to the HIV test without her consent and without pre-testing and post-testing counselling. The tribunal awarded the claimant a sum of Kshs. 2,500,000.00 in damages.

3.7.3 Sports Disputes Tribunal

Appeal No. 1 of 2016 Rado Zone V -vs- Kenneth Bogere Sekilanda & Uganda Body Building Federation

The First Respondent Kenneth Bogere Sekilanda was charged by Regional Anti-Doping Organization (Rado Zone V) with violation of RADO – ADR in relation to a urine sample collected from the athlete out of competition on 11th August, 2016. The urine sample was collected and as required was split into “A” and “B” samples being reference Nos 3847291. Both sample “A” and “B” were transported to WADA accredited laboratory in Doha Qatar.

The laboratory analyzed sample “A” in accordance with the procedures set out in WADA International Standard for Laboratories. Analysis of sample “A” returned an Adverse Analytical Finding (AAF)

for Trenbolone and its metabolite Epitrenbone. Trenbolone is listed as an Anabolic Androgenic Steroid (AAS) under S.1 Anabolic Agents and according to RADO Zone V records Sekilanda did not have a Therapeutic Use Exemption (TUE) to justify the presence of Trenbolone in his system.

The AAF in sample “A” was reviewed in accordance with Article 7.2 ADR and it was determined that Sekilanda had violated Article 2.1 ADR, namely the presence of a prohibited substance or its metabolites or markers in the athlete's sample.

Use of Trenbolone is a prohibited substance under the WADA 2016 prohibited list and Sekilanda was required to provide an explanation for the AAF by close of business on 3rd October 2016 but did not do so. He was therefore charged with failing or refusing to give his response. According to RADO their records indicated that this was the first offence for Sekilanda and if found guilty he would be subjected to the consequences in Article 10.2 RADO ADR.

The case was heard by the Sports Tribunal sitting in Kenya by way of teleconference. RADO was represented by Counsel while Sekilanda joined the conference from Kampala, Uganda together with an official of the Uganda Body Building Federation.

Rado's Counsel presented his client's case as stated above. Sekilanda admitted having been properly approached by the RADO DCO for sample collection. He stated that he had requested one of his clients who had travelled out of the country to bring him some diet supplements believing that they were safe.

He stated that he did not



In determining the dispute, the Tribunal held that the claimant had been subjected to the HIV test without her consent and without pre-testing and post-testing counselling. The tribunal awarded the claimant a sum of Kshs. 2,500,000.00 in damages.

have sufficient information from his Federation on the dangers of the supplements and was therefore shocked that his samples were found to contain substances which were prohibited. He pleaded that efforts be made to educate athletes on the dangers of doping and how to access safe supplements. He stated that he has limited level of education and started off as a guard (bouncer) before progressing to a fitness instructor.

In determining the case, the Tribunal found that the athlete had not denied the presence of a prohibited substance in his urine sample. The Tribunal found that

Article 2 of the RADO provides that:

“Athletes or other persons shall be responsible for knowing what constitutes an Anti-Doping rule violation and the substances and methods which have been includ-

ed on the prohibited list.”

Article 2.1 of RADO ADR further provides that:

“It is each athlete’s personal duty to ensure that no prohibited substance enters his or her body. Athletes are responsible for any prohibited substance or its metabolites present in their sample. Accordingly, it is not necessary that intent, fault negligence and knowing on the athletes’ part be demonstrated in order to establish an anti-doping rule violations under rule 2.1”

Pursuant to Article 4.4.1 of the RADO ADR, the Tribunal imposed a period of illegibility of two years with effect from 3rd October 2016 which was the applicable date of the provisional suspension. The seclusion was subject to right of appeal as set in Article 13 RADO ADR.



“It is each athlete’s personal duty to ensure that no prohibited substance enters his or her body. Athletes are responsible for any prohibited substance or its metabolites present in their sample. Accordingly, it is not necessary that intent, fault negligence and knowing on the athletes’ part be demonstrated in order to establish an anti-doping rule violations under rule 2.1”

Table 3.3 list of key Tribunals, Board and staff numbers and address

NO.	NAME OF THE TRIBUNAL	Board Members	Staff	PHYSICAL AND EMAIL ADDRESSES
1.	Rent Restriction	10	63	Ministry of Transport, Infrastructure, Housing and Urban Development Crescent House, 3 rd Muindi Mbingu/Moktar Daddah street. P.O BOX 68160-00200, Nairobi.
2.	Business Premises Rent	1	28	Located at View park Towers, 7 th & 8 th floor. P O Box 47232-00100, Nairobi Tel. No.2219812 jkavoko@yahoo.com
3.	Competition	5	3	Kenya Railways Staff Retirement Benefit Scheme Block ‘D’, 1 st Floor, Haile Selassie Avenue. P.O. Box 36265-00200, Nairobi mjnderitu@yahoo.com john.nderitu@treasury.go.ke

4.	Transport Licensing Appeal Board	4	8	Ministry of Transport & Infrastructure, Transcom House 2 nd Floor Ngong rd P.O Box 52692-00200 Nairobi Tel: 0799000584
5.	Water Appeals Board	15	3	Hill Plaza Bld grnd flr P.O Box 44111-00100 Nairobi Tel. 0721666638
6.	Industrial Property	5	4	Weight and measures complex, Popo rd south C P.O Box 50242 – 00100 Nairobi
7.	Sports Dispute	9	7	Block A' NSSF Building, 24 th Floor. Po Box 37530-00100 Nairobi.
8.	Co-operative	8	23	Reinsurance Plaza 11 th & 12 th flr Taifa Rd P.O Box 49021-00100 Nairobi Tel: +2540202247664
9.	Public Private Partnership Petition Committee	-	5	asugaha@gmail.com
10.	National Environment	5	7	P.O Box 6464-00100, Naiobi, Popo Rd of Msa Rd south C
11.	HIV and Aids	40	6	NHIF bld 15 Flr Ragati Rd P.O Box 37953-00100 Nairobi Tel: 0721343127
12.	Energy	4	4	Nyayo House, 24 th Floor P.O BOX 42880-00100
13.	Education Appeal	7	4	Jogoo Hs "B" 4 th flr room 433 P.O Box 30040-00100 Nairobi Tel: 318581
14.	State Corporation Appeals	8	1	Reinsurance Plaza Taifa Rd P.O Box 56653 -00200 Nairobi Tel: 0203318374/5/6
15.	National Civil Aviation Administrative Review	5	1	Transcom Hs 3rd Flr P.O Box 52692-00200 Tel 0733474839/0720453821
16.	Micro @ Small Enterprises	6		Judiciary, Supreme Court Building 0734-992077

17.	Tax appeals	20	0	Times Towers bld 15 th flr P.O Box 48240 – 00100 Nairobi Tel: +2540202409648 /0208006408
18.	Insurance appeals	6	1	Shelter Afrique 3 rd floor, upper P.O Box 43991 -00100 Nairobi Tel: 0719047225
19.	Seed and Plant	4	0	Kilimo Hs Cathedral Rd P.O Box 30028 Nairobi

Table 3.4 Data on The Composition of Tribunals and Boards

	TRIBUNAL	ACT	FUNCTIONS	APPOINTING AUTHORITY	RIGHT OF APPEAL
1.	Advocates Complaints Commission	Advocates Act, Cap 16, S. 53	Inquires into complaints against Advocates	The President	No right of appeal
2	Advocates Disciplinary Committee	" S. 55	Exercises disciplinary powers over Advocates	Members are the AG, SG, or a person deputed by the AG, 6 members elected by the LSK and 3 other members, not being advocates appointed by the AG on the recommendation of the LSK.	Right of appeal to High Court with a further appeal to the Court of Appeal
3	Board of Review	Prisons Act, Cap 90, S. 48	Advisory	The President	No Right of appeal
4	Teachers Service Appeals Tribunal	Teachers Service Commission Act, Cap 212 S. 11	Hears appeals from Teachers denied registration or deregistered	The Minister	Decision is final
5	National Museums Board of Governors	National Museums Act, Cap 216, S. 4	General Management and Development of Museums	The Chair is appointed by the Minister upon consultation with the President. 6 other members are appointed by the Minister and 2 members represent Ministries	No right of appeal is provided

	TRIBUNAL	ACT	FUNCTIONS	APPOINTING AUTHORITY	RIGHT OF APPEAL
6	Radiation Protection Board	Radiation Protection Act, Cap 243, S. 4	Advisory and licensing	All members are appointed by the Minister. 2 are members by virtue of the Public office they hold	Right of appeal to the Minister
7	Pharmacy and Poisons Board	Pharmacy and Poisons Act, Cap 244, S.3	Registration and discipline of pharmacists	All members are appointed by the Minister	Right of appeal to High Court
8	Kenya Board of Mental Health	Mental Health Act, Cap 248, S. 4	Advisory and regulatory	All members are appointed by the Minister	No right of appeal
9	Medical Practitioners and Dentists Board	Medical Practitioners and Dentists Act, Cap 253, S.4	Registers Medical Practitioners and Dentists and exercises disciplinary jurisdiction over them	6 are appointed by the Minister, 5 are elected by practitioners and 3 are members by virtue of their offices	No right of appeal to the High Court
10	Rent Restriction Tribunals	Rent Restriction Act, Cap 296, S 4	Resolving disputes between landlords and tenants	All members are appointed by the Minister	Limited right of appeal to the High Court
11	Land Surveyors' Board	Survey Act, Cap 299, S. 7	Examines, registers, licenses and disciplines surveyors	7 are appointed by the Minister, 4 are elected by surveyors and 1 is a member by virtue of office	Right of appeal to the High Court on disciplinary matters
12	Business Premises Tribunal	Landlord and Tenant (Shops, Hotels & Catering Establishments Act), Cap 301, S. 11	Resolves disputes between landlords and tenants	All members are appointed by the Minister	Right of appeal to the H C from references only
13	Land Control Board	Land Control Act, Cap 302, S.5	Hears and sanctions transactions affecting agricultural land	All members are appointed by the Minister	Right of appeal to Provincial Land Control Appeals Board
14	Provincial Land Control Appeals Board	"S. 10	Hears appeals from Land Control Boards	All members are appointed by the Minister	Appeals to Central Land Control Appeals Board
15	Central Land Control Appeals Board	"S.12	Hears appeals from Provincial Land Control Appeals Board	Members are 5 Ministers and the AG by virtue of their offices	Decision final and conclusive

	TRIBUNAL	ACT	FUNCTIONS	APPOINTING AUTHORITY	RIGHT OF APPEAL
16	Gold Mines Development Loans Board	Gold Mines Development Loans Act, Cap 311, S.3	Considers applications for development loans by owners of gold mines	Two members are appointed by the Minister and two others are members by virtue of their offices	Right of appeal to Minister whose decision is final
17	Agricultural Appeals Tribunal	Agriculture Act, Cap 318, S 193	Hears appeals from the decision of the Minister under the Act making a land preservation order and from several other Boards established under different Acts	C J appoints the chair and the Minister appoints the other members	Decision final and conclusive save for the power to state a case on a question of law for the opinion of the High Court
18	The Seeds and Plants Tribunal	Seeds and Plant Varieties Act Cap 326, S 28	Hears appeals a decision of the Minister refusing to include or exempting a plant variety in the index of names of plant varieties, allowing or refusing to grant plant breeder's rights, cancelling such grant, allowing or refusing licenses	All members are appointed by the Minister	Right of appeal to the High Court on points of law
19	Canning Crops Board	Canning Crops Act, Cap 328, S.4	Promotes the scheduled crops canning industry, licensing and inspecting canning industries, licensing growing and cultivation of scheduled crops, cancelling such licenses etc.	10 members are appointed by the Minister, the other is a member by virtue of office	Right of appeal to the Minister whose decision is final
20	Cotton Board of Kenya	Cotton Act, Cap 335, S.3	Promotes the cotton industry in Kenya and licenses and controls ginners and persons dealing with cotton	The President appoints the Chair, 5 are members by virtue of their offices, 4 are appointed by the Minister and 4 are elected by growers	Right of Appeal to the Agricultural Appeals Tribunal

	TRIBUNAL	ACT	FUNCTIONS	APPOINTING AUTHORITY	RIGHT OF APPEAL
21	Kenya Dairy Board	Dairy Industry Act Cap 336, S.4	Regulates production, marketing and distribution of dairy produce and registers primary producers	All the 12 Members are appointed by the Minister	Right of Appeal to the Agricultural Appeals Tribunal
22	National Cereals and Produce Board	National Cereals and Produce Board Act, Cap 338, S.3	Regulates and controls marketing, distribution and supply of maize, wheat and specified agricultural produce, licenses and cancels the licenses of millers	The President appoints the chair, 6 Members are appointed by the Minister whilst 3 others are members by virtue of their offices	No right of appeal save in a dispute over grading of specified produce where the miller may appeal to the Minister
23	Pyrethrum Board of Kenya	Pyrethrum Act, Cap 340, S.4	Promotes the pyrethrum industry, licenses pyrethrum growers and purchases, sorts, grades processes and sells pyrethrum	11 are appointed by the Minister whilst 3 others are members by virtue of their offices	Right of appeal against refusal of license to the Agricultural Appeals Tribunals
24	Sisal Board	Sisal Industry Act Cap 341, S3	Promotes the advancement and welfare of the sisal industry, advises the Minister and conducts research licenses sisal factories and registers sisal growers	The Chair and 9 Members are appointed by the Minister whilst 1 is a member by virtue of office	No right of appeal is provided.
25	Coffee Board of Kenya	Coffee Act, No 9 of 2001, S. 3	Promotes the production, processing and marketing of coffee and regulates the industry, registers and regulates growers, millers, marketers, parkers etc., licenses pulping stations, millers, exporters etc.	12 members are elected by various sectors whilst the remaining 3 are members by virtue of their offices	Right of appeal to the Agricultural Appeals Tribunal

	TRIBUNAL	ACT	FUNCTIONS	APPOINTING AUTHORITY	RIGHT OF APPEAL
26	Kenya Sugar Board	Sugar Act, No 10 of 2001, S3	Regulates, develops and promotes the sugar industry, licenses sugar and jaggery mills and registers millers	12 members are elected by various sectors whilst the remaining 3 are members by virtue of their offices	Disputes are adjudicated by the Sugar Arbitration Tribunal.
27	Sugar Arbitration Tribunal	" , S.31	Arbitrates disputes between parties under the Sugar Act	The members are appointed by the Minister in consultation with the AG	No right of appeal is provided
28	Tea Board of Kenya	Tea Act, Cap 343, S. 3	Promotes the tea industry, licenses tea factories, registers tea growers and dealers, regulates, controls and improves cultivation and processing of tea	13 members are elected or nominated by specified bodies whilst two are members by virtue of their offices	A party aggrieved by a decision of the Board to deny suspend or cancel a license or permit has a right of appeal to the Agricultural Appeals Tribunal
29	Pest Control Products Board	Pest Control Products Act, Cap 346, S.5	Assesses and evaluates pest control products, considers applications for registration of pest control products and advises the Minister	The President appoints the Chair, 10 members are appointed by various Ministers and 4 are members by virtue of their office	A decision of the Board denying registration or suspending or revoking certificate of registration is appealable to the Minister whose decision is final
30	National Irrigation Board	Irrigation Act, Cap 347, S.3	Responsible for development, control and improvement of national irrigation schemes in Kenya, plans and co-ordinates settlement on irrigation schemes	The Minister appoints the Chair and 7 other members whilst 6 others are members by virtue of their offices	Right of appeal to the Agricultural Appeals Tribunal
31	The Pig Industry Board	The Pig Industry Act, Cap 361, S.3	Promotes and advances the pig industry licenses butchers and bacon factories and advises the Minister on the industry	The Minister appoints the Chair and 5 other members. Another is a member by virtue of office	Right of appeal to the Agricultural Appeals Tribunal

	TRIBUNAL	ACT	FUNCTIONS	APPOINTING AUTHORITY	RIGHT OF APPEAL
32	Water Resources Management Authority	Water Act, No 8 of 2002, S.7(1)	Inter alia develops principles, guidelines and procedures for allocation of water resources, monitors and reassess the national water reserve management strategy, receives and determines applications for permits for water use, cancels, varies or revokes permits, regulates and protects water resources	The chair is appointed by the president and the other ten members are appointed by the Minister	Appeals to the Water Appeals Board
33	Water Services Regulatory Board	" S.46(1)	Inter alia licenses provision of water services, sets standards for water suppliers, regulates licensees, sets procedures for handling consumer complaints against licensees	The Chair is appointed by the President while the other ten members are appointed by the Minister	Appeals to the Water Appeals Board
34	Water Service Boards	" S 51	Responsible for the efficient and economical provision of water services authorised by a license.	All members are appointed by the Minister	No right of Appeal provided
35	Water Appeal Board	" S 84	Hears appeals by any holder of a proprietary right or license affected by a decision of the Water Resources Management Authority, the Minister or the Water Services Regulatory Board concerning a permit or license under the Act	The Chair is appointed by the President on the recommendation of the Chief Justice, while other two members are appointed by the Minister	Decision is final though an appeal lies to the High Court on a matter of law

	TRIBUNAL	ACT	FUNCTIONS	APPOINTING AUTHORITY	RIGHT OF APPEAL
36	Wildlife Conservation and Management Service Appeals Tribunal	Wildlife (Conservation and Management) Act, Cap 376, S. 65	Hears appeals by parties aggrieved by refusal of grant or issue or cancellation or suspension of any license or permit as well as appeals on compensation made or denied under the Act	All the Members are appointed by the Minister	No right of appeal is provided
37	Tourist Appeal Board	Tourist Industry Licensing Act, Cap 381, S.9	Hears appeals by parties whose application for license is refused or whose license is cancelled or varied	The Minister appoints 2 members whilst the other is a member by virtue of office	No right of appeal is provided
38	Road Boards	Public Roads and Roads of Access Act, Cap 399, S.3	Hears applications for construction of roads of access and are empowered to cancel or alter the alignment of roads of access	The Minister appoints all the Members	Appeals by an aggrieved parties go to a subordinate Court of 1 st Class sitting with two assessors
39	Kenya Roads Board	Kenya Roads Board Act, No. 7 of 2000, S.4	Oversees the road network in Kenya and coordinates its development, rehabilitation and maintenance	The President appoints the chair, the Minister appoints 8 from nominees of specified organisations and five are members by virtue of their offices	No right of appeal is provided
40	Transport Licensing Appeal Tribunal	Transport Licensing Act, Cap 404, S.19	Hears appeals from Transport Licensing Boards which are empowered to license motor vehicles and ships for carriage of goods, passengers, hire or reward, trade or business	The President appoints the chair whilst the Minister appoints the other 4 members	Decision of the Tribunal is final and conclusive
41	State Corporations Appeals Tribunal	State Corporations Act, Cap 446, S.22	Hears appeals by persons aggrieved by surcharges or disallowance of accounts by the Inspector General, Corporations	The President appoints the chair and the Minister appoints two members	Right of further appeal to the High Court whose decision is final

	TRIBUNAL	ACT	FUNCTIONS	APPOINTING AUTHORITY	RIGHT OF APPEAL
42	Value Added Tax Appeals Tribunal	Value Added Tax Act, Cap 476, S. 32	Hears appeals from decisions of the Commissioner of Value Added Tax.	All members are appointed by the Minister	Right of Appeal to the High Court
43	Capital Markets Tribunal	Capital Markets Authority Act, Cap 485, S. 35	Hears appeals by any person aggrieved by a decision of the Authority refusing a license, imposing restrictions on a license, suspending trading of a security on a securities exchange, etc.	All members are appointed by the Minister	No right of further appeal is provided
44	Insurance Appeals Tribunal	Insurance Act, Cap 487, S. 169	Hears appeals under the Insurance Act and from decisions of the Commissioner of Insurance	All members are appointed by the Minister	Right of appeal on issues of law to the High Court
45	Co-operatives Tribunal	Co-operative Societies Act, Cap 490 as amended by Act No 2 of 2004	Hears disputes concerning the business of a Co-operative Society	3 members are appointed by the Minister on nomination, 1 on discretion and 3 on consultation	Right of Appeal to the High Court whose decision is final
46	Hotels and Restaurants Appeals Tribunal	Hotels and Restaurants Act, Cap 494, S.10	Hears appeals by parties aggrieved by decisions of the Hotels and Restaurants Authority refusing a license, attaching any conditions on a license or suspending or cancelling a license	All members are appointed by the Minister	No right of appeal provided
47	Kenya Bureau of Standards	Standards Act, Cap 496, S.11	Promotes standardization in industry and commerce	Members are appointed by the National Standards Council, itself appointed by the Minister	Appeals to the Minister
48	Restrictive Trade Practices Tribunal	Restrictive Trade Practices, Monopolies and Price Controls Act, Cap 504, S 20	Hears appeals by persons aggrieved by an order by the Minister requiring them to desist from committing a restrictive trade practice	All the members are appointed by the Minister	Further right of appeal to the High Court, whose decision is final

	TRIBUNAL	ACT	FUNCTIONS	APPOINTING AUTHORITY	RIGHT OF APPEAL
49	Board of Registration of Architects and Quantity Surveyors	Architects and Quantity Surveyors Act, Cap 525, S.4	Registers architects and quantity surveyors and exercises disciplinary jurisdiction over them	The chair and 3 members are appointed by the Minister whilst 4 others are nominated by the professional association and approved by the Minister	A person aggrieved by a decision of the Board has a right of appeal to the High Court
50	Auctioneers Licensing Board	Auctioneers Act, 1996, S.3	Exercises general supervision and control of the business and practice of auctioneers	The chair and 9 members are appointed by the CJ, one is a member by virtue of office and 6 are nominated by specified bodies	A person aggrieved by the decision of the Board has a right of appeal to the High Court whose decision is final
51	Engineers Registration Board	Engineers Registration Act, Cap 530, S.3	Registers engineers and exercises disciplinary jurisdiction over them	4 members are appointed by the Minister and 3 others by the professional association	A person aggrieved by a decision of the Board has a right of appeal to the High Court
52	Registration of Accountants Board	Accountants Act, Cap 531, S.11	Registers Accountants and exercises disciplinary jurisdiction over them	All the members are appointed by the Minister	A person aggrieved by a decision of the Board has a right of appeal to the High Court
53	Valuers Registration Board	Valuers Act, Cap 532, S.3	Registers Valuers and exercises disciplinary jurisdiction over them.	All the members are appointed by the Minister	A person aggrieved by a decision of the Board has a right of appeal to the High Court
54	Estate Agents Registration Board	Estate Agents Act, Cap 533, S.3	Registers Estate Agents and exercises disciplinary jurisdiction over them	All the members are appointed by the Minister	A person aggrieved by a decision of the Board has a right of appeal to the High Court
55	Registration of Certified Public Secretaries Board	Certified Public Secretaries of Kenya Act, Cap 534, S.11	Registers Certified Public Secretaries and exercises disciplinary jurisdiction over them	All the members are appointed by the Minister	A person aggrieved by a decision of the Board has a right of appeal to the High Court

	TRIBUNAL	ACT	FUNCTIONS	APPOINTING AUTHORITY	RIGHT OF APPEAL
56	Electricity Regulatory Board	Electric Power Act, No. 11 of 1997	Regulates the generation, transmission and distribution of electric power in Kenya and considers applications for licences under the Act and makes recommendations to the Minister	The President appoints the Chair whilst the Minister appoints the other 5 members	Appeals go to the Minister with a further appeal to the High Court. Where the appellant is the Government, appeals go to the High Court
57	Land Disputes Tribunals	Land Disputes Tribunals Act, No 18 of 1990	Hears disputes of a civil nature regarding division of land, determination of boundaries, claims to occupy or work land and trespass to land	The Minister appoints a panel of elders from which the District Commissioner selects the Chair and 2 or 4 elders to constitute a Tribunal	Right of appeal to the Land Disputes Appeals Committee whose decision is final, unless on an issue of law, where a further appeal to the High Court lies
58	Land Disputes Appeals Committee	" , S. 9	Hears appeals from decisions of land Disputes Tribunals	The chair is appointed by the Provincial Commissioner from a panel appointed by the Minister. The Minister appoints the other 5 Members	Decision is final save on an issue of law where an appeal lies to the High Court
59	Non Governmental Organizations Co-ordination Board	Non Governmental Organizations Co-ordination Act, No 19 of 1990	Registers, co-ordinates and regulates activities of NGOs	The President appoints the Chair, the Minister appoints 7 at his discretion and 5 on recommendation whilst the other 6 are members by virtue of their offices	An NGO aggrieved by a decision of the Board to deregister it has a right of appeal to the Minister whose decision is final

	TRIBUNAL	ACT	FUNCTIONS	APPOINTING AUTHORITY	RIGHT OF APPEAL
60	National Environment Tribunal	Environmental management and Co-ordination Act, No 8 of 1999, S 125	Hears appeals by parties aggrieved by refusal of a license, imposition of conditions, revocation, suspension or variation of license or imposition of an environmental restoration or improvement order	The chair is nominated by the Judicial service Committee, one member is nominated by the Law Society of Kenya and 3 others are appointed by the Minister	Right of appeal to the High Court whose decision is final.

Chapter 4

JURISPRUDENCE

JURISPRUDENCE

4.1 Introduction

It is not in dispute that the core mandate of the Kenyan Judiciary, like all other Judicial institutions the world over, is the resolution of disputes presented before it. Judicial authority in Kenya is derived from Article 159 of the Constitution of Kenya, 2010. In discharging this mandate, Courts and Tribunals render determinations that resolve the disputes, advance the cause of justice and develop the body of jurisprudence.

During the FY 2016/2017, the Judiciary grew jurisprudence through determinations that were made in various key areas of law including Criminal law, Judicial Review, Constitutional law, Commercial and Electoral laws, among others. As the country prepared for the 2017 General Elections, the Judiciary played a key role in the interpretation of the Constitution and the relevant laws on Elections through a number of cases that Kenyans litigated before it.

In this chapter, we report a number of landmark judicial determinations that either settled the law, clarified certain legal principles or broke new ground in the interpretation of the law and legal principles. The reported cases were decided at the High Court, Employment and Labour Relations Court, Environment and Land Court, the Court of Appeal, and the Supreme Court.

4.2 Jurisdiction

Jurisdiction is the power or authority bestowed upon courts and tribunals to hear and determine cases. Without the requisite jurisdiction, courts lack the authority to make binding decisions in cases filed before them. In the year 2016/2017, various decisions were made that clarified the jurisdiction of various courts. Some of the cases are reported hereunder:-

4.2.1: The Extent of Jurisdiction of Judges of Specialized Courts

Republic v Karisa Chengo & 2 Others Supreme Court Petition No. 5 of 2015

In this case, the Court was faced with two main issues for determination: First, whether the Specialised Courts established under Article 162(2) of the Constitution (Employment and Labor Relations Court and Environment and Land Court) and described as having the same status as the High Court had the same jurisdiction as the High Court and whether Judges appointed to these Specialised Courts had the jurisdiction to hear and determine criminal appeals. Secondly, the Court was faced with the question whether the Respondents' right to fair trial was infringed by failure to accord them legal representation at the expense of the State as envisaged under Article 50(2) (h) of the Constitution of Kenya, 2010.

Brief facts of the case.

The Respondents in this case were charged, tried and convicted in various Magistrates' Courts with the offence of robbery with violence contrary to Section 296(2) of the Penal Code. The Respondents' were all sentenced to death. The third Respondent faced an additional charge of rape contrary to Section 3(1) (a) of the Sexual Offences Act to which he was convicted but the sentence was held in abeyance. Aggrieved by these decisions, the Respondents filed appeals in the High Court. The Appeal was heard during the 'Judicial Service Week'.

The Judicial Service Week was an effort to deal with the backlog of criminal appeals in the High Court, an initiative of the former Chief Justice, Dr. Willy Mutunga who declared October 14 – 18, 2013 would be dedicated to the hearing of criminal appeals in the High Court. Consequently, by Gazette Notice No. 13601, dated October 4, 2013, the Chief Justice empanelled Judges of the Environment and Land Court and Employment and Labour Relations Court to sit with Judges of the High Court, to hear and determine criminal appeals during that week. One judge from the High Court and one judge of the Environment and Lands Court heard and dismissed the Respondents' appeals. Aggrieved by that decision the Respondents filed a second appeal to the Court of Appeal.

Holding of the Court of Appeal

The main grounds of appeal and questions for determination at the Court of Appeal were whether the proceedings before the High Court were a nullity for want of jurisdiction due to the fact that the judge being an Environment

and Land Court Judge had no jurisdiction to hear and determine the criminal appeals and whether the State having failed to provide each of the Respondents with legal counsel at the State's expense, contravened the Respondents' constitutional right to legal representation under article 50(2) of the Constitution of Kenya 2010.

The Court of Appeal held that the judge having been appointed as a judge of the Environment and Land Court had no jurisdiction to sit on the Respondents' appeals. Consequently, the Court of Appeal declared the proceedings of that mixed bench a nullity and directed that the Respondents' appeals be re-heard by judges of competent jurisdiction.

On the second issue, the Court of Appeal held that under Article 50(2) (h) of the Constitution an accused person was entitled to legal representation at the State's expense, only where substantial injustice would otherwise be occasioned in the absence of such legal representation. The Court also held that the right to legal representation at the State's expense ***was a progressive right that could only be realised when certain legislative steps had been taken.***

Holding of the Supreme Court

Aggrieved by the decision of the Court of Appeal, the Director of Public Prosecutions filed an appeal to the Supreme Court arguing that the Court of Appeal erred in holding that Judges of the Specialised Courts only had jurisdiction to sit in the Courts that they were appointed. The 1st and 3rd Respondents also filed cross appeals on grounds that the Court of Appeal misdirected itself when it held that Article 50(2)(h) of the

Constitution did not make it mandatory for persons charged with an offence attracting the death penalty to be granted legal representation at the State's expense.

The Supreme Court in its Judgment held that subject to Article 165(3) of the Constitution that provided that the High Court would have any other jurisdiction, original or appellate conferred on it by legislation and subject to Sections 347(1) and 359(1) of the Criminal Procedure Code that conferred upon the High Court appellate jurisdiction to determine criminal appeals; the mandate to determine the Respondents' appeals fell within the mandate of Judges of the High Court.

The Court stated that once a judge was appointed, the judge took the oath of office to the specific court they are appointed to. The judge was also issued an appointment letter that specified that the judge had been appointed as a Judge of the Supreme Court, the Court of Appeal, the High Court, the Employment and Labour Relations Court or the Environment and Land Court. Having been so appointed, a Judge could only exercise the jurisdiction conferred to the Court which the Judge was so appointed.

The Court held that a particular judge undertook to perform stewardship of the particular office in respect of which the Judge took the oath, and not of a different office. The formal action-chain taken by relevant constitutional agencies, from advertisement, to appointment, and to oath-taking, was all linked, in each case, to a specific Court. The Judges did not take a general oath as superior court judges but as High Court judges, or as Spe-

cialised court judges, or as Court of Appeal judges, or as Supreme Court judges. If indeed the Constitution intended that Judges should swear oaths of allegiance to all superior Courts in general, then it would have expressly stated so; and if a common service-arrangement between the High Court and the specialised Courts existed, then it would be possible, by dint of sheer administrative directions, to designate Judges in the latter category, from time to time, to serve, say in the Family, Criminal, Commercial, or Civil Division, of the High Court.

The Court further opined that although the High Court and the specialised Courts were of the same status, they were different Courts. It followed that the Judges appointed to those Courts exercised varying jurisdictions, depending upon the particular Courts to which they were appointed. Statutes regulating specialised Courts limited the Jurisdiction of specialised Courts to the matters provided for in those statutes. Further, Article 165(5) of the Constitution prohibited the High Court from exercising jurisdiction in respect of matters reserved for the exclusive jurisdiction of the Supreme Court and the Specialised Courts.

In conclusion, the Court agreed with the Court of Appeal holding that one of the judges was appointed as a Judge of the Environment and Land Court and not a Judge of the High Court. The learned judge could not have properly heard and determined the Respondents' criminal appeals. A bench that comprised of a judge of the High Court and a judge of the Environment and Land Court was improperly constituted and had no jurisdiction to hear and determine the Appellants' criminal appeals.

The Court found that the Gazette Notice No. 13601 of October 4, 2013, by which the former Chief Justice empanelled the judge to sit and determine the criminal appeals in question, was therefore unlawful and unconstitutional.

On the second issue of right to legal representation, the Court stated that the right to fair trial involved fulfilment of certain objective criteria, including the right to equal treatment, the right to defence by a lawyer, especially where it was called for by the interests of justice, as well as the obligation on the part of courts and tribunals to conform to international standards in order to guarantee a fair trial to all. Free legal assistance would be accorded to a person who did not have sufficient means to pay for it, and that representation was also to be given where interests of justice so required.

The Court emphasised the importance of legal representation in criminal proceedings. However the court stated that a distinction was to be drawn between the right to representation per se and the right to representation at State expense specifically. Inevitably, there would be instances in which legal representation at the expense of the State would not be accorded in criminal proceedings.

The Supreme Court while agreeing with the finding of the Court of Appeal regarding the general scheme of legal aid, which the Act was set to fully implement, however noted that the same was not the case regarding the right in Article 50 (2) (h) of the Constitution. The right to legal representation at state expense, under article 50(2) (h) of the Constitution, was a fundamental ingredient of the right to a fair trial and was to

be enjoyed pursuant to the constitutional edict without more. In accordance with the language of the Constitution, the particular right under article 50(2) (h) of the Constitution was not open ended. It only became available if substantial injustice would otherwise result.

The Supreme Court noted that while Article 50(2) (h) of the Constitution and the Legal Aid Act, 2016 had not defined the term ‘substantial injustice’ warranting the state to provide the legal representation, the court opined that in determining whether substantial injustice would be suffered in criminal matters, a court ought to consider, in addition to the relevant provisions of the Legal Aid Act, various other factors which include:

- a. the seriousness of the offence;*
- b. the severity of the sentence;*
- c. the ability of the accused person to pay for his own legal representation;*
- d. whether the accused is a minor;*
- e. the literacy of the accused; and*
- f. the complexity of the charge against the accused.*

4.2.2: Whether The Supreme Court Can Hear And Determine An Appeal In A Situation Where The Court Of Appeal Had Not Made A Determination On The Substantive Questions Raised In The Appeal

Godfrey Kinuu Maingi & 4 Others vs Nthimbiri Farmers' Co-operative Society Supreme Court

Petition No. 9 of 2016

Brief facts of the case

The Appellants having failed on a first appeal before the High Court from a decision of the Co-operative Societies Tribunal preferred a second appeal at the Court of Appeal. Among the substantive questions raised in the memorandum of appeal was whether Section 81 of the Co-operative Societies Act was ultra vires Section 84(7) of the repealed Constitution as well as article 163(4) of the Constitution of Kenya 2010. The appellant sought leave for the right of appeal and conservatory orders pending the hearing and determination of the appeal which application was dismissed by the Court without making determinations on the substantive issues raised in the main appeal.

Aggrieved by the decision of the Court of Appeal, the appellants moved to the Supreme Court where in the first instance the Supreme Court Deputy Registrar declined to allow the appeal on the basis that no substantive appeal had been heard at the Court of Appeal and therefore there was no proper case to be lodged at the Supreme Court. The Deputy Registrar cited the case of *Teachers Service Commission v Kenya National Union of Teachers and 3 others, Application No. 16 of 2015*, Supreme Court of Kenya, as an authority for the decision to disal-

low the Supreme Court appeal.

The Appellants thereafter appealed against the decision of the Deputy Registrar and their appeal was heard before a single judge of the Supreme Court in accordance with Rule 4A(2) of the Supreme Court (Amendment) Rules, 2016 arguing that their right of appeal, requiring the interpretation of the Constitution and its transitional provisions had been denied by the Court of Appeal.

Holding of the Supreme Court

The Supreme Court while while agreeing that on the face of the pleadings the appellants were raising serious issues of constitutional interpretation and application, held that such constitutional grievances which affected the rights of a party would not be held in abeyance until the Court of Appeal had determined the substantive cause. The Court while dismissing the application held that it would only be seized of jurisdiction where the substantive question of constitutional rights raised were heard and determined on merit by the Court of Appeal.

4.3 Electoral Law

As the country prepared for the General Elections in August, 2017, a number of cases were filed and determined by the courts. These decisions majorly centred on the decisions and steps undertaken by the Independent Electoral and Boundaries Commission (IEBC) in preparation for the elections. The courts played a key role in interpreting specific Articles of the Constitution that touch on elections as well as the provisions of the election laws.

The cases included the following: -

**4.3.1: THE CHAIRPERSON OF IEBC
CANNOT VARY THE RESULTS
OF PRESIDENTIAL ELECTION
DECLARED AT THE CONSTITUENCY
TALLYING CENTRES**

Independent Electoral & Boundaries Commission v Maina Kiai, Khelef Khalifa, Tirop Kitur, Attorney-General, Katiba Institute & Coalition for Reforms & Democracy

Court of Appeal at Nairobi

Civil Appeal no.105 of 2017

Brief facts of the case

The petitioners in the High Court filed a petition under Article 165(3) (d) of the Constitution challenging the constitutionality of the provisions of Sections 39(2) and (3) of the Elections Act and regulations 83(2) and 87(2) (c) of the Election (General) Regulations, 2012 dealing with the conduct of the Presidential election and the declaration of the Presidential election results. The Petitioners were concerned that whereas articles 86 and 138 of the Constitution made no reference or mention of the results from the constituency being provisional or subject to any confirmation, the terms of the impugned provisions suggested that those results could be varied, changed or interfered with at the national tallying centre by the chairperson of the IEBC, who it designated as the returning officer for the presidential election, yet the results announced at the constituency tallying centre were final.

The High Court while holding that it had jurisdiction to hear and determine the petition declared that Sections 39(2) and

(3) of the Elections Act and Regulations 83(2) and 87(2)(c) of the Election (General) Regulations, 2012 were unconstitutional and therefore null and void.

Aggrieved by the decision of the High Court, the IEBC filed an appeal on the grounds that the High Court misapprehended the law regarding the constitutional and statutory requirements for declaration of the result of the presidential elections. The appellant also claimed that the High Court erred in declaring Section 39(2) and (3) of the Act and regulations 83(2) and 87 (2) as unconstitutional, null and void.

Holding of the Court of Appeal

While dismissing the appeal, the Court of Appeal stated that when interpreting the Constitution, the Courts should adopt a purposive approach and take into account the intent, purpose and the historical, political context, the values, aspirations and the spirit of the Constitution. The Court held that the Constitution should not be interpreted in a formalistic or restricted to the legal text alone and the literal meaning of the provisions.

The Court of Appeal held that a purposive or normative interpretation of the Constitution is not strictly limited to the Bill of Rights only. The Court was of the opinion that it is presumed that in enacting legislation, Parliament does so on behalf of the populace with a view to addressing their needs and that Parliament enacts only laws that it considers to be reasonable for the purpose for which they are enacted.

The Court of Appeal was of the opinion that the Chairperson of the IEBC cannot alone at the national tallying centre purport to

confirm, vary or verify the results arrived through an open, transparent and participatory process as it would be in violation of clear principles and values of the Constitution.

The Court further held that the IEBC can only declare the results of the presidential vote at the constituency-tallying centre after tallying and verification and that such results so declared at the constituency would be final. The Court stated that before making the declaration the role of the Chairperson of IEBC is to accurately tally all the results exactly as received from the 290 returning officers country-wide, without adding, subtracting multiplying or dividing any number contained in the two forms from the constituency tallying centre. If any verification or confirmation is anticipated it has to relate only to confirmation and verification that the candidate to be declared elected President has met the threshold set under Article 138(4) by receiving more than half of all the votes cast in the election and at least twenty-five per cent of the votes cast in each of more than half the counties.

Finally, the Court held that the responsibility of IEBC to deliver a credible and acceptable election in accordance with the Constitution was so grave that it must be approached and executed with absolute fealty, probity and integrity.

4.3.2 PUBLIC PARTICIPATION IN DIRECT PROCUREMENT BY PUBLIC ENTITIES

Republic vs The Independent Electoral and Boundaries Commission & 6 Others Judicial Review Petition Number 378 of 2017

The Petitioners in this case filed a Judicial Review Application challenging the award of a tender for the supply of election materials for the Presidential Elections of August, 2017.

The Applicants alleged that the tender was awarded without public participation and could prejudice the legitimate expectation of Kenyans for a free fair and democratic elections, and that the tender award violated the requirements of Article 227 of the Constitution on Public Procurement.

The Applicants further alleged that one of the Presidential Candidates had an interest in the tender and that the award of the tender was actuated by ulterior motives calculated to prejudice the rights of the Applicants and Kenyans.

In its determination, the court concluded that public participation was one of the national values and principles of governance that bound all state organs, state officers, public officers and all persons whenever any of them applied or interpreted the Constitution enacted or interpreted any law or made or implemented public policy.

The court held that the Constitution was to be given a broad liberal and purposive interpretation to give effect to its fundamental values and principles.

Thirdly, the court stated that it was not sufficient for elections to be conducted regularly but that elections must meet the Constitutional and statutory threshold.

Fourthly, the court held that a contravention of the Constitution or Statute could not be justified on the plea of public in-



It was not sufficient for elections to be conducted regularly but that elections must meet the Constitutional and statutory threshold.

terest and that public interest was best served by enforcing the Constitution and Statute.

The court finally held that the Constitution expressed the will of the people and that the will of the people was to be respected at all times.

4.3.3: SECTION 44(8) OF THE ELECTIONS ACT THAT PROVIDES FOR THE ESTABLISHMENT OF THE TECHNICAL COMMITTEE TO OVERSEE ELECTIONS IS UNCONSTITUTIONAL

Kenneth Oliena –vs– Attorney General & Independent Electoral Boundaries Commission (IEBC)

Petition No. 127 of 2017

The Petitioner filed a petition to challenge the provisions of Sections 6A, 8A and 44 of the Elections Act. The Petitioner alleged that the provisions introduced radical irrational and impractical changes to the electoral laws by introducing timelines which were contrary to the Constitutional timelines provided for under Articles 101(1) 136(2), 177 (1)(a) and 180 (1) of the Constitution.

The Petitioner stated that Section 6A of the Act which gave voters 30 days to verify biometric data at least 60 days before the General Elections was stringent and could obstruct a simple and transparent voting process as envisaged in the Constitution.

The Petitioner contended that Section 6(A)(3) of the Act which required online publication of the register of voters was unconstitutional and contravened Article 83(5) and 38(3) of the Constitution given that the rural population could not access internet and computers. He stated that the online register could fail to be out in a timely manner and could therefore lock out voters who

were not aware of other modes of verification.

The Petitioner further challenged the establishment of a Technical Committee to oversee the adoption of technology by the IEBC under Section 44(8) of the Act alleging that it was not clear what agencies, institutions or stakeholders would constitute the committee and therefore would undermine the independence of the IEBC.

The Court held that Section 6A of the Elections Act did not give the IEBC any specific timeline within which logistical arrangements would begin or end.

The Court held that Section 8A(1) was applicable to all future elections and would not stop IEBC from engaging any professional firm to audit the register of voters at least 6 months before the General Elections to meet the requirements of Article 227 of the Constitution.

The Court further held that Sections 44(4) and 44(7) of the Elections Act, which provided for minimum timelines for the testing, verification and deployment of an Electronic Electoral System did not prevent the IEBC from undertaking the required actions before the set deadlines.

On the establishment of the Technical Committee under Section 44(8) of the Act, the Court held that to the extent that the committee comprised of members and officers of the IEBC and such other relevant agencies, institutions or stakeholders as the IEBC considered necessary, the use of general words such as relevant agencies, institutions or stakeholder left room for inclusion of persons expressly excluded under Article 88 (2) of the Constitution

in the technical team.

The composition and the functions given to the technical team therefore threatened the structural independence of IEBC.

Finally, the Court observed that Section 44(8) of the Elections Act could be used to involve governmental, political or other partisan influences in the implementation of the electronic electoral process contrary to Article 249(2) of the Constitution and that the effect of Section 44(8) of the Elections Act contravened Articles 88 and 249(2) of the Constitution in respect of the independence of the IEBC. It was therefore the same was declared unconstitutional.

4.4 COURT'S INHERENT POWERS TO MAKE ANY ORDERS AS ARE NECESSARY TO MEET THE ENDS OF JUSTICE

Kenya Power and lighting Company Limited v Benzene Holdings Limited t/a WYCO Paints Civil Appeal No. 132 & 133 of 2014

Issues for Determination

- i. Whether an aggrieved party to a Court decision where there were new facts emerging that could affect the substance of the case could seek for a review of the decision.
- ii. Whether the Court could invoke its inherent discretion in a matter that had been brought before it in disregard of the rules of procedure in order to meet the ends of justice.
- iii. Whether a company that had been dissolved could maintain an action in Court.

Facts of the case

In 1996, a fire broke out and burnt down the Respondent's (Benzene

Holdings Limited t/a WYCO Paints) premises in Industrial Area, Nairobi County where it was engaged in the business of manufacturing paint. The fire was blamed on the negligence of the Kenya Power and Lighting Company Limited (KPLC), who they subsequently sued for damages. KPLC denied any negligence and instead attributed the fire outbreak to the Respondent's failure to adhere to safety precautions in view of the nature of its business. At the trial before the High Court, both parties called expert witnesses on the probable cause of the fire, at the conclusion of which the court accepted the Respondent's evidence that the fire was caused by an electric power surge, resulting in the emission of sparks before igniting the fire. On the other hand the court dismissed the contention by the KPLC that the chemical substance used in the manufacture of paint was responsible for the fire outbreak. The court thus entered judgment in favour of the Respondent and awarded it damages, costs and interest. Aggrieved by the decision of the High Court, KPLC filed an appeal at the Court of Appeal.

In the meantime, within seven days of the impugned decision, the Appellant took out a motion pursuant to Section 3A of the Civil Procedure Act for orders that the proceedings and the aforesaid judgment be set aside; that the Respondent's suit be struck out because the appellant had discovered that the matter proceeded when the Respondent had in fact been dissolved and struck off the Register of Companies; that, on that score it had no capacity to participate in the proceedings and that the judgment was rendered in total disregard to that fact.

The High Court dismissed the

application and faulted the KPLC for invoking the court's inherent powers under Section 3A of the Civil Procedure Act when the application was in fact one for review under Order 44 of the revoked Civil Procedure Rules. The learned judge concluded that an Applicant could not, where there was a specific Order and Rule, apply the general rule as to do so would be throwing the rules of procedure out of the window. Rules of procedure ought as much as possible to be adhered to.

Once again the KPLC was aggrieved and lodged another appeal. Whereas the first appeal challenged the substantive finding on the cause of the fire, the second one challenged the exercise by the High Court of judicial discretion.

The Court of Appeal held that apart from the provisions of Order 10 Rule 11, Order 12 rule 7 and Order 36 Rule 10 of the Civil Procedure Rules, dealing with the setting aside of default judgments, the Civil Procedure Rules did not have a provision for the setting aside of the final judgment. A party aggrieved by a final judgment could either move to the court under Order 45 for a review of the resultant decree or by lodging an appeal in terms of Order 42.

The Court while allowing the appeal further held that Section 3A of the Civil Procedure Act appeared to have been introduced to augment the provisions of Section 3, vesting in the courts inherent power to make any orders as may be necessary for the ends of justice or to prevent abuse of the process of the court. The power had been broadened by the introduction of overriding objective in Sections 1A & 1B and by Article 159 of the Constitution.

The inherent jurisdiction of a Court was a residual intrinsic authority, which the court could resort to in order to put right that which would otherwise be an injustice. It was situations like the one before Court that called for the exercise of the inherent powers of the Court.

The Court held that a company that had been dissolved could not maintain an action and conversely, that no action could be brought against it simply because it did not exist in the eyes of the law. That being the settled position of the law there was no relevance of the arguments that the Respondent was a holding company of WYCO Paints when it was indicated only in the heading of the suit that it traded as WYCO Paints without evidence whether WYCO Paints itself existed and in what form.

4.5 DECISIONS OF THE COURT ON EMPLOYMENT AND LABOR RELATIONS CASES

4.5.1: What Amounts to an Unfair Termination of Employment

Louis Armstrong Otieno v Media-max Network Limited

Employment and Labour Relations Court at Nairobi Cause No. 1454 of 2011

Brief facts of the case

The Claimant and the Respondent entered into a contract of service on November 13, 2009, where the Claimant was employed as a television host in the Respondent's TV station known as K24. It was an essential part of the contract that the Claimant would participate in the production of TV shows and news reports on regional and international events. The Claimant was to oversee the production of the same and also to play a key role in the edi-



The Court held that a company that had been dissolved could not maintain an action and conversely, that no action could be brought against it simply because it did not exist in the eyes of the law.

torial process in K24. Accordingly, he was obligated to host his own premier television show popularly known as “This is Louis” alongside other shows. The contract was subject to a termination notice of six months.

On or about December 10, 2010 the Claimant fell ill and took a few days sick leave as recommended by his doctor. He furnished the Respondent with the medical certificate proving the illness and was granted thirty (30) days sick leave, before resuming duties on or about January 17, 2011. On going back to work, the Claimant was informed that his premier show ‘This is Louis’, along with all other shows, had been withdrawn. The Claimant contended that the withdrawal of all the shows and failure of the Respondent to assign him duties amounted to a breach of the fundamental terms of the contract of employment and hence led to unfair termination of contract contrary to the tenets of natural justice and equity as encapsulated in Section 44(4)(b) of the Employment Act. The Claimant filed a memorandum of claim seeking, inter alia, a declaration that he was entitled to compensation from the Respondent for unlawfully terminating his employment without due process.

Conversely, the Respondent contended that the Claimant was in total disregard of the terms of the contract of employment and without any justification, the Claimant failed, refused and/or neglected to report back to work after the expiry of the sick leave. That the Claimant made no attempt to contact the Respondent until April 29, 2011 through his advocates alleging that the Respondent had breached the contract of employment by withdrawing “This is Louis” without any cause or explanation and required the Respondent request to reinstate the aforesaid show. Notwithstanding the Respondent’s afore-

mentioned request the Claimant neither reported to work nor offered any explanation regarding his absence from work. Subsequently, on or about May 31, 2011 the Claimant was lawfully terminated from employment. The reasons for summary dismissal were outlined as absconding from duty and/or failure by the Claimant to report to work after the expiry of the sick leave. The letter was sent to the Claimant’s last known postal address although he alleged that he did not receive it.

Issues for determination

- i. Whether the Claimant’s summary dismissal by the Respondent amounted to unfair termination from employment.
- i. Whether the Claimant was entitled to compensation from the Respondent for unlawfully terminating his employment without due process.

The court held as follows, that:-

1. Employment relationship was essentially a contract and a contract could be terminated even by breach. Unlike ordinary contracts however, employment law provided a regulatory framework for entry into and exit from an employment relationship. Prior to 2007 when the present employment laws came into force, an employment relationship was a contract at will and a party could terminate the same without assigning any reason. However, with the new developments in law of employment, termination of employment was no longer an “at will” affair.

2. In order to terminate an employment relationship the employer was required to have a reason for doing so, and not just any reason but a valid and/or justifiable reason. Further, once there was a valid or justifiable reason, the termination was to be carried out in a fair manner; that is the employee affected should be reasonably notified of the reasons for which the termination of his employment was being considered and given a reasonable opportunity to respond to the accusations for which termination of his services was being contemplated.
3. One of the reasons for summary dismissal under Section 44(4) of the Employment Act was absence without leave or other lawful cause from the place appointed for the performance of work. If it was true that the claimant was absent from his place of work without leave or other lawful reason then the summary dismissal was justified. However, before such an action could be taken it must be evidently clear that efforts were made to contact the claimant without success.
4. Prior to the letter the Respondent wrote in response to the Claimant's lawyer's demands, it had tried several informal contacts with the Claimant without success. These informal contacts were revealed as telephone calls which went unanswered. The Respondent neither cited any of those telephone numbers it tried to reach the Claimant on nor produced any telephone call logs to those numbers to vouch for those assertions. Additionally, assuming those informal contacts were made and failed, the Court was not told why formal contacts could not be used; i.e. the Respondent did not tell the Court why prior to the letter (some three months after return to work date), it never wrote to the Claimant through his last known address which the Respondent had, to show cause why his services could not be terminated for absconding duty.
5. Section 44(2) of the Employment Act required that before an employer terminated the services of an employee or summary dismissal of such an employee, the employer should hear and consider any representation which the employee would make. The Respondent neither produced nor alleged that the Claimant was accorded any such opportunity. It may have been impossible to procure the physical presence of the Claimant but it was essential that a show cause letter be served on the Claimant at least through his last known address or through his advocate. The threat of undisclosed legal action against the Claimant contained in the Respondent's letter could not be said to constitute a show cause on the Claimant to explain why he should not be summarily dismissed for absconding duty.
6. The Claimant was a very senior employee. Besides, his television shows drew considerable interest and following by the TV watching by the public. His absence from work for such a considerably long period of time must have been a serious cause of concern to the Respondent. To state that informal efforts were unsuccessfully made to

reach an employee of such a stature was incredible. Besides, no formal channels were resorted to contact the Claimant after the alleged informal means failed. Therefore there was some probable truth in the Claimant's assertion that he reported to work but decided to stay away when he realized no duties were being assigned to him and that he was in contact with the Respondent's human resource department, which kept telling him that they were waiting for instructions.

The Claimant was awarded Kshs. 4,400,000 as compensation for unfair termination and a further Kshs. 3,300,000 as six months' salary in lieu of notice of termination.

4.6 CONSTITUTIONALITY OF CERTAIN PIECES OF LEGISLATION

On various occasions during the period under review, the courts were called upon to consider certain pieces of legislation and to determine whether they passed the constitutional test. In some instances, certain legislations were declared unconstitutional. They included the following:-

4.6.1: COURT DECLARES SECTIONS 295, 296(1) AND (2) AND 297(1) AND (2) OF THE PENAL CODE TO BE TOO IMPRECISE, BROAD AND VAGUE IN SCOPE TO ENABLE AN ACCUSED PERSON TO ADEQUATELY PREPARE AND CONDUCT HIS DEFENCE

Joseph Kaberia Kahinga & 11 others vs. The Honourable Attorney-General, the High Court at Nairobi Petition 618 of 2010

Brief facts

The Petitioners were separately charged with various offences under Section 296 (2) of the Penal Code (robbery with violence), Section 297 (2) of the Penal Code (attempted robbery with violence) and Section 203 as read with Section 204 of the Penal Code (murder). They were tried by different courts, convicted and sentenced to death. Their appeals were dismissed by the High Court and the Court of Appeal and the convictions and death sentences upheld.

The Petitioners submitted before the Court that their rights and fundamental freedoms were breached in that they were sentenced to serve a sentence which, first, constituted inhuman and degrading punishment under article 25(a) of the Constitution of Kenya, 2010 (Constitution), and second, which was arrived at after the court had failed to take into consideration their respective mitigations. In addition, the Petitioners argued that the fact that Sections 296(2) and 297(2) of the Penal Code did not give room for aggravating or mitigating circumstances to be considered, violates their constitutional right to be sentenced to serve a prison term or at least benefit from the least severe sentence as provided under

article 50(2)(p) of the Constitution.

Furthermore, the Petitioners argued that there was no distinction apparent in the ingredients that constituted the charge of attempted robbery with violence contrary to Section 297(2) and attempted robbery contrary to Section 297(1) of the Penal Code and that if such differentiation existed, then some of the Petitioners who were convicted of the more serious charge of attempted robbery with violence contrary to Section 297(2) of the Penal Code would have been convicted of the lesser charge of attempted robbery with violence contrary to Section 297(1) of the Penal Code.

However, the Respondent contended that that the death sentence was not unlawful and was allowed under article 26(3) of the Constitution, which provided for limitation of the right to life under written law. Furthermore, it was contended that the law authorized the death penalty where a person was convicted of a capital offence. In addition, the Respondent opposed the Petition stating that the Petitioners were properly tried, convicted and sentenced and that under article 50(6)(b) of the Constitution, no new and compelling evidence had become available to clothe the Court with jurisdiction to hear the Petition.

The court found and held as follows, that:-

1. In interpreting the Constitution, a purposive approach had to be employed which had evolved to resolve ambiguities in meaning. Where the literal words used in a statute created an ambiguity, the Court was not to be held captive to such phraseology. Where the Court was not sure of what

the legislature meant, it was free to look beyond the words themselves, and consider the historical context underpinning the legislation. Therefore, in interpreting an Act of Parliament, the court had to ensure that the Act conformed to the Constitution.

1. For the prosecution to secure a conviction for the offence of attempted robbery with violence contrary to Section 297(1) of the Penal Code, the following ingredients had to be established –
 - a. That the accused assaulted the victim with the intent to steal.
 - b. That immediately before or immediately after the time of the assault, used or threatened to use actual violence against any person or property in order to obtain the thing intended to be stolen or to prevent or overcome resistance of it being stolen;
 - c. The offence was aggravated under Section 297(2) if, in addition to the above ingredients the offender is armed with dangerous or offensive weapon or instrument, or is in the company of one or more person(s), or
 - d. If at or immediately before or immediately after the time of the assault, he wounded, beat, struck, or used any other personal violence to any person.
1. The cited ingredients to establish the offence of attempted robbery with violence contrary to Section 297(2) of the Penal Code were considered disjunctively: the offence was established when one of the ingredients is proved

1. The sub-sections of Section 297 of the Penal Code were ambiguous and not distinct enough to enable a person charged with either offences to prepare and defend himself due to lack of clarity on what constituted the ingredients of the charge. Article 50(2) of the Constitution proclaimed what constituted a fair trial when a person was charged with a criminal offence. it was apparent that a person charged under Section 297(2) of the Penal Code faced prejudice because he could, as was the case of some of the Petitioners, be convicted and sentenced to death where the same facts and circumstances might have constituted facts which supported the charge for the lesser offence of attempted robbery with violence contrary to Section 297(1) of the Penal Code.

2. Generally, inchoate offences attracted less severe punishment than completed offences. That was the general trend in the Penal Code. For instance, under Section 220 of the Penal Code a person convicted of the charge of attempted murder was liable to be sentenced to serve a maximum term of life imprisonment while if a person was convicted for committing murder under Section 203 of the Penal Code, the sentence was death.

3. The definition of what constituted the offence of attempted robbery with violence under Sections 297(1) and 297(2) of the Penal Code ought to have been sufficiently set out in detail so that there was no ambiguity in regard to the degree of the gravity of the

offence. As it was, the ambiguity and lack of clear distinction as to what constituted an offence under Section 297(1) and Section 297(2) of the Penal Code violated an accused person's right to a fair trial in that he could not be informed of the charge and with sufficient detail to be able to answer to it, as envisaged under article 50(2)(b) of the Constitution.

4. The lack of clarity and distinction in the two sub-sections under Section 297 of the Penal Code had resulted in some situations where the decision to charge an accused person under either of the sub-sections of Section 297 of the Penal Code would have in some instances been deemed to be arbitrary, whimsical or capricious. There had to be certainty in the law that created offences. Articles 50(2)(b) of the Constitution demanded that such laws ought to have been clear so that a person accused of committing such offences might have known in sufficient detail the nature and scope of the charge that he was facing.

5. In situations of ambiguity as was apparent in the plain reading of Section 297(1) and Section 297(2) of the Penal Code, Parliament would be required to enact appropriate amendments to the said Sections of the Penal Code to set out in sufficient detail the degrees of gravity in the case of attempted robbery with violence with the attendant aggravation in the punishment to be meted out. In addition, Parliament would also have to make appropriate interventions to resolve the ap-



The ambiguity and lack of clear distinction as to what constituted an offence under Section 297(1) and Section 297(2) of the Penal Code violated an accused person's right to a fair trial

parent conflict that existed between Section 297(2) and Section 389 of the Penal Code in regard to the punishment to be ordained when a person was found guilty of committing an inchoate offence of attempted robbery with violence as it would not be the first time that courts had urged Parliament to address the issue of the conflict. There was ambiguity and conflict in the definition of the offences under Section 297(1) and (2) of the Penal Code, and the punishment to be meted out under Section 389 of the Penal Code.

6. There were additional ingredients under Section 296(2) of the Penal Code which, if any one was proved, would be sufficient to establish the offence of aggravated robbery. A close scrutiny of those three additional ingredients did not make the situation any different. The first ingredient was if one was armed with a dangerous or offensive weapon or instrument; the second, if one was in company of one or more other person(s); and, third, if one wounded, beat, struck or used any other personal violence to any person.

7. Kenya was signatory to the International Covenant on Civil and Political Rights (ICCPR) since May 1972. ICCPR, under Article 6 had recommended that in the countries where the death penalty had not been abolished, then death sentence ought only to have been passed for the most serious of crimes thus alluding to the proportionate principle in sentencing.

8. Kenyan courts had stated and re-stated again and again that the death penalty was a lawful sentence, which was recognized both under the old and the current Constitutions. The Constitution had envisaged a situation where the right to life could be curtailed; and that the death sentence provided in the Penal Code, for offences of murder under Section 204 of the Penal Code, aggravated robbery under Section 296(2) of the Penal Code and attempted robbery under Section 297(2) of the Penal Code were in line with the Constitutional provisions giving the State power to limit the right to life through written law.

9. Under Section 333(2) of the Criminal Procedure Code, the Court was required to take into account the period the accused person spent in custody before conviction. It might have been argued that the provision was not relevant where an accused had been sentenced to death but that did not preclude the court from performing its statutory duty imposed on it to consider such information. The previous criminal record of the accused, and whether he was a first offender, and any other circumstances personal to the accused person ought to have been received before sentence was passed.

10. Although it had not been the practice for courts to carry out a hearing as part of the sentencing process, the coming into force of the Sentencing Policy Guidelines made it a mandatory requirement and in accordance with International and Regional



The death penalty was a lawful sentence, which was recognized both under the old and the current Constitutions.

Sentencing Standards good practice. Upon conducting a hearing before sentence, the Court then delivered a reasoned ruling in which it set out all the factors that it had taken into account in determining the appropriate sentence.

11. With respect to the mandatory death sentence, the position in Kenya was that all the provisions of the law that imposed the death sentence were couched in mandatory terms, using the word shall. It was not for the Judiciary to usurp the mandate of Parliament and outlaw a sentence that had been put in place by Kenyans, or purport to impose another sentence than had been provided in law. The fact that a trial court might have imposed a death sentence in circumstances alluded to in the judgment did not excuse or exempt a trial court from receiving and considering the mitigation and other reports that were legally required after the conviction of the accused and before sentencing.
12. It might have been possible that a court seized with jurisdiction in a particular case would have varied a sentence that required the convict to be sentenced to death and given a sentence other than the death sentence. Such instances included where a female convict was found to be pregnant, was a child, or was a person with mental disability. Thus, mitigation by a convict facing any criminal charge before sentencing was a constitutional imperative of fair trial.

The petition was allowed with or-

ders that each party bears its own costs.

4.6.2 SECTION 30A OF THE COPYRIGHT ACT DECLARED UNCONSTITUTIONAL FOR LIMITING ARTISTS' RIGHTS AND FREEDOM OF ASSOCIATION

Mercy Munee Kingoo & another vs. Safaricom Limited and 3 Others High Court at Malindi

Constitutional Petition 5 of 2016

Brief Facts

The Petitioners were composers, producers and performing artists of musical and audio-visual works who had contracted Premium Rate Service Providers (PRSPs) to digitize their musical work and downloads in the 1st Respondent's Skiza Tunes portal. In December, 2012 Parliament passed the Statute Law (Miscellaneous Amendments) Act which introduced Section 30A into the Copyright Act. The Petitioners stated that they were not members of the Collective Management Organizations (CMOs) and did not intend to join any one of them and that the 1st Respondent's act of entering into an agreement with third parties was forcing the artists to become members of the CMOs and was a violation of their rights provided under article 36 of the Constitution of Kenya, 2010 (Constitution). In addition, the Petitioners stated that the said amendment was not subjected to public participation in total contravention of article 118 of the Constitution. On the other hand, the Respondents contended that Section 30 was mandatory as all payments had to be made to the CMOs and no one else. The Respondents contended that the Petition was *res judicata* as the issues being raised were determined in ***Nairobi High Court Constitutional Petition 317 of 2015***

in which the Court held that:

- a. Section 30A of the Copyright Act did not violate the Petitioners' freedom of association. That was in light of the fact that there was no requirement for any artist to become a member of a CMO in order to receive remuneration for the use of copyrighted works; and
- b. Section 30A of the Copyright Act did not violate the intellectual property rights of petitioners. Its only requirement was that there would be collective management organizations, which collected royalties for use of copyrighted works and distribute such royalties to the copyright holders.

Issues for determination

- i. Whether the matter before the Court in regards to the constitutionality of Section 30A of the Copyright Act was res judicata having been heard and determined in Petition 317 of 2015.
- ii. Whether Section 30A to the Copyright Act, as amended by the Statute Law (Miscellaneous Amendment) Act 2012, was unconstitutional for not being subjected to public participation.
- iii. Whether the Petitioners had to be members of a CMO for them to receive their remuneration.
- iv. Whether Section 30A of the Copyright Act was unconstitutional as it limited the Petitioners freedom of association under article 36 of the Constitution.

The court found and held that:-

1. Section 7 of the Civil Procedure Act prohibited courts from hearing disputes which had already been determined by other courts. Once a pronouncement had been made on an issue, then the same ought not to have been the subject of litigation before another court and between the same parties. The final determination in Petition 317 of 2015 did not make any pronouncement on the constitutionality of Section 30A of the Copyright Act.
2. The Petitioners were not parties to Petition 317 of 2015. The contention that they were represented by their PRSP – Liberty Africa Technologies Ltd – could not stand. That party litigated on the position of a Premium Rate Service Provider while the Petitioners were artists. The freedom of association of the PRSPs was different from that of the artists. Therefore, the Petition was not res judicata. The Petitioners could challenge the provisions of Section 30A on the grounds that it was passed without public participation or that it violated their constitutional rights. They could also challenge the Section on the ground that its implementation was leading to infringement of their constitutional rights.
3. Section 30A was brought in through the Statute Law (Miscellaneous Amendments) Act, 2012. The Act covered several other statutes and its preamble indicated that it was an Act of Parliament to make minor amendments to statute law. The amendments on the Copyright Act related to Section 15

that was deleted, Section 30 had some amendments, Section 30A was introduced, and Sections 36 and 42 were also amended.

4. Ordinarily, a Statute Law (Miscellaneous Amendments) Act only dealt with minor amendments to certain statutes. Such amendments involved rectification of drafting mistakes or deleting provisions, which had been affected by other new legislation among others. Therefore there would be no need for extensive public participation if the intention were to do minor amendments as the same Act suggested. However, where the new introductions altered the original Act to a great extent and introduced new substantive provisions that were not in place before, then such amendments ought to have been subjected to public participation.
5. There was no evidence that the stakeholders were engaged before the introduction of Section 30A of the Copyright Act. The Section was not a minor Amendment.
6. The Court found that before the introduction of Section 30A, public participation was not conducted. The Section did not introduce minor amendments to the Act and ought to have been subjected to public participation. The assumption was that the amendments on the affected statutes were minor. However, drastic changes were made to the Copyright Act.
7. According to the Petitioners, they were not involved in the

change of pay point from the PRSPs to the CMOs. There was no requirement for any artist to become a member of a CMO in order to receive remuneration for the use of copyright works. Section 30A did not make it mandatory for the 1st Respondent to channel the royalties only through the CMOs. Thus, the argument that it would be difficult to deal with each individual artist was not tenable as the 1st Respondent had been paying dividends to its shareholders through their mobile phones.

8. Section 30A of the Copyright Act did not make it illegal payment of royalties to any person other than CMOs. If that was the case, then the Section would be violating the Petitioners' right of freedom of association as well as freedom not to be compelled to join any kind of association. If all royalties were to be paid through CMOs, the effect would be that an artist could not receive his/her royalties until he/she joined one of the three CMOs. The dispute was about pay point and each artist ought to have been at liberty to be paid through the point of his choice. Receiving royalties for an artist who was not your member was unconstitutional. The manner in which Section 30A of the Copyright Act was implemented was unconstitutional.
9. Artists who already had existing contracts with their PRSPs were being called upon to abandon those agreements and join any one of the three CMOs. The right to choose where one's royalties were to

be paid was being infringed.

10. The Petitioners had established a prima facie case. They were not consulted when Section 30A of the Copyright Act was passed. Their pre-existing contracts were being trampled upon. It was evident that the 1st Respondent was not the only user of the Petitioners' works. There were other mobile phone operators. There were also television and radio stations that could have been using the Petitioners' works. Some of the users might not have been using the digitized ring tones but at the end of the day royalties had to be paid. Those royalties were not paid through the three CMOs.

11. The Petitioners were involved in an industry, which involved the youth as well as well-established artists. It took time, money and hard work to produce the artistic works. The law ought not to have way-laid the artists at the very end of the process and ordered them to receive their royalties through three Collective Management Organizations. Such an arrangement was tantamount to obstructing an employee or anyone not to get his salary or payment through any other bank other than the one preferred by the employer or paying body. That was unconstitutional.

12. To the extent that Section 30A of the Copyright Act limited the artists' right to choose how their royalties were to be paid was unconstitutional as its effect was to limit the Petitioners' freedom of association. Further-

more, taking into account the fact that Section 30A of the Copyright Act was enacted without public participation and its effect was to be applied retrospectively without regard to existing arrangements between artists and their contracted PRSPs, that Section was unconstitutional.

The Petition was allowed with each party bearing its own costs.

4.7 CRIMINAL LAW

4.7.1 IT IS A DUPLICITY OF AWARDS FOR A COURT TO SEPARATELY AWARD DAMAGES FOR FALSE IMPRISONMENT, MALICIOUS PROSECUTION AND DEPRIVATION OF LIBERTY

Daniel Njuguna Muchiri v Barclays Bank of Kenya Ltd & Another High Court at Nairobi

Civil Case 116 of 2003

Brief facts

The Plaintiff, an employee of Firestone Ltd, who had declared dividends and one of its international shareholders, Banque Paribas Suisse instructed Barclays Bank (1st Defendant) to pay it in Swiss Francs. Instead, Barclays Bank sent cheques to the foreign shareholders in Kenya shillings but they returned the said cheques for replacement with the cheques in Swiss Francs. The plaintiff later received a letter from the foreign shareholder alerting Firestone that a mistake had been made in paying them in Kenya Shillings instead of Swiss Francs. The Plaintiff immediately wrote to Barclays bank forwarding the copies of the returned cheques and asking them to ensure that the foreign shareholders were paid in the requested currency. Barclays Bank subsequently called the Plaintiff

asking for the whereabouts of the original cheques and the Plaintiff responded saying that the letter he had received was a second request for payment in Swiss Francs. The bank's auditor subsequently informed the plaintiff that the dividends account had been overdrawn because some people had presented the original cheques meant for the foreign shareholder and had been paid through Family Finance. Later, the Anti-Fraud Police Unit questioned the Plaintiff and subsequently arrested him.

The Plaintiff instituted the suit against the Defendants seeking general, special, and exemplary and punitive damages as well as costs of the suit. The Plaintiff's claim against the Defendants jointly and severally was premised on the allegation that the police, being agents or servants of the Attorney-General and on behalf of the Government of Kenya, acting on information provided by the 1st Defendant's agent maliciously and without reasonable cause preferred charges against the Plaintiff accusing him of stealing. It was further pleaded that the police harassed and humiliated the Plaintiff and denied him the right to legal representation when the Plaintiff presented himself to the police. It was further alleged that the 2nd Defendant maliciously and without reasonable and probable cause continued to prosecute the charges against the Plaintiff and caused the court to commit the Plaintiff for trial for a period of almost two years.

Issues for determination

- i. Circumstances where arrest and detention of a person by police officers could amount to false imprisonment.
- ii. Whether prosecution of a person without evidence incriminating him in any way amounted to malicious prosecution.
- iii. Whether an accused person's confinement in the court cells after plea taking pending the processing of bail amounted to false imprisonment.
- iv. Whether the detention of an accused person in police cells without bail before plea taking amounted to an abuse of the legal process by the police officers.
- v. Circumstances that court considers in awarding damages to civil claims.
- vi. Whether renewal of an employment contract upon lapse of the stipulated period was automatic.
- vii. Whether non-renewal of the Plaintiff's contract by the employer was occasioned by the tainted image created by the criminal charges.

Finding of the Court

1. Whether or not there was false imprisonment was a question of fact which depended on the circumstances of each case. The term false imprisonment and false arrest were synonymous. They were different names for the same tort and that the gist of an action for false imprisonment was unlawful detention.
2. The plaintiff, having brought to the attention of the 1st Defendant the issue of the three cheques which had been wrongly issued in Kenya shillings to an international shareholder who had no lo-

cal bank account and there being no evidence at all that the plaintiff received or retained the original cheques after they were returned by the international shareholder, there was absolutely no justification for the arrest and detention of the plaintiff in the filthy cells at the Police Station where he was denied food, water and even access to his family and an advocate of his own choice for three days.

3. The plaintiff was at all material times known to the police officers as the Financial Director of Firestone East Africa which was a big company in East Africa. The police could have recorded his statement and bonded him to attend court if at all they believed that there was reasonable suspicion to believe that he had committed an offence. They did not have to trick him that he was going to be used as a prosecution witness only for them to command his advocate to leave after which they put him on a tortuous journey of walking him to the Police Station.

4. Although the 2nd defendants finally arraigned the Plaintiff in court and charged him with the offence of stealing the three cheques, the charges were not synonymous with the arrest. There was no reason why the Plaintiff could not be released on police bond to attend court for plea taking since it appeared that the police investigators had already made up their mind to charge him with the offences that they were investigating.

5. The confinement of the Plaintiff at the police station was motivated by something much more than a sincere desire to vindicate justice. Therefore, the Plaintiff was falsely imprisoned by the police who were agents of the State as represented by the 2nd defendant. However, his confinement in the court cells on the date of plea-taking, pending the processing of his bail was not false imprisonment since that was the only place he could await while his release on bond.

6. The court outlined the essential ingredients of malicious prosecution as follows:

a. Criminal proceedings must have been instituted by the defendant; that is, he was instrumental in setting the law in motion against the plaintiff and gave information before a judicial authority who then issued a warrant for the arrest of the plaintiff or a person arrests the plaintiff and takes him before a judicial authority;

b. The defendant must have acted without reasonable or probable cause i.e. there must have been no facts, which on reasonable grounds, the defendant genuinely thought that the criminal proceedings were justified;

c. The defendant must have acted maliciously in that he must have acted, in instituting criminal proceedings, with an improper and wrongful motive, that is with



The term false imprisonment and false arrest were synonymous.

- an intent to use the legal process in question for something other than its legally appointed and appropriate purpose;
- d. The criminal proceedings must have been terminated in the Plaintiff's favour, that is, the Plaintiff must show that the proceedings were brought to a legal end and that he has been acquitted of the charge. The plaintiff, in order to succeed, has to prove that the four essentials or requirements of malicious prosecution, as set out above, have been fulfilled and that he has suffered damage.
7. There was no malice occasioned by the 1st defendant's reporting to police that they had lost original cheques, which had been returned through Firestone. There was no evidence to show that the 1st defendant had determined for the 2nd defendant the specific offences with which the Plaintiff was to be charged as alleged.
 8. There was no reason for charging and or prosecuting the Plaintiff with the material offence since there was no evidence that he was in possession of the original cheques. That decision to charge him lay with the police who investigated the complaint. There was no evidence linking the Plaintiff to the case and his charging amounted to nothing but an act of malice on the part of the investigating officer. The officer thus fabricated the case against him without a basis and that kind of behaviour should be stopped by the superior investigating officers.
 9. The 2nd Defendant's agents proceeded recklessly and indifferently. In as much as the complaint was justified as it nabbed the two fraudsters, the prosecution of the Plaintiff jointly with the two fraudsters, in the absence of evidence on how the two fraudsters accessed the three cheques and cashed them was unjustified.
 10. The evidence against the Plaintiff was not only thin, but that it was an improper and wrongful motive for the 2nd defendant's agents to have charged the Plaintiff and prosecuted him in the circumstances.
 11. Charging the Plaintiff and failing to call any evidence linking him to the offence amounted to malice on the part of the police. However, there was no malice by the 1st Defendant since there was evidence that they even contemplated withdrawing the complaint against the Plaintiff during the trial of the criminal case, an indication that they had not seen the reason why the police charged him.
 12. Absence of any evidence as to the facts and circumstances upon which the 2nd Defendants relied on to charge and prosecute the Plaintiff was an indication that there was no probable and reasonable cause for charging him and that in itself constituted malice for the purposes of the tort of malicious prosecution.
 13. The fact that the Plaintiff was acquitted under Section 215 of the Criminal Procedure Code did not mean that the police had reasonable and or probable cause to charge him. The decision to place the Plaintiff on his



Acquitted under Section 215 of the Criminal Procedure Code did not mean that the police had reasonable and or probable cause to charge him.

defence for reasons that there was a prima facie case established after hearing the complainants was in the discretion of the trial Court. Nonetheless, that decision was not backed by any elaborate reason, noting that the accused had been jointly charged with the actual fraudsters who were acquitted.

14. Not every prosecution that leads to an acquittal is malicious prosecution and we add that the presumption that an acquitted person was completely innocent was rebuttable in that poor investigations or insufficient evidence would easily let off the hook a notorious criminal.
15. The Court took judicial notice that the presumption that every convicted person was properly convicted was a rebuttable one and that was why an appellate court could find such a conviction unsafe.
16. The 1st Defendant's three cheques were cashed by people who were not the intended beneficiaries and that it was therefore reasonable to report to the police to carry out investigations. It was in the wisdom of the police to gather evidence to identify the persons who were culpable, before prosecuting them.
17. There was no evidence of the 1st Defendant insisting that the Plaintiff ought to be charged or prosecuted, although there was evidence that indeed the three cheques issued to the shareholder in Switzerland were converted by some crooks who were nonetheless acquitted although they paid up the money when they were sued for recovery. Hence, there was reasonable and probable cause to report to the police to investigate and therefore the tort of malicious prosecution had not been proved against the 1st Defendant.
18. The claim for damages for defamation of character was not available to the Plaintiff as against all the Defendants for reasons that to succeed in a claim for defamation, the claim ought to be brought within 12 months from the date when the cause of action arose. It was not a claim that was necessarily hinged on the outcome of the prosecution of the Plaintiff. That was pursuant to Section 4 of the Limitation of Actions Act.
19. The publisher of the article that reported that the Plaintiff had been charged in court was not made a party to the suit. In addition, reporting the existence of a criminal charge against the Plaintiff, which was the truth, was not defamatory. Consequently, the claim for damages for defamation of character must fail. Further, the claim was never pleaded as required under Order VI Rule 6A of the Old Civil Procedure Rules. However, a Plaintiff who had succeeded in his claim was entitled to be awarded such sum of money as would so far as possible make good to him what he had suffered and would probably suffer as a result of the wrong done to him for which the defendant was responsible.
20. In awarding the damages, the court took cognizance of the established principles:

- a. Damages should not be inordinately too high or too low.
 - b. Should be commensurate to the injury suffered.
 - c. Should not be aimed at enriching the victim but should be aimed at trying to restore the victim to the position he was in before the damage was suffered.
21. To award damages for false imprisonment, malicious prosecution and separately for deprivation of liberty would be to duplicate the awards, having found that the arrest and confinement of the Plaintiff and his subsequent prosecution which were all done without reasonable or probable cause and or with malice was in essence, abuse of the legal process. Accordingly, no award under the claim for deprivation of liberty was given, as it was included in the award under false imprisonment.
22. The Plaintiff's contract formally came to an end and he was not terminated prematurely due to the pending criminal trial. Renewal of an employment contract was in the discretion of the employer.
23. In the absence of any evidence that non-renewal of his contract was due to the tainted image created by the criminal charges, the Plaintiff had not proved the claim. Further, there was no evidence that the Plaintiff had lost prospects of getting any alternative employment at that young age with another employer. He did not produce any evidence

of what alternative job was available that he could not be considered for employment because of the criminal case. Accordingly, the claims for general damages on employment related defamation was not proved.

24. The court held that the plaintiff had not proved his case against the 1st Defendant on a balance of probabilities. However the Plaintiff's claim against the 2nd Defendant was proved on a balance of probabilities that the 2nd Defendant set the law in motion and without reasonable or probable cause maliciously prosecuted the Plaintiff and falsely imprisoned him as a result of which the Plaintiff suffered loss and damage as a consequence thereof.

The suit was partly allowed.

4.7.2 CIRCUMSTANCES UNDER WHICH A COURT MAY DECLINE TO FOLLOW A DECISION, WHICH WOULD BE BINDING, ON IT

Michael Waweru Ndegwa v Republic High Court of Kenya Nyeri Criminal Appeal 290 of 2010

Brief facts

The Appellant was charged with soliciting a benefit contrary to Section 39 (3) (a) as read with Section 48 (1) of the Anti-Corruption and Economic Crimes Act. The trial magistrate only heard the evidence of PW1 in chief. Cross-examination of PW1 and another eight witnesses was heard by the succeeding magistrate. The Appellant appealed on grounds that the convicting magistrate failed to inform him on his right to recall or re-hear any witness pursuant to Section 200 (3) of the Criminal

Procedure Code.

The Appellant further contended that he was charged without the requisite recommendation for such prosecution by the then Kenya Anti-Corruption Commission (KACC) to the Attorney-General who only could give his consent to prosecute after considering the investigation report by the KACC. Under Section 35(1) and (2) of the Anti-Corruption and Economic Crimes Act, 2003, KACC was mandatorily required to make and submit a report of its investigations to the Attorney General with a recommendation to prosecute or not to prosecute the appellant of corruption offences or an economic crime. The Appellant contended that without the report, the purported prosecution by KACC through the police was null and void. The appellant heavily relied on the Court of Appeal decision in, *Nicholas Muriuki Kangangi vs The Hon. Attorney General*, where the court terminated proceedings that had been instituted without complying with the provisions of Section 35 (1) and (2) of the act, which made it mandatory for the KACC to make and submit a report to the AG.

Issues for determination

- i. Whether the proceedings in the trial court were fatally defective for failure to comply with the provisions of Section 200 (3) of the Criminal Procedure Code, which required the convicting magistrate to inform the accused of his right to recall or re- hear the evidence.
- ii. Whether there were circumstances under which a Court

could decline to follow a decision from a superior court.

- iii. Whether Section 35 of the Anti-Corruption and Economic Crimes Act, where KACC was mandatorily required to make and submit a report of its investigations to the AG with a recommendation to prosecute or not to prosecute was complied with before commencing the prosecution.
- iv. Whether the essential ingredients of the offence of soliciting a benefit were proved by the prosecution.

The court found and held as follows, that:-

1. For the High Court to set aside the conviction under Section 200 (3) of the Criminal Procedure Code (CPC) it had to form the opinion that the accused person was materially prejudiced. It was necessary to appreciate the meaning of the above Sections and in particular the phrase materially prejudiced.
2. Canons of construction were no more than rules of thumb that helped courts determine the meaning of legislation, and in interpreting a statute a court could always turn first to one, cardinal canon before all others. Courts had to presume that a legislature said in a statute, what it meant and meant in a statute what it said there. When the words of a statute were unambiguous, then, the first canon was also the last. Judicial inquiry was complete.
3. A basic principle of statutory interpretation was that courts gave effect, if possible,

to every clause and word of a statute, avoiding any construction, which implied that the legislature was ignorant of the meaning of the language it employed. The modern variant was that statutes had to be construed so as to avoid rendering superfluous any statutory language. A statute had to be construed so that effect was given to all its provisions and no part would be inoperative or superfluous, void or insignificant.

4. Even though the provisions of Section 200 (3) of the CPC were couched in mandatory terms, it was important to examine the circumstances of each case, whether or not the accused was materially prejudiced and how far the proceedings had proceeded and whether or not the circumstances of the case would warrant a retrial or an absolute acquittal, and utilization of judicial time. Whereas, it was totally improper for the magistrate to fail to inform the appellant about rights under Section 200 of the CPC, the circumstances of the case were such that it could not be said that the Appellant was materially prejudiced.
5. The provision of Section 200 of the CPC had to be used very sparingly. Only in cases where the exigencies of the circumstances were not only likely but would defeat the ends of justice if a succeeding magistrate was not allowed to adopt or continue a criminal trial started by a predecessor.
6. The adherence to the principle

of judicial precedent or stare decisis was of utmost importance in the administration of justice. It provided a degree of certainty as to what was the law of the country and was a basis on which individuals could regulate their behaviour and transactions as between themselves and also with the State.

7. The principle of judicial precedent has to be strictly adhered to by the High Courts of each State Courts regard themselves as bound by the decision of the Court of Appeal on any question of law, just as in the former days when the Court of Appeal was bound by a decision of the Privy Council, or in England as the Court of Appeal or the High Courts were bound by the decisions of the House of Lords, and. Similarly the magistrates courts or any other subordinate courts or tribunal in each State were bound on questions of law by the decisions of the Court of Appeal or the High Court.
8. Adherence to precedent had to have been the rule and not the exception. The labour of judges would be increased almost to breaking point if every past decision could be reopened in every case, and one could not lay one's own course of bricks on the secure foundation of the courses laid by others who had gone before him.
9. There were circumstances under which a court could decline to follow a decision which would otherwise be binding on it and those were
 - a. Where there were conflicting previous decisions of the Court; or



Courts had to presume that a legislature said in a statute, what it meant and meant in a statute what it said there.

- b. Where the previous decision was inconsistent with a decision of another Court whose decision was binding on the court which was considering the issue; or
 - c. Where the previous decision was given per incuriam.
- 10. As a general rule though not exhaustive the only cases in which decisions had to be held to have been given per incuriam were those decisions given in ignorance or forgetfulness or some inconsistent statutory provision or of some authority binding on the Court concerned. In such cases some part of the decision or some step in the reasoning on which it was based was found, on that account, to be demonstrably wrong.
- 11. The Attorney-General's power under Section 12 of the Prevention of Corruption Act, appeared to have been retained when the Anti-Corruption and Economic Crimes Act was enacted. The power of KACC to prosecute any person or group of persons was subject to the direction of the Attorney-General, hence the requirement under Section 35 of that Act, that a report of any investigation be made to the Attorney General with certain recommendations.
- 12. A prosecution for an offence under Prevention of Corruption Act, could not be instituted except by or with the written consent of the Attorney General, provided that a person charged with such an offence could be arrested, or a warrant for his arrest could be issued and executed, and he could be remanded in custody or released on bail, notwithstanding that the consent of the Attorney-General to the institution of a prosecution for the offence had not been obtained, but no further or other proceedings could be taken until that consent had been obtained.
- 13. The legislature was categorical that a prosecution under the Prevention of Corruption Act had to be preceded by a written consent from the Attorney-General. Its intention was very clear from the outset and there was no doubt that any prosecution without a written consent would have been fatal.
- 14. The doctrine of stare decisis was one long recognized as a principle of Kenyan law. The decisions of an ordinary superior court, were binding on all courts of inferior rank within the same jurisdiction. Though not absolutely binding on courts of co-ordinate authority nor on the Court itself, would be followed in the absence of strong reason to the contrary.
- 15. Strong reason to the contrary did not mean a strong argumentative reason appealing to the particular judge, but something that should indicate that the prior decision was given without consideration of a statute or some authority that ought to have been followed. Strong reason to the contrary was not to be construed according to the flexibility of the mind of the particular judge. There was a possibility that the decision cited by counsel for the appellant was rendered without consideration to the

above provisions.

16. Being a first appeal, it was incumbent upon the court to re-analyse and re-evaluate the evidence adduced before the trial court and come up with its own conclusions while at the same time bearing in mind that the court did not have the advantage of seeing the witnesses testify. It was necessary to examine the ingredients of the offence. The legal burden of proof in criminal cases never left the prosecution's backyard.
17. To constitute the crime of solicitation of a bribe, it was not necessary that the act be actually consummated or that the defendant profit by it. It was sufficient if a bribe was actually solicited. The main ingredients of the offence were that the accused had to be acting in any capacity, whether in public or private sector, or employed by or acts on behalf of another person. He had to be shown to have obtained or attempted to obtain from any person gratification other than legal remuneration and the gratification should be as a motive or reward for doing or forbearing to do, in the exercise of his official function, favour or disfavour to any person.

In every appeal against sentence, whether imposed by a magistrate or a judge, the court hearing the appeal-

- a. Had to be guided by the principle that punishment was pre-eminently a matter for the discretion of the trial court.
- b. Had to be careful not to erode such discretion: hence the further prin-

ciple that the sentence could only be altered if the discretion had not been judiciously and properly exercised.

The test for (b) was whether the sentence was vitiated by irregularity or misdirection or was disturbingly inappropriate.

The appeal was dismissed.

4.7.3 BEST INTEREST OF THE CHILD, ACCESS TO JUSTICE AND ORDERS FOR DNA TEST DURING TRIAL IN DEFILEMENT CASES

Boniface Kyalo Mwololo vs The Republic Court of Appeal at Nairobi Misc. Crim. Application NAI 1 OF 2016

The Appellant/ Applicant was an accused person in a defilement case before the Chief Magistrate's Court at Makadara. It was alleged that the accused had defiled a girl aged 11 years as a result of which the girl conceived. The accused was also charged with an alternative count of indecent assault. He denied both charges. At the time of the hearing of this application, which was 5 years after the accused took plea, the hearing of the criminal case was yet to be concluded. It was indicated that the hearing had been delayed by the fact that the victim had become pregnant as a result of the defilement.

After the victim gave birth, the prosecution applied that the accused person be ordered to provide DNA samples which application was disallowed in a ruling rendered on 27th March, 2015. The prosecution requested for a revision of the order before the High Court. The judge allowed the revision and held that "when an accused person in a sexual offence is required to provide DNA sample,

it is not a breach of his constitutional right to a fair trial.”

The decision by the High Court prompted the appellant to file this appeal. He also filed a miscellaneous application seeking stay of the proceedings before the magistrates court as well as judges’ order requiring him to provide DNA samples. The appellant argued that being ordered to provide DNA samples was in violation of his Constitutional right to a fair trial, would lead to self-incrimination, and further, that Section 36(1) of the Sexual Offences Act was discretionary. A trial court would or would not grant orders for DNA test to be taken.

The Court in dismissing the application noted that Article 53(2) of the Constitution underscored that in every matter involving a child; the best interest of the child shall be paramount. The Court went further to state that Article 259(1) of the Constitution required that the Constitution be interpreted in a manner that promotes its purposes, values and principles, advances the rule of law, human rights and fundamental rights and freedoms in the Bill of rights and permits development of the law and contributes to good governance. The Court declined to order a stay of proceedings on the grounds that it was not convinced that the applicant’s right to a fair trial was going to be breached should the proceedings go on before the determination of the appeal.

4.8 THE DOCTRINE OF RES JUDICATA IS NOT APPLICABLE TO CHILDREN MATTERS

A N M v P M N High Court at Nairobi HCCC No. 14 of 2015

Brief Facts

The Applicant filed an application regarding parental responsibility and maintenance for her children who had reached the age of majority. The Respondent responded by filing a preliminary objection application stating that the matters raised in the Applicant’s application were res judicata in that, they had already been determined by a court of competent jurisdiction in Children’s Case 902 of 2015. Therefore the application was bad in law and an abuse of the court process and as such, ought to be dismissed with costs.

The Children Court ruled that the application for the Respondent to pay school- fees for the child over 18 years was lacked merit and dismissed the same as the child did not lodge the application herself as required under Section 91 of the Children Act, amongst other reasons.

Issues for determination

- i. Whether the application regarding parental responsibility and maintenance was res judicata as raised in the preliminary objection.
- ii. Whether the principle of res judicata applied in children matters

The court found and held as follows, that:-

- 1 The doctrine of res judicata implied that for a matter to be res judicata, the matters in issue had to be similar to those, which were previously in dispute between the same parties and the same having been determined on merits by a Court of competent jurisdiction. The Court would as well invoke the doctrine in instances where a party raised issues in a subsequent suit, wherein he/she ought to have raised the issues in the previous suit as between the same parties.
- 2 The gist of the Application dated April 7, 2016 revolved around the question of parental responsibility and parental care. The application was not res judicata because;
 - a. Matters relating to children were determined on the basis of the best interests of the child, which were paramount as espoused in article 53 (3) of the Constitution of Kenya, 2010.
 - b. Res judicata was not applicable to children matters, as it was not expressly provided for in Children Act 2001. Practically, it behoved parents, family, community and society to support the child in growth and development up to the stage the child or young adult had the ability to fend for themselves. Therefore, naturally there would be upcoming issues to safeguard the child's interest.
 - c. Although it was not an appeal of the Children Court matter, one of the reasons for dismissal of the application to extend parental responsibility to the child who was over 18 years was that the Applicant to the application in the Children's Court ought to have been the child and not the mother and she should have sought leave of the Court as prescribed under Section 91 of the Children Act.
 - d. The application for payment of school fees was inter-twinned with other related issues that the Court had jurisdiction to hear and determine, it would have been premature at that stage to expunge the application but rather hear and determine it on its merits. That was in line with Article 165(3) of the Constitution that spelt out the jurisdiction of the Court and Article 159(2)(d) of Constitution, which mandated that justice should be administered without undue regard to technicalities.
3. Section 28(1) and (2) of the Children Act safeguarded the welfare of the child by permitting various parties to apply for extension of parental responsibility. The non-compliance of the process could not preclude another application being lodged. The provision did envisage the principle of res judicata instead it upheld the best interests of the child.



Parents, family, community and society to support the child in growth and development up to the stage the child or young adult had the ability to fend for themselves.

Preliminary objection was overruled and the application ordered to be determined on its merits.

4.9 THE DOCTRINE OF SEPARATION OF POWERS IS NOT AN ABSOLUTE BAR BY THE COURT FROM DETERMINING ISSUES ON THE OTHER ARMS OF GOVERNMENT

National and Gender Equality Commission v Cabinet Secretary, Ministry of Labour and Social Security & Another High Court at Nairobi Constitutional and Human Rights Division Petition No. 226 of 2015

Brief Facts

The Petitioner, the National Gender and Equality Commission, instituted the Petition against the 1st Respondent, the Cabinet Secretary, Ministry of Labour and Social Security and the 2nd Respondent, the Attorney-General. The Petitioner was aggrieved by the actions of the Respondents, which in its view were unreasonable and unconstitutional, and which resulted in the delay in the implementation of the Social Assistance Act, assented to on 14th January 2013, with a commencement date of 25th January, 2013. The Petitioner thus claimed that since the assent of the Act, the 1st Respondent had failed, neglected and or refused to constitute the Board of Management without any good reason or at all and that inaction amounted to a contravention of the law. It further asserted that the 1st Respondent, in not operationalizing the Act, created a lacuna in the due process of providing assistance to interest groups as envisaged in the Act. The Petitioner thus sought various orders against the Respondents.

Issues for determination

- i. Whether failure by a body or institution to implement and give effect to an Act of Parliament on Social Assistance Act contravened article 43(1) of the Constitution on socio-economic rights.
- ii. Whether separation of power was an absolute bar for determining an issue on the other arms of Government by the Court when called upon to do so.

The court found and held as follows, that:-

1. The Respondents had not acted in contravention of the law by failing to implement the Act and give effect to its provisions. The finding was fortified by the fact that there were various Bills pending before either the Senate or the National Assembly touching on the right to social security as guaranteed under the Constitution.
2. While the Constitution had guaranteed the right to social security, the State was under an obligation to put in place measures that would ensure the realization of that right. Prior to the enactment of the Social Assistance Act, there was in place Sessional Paper No. 2 of 2014 on National Social Protection Policy enacted by the State with the aim of providing social assistance to those in need. However, subsequent actions had been undertaken by the State through the enactment of various Laws, with various other Bills touching on the same matter pending before either the National Assembly or the Senate. For instance, the 1st Respon-

dent had pointed out that the Senate had published two key Bills, namely, the Senior Citizens Care and Protection Bill, 2014 and the Preservation of Human Dignity and Enforcement of Socio Economic Rights Bill, 2015.

3. Based on the evidence before the Court, various actions were being undertaken by the State in regard to the streamlining of the Social Assistance Act and as it stood, the matter was properly before the Legislative arm of Government for consideration and for necessary action to be taken. In that regard, it would be premature for the Court to intervene at that point and make any orders as sought in the Petition in regard to social assistance and security and specifically on the implementation of the Act.
4. The Court was obligated by the doctrine of separation of powers not to encroach on any of the mandates of other arms of the Government save in very exceptional circumstances. The doctrine of separation of powers was not an absolute bar by the Court from acting when properly called upon to do so. It would therefore not be appropriate to interfere and grant orders sought because in doing so, the court would be acting prematurely in the face of all that Parliament was to do.
5. It would have been a different scenario if the State had merely enacted the Social Assistance Act and sat back without taking any further action towards its implementation. In such a situation, the Court would not have hesi-

tated to intervene.

6. There was no infringement of the rights of any vulnerable persons under Article 43 of the Constitution as no such evidence had been placed before the Court, and furthermore, while Article 43 guarantees the enjoyment of socio-economic rights, including the right to social assistance, the steps being undertaken by the State were in line with the progressive realization of the right as stipulated under Article 20 (2) of the Constitution. The delay in the implementation of the Social Assistance Act was neither deliberate nor unreasonable.

4.10 AMENDMENTS INTRODUCED THROUGH THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) LEGISLATION HAVE TO BE MINOR AND NON-CONTROVERSIAL

Okiya Omtatah Okiiti -vs- Communications Authority of Kenya & 21 others Petition No. 45 of 2016

The Petitioner filed this petition challenging the amendments introduced by the Statute Law (Miscellaneous Amendments) Act 2015 to the Kenya Information and Communications Act.

The Petitioner's case was that the amendments affected the independence of the Authority as they contained an editorial tool used to correct anomalies, inconsistencies, outdated terminology or errors which were minor non-controversial amendments to a number of Statutes at once in one bill, instead of making such amendments incrementally when a particular statute was amended

in the context of a separate legislative initiative.

It was the Petitioner's contention that the amendments were controversial and substantive and were introduced without public participation.

The Petitioner averred that the amendments undermined the independence of the Authority contrary to Articles 34(5) (a) and 93(2) of the Constitution by taking away the Authority's autonomy to declare dominance in the Sector and subjected it to the Competition Authority of Kenya and forced the Communications Authority of Kenya to consult the Cabinet Secretary, Information Communication and Technology before taking any action.

The court held that the procedure of legislation by way of Statute Law (Miscellaneous Amendment) Legislation ought to avail only issues of minor, non-controversial amendments and that such legislation should not prejudicially affect the rights of persons or create new offences or subject a new class of persons to an existing offence.

The court further held that the amendments obliged the Authority to consult both the Cabinet Secretary and the Competition Authority before exercising part of its mandate. Therefore the amendment had an impact on the letter or spirit of Article 34(5) of the Constitution which could not be termed as minor, non-controversial and generally house-keeping amendments.

4.11 Devolution

4.11.1 Section 25(2) of the County Governments Act declared in consistent with article 199(1) of the Constitution

James Gacheru Kariuki & others v Attorney General & another

High Court of Kenya at Nairobi

Petition 52 & 7 of 2016 & 308 of 2015 (Consolidated)

Brief facts

The consolidated petitions sought a determination whether Section 25(2) of the County Governments Act, 2012 (the Act) was inconsistent with Article 199 of the Constitution in so far as it envisioned that county legislation could come into effect without necessarily having been published in the Kenya Gazette.

Article 199(1) of the Constitution provides that county legislation does not take effect, unless published in the Kenya Gazette. On the other hand, Section 25(2) of the Act provides that county legislation comes into force fourteen days after publication in the County gazette and the Kenya Gazette; whichever comes earlier. The petitions therefore questioned the constitutional vires of several Kiambu County legislation, which the Petitioners averred had not yet been published in the Kenya Gazette as required by the Constitution.

Issues for determination

- i. Whether Section 25 of the County Governments Act, 2012 envisioned that a Coun-

ty legislation could come into effect without necessarily being published in the Kenya Gazette by use of the phrase, 'whichever comes earlier' in relation to publication in the Kenya Gazette and the county gazette.

- ii. Whether Section 25 derogated from the pre-requisite of Article 199(1) of the Constitution requiring publication in the Kenya Gazette and hence invalid to the extent of that inconsistency
- iii. Whether county legislation as published by the County Government of Kiambu was valid

The court found and held that:-

1. Article 199(1) of the Constitution provided that county legislation did not take effect unless published in the Gazette. Article 260 defined a 'Gazette' as the Kenya Gazette published by authority of the National Government or a supplement to the Kenya Gazette. Article 199(1) could therefore equally be read as providing that county legislation did not take effect unless published in the Kenya Gazette or a supplement to the Kenya Gazette.
2. The term "County Gazette" was neither defined nor provided for in the Constitution which only provided for a Gazette, defined as the Kenya Gazette published by the authority of the National Government or a supplement to the Kenya Gazette. However, the County Governments Act defined a county gazette as a Gazette published by the authority of the County Government or a supplement of such a Gazette. There was a clear distinction between a 'county Gazette' and a 'Kenya Gazette' and the difference was that whereas the 'Kenya Gazette' was published under the authority of the National Government, the 'County Gazette' was published under the authority of a County Government.
3. While the concept of a 'County Gazette' had been introduced by the County Governments Act, the Constitution explicitly required county legislation to be published in the Kenya Gazette for them to take effect.
4. To the extent that Section 25(2) of the County Governments Act envisioned that a County legislation could come into effect without necessarily being published in the Kenya Gazette by use of the phrase, 'whichever comes earlier', then it was a complete derogation from the pre-requisite of the Constitution and hence invalid to the extent of that inconsistency.
5. The word 'Kenya Gazette' had to appear in the heading of a publication in either the Kenya Gazette or a Supplement to the Kenya Gazette. While the County Governments Act provided for additional publications of County legislations in the County Gazette, any such publications could not deviate from the constitutional requirement of publications in the Kenya Gazette for the effectiveness of such legislations.
6. The Kiambu County Alcohol Drinks Control, Act, 2013

and Kiambu County Alcoholic Drinks Control (Licensing) Regulations, 2014 as then published did not meet the dictates of Article 199(1) of the Constitution.

7. Devolution being a new entrant into the Kenyan Constitution, the implementation of its various visions therein was bound to face several hitches. Some perceived challenges included what was before the court being the desire to fully operationalize the working of Counties by putting in place relevant legal safeguards in terms of legislation in a bid to ensure that Counties effectively performed the duties assigned to them under the Fourth Schedule of the Constitution. It was therefore in the interest of justice and for the public good that the operations of Kiambu County were not brought to a standstill for reasons of reliance on an ungazetted law. Additionally, even where a legislation had been invalidated by a Court, the invalidation was not retrospective

Petition allowed each party to bear its own costs.

4.11.2 RECRUITMENT OF ECE TEACHERS BY COUNTY GOVERNMENTS UNCONSTITUTIONAL

Kenya National Union of Teachers vs the Attorney General and Others High Court of Kenya at Nairobi Constitutional Petition No. 127 of 2014

At the heart of this Petition was an interpretation on whether the recruitment and employment of ECE teachers by County Governments was a violation of Articles 237 and 252 of the Constitution and Section 9 of Part

II of the Fourth Schedule to the Constitution. It was alleged that in January 2014, the Petitioner started receiving credible information that a number of County Governments were recruiting and employing ECE teachers directly. The Counties then started placing advertisements in the print media inviting members of the public to apply for positions of ECE teachers. The applicants were subsequently appointed by the County Governments and posted to ECE centres.

The Petitioner was concerned that the recruitment and employment of ECE teachers by the County Governments was in conflict with the role and function conferred upon TSC pursuant to the provisions of Articles 237 and 252 of the Constitution as well as the provisions of the TSC Act No. 20 of 2012. According to the Petitioner, the action by the County Governments amounted to a usurpation of its constitutional mandate.

The Court held that the demarcation of powers was clear that primary school education, including research institutions fell within the purview of the National Government. It stated that the County Governments did have the power to recruit ECE teachers but could only do so from the register of trained registered teachers held by the TSC within its constitutional mandate. The Court went ahead to address the fate of those teachers who had already been recruited by the County Governments without following the right procedure and ordered that TSC, working with County Governments, to regularize their appointment within the law.

4.12 Environment and Land Cases

4.12.1 Conflict between principles of usages of international law and Kenyan Law

Federation of women Lawyers (Fida Kenya) & 4 others v Attorney General as Representative of Lands & 2 other

Environment and Land Court at Malindi

ELC Constitutional Petition No. 8 of 2013

Brief facts of the case

The Petitioners filed the claim on their own behalf and on behalf of the Giriama people alleging inter alia violation of rights of the Giriama people and their long gone ancestors. The genesis of their claim was that one of their ancestors, Mzee Mtsunga together with his ten wives lived in the suit property way before the land was surveyed and allocated to Mohamed bin Salim in 1911. The Petitioners contented that the issuance of Certificate of Title to one Sheikh El Mazrui in 1911 was unconstitutional because they were discriminated against and their rights to own property were violated. In light of the alleged unconstitutionality, the Petitioners sought judicial review orders to quash all the subsequent deeds, agreements and Certificates of Titles relating to the suit property and a declaration that Section 2 and 15 (1) of Land Titles Act (repealed) contravened articles 8, 9, 13 and 14 of the European Convention on Human Rights (ECHR), and was also inconsistent with the provisions of the repealed Constitution.

Issues for determination

- i. What set of land laws governed land at the coastal strip from the day of the proclama-

tion of protectorate in 1895?

- ii. Whether the provisions of Land Titles Act (repealed) contravened the ECHR, and the provisions of the repealed Constitution.
- iii. Which law took precedent where there was conflict between principles of usages of International Law and Kenyan Law?
- iv. Whether the Giriama people were discriminated against and their rights to own property dating back to the historical times violated.

The Court found as follows, that:-

1. From the day of the proclamation of the Protectorate in 1895 until when the Land Title Ordinance of 1908 was enacted, there was no formal set of land laws at the Coast. The Imperial British East Africa Company inherited all the rights to acquire, regulate and alienate land within the 10-mile coastal strip which remained under the sovereignty of the Sultan of Zanzibar.
2. Pursuant to Section 15 of the Land Titles Act all persons who claimed interest in land along the coastal strip were required to lodge their claims with the Recorder of Titles. Any dispute that arose from those claims was dealt with by the Land Registration Court. Where the Recorder of Titles was satisfied that a claim was valid, a Certificate of Ownership would issue to the claimant. In the instant case the Petitioners did not present their claim to the recorder of titles.

3. Section 21 of the Land Titles Act provided that every Certificate of Title issued by the Recorder of Titles would be conclusive evidence against all persons including the Government and the Certificate of Ownership would be conclusive proof that the person to whom the Certificate was granted was the owner of the land.
4. Section 17 of the Land Titles Act (repealed) provided that all land situated in an area to which the Act applies which no claim for a Certificate of Ownership had been made, would be deemed to be Government land. That provision explained why land which was not private land in the Coastal region was government land as opposed to Trust land.
5. Section 75 of the Constitution of Kenya (repealed) guaranteed the right to own property. Article 40 of the Constitution of Kenya, 2010 provides that every person has the right, either individually or in association with others, to acquire and own property in any part of Kenya, except where that property had been found to have been unlawfully acquired. The 2nd Respondents (The Kagaa Farmers' Co-Operative Society Ltd) showed how they acquired the suit property.
6. Although the Petitioners claimed that the provisions of the Land Titles Ordinance contravened the provisions of the European Convention on Human Rights of 1950, the said Convention was ratified after the enactment of the Land Titles Ordinance, which was subject to the repealed Constitution and not international conventions.
7. Before the promulgation of the 2010 Constitution, Kenya followed the dualist approach in interpretation of domestic laws vis-a-vis International Conventions. Where the Court was to decide a question involving a conflict between Kenyan law on one hand and principles usages of International Law on the other, it was impossible to reconcile the two, Kenyan law prevailed. In the instant case there were no inconsistencies between articles of ECHR and the provisions of the repealed Land Titles Act.
8. The adjudication of land pursuant to the provisions of the Land Titles Ordinance could have been unfair to Giriama ancestors. However, considering that the whole country was colonized, and in view of the fact that with that colonization, the country borrowed its laws heavily from England and India, which laws were enacted pursuant to the Constitution of the country, Kenya could not afford to go back to the situation that was existing before the era of the enactment of the laws by the then legislators in conformity with the Constitution.
9. Having agreed as a country to be governed by the rule of law, and having adopted word for word the laws that were borrowed by the colonialists, Kenya had to abide by that state of affairs unless and until it was shown that those laws were unconstitutional. If the Court were to determine that the Giriama ancestors

were discriminated against and that the enforcement of the alleged infringed rights should be enforced, then almost all Kenyans would be entitled to that order considering that the whole country was colonised and a new legal system of land ownership was put in place.

10. In the instant case, the 2nd Respondent had acquired the suit property in 1978 and had since subdivided the land with individual title deeds having been issued to its members; they had the constitutional right to own property. Furthermore, the Petitioners did not sue the individual members of the 2nd Respondent despite averring that the suit property had been subdivided and Title Deeds issued to the said members.

As a result of the findings above, the petition was dismissed.

4.13 REVIEW OF COURTS' DECISION IN CONSTITUTIONAL LITIGATION

Ferdinand Ndungu Waititu & 4 others v Attorney General & 11 others, High Court of Kenya at Nairobi Petition No 169 of 2016 19th August, 2016

This case was substantively reported in our previous State of the Judiciary Report for 2015/2016. The Petitioners had initially filed a petition on April 28, 2016 together with a Notice of Motion application seeking various conservatory orders. The application was partly allowed and a conservatory order issued by way of a mandatory order. The 9th Respondent, the Inspector General of Police was to ensure security, public safety and observance of the law and order by the Coalition for Reform

and Democracy leaders and their members when they picketed or demonstrated pursuant to any notification given to the 9th Respondent under the Public Order Act.

On June 9, 2016, the 1st and 9th Respondents (Hon. Attorney-General and Inspector General of Police respectively) filed an application seeking an interim stay of the orders given and the orders vacated or set aside. The Applicants contended that the 2nd to the 8th Respondents and their followers had acted in bad faith and abused the Court orders issued. They argued that they had acted in direct violation and contempt of court orders to maintain, organize and conduct peaceful demonstrations and that it was only just and fair to have the Court orders issued on June 6, 2016 vacated.

The Court held that there was no explicit provision in the Constitution of Kenya (Protection of Rights and Fundamental Freedoms) Practice and Procedure Rules, 2013 (also known as "the Mutunga Rules") in regard to the jurisdiction of the Court to review its decisions but such jurisdiction was to be exercised pursuant to articles 22 and 159 (2) (d) of the Constitution of Kenya, 2010. That position was reaffirmed by the Court where the Court which stated that the provisions, even if there was no specific provision in the Rules allowing the Court to review its decision, should the Court find that a case had been made out for review of its decision, then it would be duty bound to do so.

The court went on to state that a case for review and vacation of a court's earlier orders would be deemed to have been made out when an aggrieved applicant pre-



Before the promulgation of the 2010 Constitution, Kenya followed the dualist approach in interpretation of domestic laws vis-a-vis International Conventions".

sented sufficient reasons for such review and vacation. It was for the Applicant to satisfy the Court that there were sufficient reasons that warranted the review of the Court orders. It was practically impossible to itemize what would be sufficient reason for purposes of review under the Courts' residual jurisdiction or inherent powers. The exceptional instances when obvious injustice would be worked by a strict adherence to the terms of the order or decree as originally passed were copious.

Given that a review application was not an appeal and neither must it be allowed to be an appeal in disguise where the merit was revisited, sufficient reason included the statutory grounds for review as outlined in the Civil Procedure Rules. That ought to be the starting point and a fine guideline.

The court stated that an application for review, even in constitutional litigation, must therefore be premised on any one of the following grounds, that;

- i. there was an error or mistake apparent on the record
- ii. the applicant had discovered a new and important matter in evidence which after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order was made;
- iii. There was sufficient reason to occasion the review.

The court was of the view that there was statutory ground on which the instant application was premised. The mere non-compliance with a court order could not be a ground for the variation, setting aside or vacation of a court order in question. It would not alone constitute a ground envisioned under the law for reviewing and setting aside of court orders. There were other well-set out mechanisms for prosecuting claims for non-compliance of court orders such as the institution of contempt of court proceedings.

Finally, the Court held that an application for review and vacating court orders could not be used as a substitute for contempt of court proceedings. In the instant case, it had not been demonstrated that the 2nd through the 8th Respondents were taking advantage of the Court order and consequently abusing the Court process. The orders sought to be vacated were indeed not directed at the 2nd through 8th Respondents. Indeed, the peace sought by the 1st and 9th Respondents could actually be achieved through the implementation of the orders of June 6, 2016 by the 9th Respondent.

Chapter 5

HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT

HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT

5.0 Introduction

The FY2016/17 was marked with significant milestones in the human resource management and development in the Judiciary. Enhancing service delivery remained the focus of the activities, and it was imperative to not only ensure that there was adequate staffing in court stations but also that these staff had the relevant skills and qualifications to enable them deliver the institution's agenda. The institution hence continued to undertake recruitment and selection for various posts, and deployments of staff to various court stations and Directorates, transfers, staff training, capacity building and promotions, to improve efficiency and effectiveness in job performance.

The Judiciary remained committed to providing Judiciary staff with a conducive working environment that is supportive of professional and individual growth. It remained committed to protecting the rights of employees to engage in dialogue and express ideas in an environment, which is free from harassment, discrimination, victimization and exploitation.

The Judiciary endeavoured to ensure that internal processes were in Compliance with relevant legislations such as Judicial Service Act, Public Finance Management Act (2012), Public Officer Ethics Act (2003) among others and also employed the highest

standards expected of Human Resource professionals.

5.1 Key Milestones

Performance Appraisal System

Having rolled out and sensitised staff on Performance Appraisal System (PAS) in the previous financial year (2015/2016), the main focus in the period under review was actualising the appraisals. This exercise was undertaken by all judicial officers and staff at all court stations, registries and directorates.

5.1.2 Organisational Review

The Judiciary's reform process aims at repositioning the institution as a more effective organization. Similarly, the Judiciary Strategic Plan (2014-2018) envisages a strengthened structural architecture for improved human capital management.

During the reporting period, the institution began an organizational review exercise aimed at aligning the institution's organisational structures with its key functions for more effective, transparent and accountable service delivery.

As at the end of the reporting period, the desk review exercises had been concluded with a stakeholder engagement session scheduled at the beginning of the next financial year. It is envisioned that on conclusion of the exercise



During the reporting period, the institution began an organizational review exercise aimed at aligning the institution's organisational structures with its key functions for more effective, transparent and accountable service delivery.

and adoption of the report by the Commission, the institution will be able to develop a new Judiciary Human Capital Plan.

5.2 Recruitment

5.2.1 Appointment of Judges

During the financial year 2015/2016, vacancies had been declared in the Offices of the Chief Justice, Deputy Chief Justice and Judge of the Supreme Court following the retirement of Hon. Justice Dr. Willy M. Mutunga, Hon Lady Justice Kalpana Rawal and Hon Justice Tonui respectively.

The Judicial Service Commission (JSC) commenced the recruitment process by advertising the three vacancies. The position of Chief Justice and President of the Supreme Court of Kenya, Deputy Chief Justice and Vice

President of the Supreme Court and Judge of the Supreme Court attracted 13, 16 and 21 applicants respectively.

At the end of the exercise, the JSC recommended Hon. Justice David Kenani Maraga, Hon. Lady Justice Philomena Mbete Mwilu and Hon. Justice Isaac Lenaola for appointment as Chief Justice, Deputy Chief Justice and Judge of the Supreme Court of the Republic of Kenya respectively.

The Chief Justice was subsequently sworn into office on 19th October 2016, while the Deputy Chief Justice and the Judge for the Supreme Court was sworn into office on 28th October 2016.

In addition, 9 High Court Judges and 19 Environment and Land Court Judges were sworn into office on 19th December 2016

Table 5.1: Appointment of Judges

S/No	Position	No of Vacancies	No of Applicants	No Interviewed	No. Appointed
1.	Chief Justice	1	13	13	1
2.	Deputy Chief Justice	1	16	16	1
3.	Supreme Court Judge	1	21	21	1
4.	High Court Judge	10	14	14	9
5.	Environment & Land Court Judge	19	81	73	19

The recruitment of more judges tabulated above has increased the number of Judges from 133 in 2015/2016 to 159 in 2016/2017, representing a 20% increase. The Commission, while recruiting the Judges, has ensured compliance with the constitutional requirement of one-third-gender rule and regional distribution. Consequently 61% of all judges are male while 39.6 are female.



The recruitment of judges has increased the number of judges from 133 in 2015/16 to 159 in 2016/17.

Table 5.2 below presents a breakdown of the distribution of Judges per the levels of the courts and gender.

Table 5.2: Distribution of Judges by gender and Court

Court	Male	Female	Total
Supreme Court	5	2	7
Court of Appeal	15	7	22
High Court	48	37	85
Employment & Labor	8	4	12
Environment & Land	21	13	34
All courts	97	63	159

5.2.2 Judicial Officers

During the reporting period, 50 resident magistrate positions were advertised. The interviews were undertaken and the process will

be completed by the Commission in the next financial year.

5.2.3 Judicial Staff

With the opening of new court stations throughout the country, the institution undertook a second phase of interviews for Clerical Officers. In addition, cadres where shortfalls were identified were also advertised and interviews conducted in July 2016. At the end of the exercises, a total of 666 new staff were recruited. This is illustrated in the Table 5.3 below:

Table 5.3: Recruitment of Judicial Staff

S/No	Position	Pls level	No of Vacancies	No. Interviewed	No. Appointed
1	Director, Finance (Office of CJ)	17	1	1	1
2	Director- Public Affairs & Communication (Office of CJ)	17	1	1	1
3	Director - Supplies Chain Management Services	17	1	8	1
4	Senior Legal Officer (Office of CJ)	17	1	1	1
5	Deputy Director – Administration (JTI)	16	1	10	1
6	Deputy Director- Efficiency Monitoring (JTI)	16	1	No interview	To be Re-advertised
7	Deputy Director - HRM (JTI)	16	1	3	1
8	Chief Risk & Internal Systems Auditor	12	3	19	1
9	Legal Researcher	11	100	57	23
10	Law Clerks	11	14	14	10
11	Senior Risk & Internal Systems Auditor	11	3	24	2
12	ICT Officer I	10	12	89	9
13	Internal Auditor 1	10	4	20	4
14	Personal Secretary I	10	3	3	3
15	Auditor II	9	4	16	4
16	Court Bailiff	9	8	17	7
17	ICT Officer II	9	13	417	13
18	Personal Secretary II	9	30	150	15
19	Principal Driver	9	1	1	1
20	Archives Assistant II	8	43	241	40
21	Archivist III	8	30	39	25
22	ICT Officer III	8	12	170	11
23	Personal Secretary III	8	54	83	49
24	Secretarial Assistant II	7	122	224	56
25	Clerical Officer /Court Interpreters	6	466	657	366
26	Process Server II	6	17	47	16
27	Support Staff II (Domestic workers- CJ, Rtd DCJ)	2	9	9	5
	GRAND TOTAL				666



At the end of this exercise , a total of 666 new judicial staff were recruited.

5.3 Authentication of Certificates

With the increased number of staff recruited during the last two reporting periods, and in line with regulations to ensure all staff held bona fide documents, the institution found it necessary to undertake the exercise to verify and authenticate the professional and academic certificates presented by those that were appointed.

The table below shows the number of certificates presented to the various examining bodies for authentication.

Table 5.4: Authentication of Certificate FY2016/2017

S/No	Position	Certificate	No. of Certificates verified
1.	Clerical Officer	KCSE	1462
2.	Secretarial	KNEC Secretarial papers	118

Out of the 1580 professional and academic certificates presented for authentication, 19 (all from the clerical officer cadre) were found not to be authentic. Appropriate disciplinary action has been instituted against the affected staff.

5.4 Advertised positions

The Commission advertised several positions and the number of applications received and shortlisted candidates are presented in table 5.5. The recruitment process will be concluded in the next financial year.

Table 5.5: Advertised Positions - Judicial Officers

S/No.	Designation	No. of Positions	No. of applications received
1	Deputy Chief Registrar of the Judiciary	1	13
2	Registrar, Environment and Land Court	1	6
3	Registrar, Tribunals	1	10

Table 5.6: Advertised Positions - Judicial Staff

S/No.	Designation	No. of Positions	No. of applications received
1.	Transport/Fleet Manager	1	25
2.	Monitoring and Evaluation Officer (JTI)	1	36
3.	Partnerships and Linkages Officer (JTI)	1	19
3.	Policy Analyst (JTI)	2	21
4.	Finance Officer (JTI)	1	114
5.	Supply Chain Officer 1 (JTI)	1	32
6.	ICT Officer (JTI)	1	151
7.	Training Manager (JTI)	1	34
8.	Researcher (JTI)	4	84
9.	Curriculum Development (JTI) Manager	1	24
10.	Secretarial Assistant II	30	2203
11.	Personal Secretary II	25	1125
12.	Personal Secretary III	25	1492
13.	Court Interpreters	20	1408
14.	Executive Officer (Internal Advert)	68	394

Table 5.7: Advertised Positions – Tribunals

S/ No.	Designation	No. of Positions	No. of applications
1	Chairperson, Micro and Small Enterprises Tribunal	1	5
2	Vice-Chairperson, Micro and Small Enterprises Tribunal	1	4
3	Chairperson of the National Civil Aviation Administrative Review Tribunal (Re-advertisement)	1	6
4	Member, Political Parties Dispute Tribunal	2	18
5	Chairperson, Communications and Multimedia Appeals Tribunal.	1	2

5.5 Confirmation in Appointment

In line with the staff regulations and Employment Act Cap 226 No. 11 of 2007, Section 42(2) which requires that an employee whose performance is satisfactory be confirmed in appointment after six months from the date of appointment, the following 1711 judicial staff in PLS 8 and below were confirmed in appointment during the reporting period

Table 5.8: Staff Confirmed in Appointment FY2016/17

S/NO	Designation	PLS level	Number of Staff
1	Senior Court Bailiff	10	1
2	Telephone Supervisor 1	10	1
3	Archives Assistant III	9	2
4	Senior Secretarial Assistant	9	1
5	Building Technician II	8	1
6	HRM Assistant III	8	1
7	ICT Officer III	8	7
8	Personal Secretary III	8	5
9	Secretarial Assistant I	8	11
10	Security Officer II	8	15
11	Senior Store Keeper	8	17
12	Senior Telephone Operator	8	9
13	Cleaning Supervisor 1	7	1
14	Higher Clerical Officer	7	38
15	Process Server I	7	11
16	Secretarial Assistant II	7	10
17	Store Keeper 1	7	60
18	Storekeeper I	7	10
19	Telephone Operator 1	7	2
20	Cleaning Supervisor II	6	33
21	Clerical Officer II	6	867
22	Inspectorate Officer	6	1
23	Process Server II	6	9

S/NO	Designation	Pls level	Number of Staff
24	Senior Security Guard	6	4
25	Store Keeper II	6	1
26	Telephone Operator 2	6	2
27	Telephone Operator II	6	1
28	Artisan III	5	3
29	Driver II	5	7
30	Support Staff Supervisor	5	109
31	Driver III	4	63
32	Security Guard I	4	24
33	Senior Support Staff	4	195
34	Senior Subordinate Staff	4	2
35	Security Guard II	3	6
36	Support Staff 1	3	30
37	Messenger Grade 1	2	8
38	Security Guard III	2	80
39	Support Staff 2	2	63
	Grand Total		1711

5.6 Staff training and capacity building

To enhance efficiency in the performance of duties among staff, and bridge the gap of the previous year's imbalances in training beneficiaries between different cadres, trainings and capacity building programs in the following areas were conducted during the reporting period:

Table 5.9: Staff Training FY2016/17

S/NO	TRAINING AREA AND STAFF CAPACITY	TARGET GROUP	PERIOD UNDERTAKEN	NO. PARTICIPATED
1	Pre- retirement training	Judicial Officers and Judicial Staff	2016	45
2	Strategic Leadership development program (in Collaboration with JTI)	Judicial officers, Deputy Registrars, Directors and those in top leadership positions	March 2017	6
3	Senior Management Course (in Collaboration with JTI)	Executive Officers, Executive Assistants, Accountants	2017	38
4	Supervisory Skills Development Course (in Collaboration with JTI)	Executive Assistants, head of section, clerical officers	May 2017	36
5	Induction of newly recruited Staff (in collaboration with the JTI)	Newly recruited clerical officers, ICT officers, Archivists and secretaries	2016 & 2017	1137
6	Defensive driving course for drivers (in Collaboration with JTI)	Drivers	2016	30

S/NO	TRAINING AREA AND STAFF CAPACITY	TARGET GROUP	PERIOD UNDERTAKEN	NO. PARTICIPATED
7	Facilitation of members to attend professional workshops	IHRM Annual conference for registered members	2016	7
		BORAQS workshop attended by 3 architects and 1 quantity surveyor at Safari Park Hotel.	2017	4
		KISM workshop on Procurement, Asset Disposal and Inventory Management held at Kisumu and Naivasha	January – March 2017	29
		KISM Workshop on Implementing Public Procurement and Asset Disposal Act 2015 held at Machakos	May 2017	10
		KISM Workshop on Logistics Inventory and Warehouse Management	June 2017	5
		KISM Workshop on Public Procurement implementing regulations held at Mombasa	June 2017	4
		ICPAK Annual conference Accounts/Finance and Audit staff.	2017	67
8	Facilitation for Annual subscriptions to professional bodies	IHRM professional registered members	January 2017	23
		ICPAK Annual subscriptions Account/ Finance /Audit staff	2017	19
9	Team building activities	Team building activity for the HR department members	June 2017	53
10	Capacity building for HR staff	All HQ HR staff	November 2016	55
		TOTAL		1568

37 judicial officers and staff undertook trainings and short courses outside the country. Out of these, 19 attended various ESAMI institutions, 1 staff attended to a Masters degree program in Turin, Italy while the rest were trained in various recognised institutions in their areas of specialization.

In addition to these, 11 Judicial Service Commission Commissioners and employees attended a one-week training in Johannesburg, South Africa.

During the period under review, 157 Judicial Officers and 419 staff of different cadres were promoted in an effort aimed at enhancing career progression and boosting staff morale.

5.7 Career progression through staff promotion

5.7.1 Promotions of Magistrates and Kadhis

Out of the 211 Magistrates and 32 Kadhis subjected to suitability interviews during the period, a total of 157 (130 Magistrates and 27 Kadhis) were promoted as shown in Table 5.10.

Table 5.10 Promotion of Judicial Officers FY2016/17

S/No.	Promoted From	Promoted To	NO.
1	Senior Principal Magistrate	Chief Magistrate	15
2	Principal Magistrate	Senior Principal Magistrate	37
3	Senior Principal Kadhi	Deputy Chief Kadhi	1
4	Senior Resident Magistrate	Principal Magistrate	24
5	Senior Resident Kadhi	Principal Kadhi	9
6	Resident Magistrate	Senior Resident Magistrate	54
7	Resident Kadhi	Senior Resident Kadhi	17
	Grand Total		157

5.7.2 Promotions for Judicial staff in PLS 9 and above

Suitability interviews were conducted to 435 staff in PLS 9 and above out of which 294 were promoted.

Table 5.11: Judicial Staff Promotions, FY 2016/17

Judicial Staff Promotions, FY 2016/17

S/No.	Promoted From	Promoted To	Pls level	NO.
1	Chief Executive Officer	Principal Executive Officer	14	1
2	Principal Planning & Budgeting Officer	Deputy Chief Economist	14	1
3	Senior Executive Secretary	Principal Executive Secretary	14	4
4	Chief Risk & Internal Systems Auditor	Principal Internal Auditor	13	1
5	Senior Executive Officer	Chief Executive Officer	13	3
6	Executive Secretary	Senior Executive Secretary	13	8
7	Archivist 1	Senior Archivist	12	1
8	Senior Telephone Supervisor	Chief Telephone Supervisor	12	1
9	Executive Officer 1	Senior Executive Officer	12	2
10	Senior Accountant	Chief Accountant	12	5
11	Senior Economist/ Statistician 2	Senior Economist I	12	1
12	Senior Librarian	Chief Librarian	12	4
13	Chief Executive Assistant	Principal Executive Assistant	12	1
14	Senior Personal Secretary	Executive Secretary	12	11
15	Accountant 1	Senior Accountant	11	3
16	Archivist 2	Archivist I	11	3
17	Assistant Accountant	Assistant Accountant I	11	2

S/No.	Promoted From	Promoted To	Pls level	NO.
18	Human Resource Management Assistant I	Senior Human Resource Management Assistant	11	2
19	ICT Officer 1	Senior ICT Officer	11	13
20	Procurement Officer 1	Senior Procurement Officer	11	1
21	Senior Archives Assistant	Senior Records Officer	11	1
22	Supplies Officer 1	Senior Procurement Officer	11	1
23	Executive Officer II	Executive Officer I	11	5
24	Telephone Supervisor I	Senior Telephone Supervisor	11	1
25	Personal Secretary I	Senior Personal Secretary	11	14
26	Senior Executive Assistant	Chief Executive Assistant	11	5
27	Accounts Assistant 1	Senior Accounts Assistant	10	2
28	Archives Assistant 1	Senior Archives Assistant III	10	3
29	Archives Assistant 2	Archives Assistant I	10	4
30	Court Bailiff	Senior Court Bailiff	10	4
31	Executive Officer 2	Executive Officer I	10	6
32	Human Resource Assistant II	Human Resource Assistant I	10	5
33	ICT Officer 2	ICT Officer I	10	5
34	Library Assistant I	Chief Library Assistant	10	5
35	Procurement Officer 2	Procurement Officer I	10	8
36	Executive Assistant	Senior Executive Assistant	10	14
37	Senior Secretarial Assistant	Personal Secretary I	10	1
38	Snr Secretarial Assistant	Personal Secretary I	10	2
39	Accounts Assistant 11	Accounts Assistant I	9	7
40	Accounts Assistant II	Accounts Assistant I	9	1
41	Chief Driver	Principal Driver	9	1
42	Human Resource Management Assistant III	Human Resource Management Assistant II	9	30
43	HRM Assistant 3	Human Resource Officer	9	1
44	ICT Officer 3	ICT Officer II	9	1
45	Security Officer 2	Security Officer	9	1
46	Senior Clerical Officer	Human Resource Management Assistant II	9	1
47	Senior Process Server	Court Bailiff	9	6
48	Senior Store Keeper	Procurement Assistant	9	7
49	Personal Secretary III	Personal Secretary II	9	11
50	Secretarial Assistant I	Senior Secretarial Assistant	9	2
51	Secretarial Assistant I	Senior Secretarial Assistant	9	16
52	Senior Clerical Officer	Executive Assistant	9	42
53	Accountant 2	Accountant I	7	13
	Grand Total			294

5.7.3 Promotions for Judicial staff in PLS 9 and below

The following 125 staff in PLS 8 and below were promoted based on the provisions of the scheme of service and availability of vacancies.

Table 5.12: Judicial Staff in PLS 8 and below Promotions, FY 2016/17

S/No.	Promoted From	Promoted To	PLs level	NO.
1	Higher Clerical Officer	Senior Clerical Officer	8	36
2	Secretarial Assistant II	Secretarial Assistant I	8	1
3	Storekeeper I	Senior Store Keeper	8	10
4	Cleaning Supervisor II	Cleaning Supervisor I	7	1
5	Storekeeper II	Storekeeper I	7	34
6	Telephone Operator II	Telephone Operator I	7	1
7	Clerical Officer	Higher Clerical Officer	6	7
8	Driver II	Driver I	6	2
9	Support Staff Supervisor	Cleaning Supervisor II	6	1
10	Driver III	Driver II	5	18
11	Security Guard I	Senior Security Guard II	5	3
12	Senior Support Staff	Support Staff Supervisor	5	3
13	Driver I	Senior Driver II	5	1
14	Support Staff I	Senior Support Staff	4	1
15	Security Guard III	Security Guard II	3	2
16	Support Staff II	Support Staff I	3	4
	Grand Total			126

5.8 Transfers and deployments

During the year under review, a total of six hundred and forty-nine (649) Judicial Staff and one hundred and twenty seven (127) judicial officers were transferred within various court stations. These were in line with the Judiciary Transfer Policy and also necessitated by new recruitments, promotions, retirements and dismissals from service.

5.9 Disciplinary Matters

5.9.1 Complaints /Petitions against Judges

During the reporting period, the JSC received 44 complaints and petitions against judges, which were at various stages of investigation as at the end of the reporting period.

5.9.2 Disciplinary Matters

For judicial officers and staff, the JSC received 21 complaints, 20 appeals and reviews and concluded on 31 matters. The commission had 28 pending matters by the end of the reporting period. The complaints examined are as summarized in the Table 5.13 below;

Table 5.13: Summary of the disciplinary matters examined by the JSC in 2016/17

PARTICULARS	NO OF COMPLAINTS
Pending at 30 th June,2016	18
Received during the year	21
Appeals/Reviews received during the year	20
Total	59
Total concluded	31
Pending as at 30 th June,2017	28

The concluded discipline matters are further classified in the table below.

Table 5.14: Classification of concluded discipline matters by outcome

Outcome	No.
Dismissed	14
Reprimanded	2
Reviews/ Appeals disallowed	10
Reviews/ Appeals allowed	2
Retired in Public Interest	2
Retired under 50 years Rule	1
Total complaints concluded	31

The table below outlines the trend of the discipline matters handled by the commission for the last three years.

Table 5.15: Summary of Disciplinary Matters handled by JSC in 2016/2017

Indicator	FY 2014/2015	FY 2015/2016	FY 2016/2017
Matters brought forward from previous year	9	18	18
No of New Matters recieved	6	4	21
No of Appeals/Reviews received	32	16	20
Total No of matters available to handle	47	38	59
Total No Concluded	29	20	31
No of matters pending at end of tear	18	18	28

From above Table, the Commission had 59 matters to consider during the year FY 2016/2017 representing a 55% increase in the total number of disciplinary matters handled in the previous year. 31 out of 59 matters were concluded leaving 28 matters to be considered in the next year

The Commission has committed to conclude all disciplinary matters within 180 days as indicated in JSC Service Delivery Charter. This is in response to concerns by staff on the duration of concluding matters in the previous years. The rate of conclusion of matters stood at 53% owing to the fact that during the financial year the Commission had high profile recruitments such as the Chief Justice, Deputy Chief Justice, Judge of the Supreme Court as well as Judges of the Court of Appeal and High Court to conduct. This took close to 150 days.

5.9.4 Judicial Staff

In FY2016/17, the following 57 disciplinary cases (categorized as per cadre) against judicial staff in PLS 8 and below were received.

Table 5.16: Disciplinary Cases per Cadre – Judicial Staff

Cadre	No of staff
Accountant I	1
Accountant II	1
Accounts Assistant I	1
Clerical Officer	30
Driver III	2
Executive Assistant	2
Executive Officer I	1
HRMA III	1
ICTO	1
ICTO II	1
Legal Researcher	1
Principal Administrative Officer	1
Process Server I	1
Procurement Officer	1
Secretarial assistant	1
Security Guard II	1
Senior Process Server	1
Senior Support Staff	2
Store Keeper I	1
Support Staff	2
Support Staff II	3
Support Staff Supervisor	1
Total	57

During the reporting period, the Judiciary Human Resource Management and Advisory Committee (HRMAC) received 57 new disciplinary cases. The committee completed 45 cases and referred 6 to the JSC. By the end of the reporting period, there were 57 cases remained pending as shown in Table 5.17.

Table 5.17: Summary of the Discipline matters against Staff examined by the HRMAC in 2016/17

S.No.	Details	No.
1.	General Disciplinary cases Bal. b/f 2015/16	51
2.	Cases in court b/f 2015/2016	31
	Total Discipline cases b/f from 2015/16	82
3	New cases registered in 2016/17	57
	Total	139
	Less:	
4	Completed cases by HRMAC in 2016/17	45
5.	Transferred to JSC	6
6.	Court cases FY2016/17	31
10.	Bal c/f by HRMAC 2017/18	57

A total of thirty one (31) staff had matters pending at the end of the reporting period.

5.9.5 Interdiction and Suspension

The number of Judicial Officers and Staff on interdiction and suspension during the FY2016/17 were as follows:-

Table 5.18: Interdictions and Suspensions, FY2016/217

S/ no.	Designation	Interdiction	Suspension
1	Judicial staff	17	43
2	Judicial officers	6	0
	Total	23	43

The Table below shows the cumulative figures of the total number of judicial officers and staff on interdiction up to the end of the financial year.

Table 5.19: Number of Judicial staff and officers on interdiction and suspension

S/no.	Designation	Interdiction	Suspension
1	Judicial staff	41	62
2	Judicial officers	11	13
	Total	52	75

Out of the 52 employees who remained on interdiction as at the end of the FY 2016/17, 23 were new cases registered during the reporting period, 44% of all interdiction matters. Similarly, out of 75 employees who were on suspension the end of the FY2016/17, 43 (57%) were fresh cases for FY2016/17. This is illustrated in tables 5.18 and 5.19.

5.9.6 Litigation status of JSC

JSC is a statutory body capable of suing and being sued. During the period under review the cases set out in table 5.20 were for and against the commission.

The status of litigation during the period under review is summarized below:

Table 5.20: Summary of Court Matters for and against JSC

Particulars	No of matters
Matters pending at as 30 th June, 2016	48
Matters filed for and against JSC in 2016/2017	20
Matters concluded	22
Matters pending as at 30 th June 2017	46

During the year under review, 20 matters were filed involving the Commission. Out of these, 11 matters related to Employment and Labor Relations, 8 matters were Constitutional Petitions and 1 matter was of a civil nature.

5.10 Development and Implementation of Policies and Procedures

The following Human Resource management related policies were developed:-

a. The Judiciary Records Management Policy

The draft Judiciary Records Management Policy was developed. Engagements with stakeholders were held and the draft policy validated in a workshop held on 24th February 2017 attended by 46 participants. The Judicial Service Commission is presently considering the draft.

b. Training and development Policy

The Training and Development Policy was developed in collaboration with JTI. It is pending approval by the Judicial Service Commission.

5.11 Attachment and pupillage programs

In the FY 2016/17, the Judiciary received numerous requests for attachment and pupillage from Universities and colleges. Table 5.21 below outlines the 2886 candidates who benefited during the reporting period. This was an increase of 188% from only 1002 students attached to the Judiciary in the FY 2015/16.

Table 5.21: Attachment and Pupilage

S/No	Category	2015/2016	2016/2017
1	Clinical attachments	841	2306
2	Pupillage	48	87
3	Other areas of specialization	113	493
	Total	1002	2886

Employee Separation 5.12

A total of 144 employees were separated from the judiciary due to retirement, resignations, death, dismissal, expiry of contracts or leave of absence

The table below outlines the breakdown of the employee separation during the period:-

Table 5.22: Employee's separation cases

S/No	Nature of Cases	Number
1	Judges retired upon attaining 70 years	5
2	Judges retired upon recommendation of tribunal	1
3	Dismissals (JSC & HRMAC decisions)	14
4	Retirement on fifty-year rule	7
5	Retirement under public interest	1
6	Normal retirement	63
7	Resignations	20
8	Contract expiry	11
9	Leave of absence	2
10	Deceased	20
	Total	144

5.13 Employee Composition

During the period under review, the Judiciary's overall staff strength was 5,619 comprising of 159 judges (2.8%), 470 Magistrates and Kadhi's (8.4%) and 4,990 Judicial Staff (88.8%)

Table 5.23: Employee Composition by Gender

CADRE	MALE	FEMALE	TOTAL	PERCENTAGE
Judges	92	67	159	2.8%
Magistrates and Kadhis	264	206	470	8.4%
Judicial staff	2540	2450	4990	88.8%
Total	2896	2723	5619	100%

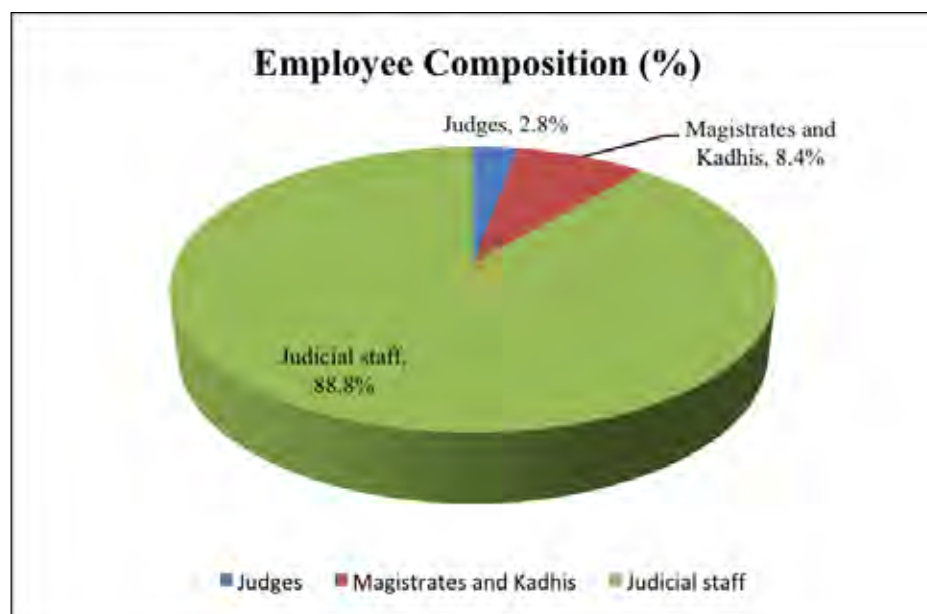


Fig 5.1: Employee Composition

The Judiciary's staff strength of 5,619 can further be categorized as 52 % male and 48% female, indicating near perfect gender parity. There has been 22% increase of employees due to the need to meet the increased demand of staff brought about by the establishment of new court stations

Gender Analysis

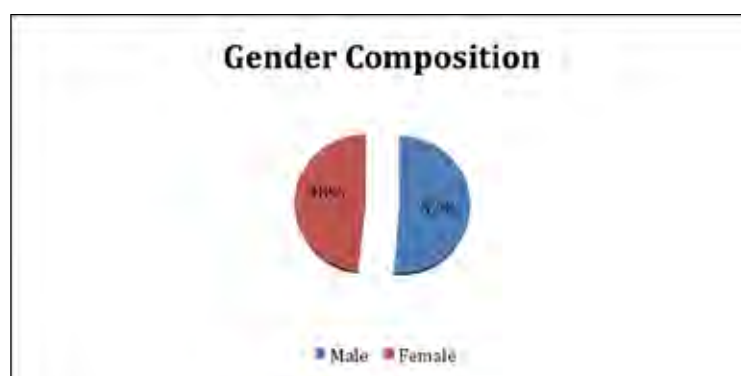


Fig. 5.2: Gender Composition

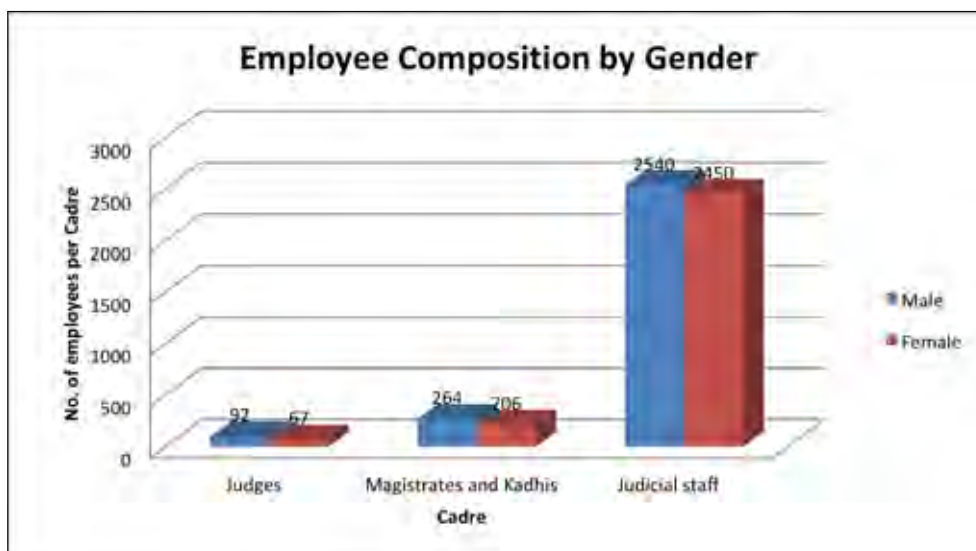


Fig. 5.3: Employee composition by Gender

5.13 Employees as per the Education Level

Below is a summary of the employee's in the Judiciary categorized according to their education level during the reporting period

Table 5.24: Education Level by Gender

Level of Education	Male	Female	Total
Doctorate Degree (PhD)	8	2	10
Master's Degree	102	96	198
Bachelor's Degree	560	541	1101
Post Graduate Diploma	105	90	195
Higher Diploma	18	55	73
Certificate Courses	136	108	244
Diploma	428	406	834
High School Certificate	1415	1346	2761
Primary School	124	79	203
Grand Total	2896	2723	5619

The above table is graphically represented in figure 5.4 below

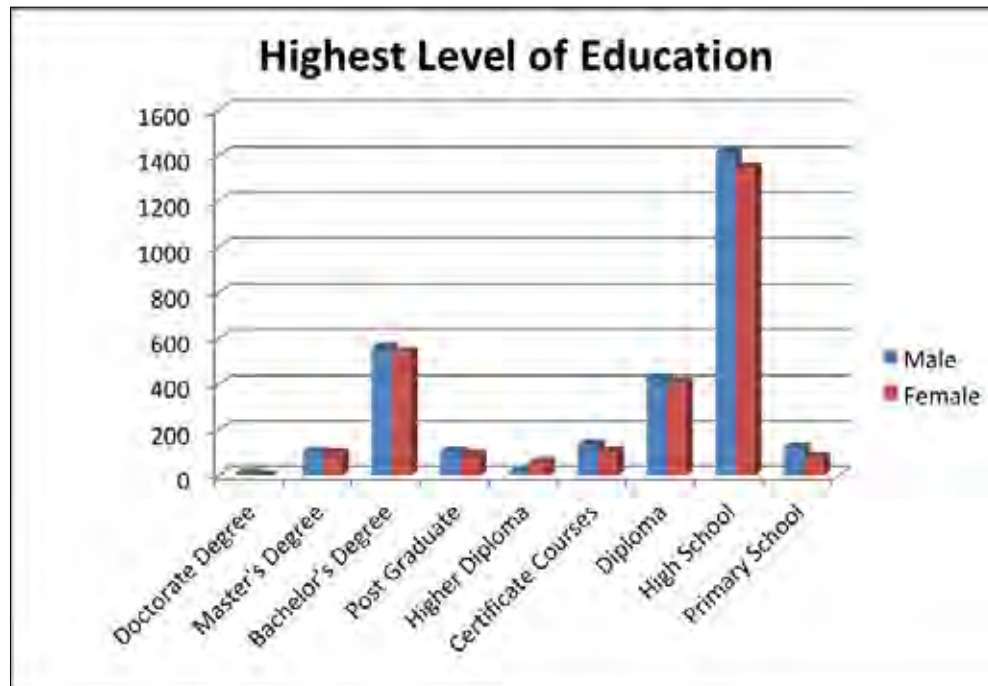


Fig. 5.4 Judiciary employee level of education

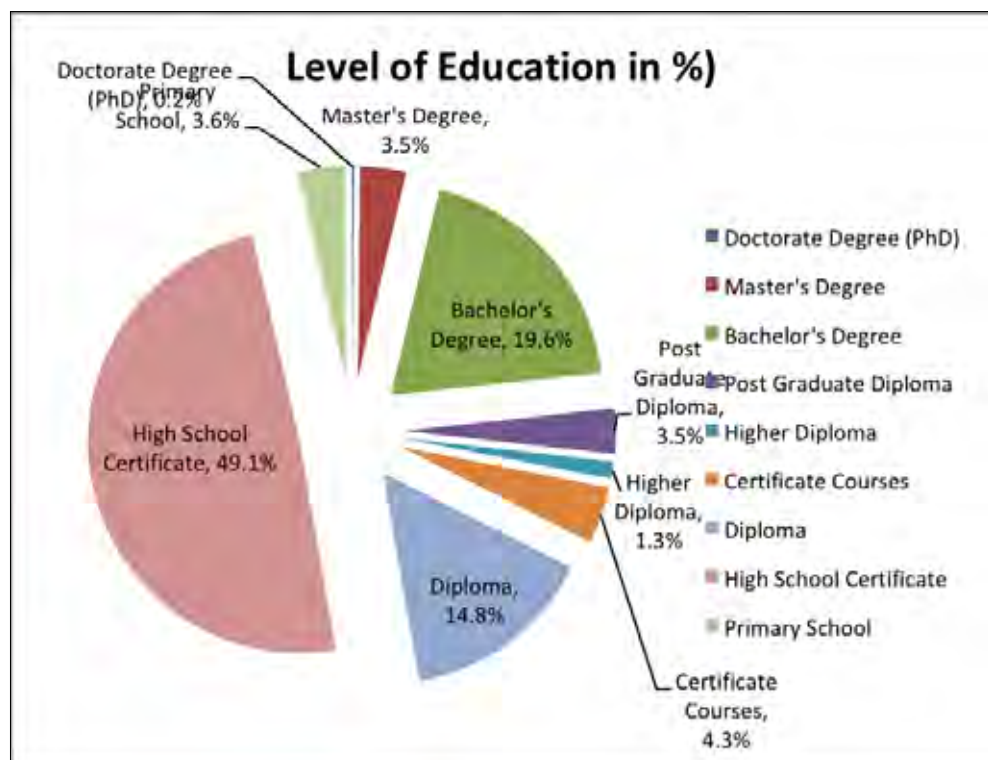


Fig. 5.5 Education Level

Out of the 5,619 employees, 49.1% of them have high school certificate as their highest level of Education, 19.6% have Bachelor's Degrees as their highest level of Education; while 14.8% have Diplomas. Less than 4% have Masters and/or Doctorate Degree's as their highest level of Education.

The high percentage of staff with high school certificates can be attributed to the recruitment of clerical officers in the previous and current reporting periods.

5.14 Comparative Level of Education FY2015/2016 with FY2016/2017

Table 5.26 below is a comparison of the Education levels in 2015/2016 and (2016/2017) financial years.

Table 5.26: Comparative Education Level

Level of Education	2015 /2016	2016/2017
Doctorate Degree (PhD)	10	10
Master's Degree	173	198
Bachelor's Degree	797	1101
Post Graduate & Higher Diploma	229	268
Certificate and Diploma	859	1078
Primary & Secondary School	2341	2964
Total	4409	5619

From the figures above, it can be noted that there is an overall increase in academic qualifications among the employees due to the quest among the employees to improve their knowledge and skills through education in their areas of discipline and also the need to diversify into other related areas. The steep increase in Certificates and Diploma's is attributed to the increased number of clerical officers employed in the reporting period. One employee attained a doctorate Degree (PhD' Degree) while 1 employee who in the FY 2015/16 had the same qualification retired from the institution.

The figures above are further illustrated in the graph below

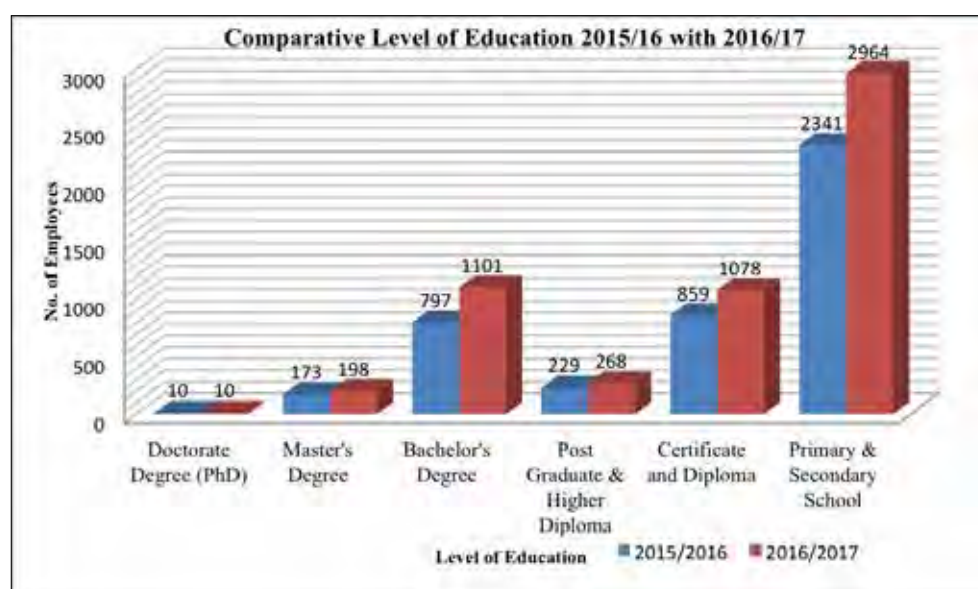


Fig. 5.6: Comparative Level of Education

5.15 Employees Age profile

The following table shows the age profile of the employee's during the reporting period

Table 5.26 Employee profile by Age

	AGE BRACKET										
DESIGNATION PER COURT/ DIRECTORATE	20-24	25-29	30-34	35-39	40- 44	45-49	50-54	55-59	60-64	65-69	TOTAL
JUDGES, MAGISTRATES & OTHER OFFICERS											
Supreme Court	0	0	0	0	0	1	1	2	1	2	7
Court of Appeal	0	0	0	0	0	1	6	6	2	5	20
High Court	0	0	0	0	8	33	43	35	8	5	132
Chief Registrar of Judiciary	0	0	0	0	0	0	1	0	0	0	1
Deputy Chief Kadhi	0	0	0	0	0	0	0	1	0	0	1
Deputy Registrar	0	0	0	0	2	1	0	0	0	0	3
Chief Magistrate	0	0	0	0	8	15	13	10	0	0	46
Chief of staff	0	0	0	0	0	1	0	0	0	0	1
Chief Kadhi	0	0	0	0	0	0	1	0	0	0	1
Chief Legal Officer	0	0	2	0	1	0	0	0	0	0	3
Senior Principal Kadhi	0	0	0	0	1	0	0	0	0	0	1
Senior Principal Magistrate	0	0	0	3	29	17	5	2	0	0	56
Principal Kadhi	0	0	0	0	3	2	1	3	0	0	9
Principal Magistrate	0	0	0	10	28	17	6	1	0	0	62
Registrar	0	0	0	1	3	2	0	0	0	0	6
Senior Resident Magistrate	0	0	42	78	20	8	4	0	0	0	152
Resident Magistrate/Deputy Registrar	0	1	29	60	9	3	0	0	0	0	102
Assistant Registrar	0	0	0	0	1	1	0	0	0	0	2
Kadhis	0	2	9	17	9	2	3	0	0	0	42
Law Clerks	0	1	11	8	0	1	0	0	0	0	21

DESIGNATION PER COURT/ DIRECTORATE	AGE BRACKET										TOTAL
	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	
Legal Researchers	0	6	20	8	0	0	0	0	0	0	34
OFFICE OF CHIEF JUSTICE											
Chief of Staff	0	0	0	0	1	0	0	0	0	0	1
Senior Legal Counsel	0	0	0	0	0	0	1	0	0	0	1
Communication Advisor	0	0	0	0	0	0	0	1	0	0	1
Financial Analyst	0	0	0	0	0	1	0	0	0	0	1
Assistant Registrar	0	0	0	0	0	0	1	0	0	0	1
FINANCE											
Director Finance	0	0	0	0	0	1	0	0	0	0	1
Deputy Chief Economist	0	0	0	0	1	0	0	0	0	0	1
Deputy Director of Accounts	0	0	0	0	0	0	1	0	0	0	1
Regional Assistant Director - Finance	0	0	0	2	4	4	1	0	0	0	11
Regional Principal Accountant	0	0	1	2	0	2	0	0	0	0	5
Senior Risk & Internal Systems Auditor	0	0	3	0	0	0	0	0	0	0	3
Principal Risk & Internal Systems Auditor	0	0	0	1	0	0	0	0	0	0	1
Chief Accountant	0	0	1	3	2	0	1	1	0	0	8
Chief Finance Officer	0	0	0	0	0	0	1	0	0	0	1
Chief Risk & Internal Systems Auditor	0	0	0	1	1	0	0	0	0	0	2
Finance Officer	0	1	6	8	1	0	0	0	0	0	16
Senior Economist	0	0	0	1	1	0	0	0	0	0	2

DESIGNATION PER COURT/ DIRECTORATE	AGE BRACKET										TOTAL
	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	
Senior Accountant	0	0	1	11	3	4	4	2	0	0	25
Accountant/Accounts Asst.	0	7	47	46	21	13	14	9	0	0	157
Internal Auditor 1	0	1	2	1	0	0	0	0	0	0	4
BUILDING											
Chief Architect	0	0	0	0	0	0	1	0	0	0	1
Senior Architect	0	0	0	0	0	0	0	0	0	0	1
Architect	0	0	0	0	1	1	0	0	0	0	1
Quantity Surveyor	0	0	0	1	0	0	0	0	0	0	1
Superintendent of Works	0	0	0	1	1	0	0	0	0	0	2
Building Technician	0	0	0	0	1	0	2	0	0	0	3
ICT											
Assistant Director - ICT	0	0	0	2	0	0	0	0	0	0	2
Computer Operations Assistant 2	0	0	1	1	0	0	0	0	0	0	2
Principal ICT Officer	0	0	0	1	0	0	0	0	0	0	1
Senior ICT Officers	0	0	4	8	1	0	0	0	0	0	13
ICT Officers	0	25	24	11	6	5	2	1	0	0	74
HUMAN RESOURCE & ADMINISTRATION											
Deputy Director-HRM	0	0	0	0	1	0	0	0	0	0	1
Deputy Director - Administration	0	0	0	0	1	0	1	0	0	0	2
Regional Assistant Director-HRM	0	0	0	0	2	5	7	0	0	0	14
Regional Principal HR & Adm Officer	0	0	0	3	1	0	0	0	0	0	4

DESIGNATION PER COURT/ DIRECTORATE	AGE BRACKET										TOTAL
	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	
Senior Assistant Director HR & Admin	0	0	0	0	0	0	0	1	0	0	1
Principal admin	0	0	0	0	1	1	0	0	0	0	2
Administrative Officer	0	0	0	0	0	0	2	2	0	0	4
Principal Driver	0	0	0	0	0	0	0	3	0	0	3
Principal Executive Officer	0	0	0	1	0	0	0	0	0	0	1
Principal HRM Officer	0	0	0	3	2	2	0	0	0	0	7
Chief HRM Officer	0	1	1	9	8	4	14	15	1	0	53
Court Bailiff	0	2	7	8	7	3	4	7	0	0	38
Process Server	0	0	0	0	0	1	0	0	0	0	1
Senior Principal Library Assistant	0	0	0	4	5	9	12	7	0	0	37
Senior Process Server	0	0	0	0	1	2	2	0	0	0	5
Principal Librarian	0	0	0	5	8	1	1	1	0	0	16
Chief Library Assistant	0	0	0	0	0	0	0	1	0	0	1
Senior Archivist	0	0	0	0	0	0	0	1	0	0	1
Archivist	3	24	24	20	9	7	2	4	0	0	93
Librarian	0	0	0	1	3	1	1	2	0	0	8
Chief Executive Officer	0	0	0	0	0	3	1	7	0	0	11
Executive Officer	0	0	9	45	34	54	60	134	2	0	338
Senior Personnel Secretary	0	0	0	1	15	7	13	6	0	0	42
Principal Executive Secretary	0	0	0	0	1	1	2	3	0	0	7
Executive Secretary	0	0	0	2	8	2	2	2	0	0	16
Personal Secretary	0	12	21	54	40	8	15	12	0	0	162
Secretarial Assistant	3	34	24	45	62	30	31	20	0	0	249

	AGE BRACKET										
DESIGNATION PER COURT/ DIRECTORATE	20-24	25-29	30-34	35-39	40- 44	45-49	50-54	55-59	60-64	65-69	TOTAL
Chief Telephone Supervisor	0	0	0	0	0	0	0	1	0	0	1
HRM Officers	0	5	21	14	3	4	4	2	0	0	53
Senior Clerical Officer	0	6	64	109	78	37	40	5	0	0	339
Higher Clerical Officer	0	33	95	95	55	29	9	13	0	0	329
Clerical Officer 2	303	738	323	128	86	43	28	5	0	0	1654
Telephone Operators	0	0	0	8	7	5	6	5	1	0	32
Drivers	0	10	29	48	35	15	13	5	0	0	155
Support Staff	0	47	107	114	98	47	46	16	0	0	475
Senior Security Guard	0	2	6	5	5	1	1	1	0	0	21
Security Officers	0	21	43	53	54	35	30	17	0	0	253
PROCUREMENT											
Director-Supplies Chain Management Services	0	0	0	0	0	0	1	0	0	0	1
Principal Procurement Officer	0	0	0	0	0	0	0	0	0	0	0
Senior Procurement Officer	0	0	2	1	0	1	1	0	0	0	5
Chief Procurement Officer	0	0	0	2	0	1	0	0	0	0	3
Procurement Officer	0	6	14	4	0	0	1	1	0	0	26
Senior Store Keepers	0	2	7	10	2	1	0	0	0	0	22
Store Keepers	0	22	24	6	6	0	0	0	0	0	58
Supplies Officer 1	0	0	2	1	1	2	0	0	0	0	6
PUBLIC AFFAIRS & COMMUNICATION											
Director- Public Affairs & Comm.	0	0	0	0	0	0	1	0	0	0	1

DESIGNATION PER COURT/ DIRECTORATE	AGE BRACKET										TOTAL
	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	
Deputy Director - Public Affairs & Communication	0	0	0	0	0	1	0	0	0	0	1
Asst. Director - Public Affairs & Communication	0	0	0	0	0	1	0	0	0	0	1
Chief Public Comm. Officer	0	0	0	0	0	0	0	0	0	0	0
Photojournalist	0	0	1	0	0	0	0	0	0	0	1
Principal Public Comm. Officer	0	0	0	1	0	0	0	0	0	0	1
Senior Producer	0	0	0	0	1	0	0	0	0	0	1
Public Communications Officer 1	0	0	2	1	0	0	0	0	0	0	3
PERFORMANCE MANAGEMENT											
Deputy Director - Performance Management	0	0	0	0	0	0	1	0	0	0	1
Deputy Director-Efficiency Monitoring	0	0	0	0	0	0	1	0	0	0	1
Assistant Director - Performance Management	0	0	1	2	1	1	1	1	0	0	7
Principal Monitoring & Evaluation Officer	0	0	0	1	0	0	0	0	0	0	1
Program Officers	0	0	2	2	0	0	0	0	0	0	4
GRAND TOTALS	309	1012	1032	1093	808	499	465	374	15	12	5619

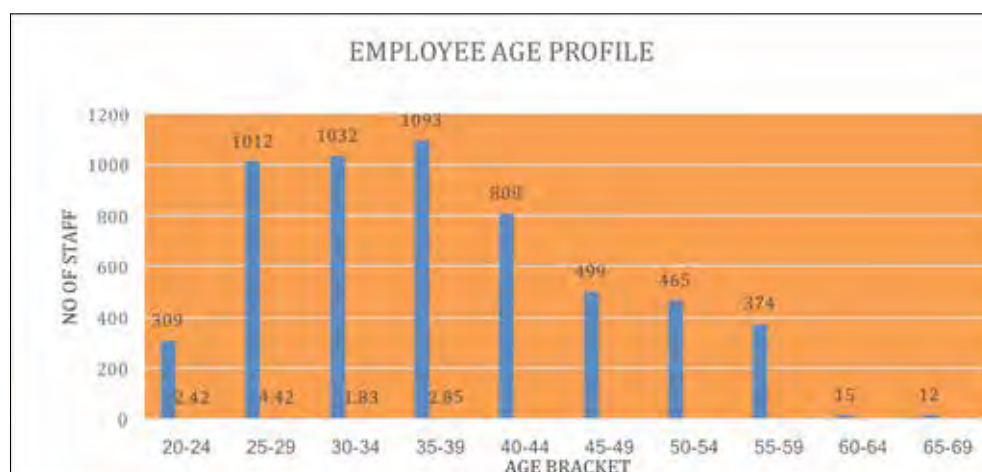


Fig. 5.5 Employee Age Profile

During the year of consideration, 5% of employees were between 20 and 24 years while 24% of were in the age bracket of between 25 and 29 years, while 0.2% was in the age bracket of between 65 and 69 years. A greater majority of employees (70%) are in the age bracket 25– 45 reflecting a youthful workforce.

JUDICIARY TRAINING INSTITUTE

5.16 Judiciary Training Institute

The Judiciary Training Institute (JTI) is the training and research arm of the Judiciary. Over the last six years, JTI has been expanding both in terms of its training portfolio and staff complement. The Institute is headed by a Director, Hon. Mr. Justice (Prof) Otieno Odek who was appointed on 2nd June 2016 and serves on a full time basis. During the period under review, the JSC appointed three Deputy Directors. These are:

1. *Dr. Steve Ouma-Deputy Director Research and Policy*
2. *Dr. Freda Githiru-Deputy Director Training and Curriculum Development and*
3. *Emma Orua- Deputy Director Finance & Administration.*

5.17 Trainings and Activities undertaken in FY2016/17

In 2015/16, JTI offered the following trainings segmented into trainings for Judges, Magistrates and Judiciary staff:

Table 5.27: Training for Judges, FY 2016/17

No	Name Of The Training	Dates of Training	No. of Judges
1	Annual Judges Conference/ Colloquim	21 st -26 th August 2016	133
2	High Court Advisory Committee Educational Trip to Washington DC, USA	6 th -14 th August 2016	13
3	Supreme Court Retreat	17 th -20 th August 2016	
4	High Court Leaders Retreat	16 th -19 th October 2016	37
5	High Court Judges Retreat	18 th -22 nd October 2016	76
6	Death Sentence & Life Imprisonment: Emerging & Comparative Jurisprudence from Superior Courts	27 th -28 th October 2016	27
7	Sensitization on ELRC Procedure Rules and Service Delivery Charter (Mombasa)	27 th -30 th October 2016	60
8	Performance Management and Measurement Understandings (PMMUs) Evaluation Workshop, negotiations and target setting Workshop (Group 1)	7 th -8 th November 2016	
9	Budget making process and the High Court as an enabler for Dispute Resolution and Investor Confidence.	9 th -11 th November 2016	
10	Emerging Jurisprudence on Environmental Litigation and protection in Kenya; Overview of the legislation on Climate Change in Kenya	16 th -18 th November 2016	
11	Performance Management and Measurement Understandings (PMMUs) Evaluation Workshop, negotiations and target setting Workshop for ELC & ELRC Judges	24 th -25 th November 2016	

12	Sensitization on ELRC Procedure Rules and Service Delivery Charter	24 th -27 th November 2016	60
13	Joint Retreat for the Supreme Court and Court of Appeal Judges.	30 th Nov-3 rd December 2016	
14	Transgender issues and challenges in the implementation of sexual offenses Act.	7 th -9 th December 2016	
15	Devolution: Emerging Jurisprudence on checks and balances in County Governments	14 th -17 th December 2016	
16.	Unfair Dismissal and Reinstatement in Labor Law	14 th -17 th December 2016	
17.	Induction of the Supreme Court Judges	14 th -to 17 th December 2016	
18.	Election Dispute Resolution Training for Judges of the High Court	8 th -14 th January 2017	
19.	Amicus Curiae in the context Transformative Constitutionalism	18 th -20 th January 2017	
20.	Legal and Institutional Framework on land use, planning and boundary disputes in Kenya.	25 th -27 th January 2017	
21.	Sensitization on ELRC Procedure Rules and Service Delivery Charter (Nakuru)	26 th -29 th January 2017	60
22.	Election Dispute Resolution Training for Judges of the High Court	29 th -4 th February 2017	
23.	Emerging Jurisprudence from Supreme Court on the Bill of Rights of the Kenyan Constitution	7 th -11 th February 2017	
24.	Induction of ELC Judges	14 th -18 th February 2017	
25.	Jurisdictional Competence of Judges in Arbitration, Mediation and Conciliation in light of Article 159(2)© of the Constitution 2010	20 th -24 th February 2017	
26.	Retreat for ELRC Judges	23 rd -26 th February 2017	
27.	The role of Trade Unions and Collective Bargaining under the Constitution 2010	1 st -3 rd March 2017	
28.	Election Dispute Resolution Training for the Court of Appeal Judges	5 th -11 th March 2017	
29.	Sensitization on ELRC Procedure Rules and Service Delivery Charter (Nyanza/Western)	9 th -12 th March 2017	60
30.	The Law of the Seas and Navigable Waters: The Bird's Eye View of Admiralty Law	5 th -7 th April 2017	
31.	Children in Conflict with the Law: The Best Interest of the Child in the Justice System	5 th -7 th April 2017	
32.	Understanding Transformative Constitutionalism in Interpreting the Constitution	19 th -21 st April 2017	

33.	Adjudicating Counter-terrorism and related cases in East Africa; Emerging issues and Approaches	9 th -11 th May 2017	
34.	Comparative Analysis of the Jurisdiction of the Supreme Court: Matters of general public importance-a pandora's box	16 th -19 th May 2017	
35.	Retreat for Court of Appeal Judges	20 th -23 rd June 2017	

Table 5.28: Training for Magistrates, FY 2016/17

No	Name Of The Training	Dates Of Training	No. Of Judges
1.	Magistrates Continuous Judicial Education (JCE)	10 th -15 th July 2016	75
2.	Magistrates Colloquium (Group I)	14 th -16 th July 2016	260
3.	Magistrates Colloquium (Group II)	7 th -12 th August 2016	260
4.	Training on Wildlife Emerging Trends	30 th Sep-2 nd October 2016	
5.	Retreat for the Magistrates & Kadhis Registry Manual Committee	12 th -15 th October 2016	
6.	Trial Advocacy, Plea Bargaining & Legal Aid	17 th -21 st October 2016	
7.	Access to Justice; Sentencing Policy, Bail & Bond Policy and Community Service Order	27 th - 28 th October 2016	
8.	Capacity Building for Magistrates on the Magistrates Court Act, 2015	28 th -29 th October 2016	
9.	Performance Management and Measurement Understandings(PMMUs)Evaluation Workshop, negotiations and target setting Workshop for Magistrates.	31 st - 1 st November 2016	
10.	Anti- Corruption training for all principal magistrates and above	9 th -11 th November 2016	
11.	Magistrates Continuous Judicial Education (CJE)	13 th -18 th November 2016	
12.	Recovery of Evidence from Mobile Phones	1 st - 2 nd December 2016	
13.	Sensitization on Sentencing Guidelines and Bail Bond Policy for Judicial Officers	30 th Nov-3 rd December 2016	
14.	Transgender issues and challenges in the implementation of sexual offenses Act.	8 th -9 th December 2016	
15.	Intra Agency Wildlife and Environmental Crimes Forum	14 th -17 th December 2016	
16.	Training for Registrars & Asst. Registrars on Administrative Functions	11 th -13 th January 2017	
17.	Bi- Annual Heads of Stations Forum	7 th -11 th February 2016	
18.	Kadhis Retreat	8 th -11 th February 2017	
19.	Election Dispute Resolution Training for Magistrates	19 th -25 th February 2017	
20.	Speech to Text for Judgment Writing	25 th -27 th April 2017	20
21.	Capacity Building for Magistrates on the Magistrates Act, 2015	2 nd -3 rd May 2017	20
22.	Capacity Building of Judicial Officers on Handling matters relating to drugs and Chemical Substance	5 th -6 th May 2017	20

23.	Capacity Building for Magistrates on the Magistrates Act, 2015	19 th -20 th May 2017	20
24.	Magistrates Colloquium Phase I	4 th - 9 th June 2017	
25.	Magistrates Colloquium Phase II	18 th -23 rd June 2017	

Table 5.29: Judiciary Staff Trainings FY 2016/17

No	Name Of The Training	Dates Of Training	No. Of Staff
1.	Sensitization of ELRC Staff on HIV & GBV	15 th -16 th September 2016	80
2.	CUC Capacity Building Workshop	22 nd -23 rd September 2016	65
3.	Training of Accounts, finance and supply chain personnel on Public Procurement & Disposal Act, 2015.	28 th -3 rd September 2016	
4.	Executive Officer Handbook Workshop	3 rd -7 th October 2016	55
5.	Kadhis Handbook Committee Workshop	3 rd -7 th October 2016	26
6.	Training on Effective Office Assistance, Basic Record Management, Communication, Customer Care, Professionalism and Values	27 th -28 th October 2016	150
7.	Information Management and Legal Research for Libraries	10 th -14 th October 2016	46
8.	Training on Defensive Driving for Drivers	10 th -22 nd October 2016	50
9.	Induction for newly recruited clerical staff	17 th -28 th October 2016	1000
10.	Development of Workplans and Budgets	19 th -15 th October 2016	
11.	Training of Court users on Alternative Justice System	3 rd -4 th November 2016	
12.	Training of Registry Staff	11 th -12 th November 2016	60
13.	Trainings on Court Operations Manual	24 th -26 th November 2016	
	ICT Essentials including DCRT	24 th -26 th November 2016	150
14.	Media Training for Journalists on election reporting	7 th -9 th December 2016	80
15.	Sensitization on Change management (health safety & culture change)	14 th -17 th December 2016	
16.	Training of accounts and finance staff on the development of Midterm expenditure framework.	20 th December 2016	
17.	Training on Master Payroll and HR Audit	16 th -20 th January 2017	25
18.	Induction for Audit & Risk Directorate staff	23 rd - 27 th January 2017	25
19.	Regional sensitization on Sexual Offenders Register	29 th -30 th February 2017	40
20.	Induction of Library Assistants in Library Management	25 th -27 th January 2017	20

Chapter 6

FINANCE AND INFRASTRUCTURE

FINANCE AND INFRASTRUCTURE

6.0

6.0 Introduction: Funding the Judiciary within the National Context

During the financial year 2016/2017, the outputs and indicators for the Medium-Term Expenditure Framework (MTEF) for the judiciary were drawn from the Judiciary Transformation Framework (2012 – 2016) blueprint and Judiciary Strategic Plan (2014 – 2018), the documents which provided the road map for the Judiciary.

6.1 Overall Budgetary Allocation within the Three Arms of Government

In Kenya, each arm of government is independent of the other and their individual roles are set out by the Constitution. Compared to other arms of Government, namely the Executive and the Legislature, the Judiciary receives the least budgetary allocation.

Figure 6.1 below shows that the proportion of overall budgetary allocation for the Judiciary has remained at an average of 1% over the past five years, falling well below the internationally-recommended standard of 2.5%. The Executive and Legislature's share of the national budget stands at an average of 97% and 2% respectively. The mandate of the Presi-

dency is to provide overall policy and strategic leadership direction for national development whereas the National Assembly's mandate is legislation, oversight and representation of the public.



Construction of the Nakuru Law Courts: Optimal judicial facilities are a key plank in the access to justice campaign.

“

That the proportion of overall budgetary allocation for the Judiciary has remained at an average of 1% over the past five years, falling well below the internationally-recommended standard of 2.5%



Figure 6.1: Budget Allocation Trend among the Three Arms of Government

6.2 Recurrent Versus Development Budget Allocation within the Three Arms

Figure 6.2 below shows that the Executive has continuously been receiving almost the entire national budgetary allocation. The figure shows that the Executive has been allocated on average 95% and 99% of the recurrent and development budget for the past five financial years respectively with a balance of 5% and 1% of the recurrent and development budget being shared among the Judiciary and Parliament respectively.

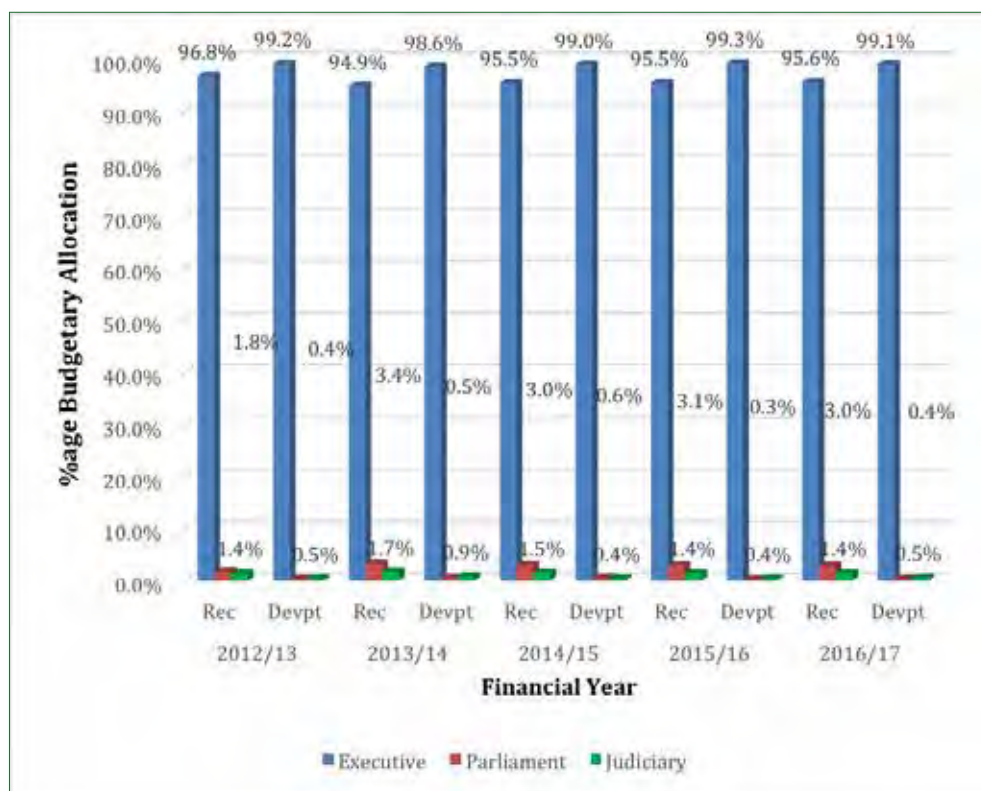


Figure 6.2: Development Vs Recurrent Allocation for the three arms of Govern-

ment

Table 6.1 below provides a breakdown on the allocated budget for both recurrent and development vote for the Executive, Parliament and the Judiciary for the past five years.

Table 6.1: Recurrent and Development Allocation in KShs Million

		Executive	Parliament	Judiciary	Total
2012/13	Rec	696,794.20	12,978.50	10,221.40	719,994.10
	Devpt	409,538.10	1,563.10	1,936.10	413,037.30
2013/14	Rec	635,361.00	22,649.00	11,651.10	669,661.10
	Devpt	446,115.00	2,435.00	4,048.40	452,598.40
2014/15	Rec	703,261.70	22,395.00	10,732.00	736,388.70
	Devpt	689,324.20	4,075.00	3,093.00	696,492.20
2015/16	Rec	776,700.23	24,813.00	11,684.03	813,197.26
	Devpt	720,050.74	2,100.00	3,115.00	725,265.74
2016/17	Rec	884,914.21	27,433.74	12,956.16	925,304.11
	Devpt	794,227.58	3,150.00	4,153.00	801,530.58

Judiciary Budget Requirements versus Allocation

Table 6.2: Resource Requirements Versus Allocation

Financial Year	Requirement (Billion KShs)	Allocation (Billion KShs)	Percentage Allocation	Percentage shortfall
2013/14	22.075	15.699	71%	29%
2014/15	26.211	14.163	54%	46%
2015/16	26.609	14.799	56%	44%
2016/17	23.366	17.109	73%	27%

Table 6.2 above provides a comparison of the resource requirements and resource allocation over the past four fiscal years. It shows that the resource allocation declined tremendously from 71% to 53% against that required in the FY 2013/14 and 2014/15 respectively. A slight improvement was registered in the subsequent financial years to 56%, and 73% in the FY 2015/16 and FY 2016/17 respectively. With the transition of 16 tribunals to the Judiciary in FY 2014/15 – FY 2016/17, it was expected that resource allocation would have improved. However, there were no funds allocated for some of these tribunals.

6.4 Approved Budget Estimates

The approved budget for recurrent and development budget for the FY 2016/17 was Kshs 13 billion and 4 billion respectively bringing the sum total of the overall budget to Kshs 17 billion. More than 70% of the total budget for development budget was from development partners with a contribution amounting to Kshs. 2.8 billion.

6.5 Expenditure Analysis and Absorption Levels (2014/15 – 2016/17)

The resources are allocated per the MDAs programmes. For purposes of budgeting for resources in the Judiciary the programme remained as one, namely, ‘Dispensation of Justice’ which is then sub-divided into two sub-programmes, namely: ‘Access to Justice’ and ‘Administration and Support Services’. More funds were allocated under ‘Access to Justice’ sub-programme since this is where core mandate of dispensation of justice is anchored.

Development partner funds were mainly from the World Bank under the Judicial Performance Improvement Programme (JPIP). They contributed significantly towards funding of development activities under the ‘Access to Justice’ Sub-Programme.



Figure 6.3: Analysis of Absorption rates (2014/15-2016/17)

Figure 6.3 above shows the budgetary absorption for both development and recurrent budget. Absorption of the overall budget during the past three financial years has shown an upward trend with the recurrent expenditure moving from 96% to 97% and development from 52% to 67% as indicated in Figure 6.3 above. The improvement in absorption for development expenditure is largely attributed to the construction of more courts to bring services closer to the people as well as the establishment of an in-house Directorate of Building Services (DBS) to oversee this process. The upward absorption trends on development vote are therefore expected to be sustained in the subsequent years.



Absorption of the overall budget during the past three financial years has shown an upward trend with the recurrent expenditure moving from 96% to 97% and development from 52% to 67%

Table 6.3: Budget Implementation by Sub-Programme

	Approved Budget			Actual Expenditure		
	2014/15	2015/16	2016/17	2014/15	2015/16	2016/17
PROGRAMME 1: Dispensation of Justice						
Sub-Prog. 1: Access to Justice	9,421	9,592	11,309	7,823	8,195	10,094
Sub-Prog. 2: Administration and Support Services	4,404	5,207	5,800	4,050	4,752	5,207
TOTAL PROGRAMME	13,825	14,799	17,109	11,873	12,946	15,301

Table 6.3 above outlines expenditure under the two sub-programmes, Access to Justice and Administration and Support Services for the FY 2014/15 to 2016/17. Access to Justice Sub-programmes received a larger portion of the total budget allocation at 68%, 65% and 66% respectively for the periods under review.

Table 6.4: Analysis of Programme Expenditure by Economic Classification

	Approved Budget			Actual Expenditure		
	2014/15	2015/16	2016/17	2014/15	2015/16	2016/17
PROGRAMME 1: DISPENSATION OF JUSTICE						
Current Expenditure						
Compensation to Employees	6,051	6,442	7,409	6,051	6,325	7,266
Use of goods & Services	2,121	2,593	2,529	2,190	2,397	2,301
Grants and Other Transfers	313	842	772	312	770	771
Other Recurrent	2,247	1,807	2,246	1,716	1,767	2,168
Capital Expenditure						
Acquisition of Non-Financial Assets	3,093	3,006	4,153	1,604	1,663	2,795
Capital Grants to Govt. Agencies	0	20	0	0	20	0
Other Development	0	89	0	0	4	0
Total Program	13,825	14,799	17,109	11,873	12,946	15,301
Total Vote 1261	13,825	14,799	17,109	11,873	12,946	15,301

Table 6.4 above demonstrates expenditure trends for the program by economic classifications under Compensation to Employees, Use of Goods and Services, Grants and Other Transfers and Acquisition of Non-Financial Assets. Compensation to Employees increased by 22% over the review period and remained the largest portion of the recurrent budget taking at least 48% in the period under review. Over the period under review the approved budget on use of goods and services increased marginally from

9% of the total allocation to 15%.

6.6 Court Revenue

The judiciary collects revenue in the form of court fines and fees. The implementation of M-Pesa payment system, agency banking and direct banking has improved revenue collections and accountability in the institution as it has eliminated the collection of cash in most court stations.

The total revenue collected in FY 2016/17 amounted to KShs 1.972 Billion compared to KShs 2.308 Billion in FY 2015/16. The decline was as a result of less fine collections in FY 2016/17.

Table 6.5: Revenue collections, FY2014/15-FY201/17

FY	2014/15	2015/16	2016/17
	KShs'ooo	KShs'ooo	KShs'ooo
Fines	1,458,972	1,470,055	1,125,429
Fees	650,511	838,003	847,029
TOTAL	2,109,483	2,308,057	1,972,459

Figure 6.4: Total revenue collections over the last three financial years

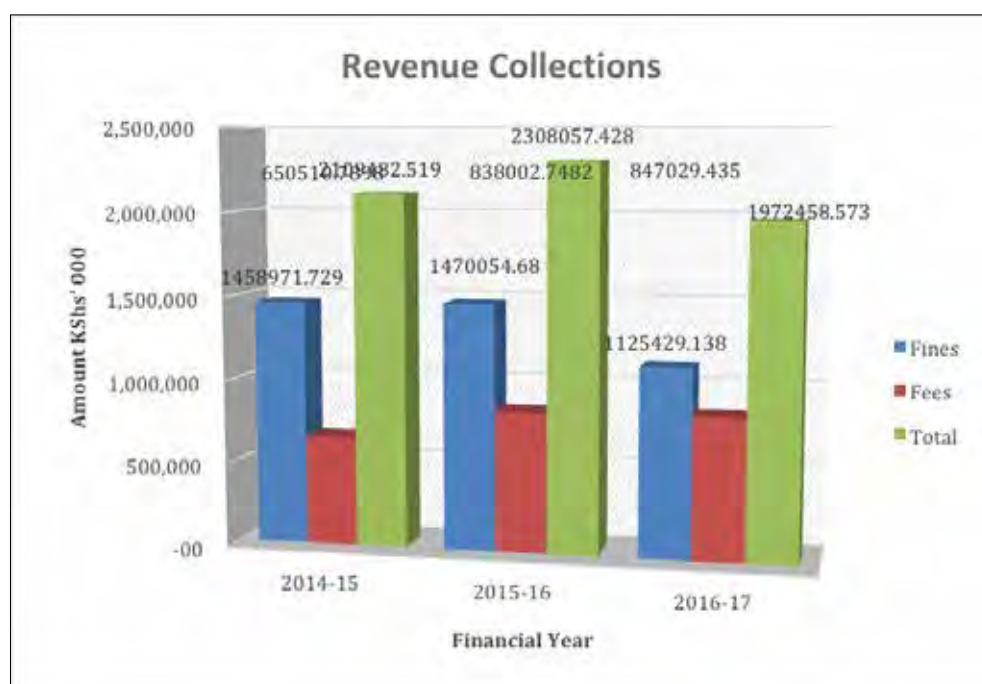


Figure 6.4 above shows a drop in fines collections to **KShs 1.125 Billion** in FY 2016/17 from **KShs 1.47 Billion** in FY 2015/16 representing a decrease of 23%. Fees grew by 1% to **KShs 847 Million** in FY 2016/17 from **KShs 838 Million** in FY 2015/16. The higher revenue amount in FY 2015/16 was due to inclusion of an amount of **KShs 125 million** relating to June 2015 (FY 2014-15) that was surrendered after closure of that financial year.

The court fines imposed or fees charged are dependent on court activities and nature of matters. Some matters may lead to high revenue collection and others low revenue collection.



Implementation of M-Pesa payment system, agency banking and direct banking has improved revenue collections and accountability in the institution as it has eliminated the collection of cash in most court stations.

Table 6.5 below gives a breakdown of court fines and fees per station for the previous three financial years.

Table 6.6: Court Fines and Fees for FY 2014/15 – FY 2016/17

	STATION	COURT FINES			COURT FEES		
		2014/15.	2015/16	2016/17	2014/15.	2015/16.	2016/17
1	Balambala	-	-	-	-	-	20,050
2	Baricho	13,972,296	15,409,754	8,300,049	1,513,510	2,575,798	3,158,946
3	Bomet	10,069,929	9,528,665	7,728,306	1,200,992	2,297,998	2,092,675
4	Bondo	4,189,960	3,702,798	2,000,748	611,361	1,267,418	1,911,635
5	Bungoma	12,719,694	18,758,150	13,441,274	7,012,240	11,590,882	9,770,887
6	Busia	17,020,634	8,612,362	4,787,009	6,507,655	7,115,183	4,783,841
7	Butali	2,558,411	5,733,669	4,491,097	1,001,553	1,631,763	1,746,631
8	Butere	1,660,514	5,705,152	3,478,221	1,243,812	1,256,005	1,787,957
9	C.O.A	3,500,000	-	-	11,088,120	11,763,385	11,022,192
10	Chuka	3,100,900	5,477,563	6,581,054	2,619,145	4,077,945	4,188,572
11	Dadaab*	-	-	-	-	-	126,750
12	Eldama Ravine	2,531,305	5,731,817	6,963,645	1,045,104	1,551,102	1,333,537
13	Eldoret	38,070,330	27,746,539	36,175,725	11,010,708	16,527,259	16,445,320
14	Embu	8,666,348	10,010,363	8,115,457	7,041,421	8,254,116	6,942,084
15	Engineer	2,645,754	3,018,745	1,678,535	1,555,185	2,393,403	2,378,234
16	Garissa	10,682,130	26,504,231	24,131,572	1,151,779	1,381,199	1,947,938
17	Garsen	1,480,053	1,059,272	761,979	255,055	721,589	1,202,365
18	Gatundu	27,953,124	6,148,695	5,302,404	1,983,303	3,520,313	3,034,557
19	Gichugu	3,072,767	4,338,983	2,370,283	1,139,371	1,234,710	1,859,756
20	Githongo	2,732,538	5,227,668	3,247,416	493,756	921,503	1,558,523
21	Githunguri	1,638,076	2,567,379	4,307,749	1,967,359	1,938,607	1,663,758
22	Hamisi	1,090,608	1,523,216	697,846	526,612	447,083	279,405
23	Hola	281,470	110,162	516,653	-	89,267	544,164
24	HomaBay	7,224,627	4,846,136	3,200,600	3,016,484	4,918,612	2,376,125
25	Ijara	-	-	-	-	-	107,650
26	Industrial C.	-	600,000	30,000	6,003,974	8,691,598	10,664,951
27	Isiolo	3,459,301	5,611,919	3,075,400	825,798	1,143,096	1,919,772
28	Iten	6,173,962	6,902,432	3,816,259	318,380	502,840	346,653
29	JKIA*	-	-	19,630,996	-	-	63,305
30	Kabarnet	3,302,295	5,939,648	1,881,717	401,936	549,881	568,791
31	Kajiado	20,326,971	18,611,380	18,848,727	4,249,574	5,814,390	8,655,831
32	Kakamega	7,623,988	13,088,374	6,509,159	9,211,161	9,376,617	8,024,388
33	Kakuma	-	3,053,132	820,120	-	128,710	47,030
34	Kaloleni	710,241	1,744,722	1,030,738	745,337	962,065	1,508,485
35	Kandara	1,496,180	3,183,317	2,805,272	1,467,288	1,986,111	1,857,761
36	Kangema	5,838,885	5,745,112	3,376,720	652,545	811,685	813,373
37	Kangundo	2,612,666	4,519,328	8,185,520	1,693,004	1,767,623	1,993,824
38	Kapenguria	3,817,403	6,894,384	5,943,402	503,663	909,061	927,958
39	Kapsabet	14,623,560	26,073,741	10,429,779	3,567,398	3,515,425	2,575,845
40	Karatina	5,161,808	2,584,676	2,485,539	2,218,057	1,959,448	3,038,439
41	Kehancha	1,647,793	2,599,843	1,965,304	406,963	292,793	535,745
42	Kericho	18,962,456	24,583,290	17,837,094	8,431,014	8,649,877	6,823,520
43	Keroka	10,645,921	6,697,805	6,724,573	2,710,425	1,932,759	2,384,099
44	Kerugoya	4,939,720	6,301,752	4,826,834	8,711,683	9,328,950	7,078,643

	STATION	COURT FINES			COURT FEES		
		2014/15.	2015/16	2016/17	2014/15.	2015/16.	2016/17
45	Kiambu	11,047,475	10,855,351	11,734,990	4,414,948	7,069,469	11,383,702
46	Kibera	61,065,273	60,818,189	63,815,620	-	527,980	425,465
47	Kigumo	6,876,108	7,373,280	5,722,516	1,535,003	2,612,938	2,079,607
48	Kikuyu	8,650,161	11,037,713	12,729,379	4,306,119	6,095,562	6,490,985
49	Kilgoris	4,158,938	5,208,330	5,492,755	815,265	932,307	527,779
50	Kilifi	1,781,740	3,285,802	1,485,726	1,730,163	4,202,767	2,833,588
51	Kilungu	5,026,280	10,276,605	10,933,971	1,389,364	2,477,407	2,281,250
52	Kimilili	3,118,655	6,285,355	4,303,376	925,779	1,327,676	1,113,880
53	kisii	22,605,332	17,670,121	16,899,275	14,279,420	16,322,031	11,757,356
54	Kisumu	20,349,522	14,588,154	14,752,603	23,382,106	24,630,463	22,018,392
55	Kitale	23,155,654	38,191,630	22,601,835	7,358,661	9,634,705	10,700,507
56	Kithimani	2,909,701	13,939,398	8,577,669	1,159,462	3,403,327	3,998,264
57	Kitui	4,733,190	8,574,372	4,868,443	2,771,832	4,212,405	4,589,133
58	Kwale	9,533,027	13,225,116	4,689,376	2,437,884	4,245,971	4,012,300
59	Kyuso	2,978,372	3,337,826	1,766,278	525,527	723,173	308,108
60	Lamu	186,895	1,115,684	758,758	96,120	317,595	477,695
61	Limuru	6,982,473	9,226,081	7,412,844	4,678,674	5,380,505	5,618,380
62	Lodwar	874,115	2,357,254	3,134,317	102,877	320,958	448,067
63	Loitokitok*	-	-	636,380	-	-	25,110
64	Machakos	12,383,191	13,971,531	13,909,827	23,074,991	20,427,445	15,513,858
65	Makadara	81,858,574	86,868,516	31,999,783	215,780	271,467	265,160
66	Makindu	17,364,767	19,550,771	12,037,156	3,056,960	5,526,035	4,053,518
67	Makueni	3,158,398	2,759,338	1,033,478	1,102,009	1,217,754	1,099,840
68	Malindi	11,870,515	9,263,703	5,994,854	11,807,477	15,593,633	12,039,754
69	Mandera	3,167,212	8,661,920	2,901,130	155,490	511,897	428,565
70	Maralal	1,923,364	2,839,402	2,264,344	201,540	339,432	376,870
71	Mariakani	53,787,280	49,888,567	10,621,644	1,448,992	4,073,210	4,256,690
72	Marimanti	-	3,633,446	1,422,168	-	556,871	304,977
73	Marsabit	2,615,173	2,595,811	1,311,496	389,495	1,053,789	472,480
74	Maseno	10,156,768	12,355,109	4,974,238	1,307,094	1,472,597	1,130,823
75	Maua	12,027,285	10,030,025	5,844,829	2,137,524	2,844,529	2,713,461
76	Mavoko	23,918,491	35,543,712	12,854,392	4,938,405	8,950,481	7,519,059
77	Mbita	-	596,055	1,316,897	-	687,465	581,138
78	Meru	11,854,600	13,850,522	3,661,290	10,738,913	18,993,948	7,797,395
79	Migori	4,351,509	4,052,322	3,247,434	4,587,360	7,122,286	5,023,911
80	Mil L.C.	207,439,987	169,031,114	129,899,260	103,134,036	114,134,311	156,410,790
81	Mil.CMM	-	2,600,000	520,000	116,389,522	190,634,529	199,093,665
82	Molo	43,249,591	25,811,843	21,536,895	3,754,055	3,646,814	4,367,220
83	Mombasa	93,117,672	102,964,098	66,205,557	58,775,707	58,033,637	59,772,375
84	Moyale	2,060,238	2,410,255	1,816,435	196,870	298,991	304,556
85	Mpeketoni*	-	-	1,061,342	-	-	158,925
86	Mukurweini	952,129	1,156,557	2,218,513	406,402	716,221	676,581
87	Mumias	7,061,437	2,488,519	5,327,858	1,455,016	1,737,558	2,869,105
88	Muranga	7,263,342	6,902,223	4,832,802	7,411,959	7,229,229	8,602,905
89	Mutomo	2,152,073	2,981,476	3,352,217	373,150	593,628	500,997
90	Mwingi	7,614,220	11,150,133	6,566,737	1,460,181	1,573,638	1,710,236
91	Naivasha	110,192,341	61,212,800	41,805,104	10,583,445	14,539,206	9,605,610
92	Nakuru	24,776,109	24,046,084	16,369,036	29,580,501	28,851,291	22,355,826
93	Nanyuki	7,460,614	11,546,110	14,788,321	2,041,517	3,130,606	2,898,544
94	Narok	12,155,177	9,765,054	5,329,881	3,057,849	4,404,495	3,170,340
95	Ndhiwa	1,150,384	2,151,095	694,336	469,865	1,223,844	1,730,485
96	Ngong*	-	-	8,569,020	-	-	1,036,553

	STATION	COURT FINES			COURT FEES		
		2014/15.	2015/16	2016/17	2014/15.	2015/16.	2016/17
97	Nkubu	1,100,273	1,551,088	971,816	1,109,375	795,836	870,204
98	Nyahururu	15,222,145	23,530,552	10,677,387	3,272,874	4,443,069	5,101,200
99	Nyamira	4,378,350	8,579,033	5,299,731	1,798,407	2,527,181	2,629,904
100	Nyando	7,914,959	7,074,850	3,126,120	1,178,203	1,820,863	1,615,170
101	Nyeri	13,692,703	16,749,132	35,073,522	15,455,976	17,986,595	16,844,675
102	Ogembo	348,381	584,934	1,532,880	464,485	468,692	1,126,831
103	Othaya	1,530,576	3,054,680	1,737,763	288,127	493,910	1,005,648
104	Oyugis	18,643,523	5,663,967	4,426,304	1,432,341	2,151,366	2,396,587
105	Rongo	4,453,077	3,417,998	4,077,292	1,125,166	3,144,543	1,505,158
106	Runyenjes	1,100,185	3,019,769	1,794,596	881,823	1,336,992	1,336,817
107	Shanzu^	-	-	24,412,879	-	-	-
108	Siakago	2,709,155	3,762,231	3,040,412	868,579	915,748	1,239,950
109	Siaya	1,855,729	4,927,192	3,389,389	1,104,644	2,058,199	2,277,442
110	Sirisia	3,410,622	6,467,970	3,730,557	259,011	288,179	274,654
111	Sotik	4,255,307	5,302,230	2,885,104	2,108,263	2,625,047	1,372,616
112	Tamu	713,265	1,773,782	769,573	299,040	738,720	260,953
113	Taveta	1,249,349	5,038,766	4,600,148	271,450	406,773	168,919
114	Tawa	1,530,348	2,422,012	1,604,654	1,850,562	1,970,590	2,409,338
115	Thika	53,474,997	39,643,987	33,143,576	14,071,627	17,709,630	17,900,708
116	Tigania	6,306,819	10,767,204	9,919,587	1,354,944	1,807,193	931,181
117	Ukwala	4,296,888	2,514,596	2,461,060	512,042	851,599	784,862
118	Vihiga	3,189,490	4,844,569	10,344,780	1,226,790	1,916,425	1,923,706
119	Voi	9,978,354	11,595,198	12,444,948	2,448,077	4,029,983	4,366,409
120	Wajir	1,398,808	2,229,497	2,972,097	466,765	392,958	494,492
121	Wanguru	3,398,350	10,113,054	6,288,875	960,614	1,668,307	1,857,618
122	Webuye	22,967,051	10,175,974	9,706,710	1,779,535	1,698,989	2,095,378
123	Winam	6,268,136	4,321,772	4,712,062	1,131,452	2,378,291	1,919,529
124	Wundanyi	2,264,919	4,388,097	3,180,156	526,585	750,928	275,745
	Total	1,458,971,729	1,470,054,680	1,125,429,138	650,510,790	838,002,748	847,029,435

* Newly established courts

^ Court reporting de-linked from Mombasa Law Courts in FY 2016-17

6.7 Court Deposits

Court Deposits are funds the judiciary holds in trust. Deposits are refunded at the conclusion of court proceedings and issuance of court order to that effect. Deposit maybe in form of cash bail, bond (security): Land title; log book; fixed deposit certificate; travel documents; pay slip.

As at the end of the FY 2016/17, Judiciary held cash court deposits amounting to **KShs 4,367,834,191** while at the end of FY 2015/16, the court deposit amounted to **KShs 4,306,650,530**.

Table 6.7 below, details the amount of court deposits held at each court station as at the end of FY 2016/17.

Table 6.7: Court deposits held by court stations and end of FY 2016/17

No	Station Name	Balance B/fwd	Collections	Payments	Balance C/Fwd
1	Baricho	10,000	11,294,220	4,894,000	6,390,220
2	Bomet	8,884,025	3,704,500	3,640,750	8,947,775
3	Bondo	2,013,050	1,158,940	1,537,940	1,634,050
4	Bungoma	18,897,523	20,775,133	11,782,126	27,890,530
5	Busia	16,775,427	6,578,049	6,154,946	17,198,530
6	Butali	4,719,770	3,473,602	3,973,145	4,220,227
7	Butere	2,256,209	1,358,245	1,889,245	1,725,209
8	Chuka	4,008,460	6,506,285	3,756,130	6,758,615
9	Eldama Ravine	2,473,000	9,911,105	1,934,500	10,449,605
10	Eldoret	16,000,000	80,365,384	301,470	64,063,914
11	Embu	21,342,319	17,778,992	8,188,854	30,932,457
12	Engineer	7,084,180	4,992,500	4,237,650	7,839,030
13	Garissa	28,494,418	13,869,613	18,971,981	23,392,050
14	Garsen	319,500	1,819,410	1,182,480	956,430
15	Gatundu	7,610,517	9,254,026	7,203,906.00	9,660,637
16	Gichugu	3,351,222	3,546,731	3,194,627	3,703,326
17	Githongo	567,275	1,926,900	1,888,700	605,475
18	Githunguri	4,851,834	3,912,000	5,581,500	3,182,334
19	Hamisi	1,688,330	1,204,000	952,000	1,940,330
20	Hola	408,750	335,920	10,000	734,670
21	Homa Bay	5,389,372	4,506,945	2,158,500	7,737,817
22	Isiolo	12,613,100	9,115,781	8,289,531	13,439,350
23	Iten	4,735,904	2,557,097	2,749,500	4,543,501
24	JKIA	-	9,524,500	1,760,000	7,764,500
25	Kabarnet	1,765,205	1,755,500	2,176,705	1,344,000
26	Kajiado	14,662,041	8,072,719	8,369,380	14,365,380
27	Kakamega	17,793,886	9,392,450	9,839,456	17,346,880
28	Kakuma	2,038,000	839,000	401,000	2,476,000
29	Kaloleni	1,521,835	803,300	726,000	1,599,135
30	Kandara	8,228,782	8,501,531	3,543,000	13,187,313
31	Kangema	3,075,077	3,767,500	3,089,510	3,753,067
32	Kangundo	12,091,435	7,909,600	8,217,477	11,783,558
33	Kapenguria	1,549,207	9,474,400	4,586,743	3,338,450
34	Kapsabet	7,341,548	4,440,990	3,341,680	8,440,858
35	Karatina	8,252,500	2,322,500	4,097,000	6,478,000
36	Kehancha	1,824,500	1,888,300	1,467,300	2,245,500
37	Kericho	28,617,892	14,076,411	19,472,144.55	23,222,158
38	Keroka	3,691,841	5,702,000	7,405,051	1,988,791
39	Kerugoya	17,282,540	10,940,004	7,938,094	20,284,450
40	Kiambu	53,822,527	30,746,500	24,307,011	60,262,016
41	Kibera	212,628,784	68,567,000	53,825,500	227,370,284
42	Kigumo	9,110,959	6,646,656	5,873,638	9,883,977
43	Kikuyu	12,161,560	14,776,856	8,302,277	18,636,139
44	Kilgoris	4,904,030			4,904,030
45	Kilifi	16,872,805	6,402,240	6,377,602	16,897,443
46	Kilungu	7,400,475	5,560,673	4,018,100	8,943,048
47	Kimilili	4,617,000	3,442,872	2,211,872	5,848,000
48	Kisii	33,351,652	6,135,210	10,888,071	28,598,791
49	Kisumu	35,021,065	19,763,954	32,194,751.00	22,590,268
50	Kitale	23,751,429	11,379,707	15,358,306	19,772,830
51	Kithimani	11,143,542	6,823,500	6,073,300	11,893,742
52	Kitui	18,621,850	6,829,145	950,000	24,500,995
53	Kwale	18,258,351	11,827,968	10,853,523	19,232,796
54	Kyuso	864,000	951,865	1,009,865	806,000
55	Lamu	5,520,980	5,821,915	2,366,082	8,976,813

No	Station Name	Balance B/fwd	Collections	Payments	Balance C/Fwd
56	Limuru	15,968,062	9,587,280	12,794,017	12,761,325
57	Lodwar	2,230,700	1,647,500	912,500	2,965,700
58	Loitokitok	-	980,000	465,000	515,000
59	Machakos	61,145,735	29,955,183	23,633,865	67,467,053
60	Makadara	318,850,059	67,902,316	95,214,500	291,537,875
61	Makindu	9,617,684	2,122,009	2,267,009	9,472,684
62	Makueni	3,635,825	2,140,000	2,587,000	3,188,825
63	Malindi	44,207,038	25,735,984	9,588,886	60,354,136
64	Mandera	904,837	3,353,050	2,861,550	1,396,337
65	Mararal	1,600	4,447,197	1,424,370	3,021,227
66	Mariakani	12,883,696	6,345,392	8,972,148	10,256,940
67	Marimanti	1,968,650	2,135,000	1,954,150	2,149,500
68	Marsabit	1,918,080	4,788,302	3,941,545	2,764,837
69	Maseno	4,713,800	2,550,500	2,684,200	4,580,100
70	Maua	17,280,166	5,332,000	21,112,166	1,500,000
71	Mavoko	61,175,844	21,927,501	23,063,054	60,040,291
72	Mbita	2,121,000	1,354,000	1,252,000	2,223,000
73	Meru	50,943,427	20,091,662	19,206,242	51,828,847
74	Migori	5,080,184	3,252,494	3,052,616	5,280,062
75	Milimani	1,509,131,596	392,123,013	457,839,946	1,443,414,663
76	Milimani Comm	212,121,767	86,669,832	57,167,002	241,624,596
77	Molo	20,893,663	13,213,891	13,917,815	20,189,739
78	Mombasa	332,172,530	46,901,092	177,534,033	201,539,589
79	Motomo	1,358,635	2,041,063	1,619,000	1,780,698
80	Moyale	180,175	2,929,658	1,926,608	1,183,225
81	Mpeketoni	10,000	1,282,500	897,500	395,000
82	Mukurweini	450,520	973,948	648,968	775,500
83	Mumias	8,466,432	4,559,000	6,169,888	6,855,544
84	Muranga	21,575,513	20,874,273	10,297,693	32,152,093
85	Mwingi	4,266,095	3,572,905	2,509,749	5,329,251
86	Naivasha	75,881,258	38,348,391	30,023,476	84,206,173
87	Nakuru	223,411,118	52,686,400	49,858,891	226,238,626
88	Nanyuki	12,003,585	18,677,786	10,727,171	19,954,200
89	Narok	13,418,775	12,331,315	6,874,944	18,875,146
90	Ndhiwa	1,489,732	1,364,030	1,682,157	1,171,605
91	Ngong	860,195	17,587,200	4,882,695	13,564,700
92	Nkubu	9,208,097	3,860,600	3,160,873	9,907,824
93	Nyahururu	20,560,163	13,413,259	9,393,487	24,579,935
94	Nyamira	6,698,556	7,292,727	4,738,421	9,252,862
95	Nyando	2,354,000	1,857,000	1,619,000	2,592,000
96	Nyeri	37,080,646	28,090,051	19,208,567	45,962,130
97	Ogembo	7,955,070			7,955,070
98	Othaya	1,065,312	3,138,500	2,282,500	1,921,312
99	Oyugis	3,493,200	1,941,000	2,414,000	3,020,200
100	Rongo	133,525	2,128,350	1,076,950	1,184,925
101	Runyenjes	2,015,200	-	-	2,015,200
102	Shanzu	26,058,480	8,206,000	9,909,450	24,355,030
103	Siakago	348,814	8,169,840	1,847,570	6,671,084
104	Siaya	4,106,339	6,082,678	3,211,856	6,977,161
105	Sirisia	1,855,994	2,098,994	1,850,994	2,103,994
106	Sotik	3,579,545	429,500	835,000	3,174,045
107	Supreme	228,570,694	17,158,838	10,667,263	235,062,269
108	Tamu	559,000	1,032,000	939,000	652,000
109	Taveta	1,980,125	240,000	442,000	1,778,125
110	Tawa	4,272,647	1,305,055	2,388,877	3,188,825
111	Thika	91,333,605	59,456,713	41,417,289	109,373,029
112	Tigania	16,551,503	7,987,000	9,325,500	15,213,003
113	Ukwala	3,282,549	1,231,797	3,366,980	1,147,366
114	Vihiga	4,150,597	2,371,140	3,090,346	3,431,391

No	Station Name	Balance B/fwd	Collections	Payments	Balance C/Fwd
115	Voi	8,663,098	12,474,869	5,826,612	15,311,355
116	Wajir	503,500	6,245,441	5,195,941	1,553,000
117	Wanguru	9,186,434	10,447,400	9,208,000	10,425,834
118	Webuye	9,346,165	6,285,101	5,507,918	10,123,348
119	Winam	9,614,631	5,814,932	7,637,671	7,791,892
120	Wundanyi	2,625,200	1,634,300	2,384,900	1,874,600
Total Judiciary		4,306,650,530	1,677,208,895	1,557,154,433	4,367,834,191

6.8 Automation of Revenue, Expenditure and Deposits management

The Judiciary's Strategic plan 2014-2018 stipulates that Judicial reforms seek to improve efficiency in addition, the Judiciary has implemented Q-pay services which is an on-line payment platform (Electronic Funds Transfer – EFT) provided by Kenya Commercial Bank (KCB). Q-pay services have been implemented in 59 court stations. The platform allows users to make secure online payments.

6.9 De-linking of court stations from National Sub-County Treasuries

The Public Finance Management (PFM) Act 2012 requires the Judiciary to maintain its distinct financial records and transactions. To achieve this, the Judiciary has embarked on de-linking its financial processes from the National Sub-county Treasuries. Some 13 Court stations were de-linked in the FY 2015/16 and a further 37 in the FY 2016/17. The remaining over 70 court stations are readying themselves for the next phase of de-linking.

The de-linking has improved on the speed, accuracy, accountability and transparency of the financial and reporting processes. These performance measures can also be assessed at court station level.

6.10 Judiciary Fund

Section 173 of the Constitution of Kenya 2010 established a fund known as the Judiciary Fund to be administered by the Chief Registrar of the Judiciary. The objectives of the Fund are to safeguard the financial independence of the Judiciary, ensure accountability of funds allocated and ensure that the Judiciary has adequate resources for its functions.

Section 173 of the Kenya Constitution 2010 sub-article 5 requires Parliament to enact legislation to provide for regulation of the Fund.

The Judiciary Fund Act 2016 was enacted in December 2015. The Act, in Section 14, provides for the Chief Justice to make regulations for the proper management of the Fund. The regulations are expected to streamline and give clarity to the operations of the Judiciary Fund as contemplated under the Constitution and the Judiciary Fund Act, 2017.

Judiciary Fund Regulations have been drafted through a consultative process that involved stakeholders and are awaiting adoption and gazettment for the fund to



The Judiciary has implemented Q-pay services which is an on-line payment platform (Electronic Funds Transfer – EFT) provided by Kenya Commercial Bank (KCB). Q-pay services have been implemented in 59 court stations. The platform allows users to make secure online payments.

become operational.

6.11 Challenges - Finance

During the period under review, the Judiciary experienced the following challenges: -

1. **Insufficient resources:** Lack of adequate funding delays implementation of planned programmes. Specifically, the resources available are inadequate to establish courts, fund tribunals and ensure adequate human resource to meet its increasing workload.
2. **Inadequate ICT infrastructure:** Most of the court stations do not have appropriate ICT capabilities to support Judiciary Digital Strategy under the SJT.
3. **Transition of Tribunals to the Judiciary:** There are about 57 tribunals established to resolve disputes in specialized areas. The Constitution of Kenya, 2010 brought tribunals within the structure of courts and necessitated transition of their operations into the Judiciary. Sixteen (16) tribunals have so far been transferred to the Judiciary and more transfers are expected. The transition has faced the following challenges: -
 - Varied institutional arrangements on administration of tribunals including lack of a policy on their funding, staffing and members' appointments,
 - Lack of an appropriate legal framework, and
 - Lack of synchronization in the transitioning of tribunals with the budget calendar.
4. Revenue receipting is still manual thereby giving risk to fraudulent/falsified receipting. This may lead to loss of revenue. This can be addressed by automating the revenue receipting. The Judiciary is considering automating revenue receipting after getting necessary approvals from the National Treasury.
5. The three options in cashless collection of revenue, namely direct deposit, M-Pesa and agency banking are still limiting given that a court may continue to sit beyond normal business hours. Where fines/fees are imposed, it may be difficult for litigants to make payment especially where the current options are not available. This can be addressed by introducing other means of payment such as Credit or Debit cards.
6. Revenue management is still largely manual in terms of making monthly and annual returns. This makes the process slow and cumbersome. This can be improved by automating revenue collection, recording and reporting.

6.12 Infrastructure

The Judiciary Strategic Plan 2014-2018 identified physical infrastructure as the backbone of operations of the Judiciary.

Improving access to court services and improving physical infrastructure and management were identified as the two key objectives of the plan.

These were achieved by constructing new well-designed courts and related buildings. Existing court buildings were refurbished and access to court facilities were constructed, including ramps,

public waiting sheds, customer care offices, gate houses, boundary walls, lifts, signage, robbing rooms, lactation rooms and public ablution blocks. This has greatly enhanced the dispensation of justice by improving the physical access to courts.

During the reporting period, some of the projects have been completed and others are at various stages of construction. Several projects are funded through the GOK Development Budget with others being done by our development partners such as the World Bank, who are supporting the construction of 19 new High Courts and refurbishment of 11 Magistrate Courts through the Judicial Performance Improvement Project (JPIP).

Improved progress in construction of the buildings and related works was noted due to the involvement of the Directorate of Building Services in managing the projects. Some projects did not register good progress and this can be attributed to various challenges such as;

- d. Contractors' financial challenges which affected Bom-et
- e. Security challenges e.g. Mandera.
- f. Lean staffing at the Directorate of Building Services.



Improved progress in construction of the buildings and related works was noted due to the involvement of the Directorate of Building Services in managing the projects”.

6.12 Challenges - infrastructure

- a. Delay by the previous project managers in formalizing instructions, variations and extension of time, e.g Embu, Nkubu,
- b. Delay in processing of Contractors payment application due to various reasons e.g. IFMIS failure, lack of sufficient funds arising out of budget cuts and payment processes delay.
- c. Pending court cases and disputes e.g Runyenjes, Tawa, Marimanti and Lodwar courts

The status of the projects is shown in Table 6.8 & 6.9 below.

Table 6.8: Status Report of Projects Funded By World Bank (through JPIP) as at 30th June 2017

Project	Court Station	Contractor's Name	Contract Sum (Ksh.)	Start Date	Original Completion Date	Revised Completion Date	Contract Period (Wks)	% Complete		ESMP Report	Status Report
								FY 2015-2016	FY 2016-2017		
Kigumo Law Courts	Kigumo	Marimo Construction Ltd	94,160,933	29/06/15	29/06/16	19/10/16	95	95%	98%	Done & Approved	Awaiting project handover.
Chuka Law Courts	Chuka	Philmark System Services Ltd	98,106,543	05/06/15	13/06/16	23/10/16	68	61%	78%	Done & Approved	Awaiting project handover.
Engineer Law Courts	Engineer	Yomason Contractors Limited	78,615,579	08/06/15	08/08/16	21/12/16	82	95%	98%	Done & Approved	Awaiting project handover.
Vihiga Law Courts	Vihiga	Lunao Enterprises Limited	78,476,529	16/09/15	14/09/16	14/01/17	72	85%	88%	Done & Approved	Ongoing.
Nyando Law Courts	Nyando	Philmark System Services Ltd	74,827,121	04/09/15	02/09/16	03/02/17	68	70%	84%	Done & Approved	Ongoing.
Molo Law Courts	Molo	Atlas Plumbers Limited	99,910,995	19/06/15	17/06/16	24/02/17	87	85%	98%	Done & Approved	Awaiting project handover.
Oyugis Law Courts	Oyugis	Sasah Contractors Limited	109,731,080	29/06/15	28/06/16	28/12/16	75	85%	88%	Done & Approved	Ongoing.

Project	Court Station	Contractor's Name	Contract Sum (Ksh.)	Start Date	Original Completion Date	Revised Completion Date	Contract Period (Wks)	% Complete		ESMP Report	Status Report
								FY 2015-2016	FY 2016-2017		
Nyamira Law Courts	Nyamira	JN Investments Ltd	118,305,748	18/06/15	17/06/16	28/12/16	76	60%	65%	Done & Approved	Ongoing.
Muhoroni Law Courts (Tamu)	Tamu	Philmark System Services Ltd	74,902,949	09/06/15	08/06/16	08/10/16	68	65%	75%	Done & Approved	Ongoing.
Nakuru Law Courts	Nakuru	Diwafa Investments Ltd	347,765,950	18/02/16	18/08/17		72	40%	80%	Done & Approved	Ongoing.
Siaya Law Courts	Siaya	Nanchang/GL Williams JV	342,751,951	21/02/16	21/08/17		72	30%	60%	Done & Approved	Ongoing.
Garissa Law Courts	Garissa	Inshallah Limited	351,323,457	22/01/16	22/07/17		72	25%	40%	Done & Approved	Ongoing.
Makindu Law Courts	Makindu	Gracan Construction Ltd	96,855,446	08/03/16	07/03/17		52	40%	90%	Done & Approved	Awaiting project handover.
Nanyuki Law Courts	Nanyuki	Pinnie Agency Ltd	318,559,759	25/01/16	25/07/17		72	35%	60%	Done & Approved	Ongoing.
Kibera Law Courts	Nairobi	Havi Construction	137,649,133	13/04/16	13/04/17		52	20%	40%	Done & Approved	Ongoing.
Kwale Law Courts	Kwale	Infoserve Network Ltd	389,998,592	5/6/2/17	11/6/2018		72		5%	Done & Approved	Ongoing
Voi Law Courts	Voi	Concordia Building & Eng. Ltd	347,582,674	29/3/17	29/9/18		72		5%	Done & Approved	Ongoing
Kapenguria Law Courts	Kapenguria	County Builders Ltd	400,880,621	21/3/2017	21/9/18		72		5%	Done & Approved	Ongoing
Maralal Law Courts	Maralal	Debroso Construction Ltd	378,745,872	23/3/17	23/9/18		72		8%	Done & Approved	Ongoing
Isiolo Law Court	Isiolo	Dallo Holdings Ltd	379,082,160	10/4/17	8/10/18		72		8%	Done & Approved	Ongoing

Project	Court Station	Contractor's Name	Contract Sum (Ksh.)	Start Date	Original Completion Date	Revised Completion Date	Contract Period (Wks)	% Complete		ESMP Report	Status Report
								FY 2015-2016	FY 2016-2017		
Kangema Law Courts (Phase II)	Kangema						52			Done & Approved	Tender awarded.
Wajir Law Courts	Wajir						72			Done & Approved	Tender awarded.
Ol-Kalou Law Courts	Ol-Kalou						72			Done & Approved	Tender awarded.
Kakamega Law Courts	Kakamega						72			Done & Approved	Tender awarded.
Mukurweini Law Courts	Mukurweini						52			Done & Approved	Tender awarded.
Mombasa Law Courts	Mombasa						72			Done & Approved	Tender awarded.
Makueni Law Courts	Makueni						72			Done & Approved	Tender awarded.
Kapsabet Law Courts	Kapsabet									Done & Approved	Design going on
Kajiado Law Courts	Kajiado									Done & Approved	Tender evaluation stage.

Table 6.9: Status Report of Projects Funded by GOK (FY 2014/15 – FY 2016/17)

Project	Court Station	Contractor's Name	Project	Contract Value (Ksh.)	Start Date	Completion Date	Projected Completion Date	Contract Period (Wks)	% Complete		Status Reports	
									FY 2015 -2016	FY 2016-2017		
Embu Law Courts	Embu	Construction of New Bldg										
		Manyota Ltd	Main Contractor	178,932,022.32	15/01/15	15/09/16		28/03/17	84	95%	97%	Contractor not on site, no progress.
		Jofex-Auto Hardware Co. Ltd	Mechanical Sub-Contractor	9,555,546.40	15/01/15	15/09/16			84	85%	87%	Contractor not on site, no progress.
		Masterpiece Electricals Ltd	Supply of 200 Kva Genset	8,058,350.00	15/01/15	15/09/16			84	100%	100%	Completed
		Muga Electrical Contractors Ltd	Electrical Sub-Contractor	19,279,228.00	15/01/15	15/09/16			84	85%	90%	Contractor not on site, no progress.
		Manyota Ltd	Lifts Sub-Contractor	13,500,000.00	15/01/15	15/09/16			84	15%	90%	Awaiting commissioning.
Nkubu Law Courts	Nkubu	Pluton Ltd	LAN Sub Contractor	23,578,502.00					25%	60%	Contractor not on site, no progress.	
		Just In Time Africa Ltd	Construction of New Bldg	85,958,761.80	19/12/14	30/06/16	28/03/17	78	95%	98%	Contractor on site, slow progress.	
Muranga Law Courts	Muranga	Volcanic General SC Ltd	Refurbishment of Old Bldg	62,086,413.20	19/05/15	20/02/16	27/06/17	36	65%	70%	Contractor on site, very slow progress.	
Mandera Law Courts	Mandera	El-Yumo Contractors	Construction of New Bldg	107,034,445.00	19/05/15	20/02/16	22/08/17	52	50%	60%	Contractor on site, slow progress.	

Project	Court Station	Contractor's Name	Project	Contract Value (Ksh.)	Start Date	Completion Date	Projected Completion Date	Contract Period (Wks)	% Complete		Status Reports
									FY 2015 -2016	FY 2016-2017	
Hamisi Law Courts	Hamisi	Pendeza Contractors	Construction of New Bldg	44,241,130.00	04/12/15	03/11/15	22/08/17	44	65%	85%	Contractor on site, good progress
Narok Law Courts-Phase II	Narok	Resjos Contractors Ltd	Main Contractor	65,195,539.00	26/10/15	26/07/16	27/06/17	36	65%	70%	Contractor not on site, no progress.
		The Insta-Pumps Engineering	Borehole Drilling	6,496,900.00	26/10/15	26/07/16	27/06/17	36	0%	70%	Borehole was sunk.
		PowerPoint Systems Ltd	Supply of 80 Kva Genset	2,330,270.00	26/10/15	26/07/16	27/06/17	36	0%	0%	Supply awaiting construction of generator house.
Butali Law Courts	Butali	Dynamic Green Technologies	Construction of New Bldg	32,690,725.60	09/03/15	04/03/16	27/06/17	52	65%	80%	Contractor not on site, waiting for approval for extension of time.
Eldama Ravine Law Courts	Eldama Ravine	Green Heights Ventures	Construction of New Bldg	65,505,815.00	04/02/15	03/03/16	27/06/17	52	65%	80%	Contractor not on site, waiting for approval for extension of time.

Project	Court Station	Contractor's Name	Project	Contract Value (Ksh.)	Start Date	Completion Date	Projected Completion Date	Contract Period (Wks)	% Complete		Status Reports
									FY 2015 -2016	FY 2016 -2017	
Port Victoria Law Courts	Port Victoria	Nolads Engineering Ltd.	Construction of New Bldg	46,529,557.00	12/02/15	12/02/16	27/06/17	52	70%	85%	Contractor not on site, waiting for approval for extension of time.
Kerugoya Law Courts	Kerugoya	Hardstone Mawe Holdings Ltd	Refurbishment of Old building.	21,135,260.00	20/01/15	27/12/15		28	90%	100%	Completed and handed over.
Rongo Law Courts	Rongo	Dapalk Consortium Co., Ltd.	Construction of cells and court room.	11,152,054.10	15/09/15	15/03/16		24	65%	100%	Completed and handed over.
Homa Bay Law Courts	Homabay	Obwanda Osum Investment	Refurbishment of Old building.	8,272,574	01/01/15	2/4/15		12			Completed and handed over.
Eldoret Law Courts	Eldoret	Sudafric Group Ltd	Refurbishment of chambers and construction of boundary wall.	38,095,640.00	23/02/15	27/06/16		18	80%	85%	Contractor on site, very slow progress.
Bungoma	Bungoma Law courts.	Three Star Ltd	Construction of New Bldg	25,636,000.00	15/09/15	15/03/16		48	98%	100%	Completed and handed over.
		Nolads Engineering Ltd	Perimeter Fence & Sentry	7,691,972.00	03/08/15	03/12/15		16	30%	100%	Completed and handed over.

Project	Court Station	Contractor's Name	Project	Contract Value (Ksh.)	Start Date	Completion Date	Projected Completion Date	Contract Period (Wks)	% Complete		Status Reports
									FY 2015 -2016	FY 2016-2017	
Othaya Law Courts	Othaya	Economic Housing Group	Prefabricated Buildings	81,664,580.00	15/01/13	31/05/16		N/A	70%	70%	Contract recommended for termination
Wanguru Law Courts	Wanguru			81,664,580.00	15/01/13	31/05/16		N/A	70%	70%	
Marimanti Law Courts	Marimanti			81,664,580.00	15/01/13	31/05/16		N/A	80%	80%	
Bomet Law Courts	Bomet			81,664,580.00	15/01/13	31/05/16		N/A	85%	90%	
Garsen Law Courts	Garsen	Timsales Ltd	Prefabricated Buildings	99,959,218.00	23/01/13	31/05/16		N/A	90%	100%	Completed and handed over.
Runyenjes Law Courts	Runyenjes			99,959,218.00	23/01/13	31/05/16		N/A	65%	85%	Contractor on site, slow progress
Tawa Law Courts	Tawa			99,959,218.00	23/01/13	31/05/16		N/A	80%	85%	Contractor on site, slow progress.

Project	Court Station	Contractor's Name	Project	Contract Value (Ksh.)	Start Date	Completion Date	Projected Completion Date	Contract Period (Wks)	% Complete		Status Reports
									FY 2015 -2016	FY 2016-2017	
Mombasa Court Of Appeal	Mombasa	Dantax Enterprises	Renovations	29,140,580.00	19/11/14	19/03/15		16	50%	75%	Contractor not on site, waiting for approval for extension of time.
		Kaminara Agencies Ltd	Electrical Works	11,465,680.00	19/11/14	19/03/15		16	50%	75%	
		HotPoint Appliances Ltd	Mechanical Works	6,385,539.00	19/11/14	19/03/15		16	50%	75%	
Mpeketoni Law Courts	Mpeketoni	Centurion Engineering Ltd.	Renovations	34,327,784.00	01/04/15	30/10/15		24	80%	95%	Contractor not on site, waiting for approval of variations.
Kitale Law Courts	Kitale	Kalalu Building Contractors.	Constructions of waiting shed, toilets and refurbishment works.	23,705,745.00	28/05/15	30/11/15		26	95%	100%	Completed and handed over.
Kakamega Law Courts	Kakamega	Big Ltd	Completion works	34,670,412.80	23/06/15	28/02/16		32		100%	Completed and handed over.

Project	Court Station	Contractor's Name	Project	Contract Value (Ksh.)	Start Date	Completion Date	Projected Completion Date	Contract Period (Wks)	% Complete		Status Reports
									FY 2015-2016	FY 2016-2017	
Githongo Law Courts	Imenti Central	Miles Construction Ltd	Chain-link Fence	1,798,000.00	05/05/15						Completed and handed over.
		Miles Construction Ltd	Pit Latrine	570,839.20	05/05/15						
		Arid Constructors & Suppliers	Waiting Area	240,154.00	05/05/15					100%	
		Skytech Contractors Ltd	Carport	647,245.20	05/05/15						
Nyeri Law Courts	Nyeri	Eleonic	Lifts Installations	19,654,614.00	28/04/15	15/01/16					
		Pong Agencies Ltd	Walk Through Detectors	2,745,600.00	28/04/15	15/01/16		8			
		Wisa General Merchants	Refurbishment	6,621,836.40	16/10/15	15/01/16		8			
Kilungu Law Courts	Kilungu	Joyland Villa Systems	Renovations	5,976,475.00	1						Completed and handed over.
Iten Law Courts	Iten	Macdan Ltd	Construction of New Bldg	9,248,860.00	19/05/15	30/06/16			75%	100%	Awaiting Inspection and acceptance.
Kwale Law Courts	Kwale	Muamba General Contractors	Renovations	4,990,134.80	5/5/15	5/8/15		12		100%	Completed and handed over.

Project	Court Station	Contractor's Name	Project	Contract Value (Ksh.)	Start Date	Completion Date	Projected Completion Date	Contract Period (Wks)	% Complete		Status Reports
									FY 2015 -2016	FY 2016-2017	
Kandara Law Courts	Kandara	Crawbar Engineering	Executive Toilet	2,397,151.60	20/10/15	20/01/16		12	95%	100%	Completed and handed over.
Kimilili Law Courts	Kimilili	Palace Consultants Ltd.	Ablution Block	1,023,352.00	17/08/15	10/10/15		6	40%	100%	Completed and handed over.
Baricho Law Courts	Baricho	Neem Civil & Building Co. Ltd	Renovations	3,712,570.00	08/10/15	22/2/16		18		100%	Completed and handed over.
Gichugu Law Courts	Kirinyaga	Kigomo Builders & Gen. Supp.	Renovations	3,835,287.00	15/12/14	29/02/16		42	80%	100%	Completed and handed over.
Mombasa Law Courts	Mombasa	Lampand Enterprises Ltd	Renovations	2,525,002.00	13/06/15	12/06/15		8	90%	100%	Completed and handed over.
	Mombasa	Nolads Engineering Ltd	Electrical Works	10,260,953.00	28/04/15	27/6/15		8	90%	100%	Completed and handed over.
Kirinyaga Law Courts	Kirinyaga	Kigomo Builders	Ablution Block	3,833,287.00	04/12/14	30/08/15		36	75%	100%	Completed and handed over.
Siaya Law Courts	Siaya	Nyobu Enterprises Ltd.	Additional Buildings	8,613,162.04	3/11/2015	3/5/2016		24	30%	90%	Contractor on site, slow progress

Project	Court Station	Contractor's Name	Project	Contract Value (Ksh.)	Start Date	Completion Date	Projected Completion Date	Contract Period (Wks)	% Complete		Status Reports
									FY 2015 -2016	FY 2016-2017	
Homabay Law Courts	Homabay	Pepeta Holdings Ltd	Construction of New Bldg	367,308,473	13-03-17	30-07-18		72	0%	4%	Contractor on site, good progress
Kabarnet Law Courts	Kabarnet	Badole Construction Ltd	Construction of New Bldg	366,798,388	17-03-17	17-09-18		72	0%	6%	Contractor on site, good progress
Marsabit Law Courts	Marsabit	Dido and Sons Ltd	Construction of New Bldg	370,222,600	17-03-17	17-09-18		72	0%	6%	Contractor on site, good progress
Amagoro Law Courts	Amagoro	Sow Contractors ltd	Construction of New Bldg	137,988,040	13-03-17	13-03-18		54	0%	1%	Contractor on site, good progress
Githongo Law Courts	Githongo	Nash Investments Ltd	Construction of New Bldg	130,895,657	04-05-17	04-04-18		54	0%	5%	Contractor on site, good progress
Kandara Law Courts	Kandara	Microsoft Construction Ltd	Construction of New Bldg	137,817,417	04-03-17	04-04-18		54	0%	8%	Contractor on site, good progress

Project	Court Station	Contractor's Name	Project	Contract Value (Ksh.)	Start Date	Completion Date	Projected Completion Date	Contract Period (Wks)	% Complete		Status Reports
									FY 2015-2016	FY 2016-2017	
Machakos Law Courts	Machakos	Manyota Ltd	Construction of twin court and waiting shed	34,084,690	18-05-17	18-11-17			0%	20%	Contractor on site, good progress
Marsabit Law Courts	Marsabit	Precision Civil Eng. Ltd	Construction of Judge's residence	10,888,254	02-05-17	17-10-17		72	0%	20%	Contractor on site, good progress
Supreme court	Nairobi	Dapalk Contractors Ltd	Refurbishment of CJ & CRJ lounge	21,538,285	04-04-17	04-10-17		16	0%	90%	Contractor on site, good progress
Ukwala law courts	Ukwala	Ambe General Merchants	Construction of cells, customer care and public waiting shed.	4,590,833	30-05-17	26-09-17		16	0%	75%	Contractor on site, good progress
Kiambu law courts	Kiambu	Outlet Branding Ltd	Construction of twin court.	7,510,360	31-05-17	08-01-18		24	0%	55%	Contractor on site, good progress
Mbita Law Courts	Mbita	Derow Construction Ltd	Construction of New Bldg	148,325,073	15-03-17	14-03-18		52	0%	10%	Contractor on site, good progress
Karatina Law Courts	Karatina	Web Commercial Services	Construction of cell & Ablution block	6,911,255.00	04.05.17	15.09.17		16		60%	Contractor on site, good progress

Project	Court Station	Contractor's Name	Project	Contract Value (Ksh.)	Start Date	Completion Date	Projected Completion Date	Contract Period (Wks)	% Complete		Status Reports
									FY 2015-2016	FY 2016-2017	
Competitions Tribunal	Nairobi	Ready Go Ltd	Renovations	4,694,150	23-06-17	18/8/17		8	-	60%	Ongoing.
Sports Tribunal	Nairobi	Aram Investments Ltd	Renovations	9,207,291.20	25-07-16	25-10-16		12	-	100%	Completed and handed over.
DBS offices	Nairobi	Bridgetech Ltd	Renovations	1,555,700	01-11-16	15-11-16		2	-	100%	Completed and handed over.

Table 6.6: Status Report of Projects Funded By World Bank (through JPIP) as at 30th June 2017

Project	Court Station	Contractor's Name	Contract Sum (Ksh.)	Start Date	Original Completion Date	Revised Completion Date	Contract Period (Wks)	% Complete		ESMP Report	Status Report
								FY 2015-2016	FY 2016-2017		
Kigumo Law Courts	Kigumo	Marimo Construction Ltd	94,160,933	29/06/15	29/06/16	19/10/16	95	95%	98%	Done & Approved	Awaiting project handover.
Chuka Law Courts	Chuka	Philmark System Services Ltd	98,106,543	05/06/15	13/06/16	23/10/16	68	61%	78%	Done & Approved	Awaiting project handover.
Engineer Law Courts	Engineer	Yomason Contractors Limited	78,615,579	08/06/15	08/08/16	21/12/16	82	95%	98%	Done & Approved	Awaiting project handover.
Vihiga Law Courts	Vihiga	Lunao Enterprises Limited	78,476,529	16/09/15	14/09/16	14/01/17	72	85%	88%	Done & Approved	Ongoing.
Nyando Law Courts	Nyando	Philmark System Services Ltd	74,827,121	04/09/15	02/09/16	03/02/17	68	70%	84%	Done & Approved	Ongoing.
Molo Law Courts	Molo	Atlas Plumbers Limited	99,910,995	19/06/15	17/06/16	24/02/17	87	85%	98%	Done & Approved	Awaiting project handover.
Oyugis Law Courts	Oyugis	Sasah Contractors Limited	109,731,080	29/06/15	28/06/16	28/12/16	75	85%	88%	Done & Approved	Ongoing.
Nyamira Law Courts	Nyamira	JN Investments Ltd	118,305,748	18/06/15	17/06/16	28/12/16	76	60%	65%	Done & Approved	Ongoing.
Muhoroni Law Courts (Tamu)	Tamu	Philmark System Services Ltd	74,902,949	09/06/15	08/06/16	08/10/16	68	65%	75%	Done & Approved	Ongoing.
Nakuru Law Courts	Nakuru	Diwafa Investments Ltd	347,765,950	18/02/16	18/08/17		72	40%	80%	Done & Approved	Ongoing.

Project	Court Station	Contractor's Name	Contract Sum (Ksh.)	Start Date	Original Completion Date	Revised Completion Date	Contract Period (Wks)	% Complete		ESMP Report	Status Report
								FY 2015-2016	FY 2016-2017		
Siaya Law Courts	Siaya	Nanchang/GL Williams JV	342,751,951	21/02/16	21/08/17		72	30%	60%	Done & Approved	Ongoing.
Garissa Law Courts	Garissa	Inshallah Limited	351,323,457	22/01/16	22/07/17		72	25%	40%	Done & Approved	Ongoing.
Makindu Law Courts	Makindu	Gracan Construction Ltd	96,855,446	08/03/16	07/03/17		52	40%	90%	Done & Approved	Awaiting project handover.
Nanyuki Law Courts	Nanyuki	Pinnie Agency Ltd	318,559,759	25/01/16	25/07/17		72	35%	60%	Done & Approved	Ongoing.
Kibera Law Courts	Nairobi	Havi Construction	137,649,133	13/04/16	13/04/17		52	20%	40%	Done & Approved	Ongoing.
Kwale Law Courts	Kwale	Infoserve Network Ltd	389,998,592	5/6/2/17	11/6/2018		72		5%	Done & Approved	Ongoing
Voi Law Courts	Voi	Concordia Building & Eng. Ltd	347,582,674	29/3/17	29/9/18		72		5%	Done & Approved	Ongoing
Kapenguria Law Courts	Kapenguria	County Builders Ltd	400,880,621	21/3/2017	21/9/18		72		5%	Done & Approved	Ongoing
Maralal Law Courts	Maralal	Debroso Construction Ltd	378,745,872	23/3/17	23/9/18		72		8%	Done & Approved	Ongoing
Isiolo Law Court	Isiolo	Dallo Holdings Ltd	379,082,160	10/4/17	8/10/18		72		8%	Done & Approved	Ongoing

Project	Court Station	Contractor's Name	Contract Sum (Ksh.)	Start Date	Original Completion Date	Revised Completion Date	Contract Period (Wks)	% Complete		ESMP Report	Status Report
								FY 2015-2016	FY 2016-2017		
Kangema Law Courts (Phase II)	Kangema						52			Done & Approved	Tender awarded.
Wajir Law Courts	Wajir						72			Done & Approved	Tender awarded.
Ol-Kalou Law Courts	Ol-Kalou						72			Done & Approved	Tender awarded.
Kakamega Law Courts	Kakamega						72			Done & Approved	Tender awarded.
Mukurweini Law Courts	Mukurweini						52			Done & Approved	Tender awarded.
Mombasa Law Courts	Mombasa						72			Done & Approved	Tender awarded.
Makueni Law Courts	Makueni						72			Done & Approved	Tender awarded.
Kapsabet Law Courts	Kapsabet									Done & Approved	Design going on
Kajiado Law Courts	Kajiado									Done & Approved	Tender evaluation stage.

Chapter 7

THE STATE OF THE AGENCIES AND COOPERATION IN THE JUSTICE SECTOR

THE STATE OF THE AGENCIES AND COOPERATION IN THE JUSTICE SECTOR

7.1 Introduction

This Chapter examines the key developments in the justice sector as a whole. It discusses in detail the activities, achievements, and challenges of each of the justice sector agencies and institutions, most of which operate under the framework of the National Council on the Administration of Justice (NCAJ)

The NCAJ is established under Section 34 of the Judicial Service Act (No. 1 of 2011). It is a high-level policymaking, implementation and oversight coordinating mechanism as reflected in its membership that is composed of State and Non-State Actors from the justice sector. Its mandate is to ensure a coordinated, efficient, effective and consultative approach in the administration of justice and reform of the justice system.

7.2 NCAJ Council Meetings

During the FY2016/17, the Council held three key meetings. The main focus for these engagements was on elections as indicated below:

7.2.1 NCAJ Council Meeting on Elections

The NCAJ, in collaboration with National Cohesion and Integration Commission (NCIC), held a meeting with select NCAJ agencies such as National Police Service (NPS), Directorate of Crimi-

nal Investigation (DCI), Office of the Attorney General (OAG), Office of the President, Independent Elections and Boundaries Commission (IEBC), Prisons, Judiciary and Kenya National Commission on Human Rights (KNCHR). The meeting focused its discussions on the various measures the agencies were undertaking with regard to their mandates to ensure they are fully prepared to handle the August General Election as well as the disputes arising from it. The meeting resolved that the NCAJ reaches out to other stakeholders as part of these consultations.



National Council on Administration of Justice held a special meeting on Elections and National Cohesion. Present were the Judiciary, NCIC, IEBC, IG, AG, DPP, Prisons, OP, CID & KNCHR; February 23 2017.



Chief Justice, David Maraga, with Director of Public Prosecutions, Keriako Tobiko (left), and CID Director, Ndegwa Muhoro (Centre), during the NCAJ, NCIC & Civil Society forum on Election Preparedness. March 2017.

7.2.2 *NCAJ Council Meeting on Elections with Civil Society and IEBC*

This was a more expanded meeting that included civil society organisations held to discuss elections preparedness and where each agency gave detailed reports. Judiciary Committee on Elections reported that the Judiciary had trained all judges and magistrates on handling elections offences and petitions and had also secured Ksh300 million for Political Parties Disputes Tribunal (PPDT) to enable it manage elections disputes. Mechanisms had been put in place to ensure that elections cases are fast-tracked and concluded within the stipulated period. The Judiciary had trained and gazetted 92 Special Magistrates to handle Electoral Offences.

IEBC chairperson reported that it was working with the JCE to streamline the roles of the PPDT vis a' vis those of the IEBC with regard to resolving political disputes. IEBC was also working closely with the Directorate of Public Prosecutions (DPP), the Ethics and Anti-corruption Commission (EACC) and NCIC to ensure smooth political parties primaries and enforcement of Chapter Six of the Constitution in the nomination process.

The Office of the Director of Public Prosecution (ODDP) re-

ported that 105 special prosecutors were undergoing specialized training to deal with electoral offences, and asked the Federation of Women Lawyers-FIDA and the Law Society of Kenya (LSK) among other organizations, to contribute pro bono lawyers who would be trained to handle prosecution of electoral cases. The DPP cited delay in cases, threats against witnesses, technological challenges, lack of cooperation from the media in hate speech cases and lack of capacity in his directorate, as major challenges hindering delivery on his mandate.

DCI noted that the police officers have been trained to investigate electoral offences and that the NPS had mapped out stakeholders in the security line to ensure closer collaboration in investigations and prosecution of electoral offenders.

The Kura Yangu Sauti Yangu Coalition expressed the need for IEBC, EACC, the NPS and the Judiciary to address the question as to who among them takes the lead in determining compliance with Chapter Six of the Constitution during the vetting of politicians to vie for various political positions.

7.2.3 *NCAJ Council Meeting on Elections with IEBC and Diplomatic Community*

This meeting provided an opportunity for the diplomats to engage with the Chairman of IEBC, Mr. Wafula Chebukati, Attorney General, Prof Githu Muigai, Director of Public Prosecutions, Mr Keriako Tobiko, Inspector General of Police, Mr Joseph Boinett, and the Law Society of Kenya President, Mr Isaac Okero, among other key



The Judiciary had trained and gazetted 92 Special Magistrates to handle Electoral Offences.

players in the justice chain. The meeting was attended by various Ambassadors and High Commissioners to Kenya as well as the UN Resident Representative. Among those present were diplomats representing the US, UK, Sweden, Norway, Italy, Denmark and Germany.

7.3 NCAJ Special Working Groups, Committees and Taskforces

7.3.1 Bail and Bond Implementation Committee

The Committee was established in July 2015 to oversee, monitor and evaluate the implementation of the Bail and Bond Policy Guidelines and Recommendations of the Taskforce on Bail and Bond.

During the period under review, the Committee undertook a number of assignments including: carrying out a monitoring and evaluation exercise on bail administration in the courts mounting awareness campaigns to educate and sensitise stakeholders and the public in different parts of the country through CUCs; trained over 60 officers of different agencies who will in turn train institutions in the criminal justice sector; developed framework for monitoring and evaluating implementation of the Guidelines; undertook pilot monitoring in 20 courts and developed training guide for use in training justice sector actors.

NCAJ Special Taskforce on Children Matters

The Taskforce has a 16-fold mandate aimed at reviewing and reporting on the status of children in the Administration of justice, and which revolve around three themes: Legislative and Policy Reforms; Quality of Care, Infra-



structure and Survey and data; and, Coordination and Sensitization.

During the period under review, the Taskforce prepared legislative proposals for the development of the Children's Act, 2017, developed the requisite rules and regulations to operationalise the legislation, and formulated a Cabinet Memorandum on the legislative proposals. The proposed reforms in legislation are intended to repeal the 2001 Children's Act, and to harmonise and align the legislation with key provisions of the Constitution, 2010, the UN Convention on the Rights of the Child, the African Charter on the Rights and Welfare of Children, and other relevant international instruments relating to Juvenile Justice. The proposed reforms in legislation seek to address the diverse range of emerging issues affecting children, and the challenges faced by the state and non-state agencies committed to the promotion and protection of children's rights.

7.3.2 NCAJ Special Committee on Sexual Offences

The NCAJ set up a special Committee on Sexual Offences to review the Sexual Offences Act, as well as prepare the draft policy on the implementation of the Sexual Offences Act, and recommend an

Chief Justice David Maraga with various envoys during an NCAJ consultative meeting with the diplomats.
April 12, 2017



Lady Justice Martha Koome, Chairperson of the Taskforce on Children's Matters (seated, 4th right), with other Taskforce members during a retreat to review the Children's Bill.

appropriate institutional structure for implementation of the Sexual Offences Act. The Committee is chaired by Ms. Josephine Mon-gare, the Chairperson of Fida.

The Committee reviewed the Sexual Offences (Amendment Bill, 2016) which had been taken to Parliament for adoption but failed to pass due to poor drafting. The Committee has reviewed the Bill comprehensively including Romeo and Juliet Clauses. It has also drafted a Policy Framework. These will be presented to Parliament in the next financial year.

7.3.4 NCAJ Court Users Committees Taskforce

The Court Users Committee (CUCs) are stakeholders' forums that convene at every court Station level. It is essential that for the administration of justice to work efficiently, there must be coordination and collaboration among all the justice chain actors. This was the logic behind the establishment of NCAJ and CUCs. Currently there are 120 active CUCs across all court stations. Each of these benefits from the facilitation from the NCAJ which is mandated with the overall coordination of CUCs. During the period under review, the committees had their station based meetings. At the national level, the following achievements

were recorded: completion and adoption of the Workplan and Reporting templates for CUCs; and the planning and actualization of the Biennial CUCs Conference held in December 2016 and January 2017.

CUC successes over the years, documented in different reports and in the media, have created a rich platform for engagement with stakeholders and positive public perception of the whole Justice sector. These successes have, however, been sparse and uncoordinated. To respond to these challenges, a uniform planning, reporting and workplan template was developed by all the stakeholders. The templates are expected to coordinate the collation of data and documentation. This will enable the effective, uniform and coordinated approach in data collection that will feed into the Annual State of the Judiciary and Administration of Justice Report, and other sectorial publications.

Another intervention which was part of strengthening and institutionalizing was the small grants program for CUC's courtesy of the World Bank aimed at improving links to court users and potential users. The grant supports the implementation of CUCs work plans. Each CUC was required to identify areas of support for its workplan to a total sum of Kshs. 500,000.00. The first phase of the disbursement of the grant commenced during the third Quarter of the FY2016/2017. About 120 CUCs were targeted. However, only 81 qualified and were funded. From this program and NCAJ's direct support the 236 activities set out in table number 7.1 were undertaken during the period:

Table 7.1: CUCs Activities FY2016/17

Activity:	Count of Activities
Judiciary Open Days	46
Sensitization of chiefs and other local administrators through workshops	29
Visiting prisons, remand & children homes and schools	27
CUC Trainings and Inductions	21
Outreach programmes and public barazas	23
CUC Meetings	20
Furniture including desks, benches	13
Purchase of ICT Equipment i.e. photocopying machines, computers and projectors	13
Capacity building through seminars and conferences	8
Printing, publication and photocopying services	7
Construction e.g. cells, waiting bays, shed, structures upgrade, fences	15
Legal Aid Clinics	4
Signage	5
Witness statement expenses	5
Feedback mechanism tools	2
Crime prevention initiatives	1
Civic education	1
Software i.e. case management system and SMS enquiry module	1
IEC Materials	1
Solar and electrical installations	2
Water storage tank	1
TOTAL	236

Apart from the conference, the CUCs have regular meetings, trainings and access to justice programmes that they conduct in each financial quarter. It is through such activities that CUCs are able to actualize their mandate. The activity reports also form the basis of evaluating their work, highlighting their achievements and challenges. This in turn assists NCAJ to better manage CUCs as well as continuously strengthen them.

7.3.5 NCAJ Special Working Group on Traffic

Under the leadership of Hon. Peter Mulwa, the Special Working Group on Traffic was borne out of the need to reform and streamline the administration of justice in the traffic sector that is beset by corruption, inefficiencies, injustice and impunity. Some of the challenges that have been observed include: corruption cartels, especially within the police ranks and courts; lack of clear regulatory policy for boda boda transport; and failure to incorporate the pay bill system to the government e-citizen payment platform.



It is a multi-agency initiative with the overall objective of spearheading the comprehensive review and reform of Kenya's entire criminal justice system, and overseeing the full implementation of the findings and recommendations of the Criminal Justice System in Kenya: An Audit.

The Working Group has made the following proposals on its way forward:

- Transport Integrated Management System (TIMS) being spearheaded by NTSA. TIMS is a system developed that covers seven major modules, i.e., Motor Vehicle Registration; Driver Testing and Licensing; Motor Vehicle Inspection Management; Public Services Vehicles (PSV) Management; Enforcement; Reporting and Business Intelligence and Citizen Self-Service Portal. The various modules are interconnected and coordinated with each other to solve the difficulty and non-standardization problems in vehicle and driver management business in Kenya and shorten the time for handling of related businesses.
- More usage of the penalty requiring suspension and cancellation of driving licenses.
- Review of the Traffic Act
- Comprehensive yet simplified and easy to understand guidebook/handbook on the Traffic Act – for the public
- Public engagement strategy & media campaigns to enhance sensitization.

7.3.6 NCAJ Criminal Justice Reform Committee

The NCAJ Committee on Criminal Justice Reform (NCCJR) was gazetted on 23rd June 2017 and is chaired by Hon. Lady Justice Grace Ngenye. It is a multi-agency initiative with the overall objective of spearheading the comprehensive review and reform of Ken-

ya's entire criminal justice system, and overseeing the full implementation of the findings and recommendations of the Criminal Justice System in Kenya: An Audit. The Committee will examine all aspects of criminal justice reform including but not limited to investigation, policing, prosecution, incarceration, and re-entry.

7.3.7 NCAJ Special Working Group on Illicit Trade

The NCAJ Special Working Group on Illicit Trade supports focused engagements in combating illicit trade. The Kenya Association of Manufacturers (KAM), which is part of the Working Group, commissioned a study on "The Intellectual Property Rights Regimes within the East African Community." The aim of the study was to provide evidence-based research on the key issues that promote counterfeits and illicit trade. The study was finalized and made several key recommendations, which will be implemented in the next reporting period through an inter-agency collaborative framework.

At the national level, recommendations included: setting up autonomous National IP Offices and Anti-Counterfeit Agencies; raising awareness on IPRs and Illicit Trade; training of persons involved in IP Sector; Legal Reforms in individual Partner States; National partnerships and collaborations; and use of ADR to Resolve IPR Disputes. At the regional level, the study recommended policy and legislative reforms in the EAC for development of an Intellectual Property Rights Policy and law; model EAC IP Laws for Partner States to benchmark with; an EAC Anti-Counterfeit law; establishment of Regional IP Institutions such as, an EAC IP Training Institute; EAC Intellectual Property

Office; EAC Trade Mark; and EAC Regional Harmonization Action Plan.

7.4 NCAJ Agencies

7.4.1 Office of the Director of Public Prosecution

The Office of the Director of Public Prosecutions is the national prosecutorial authority charged with the responsibility of exercising state powers of prosecutions as provided in Article 157 of the Constitution and the Office of the Director of Public Prosecutions Act, 2013. This includes; undertaking criminal prosecutions in subordinate and superior courts, directing investigations, offering criminal legal opinion to government ministries and departments, processing extradition and mutual legal requests from both within and outside Kenya, facilitating witness protection and victim's participation in criminal justice.

The integral role that the ODPP therefore plays in the administration of justice is critical.

During the reporting period, the ODPP undertook a number of activities as highlighted under the following sub-themes:

Enhance Access to Justice

Access to justice is a broad normative and practical concept. The ODPP strives to enhance access to justice through a variety of strategic activities. These include, decentralization of prosecution services, redress of **public complaints, enhancing capacity of prosecutors and focusing on key crimes which have a multiplier effect such as corruption. In line with the Constitutional imperative for ODPP as a National Government organ, to decentralize prosecution services** the ODPP

continued to improve its presence in all the **47 Counties** of the Republic, as well as all the 121 Court stations by deploying more Prosecutors to serve and thereby ease case backlog.

Addressing **public complaints either regarding ODPP services or those of related agencies such as the National Police Service**, is critical to promoting accountability, transparency and ultimately access to justice. In this regard, the ODPP therefore has a public complaints redress mechanism. The ODPP's Complaints and Compliments Section has, since inception in January 2012, processed **12,391** public complaints, including **1,287** complaints in FY 2016/17. ODPP has also adopted the use of social media platforms to receive complaints and inform the public on actions taken. ODPP also stepped up its drive towards enhanced **capacity development and professionalization of prosecution services** by increasing specialized training of Prosecutors in various thematic areas.

During the reporting period, combating corruption continued to be a major subject of national discourse. During the financial years of 2014/15, 2015/16 and now 2016/17 ODPP continued to ramp up its contribution to the fight against corruption by prosecuting the highest number of high profile corruption cases ever in Kenya's legal history. As a result, 12 Cabinet/Permanent Secretaries, 30 CEOs/Parastatal Heads, 8 Members of Parliament, 5 Banks/Bank Officials, 4 Governors and 16 Senior County Officials are all facing trial for misappropriation of public funds or other related integrity issues. The ODPP continued to deploy the "follow-the-money" and "full-range



The ODPP's Complaints and Compliments Section has, since inception in January 2012, processed 12,391 public complaints, including 1,287 complaints in FY 2016/17.

of the law” approaches resulting in more cases of economic crimes, abuse of office, money-laundering and organized crime. In that period there is a total of 3,132 Anticorruption and Economic Crime cases registered in the courts, with ODPP recording an improved overall conviction rate of **72.4% in FY 2016/17 which is the highest ever recorded in Kenya in this class type**. Thus, with this positive gains, ODPP and the wider court process is slowly but surely helping the country to address the scourge of corruption. ODPP also established an Anti-corruption Case Review Committee whose work is to assess litigation progress of ongoing corruption cases and make recommendations to the DPP.

The ODPP also invested in **infrastructural development** to ensure that the Office is better placed to serve the citizens. This includes acquisition of additional office space, refurbishing and equipping of the newly opened sub-county offices.

Institutional Reforms and Restructuring

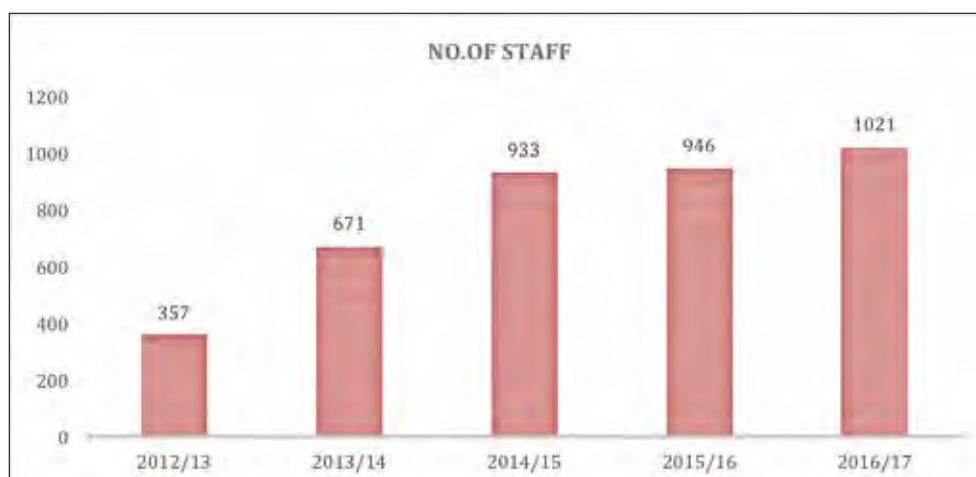
The ODPP’s **thematic divisions, sections and units were improved** by various leadership changes and deployment of more Prosecution Counsel. The institution’s **Human resource complement improved** by recruiting **108** new staff of whom **50.9%** were Prosecution Counsel and **49.1%** were Central Facilitation Staff. Therefore, during the reporting period ODPP staff grew from **946** to **1021**. The growth in staff is critical for the ODPP’s overall commitment towards rendering of improved prosecution services.



The ODPP continued to deploy the “follow-the-money” and “full-range of the law” approaches resulting in more cases of economic crimes, abuse of office, money-laundering and organized crime. In that period there is a total of 3,132 Anticorruption and Economic Crime cases registered in the courts, with ODPP recording an improved overall conviction rate of 72.4% in FY 2016/17 which is the highest ever recorded in Kenya in this class type”.

Table 7.2: ODPP Human Resource Capital

Current Staffing Levels	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Total No. of Staff	185	357	671	933	946	1021
Growth		93.0%	88.0%	39.0%	1.4%	7.93%

Source: ODPP**Figure 7.1: Total Number of ODPP Staff**

ODPP's **strategic focus on professional skills development** continued during the FY 2016/17, by mounting more inter-agency trainings which not only benefited Prosecutors but also officers from key partner agencies, including the Judiciary, National Police Service, Ethics and Anticorruption Commission, Communication Authority, Kenya Wildlife Service, Kenya Revenue Authority, Kenya Airports Authority, NEMA, amongst others. ODPP undertook for its staff **9** individual and **27** group trainings benefiting 1064 ODPP and Non-ODPP officers. These trainings focused on Trial Advocacy, Active Case Management, Anti-corruption, Money-laundering, Terrorism,

Professionalization of Prosecution Services:

The ODPP developed tools such as forms and guidelines for centralized case in-take, daily review of charge-sheets and active case management in line with the existing prosecutorial policies and guidelines. Prosecutors have been continually sensitized on these issues and case audit operations have been established. This is in the wider effort to ensure that standards set out in the National Prosecution Policy are enforced.

Promote Inter-Agency Cooperation and International Collaboration:

The ODPP operates within the NCAJ framework for state and non-state actors. To foster collaboration efforts with various agencies, the ODPP developed Standard Operating Procedures (SOPs), MoUs and Reference Manuals/Guides and Digests for internal and inter-agency capacity building efforts. These tools covered anti-corruption, wildlife crimes, terrorism, argwgrwdtjadthdahadgfdhate-speech, international crimes, piracy, narcotics and SGBV.



ODPP undertook for its staff 9 individual and 27 group trainings benefiting 1064 ODPP and Non-ODPP officers. These trainings focused on Trial Advocacy, Active Case Management, Anti-corruption, Money-laundering, Terrorism”.

Moreover, ODPP improved its regional and international collaboration efforts by hosting various forums of the East Africa Association of Prosecutors [EAAP] including its Annual General Meeting. The ODPP also participated in various prosecutorial regional and international conferences/trainings of the Africa Prosecutors' Association and International Association of Prosecutors. It also contributed prosecutors who served in various national delegations to various State parties' forums on various international legal instruments of which Kenya is a party. Part of ODPP's collaboration goals is to establish regional prosecutorial networks to enhance international legal cooperation formal and informal mechanisms. To this end, ODPP spearheaded the establishment of the **Eastern and Central Africa Prosecutorial Network on Environmental Crime** which brings together 8 States in the region with a Common Action Plan.

Strengthen Policy And Legislative Frameworks

The ODPP contributed to the development and implementation of a number of criminal justice sector policies and legislative initiatives. For instance, ODPP contributed to the review of Anticorruption laws including the enactment of the Bribery Act, 2016. The Office was involved in Inter-agency taskforces including the IDPs Taskforce, Taskforce on Traditional Dispute Resolution Mechanisms, Victims of Crime Board and various NCAJ technical Committees and CUCs. ODPP contributed to discussions that led to the formation of the Anti-Corruption High Court Division by Judiciary. During the reporting period which partly covered the election period for the 2017 General Elections, the ODPP established an **Elections Offences Prosecution Team** with a 24 hour Secretariat which collaborated with other stakeholders such as the IEBC and the National Police Service in ensuring that these agencies were in a good state of election preparedness. The ODPP also collaborated with various justice agencies in the fight against corruption through the **Multi-Agency Team (MAT) framework** whose interventions have resulted in expeditious prosecution-guided investigations of major graft cases and increased both convictions and case conclusion rate of corruption and economic crimes. Indeed, for the first time corruption cases have been registered and successfully tried within a year, which is a remarkable achievement.



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The ODPP was involved in various law reform initiatives which include the Access to Information Act 2016, Anti-Doping Act 2016, Elections Offences Act 2016, Forest Conservation and Management Act 2016, Legal Aid Act 2016, National Coroners Service Act 2017, and Prevention of Torture Act 2017. The Office also initiated the development of Plea-bargaining Rules and Guidelines, Cybercrime Bill 2016, Wildlife Management & Conservation (Amendment) Bill 2017.

Facilitation of Witnesses and Victims of Crime

In realization of the role of victims in the criminal justice system, the ODPP has a specialized thematic Division on Children, Witness and Victim Support. Through this Division, ODPP undertook in collaboration with the Judiciary, a successful plea-bargain initiative that has significantly reduced case backlog in the Children's Court.

Prosecution Performance

During the reporting period, ODPP recorded a 19% increase in the total number of matters it handled compared to FY 2015/2016, which is attributed to the decentralization of prosecution services to all court stations in the country and the taking over of the decision to charge by ODPP.

Table 7.3: Prosecution Performance

	Number Handled	Number Resolved	Proportion
Appeals (Supreme Court, CoA & HC)	3,549	1,425	1.18%
Criminal Trial (HC & MC)	290,129	100,761	96.49%
Revisions	1,113	756	0.37%
Applications	1,386	894	0.46%
Extraditions & MLA	57	46	0.02%
Advice Files	3,164	1,282	1.05%
Complaints	1,287	377	0.43%
TOTAL	300,685	105,541	100.00%

Source: ODPP

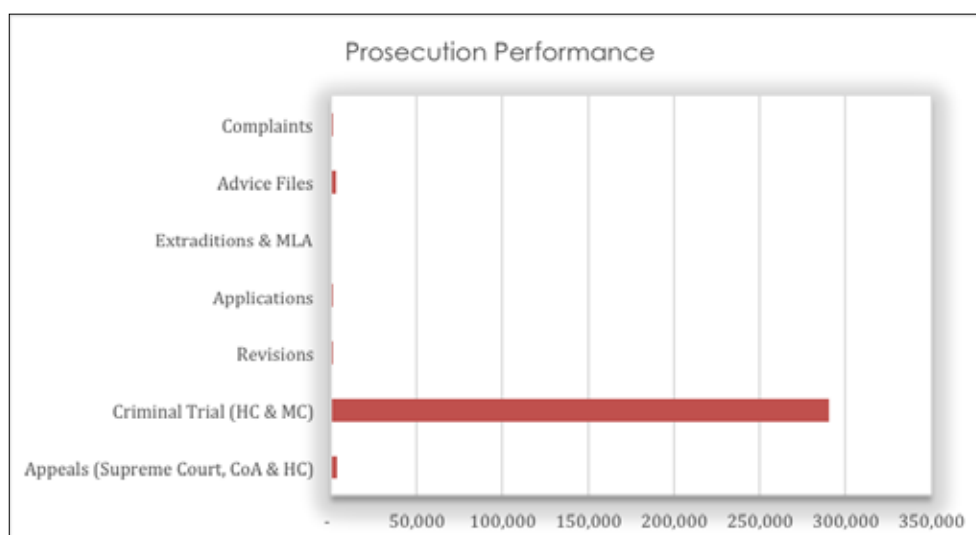


Figure 7.2: Prosecution Performance

During the period under review, the following are the challenges faced by the Department: –

- **Low conclusion rate in criminal trials:** Despite ongoing investments and efforts towards addressing low case conclusion rates, there is still a significant backlog of cases which affects ODPP's prosecutorial performance. Such backlog and low case conclusion rate particularly in major cases, results in loss or deterioration of evidence, change of Investigating Officers, witness fatigue/intimidation/memory loss and attrition.
- **Inadequate infrastructural capacity:** The Office lacks adequate



During the reporting period, ODPP recorded a 19% increase in the total number of matters it handled compared to FY 2015/2016".

infrastructural facilities and capacity in terms of vehicles, legal resources, furniture, equipment and office space, both at the headquarters and the County Offices.

- **Limited training on emerging crimes:** Due to the low budgetary allocations for training allocated to the ODPP and lack of an institute to train Prosecutors, ODPP has inadequate capacity to train Prosecution Counsel in sufficient numbers in new, emerging and complex forms of crime such as money laundering, cybercrime and other transnational crimes.
- **Archaic Case-file and mail management process and procedures:** Due to limited resources, ODPP has not sufficiently improved its operational ICT environment to facilitate better information management and optimization of its core business processes.
- **Inadequate witness and victim facilitation:** There continues to be significant challenges for Prosecution Counsel to conduct necessary pre-trial sessions due to limited resources and facilities for pre-trial facilitation of witnesses and victims of crime. This results in inadequate witness preparation, witness fatigue and eventual collapse of otherwise meritorious cases.
- **Inadequate human resource:** The ODPP staff optimal level is 1297 staff,

comprising 927 counsel and 360 central facilitation staff. The ODPP has not been able to attain the desired level due to uncompetitiveness in the job market. The annual staff attrition rate was 6% in 2016/2017 with the same projected to rise even more. The NCAJ should give greater voice for the urgent need for harmonization of terms and conditions of service within the justice sector

- **Archaic and unresponsive laws:** The existing criminal laws are not sufficiently applicable to new and emerging crimes and technological advancements. The current episodic band-aid approach to review of criminal laws often leads to more dissonance in the legal framework. There is therefore an urgent need for a multi-agency led comprehensive review and revision of key procedural, evidential and substantive criminal laws in order to respond to the complex and ever mutating forms of criminality.
- **Capacity constraints within other criminal justice agencies:** A number of critical justice agencies whose work feeds the ODPP, suffer acute capacity constraints, which inevitably affect services delivery. This greatly impacts on the ability of the ODPP to offer effective and efficient prosecution services. There is need to modernize and enhance capacity of investigative agencies so as to improve the quality



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of investigations, and in turn impact positively on the effectiveness of prosecution. There is need for a focused discussion and action on the capacity enhancement of all Agencies within the justice sector.

- **Security and safety of staff:** The security of personnel need not be over-emphasized. Prosecutors are faced with threats from suspects and nefarious agents during trial and when out on bail and bond. In addition, ODPP offices, both at the headquarters and the Counties are housed in rented insecure premises, thus exposing officers to vulnerable and insecure working environment.
- **Budgetary constraints:** The ODPP continues to suffer acute financial constraints due to inadequate budgetary allocations. Critical activities and operations remain pending due to disparity between the requisitions and the actual allocations from the exchequer. These include hiring of staff, improvement of the ICT infrastructure and acquisition of offices/equipment in the Counties.

7.4.2 Office of the Attorney General

The Office of the Attorney General and Department of Justice is established under the **Executive Order No.2 of 2013**. Further, **Article 156 of the Constitution** of Kenya 2010 and the **Office of the Attorney General Act 2012** set out the Constitutional mandate and functions of the Attorney Gen-

eral. The Attorney General is the Government principal legal advisor, responsible for representing the national Government in court or any other legal proceedings to which the national Government is a party (other than criminal proceedings) and for performing any other functions conferred to the Office by an Act of Parliament or by the President. The Attorney General is also the promoter of the rule of law and defender of the public interest.

Pursuant to **Executive Order No.2 of 2013**, the Attorney General now discharges the functions of a Cabinet Secretary in relation to the Department of Justice and therefore, has responsibility for the promotion of human rights and implementation of the Constitution, access to justice through promotion of legal aid, good governance, anti-corruption strategies, ethics and integrity, legal education and law reform, among others. The Attorney General also provides policy, co-ordination and oversight with regard to various legal sector institutions and therefore has a broader cross-cutting mandate to support the strengthening of legal sector institutions.

In summary, State Law Office and Department of Justice is mandated to promote the rule of law and public participation; support Government's investment in socio-economic development; promote transparency, accountability, ethics and integrity; spearhead policy, legal and institutional reforms; promote economic governance and empowerment; promotion, fulfilment and protection of human rights; undertake administrative management; capacity building; and enhance access to justice.

a. Access to justice

There have been reforms in the implementation of an effective legal aid scheme vide the enactment of the Legal Aid Act, No. 6 of 2016. Such reforms are hinged on the constitutional requirement under Article 48, to ensure access to justice for all persons and with special reference to the need for legal aid services among indigent persons and marginalized groups and vulnerable members of the society as well as persons with disabilities. Establishment of a program to target initial provision of legal aid to 10000 indigent persons and mapping out of Legal Aid providers across the country.

During the FY2016/2017, The National Legal Aid Service Board was operationalized, a National Action Plan on Legal Aid developed, 6 open days conducted, trainings conducted to 1197 inmates and remandees at Shimo-la-Tewa, Kilifi, and Kwale prisons, over 1060 litigants trained on self-representations in civil matters and 15505 mediations conducted.

b. The Fight against corrupt practices and implementation of stringent Anti-corruption measures.

There was establishment of a permanent Multi-agency team to tackle corruption to supplement efforts by anti-corruption agencies, which have delayed concluding corruption cases due to limited human resource capacity. Deliberate legislative reforms such as implementing the Bribery Act No. 47 of 2016 that target persons partaking corruption proceeds; and providing laws that establish special anti-corruption courts, has led to prosecution of over 360 criminal cases before various anti-corruption courts while another 518 were being investigated by

Ethics and Anti-Corruption Commission (EACC).

Moreover, recovery of proceeds of corruption through the setting up the Assets Recovery Agency has led to seizure of property worth Kshs 158 million, in the form of land, vehicles and business entities. Therefore implementation of the Proceeds of Crime and Anti-money Laundering Act 2016, has led to reduced loss of public funds through recovery of proceeds of crime and corruption totaling to Kshs 3 billion. The office has facilitated measures of cross-border cooperation through enhanced mutual legal assistance engagements with peer jurisdictions and provision of devolved assistance to county governments in the fight against corruption through deterrence of corrupt practices in the county governments.

c. Promotion of Legal Ethical Standards

The Advocates Complaints Commission successfully conducted public awareness amongst county commissioners, Deputy county commissioners, chiefs, Assistants chiefs, village elders, opinion leaders and the general public in 10 counties. Alternative Dispute Resolution sessions were conducted in 10 counties, namely: Machakos, Meru, Embu, Isiolo, Nakuru, Eldoret, Narok, Bomet, Nandi, and Nairobi. The commission also held stakeholder (advocates) workshop and legal aid clinics in the following counties; Machakos, Meru, Embu, Isiolo, Nakuru, Eldoret, Narok, Bomet, Nandi, and Nairobi.

d. Strengthening Kenya's Criminal Justice System

The head of the United States



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of America Counter Terrorism Bureau and Attorney General deliberated on increased support to the Government of Kenya in investigations and prosecutions for terrorism related cases as well as Mutual Legal Assistance. The US Counter Terrorism Bureau, funds assistance to support civilian counter terrorism capabilities including support to countries criminal justice systems. The Office of the Attorney General and Department of Justice is the Central Authority for Mutual Legal Assistance on criminal matters in Kenya. Increased inter-agency cooperation and collaboration amongst law enforcement officers in Kenya is enhancing the process leading to detention, arrest, and prosecution of criminals engaged in human trafficking, smuggling, of migrants as it is an attractive route of transition and destination due to its stability and infrastructure, the office as the central authority on Mutual Legal Assistance. Kenya has successfully entered into agreements with other nations to provide assistance in combating transactional organized crimes.

e. Emerging Issues and Challenges Demand for Legal Services

The implementation of the Constitution has resulted in increased constitutional petitions and demand for more legal services. The number of court cases and other disputes involving ministries, State Departments and Agencies (MDAs) have increased and so has the need to represent them in court to avert awards of damages in default.

Further MDAs, and County Governments require legal advice to facilitate the negotiation, drafting and enactment of laws, policies, guidelines, contracts, agreements, memoranda of understanding (MOU) and bilateral and multilateral agreements and treaties as well as advice on dispute resolution processes and enforcement of contracts. Increase in bilateral and multilateral agreements and MOUs has led to increased demand for legal audit of the Governments obligations in ensuring enforcement of the agreements.

f. Inadequate Legal Framework

There are new and emerging issues, which there are no legal framework therefore a lack of precedent to guide the courts. These include trans-gender recognition, extractive industry, recovery of non-monetary assets from proceeds of crime, alternative Dispute Resolution, and impeachment of Governors and Deputy Governors.

7.4.3 Kenya Police Services

The Annual Crime Report for the period from 1st January to 31st December, 2016 covers all categories of Crime, Fire Incidences, 2017 General Election Preparedness and Traffic/Road Safety. It also covers cases on Corruption, School Arson/Unrest and Dangerous Drugs reported to police within the Country.

In the year 2016, the overall crime recorded was 76,986 cases compared to 72,490 in 2015. This represented an increase of 6%.

The table below shows the comparative crime figures for the years 2015



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and 2016:

Table 7.4: Comparative crime figures for the years 2015 and 2016

S/NO.	Offences	2015	2016	Difference	Difference in %
1.	Homicides	2648	2751	103	3.89
2.	Offences against morality	6164	6228	64	1.04
3.	Other offences against persons	21174	22295	1121	5.29
4.	Robbery	2865	2697	-168	-5.86
5.	Breaking	5591	5621	30	0.54
6.	Theft of stock	1961	1918	-43	-2.19
7.	Stealing	9528	10361	833	8.74
8.	Theft by servant	2184	2440	256	11.72
9.	Theft of vehicle and parts	1111	1355	244	21.96
10.	Dangerous drugs	5525	6160	635	11.49
11.	Traffic offences	120	139	19	15.83
12.	Criminal damage	3983	4307	324	8.13
13.	Economic crimes	3244	3503	259	7.98
14.	Corruption	79	92	13	16.46
15.	Offences involving police officers	71	57	-14	-19.72
16.	Offences involving tourists	19	15	-4	-21.05
17.	Other penal code offences	6223	7047	824	13.24
	Total	72490	76986	4496	6

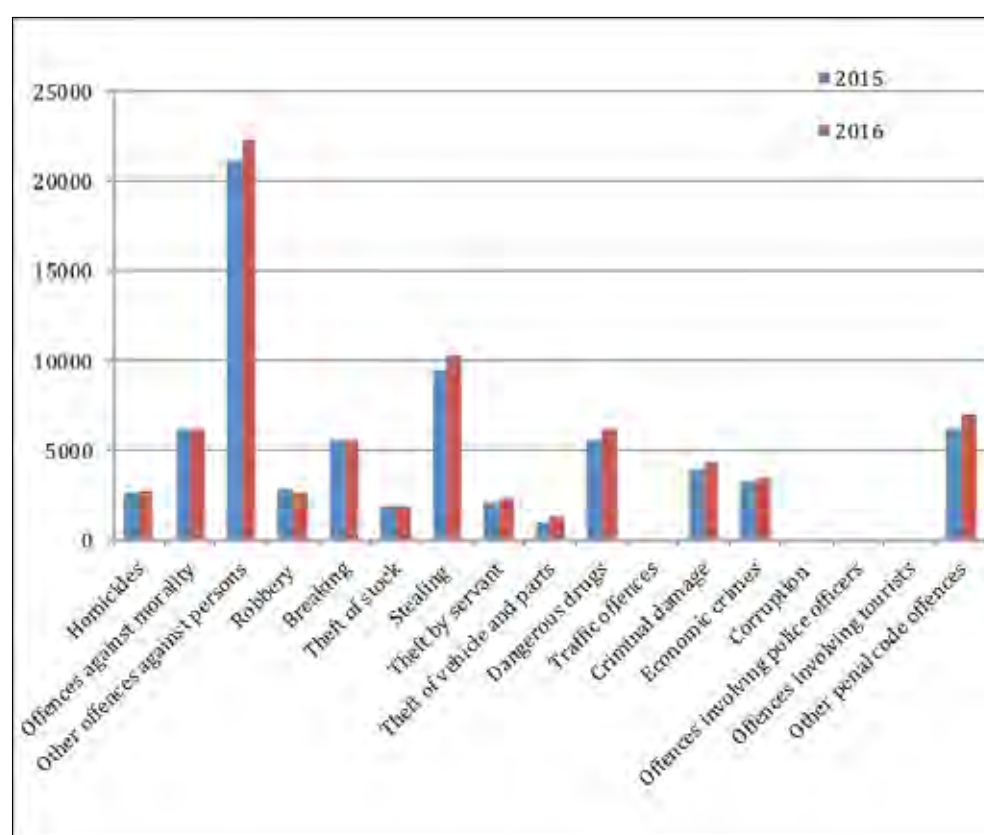


Figure 7.3: Comparative Bar graph of crime figures for the years 2015 and 2016

An increase of cases was recorded in offences of Theft of Vehicle and their

parts (**244 cases or 22%**), Theft by Servant (**256 cases or 12%**), Dangerous Drugs (**635 cases or 11%**), Stealing (**833 cases or 9%**), Criminal Damage (**324 cases or 8%**), Economic crimes (**259 cases or 8%**), Other Offences against Persons (1121 cases or 5%), Homicide (**103 cases or 4%**) and Offences Against Morality (**64 cases or 1%**).

However, a decrease of cases reported was also noted categories of offences Robbery (**168 cases or 6%**) and Theft of Stock **43 cases or 2%**.

Pie Chart of Comparative Crime Figures for the period January to December 2016

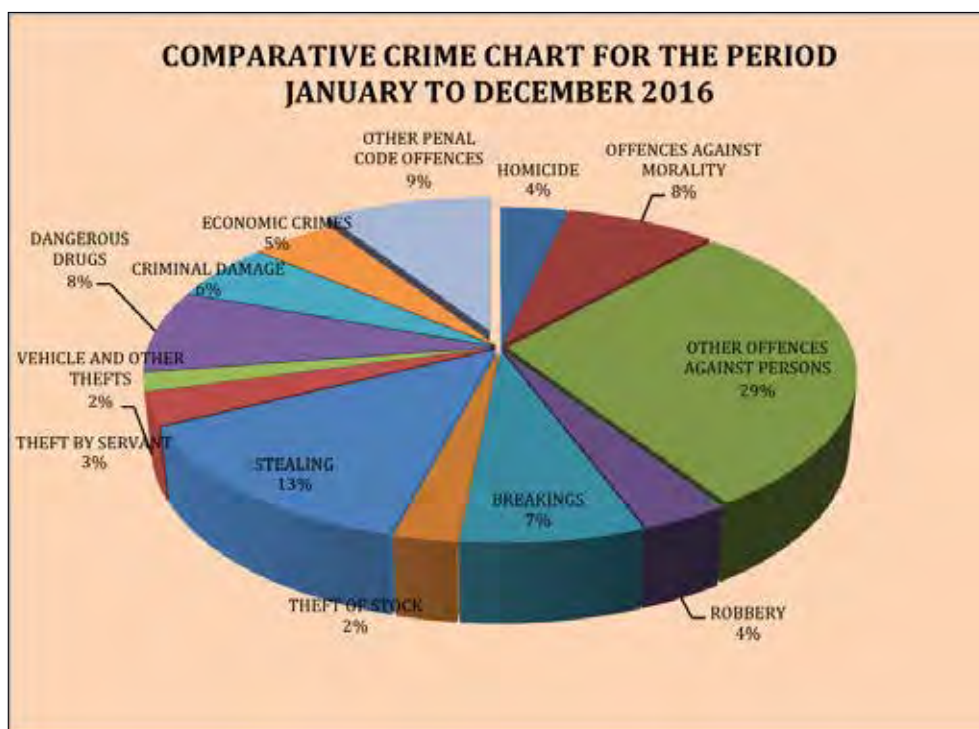


Fig. 7.4: Comparative Crime Figures for the period January to December 2016

Some of the key activities undertaken by the institution during period under review included maintenance of law and order, detection and investigation of crimes, apprehension of offenders, prevention of crime, visiting and dealing with the scenes of crimes, production of suspects held in police custody in court, crackdown on illicit brews, security coverage's throughout the electioneering period, sensitization of the public through community policing forum to foster and promote relationship with the wider society and sensitization of all officers in the services on the prevention of corruption to promote transparency and accountability.

The following are some of the achievements made during the period under review:

1. There was a good relationship between the judicial, the police and other agencies in the justice system.
2. Hearing and determination of cases was done timely in some of the courts thus providing quick disposal of cases.
3. There were continuous court users committee meetings with stake-

holders at all levels concerned to address the matters affecting the justice system.

4. There was improvement in the investigations of cases that resulted to increased number of convictions.
5. Implementation of the bail and bond policy.

During the reporting period, various challenges were encountered as stipulated below:

- 1 Releasing of suspects on bond and bail without due consideration or involving the police for verification leading to disappearance or absconding of suspects.
- 2 Releasing of suspects on unreasonable amount of bond as compared to the crime committed hence absconding court leading to several warrants being issued and eventually police being blamed for not arresting them.
- 3 Refusal by judicial officers to reinstate cases withdrawn under section 87(a) of the criminal procedure code instead demanding the cases to start a fresh.
- 4 Poor holding facilities for remandees hence posing danger of escape and even to personnel manning them.
- 5 Delay in finalizing of cases, which is normally caused by probation officers who fail to provide their reports on time to the court prosecutors.
- 6 Sometimes the court fines are too low as compared to the crime committed by the suspect(s).
- 7 Regular change of plea by the accused persons hence delays.
- 8 High rate of withdrawals of cases by the complainants immediately after the plea is entered.
- 9 Many adjournments of cases/delay in hearing of cases hence demoralizing witnesses who thereafter fail to attend court or testify.
- 10 Bonding of witnesses who at times can't be easily traced especially in build-up areas.
- 11 Complainants not willing to follow proper investigation procedures for example, most complainants want the suspect(s) to be arrested before completing the investigation.
- 12 Political interference in executing the police service mandate.
- 13 Different hearing dates given in court files and police case files resulting to confusion in the production of police files to court.

Crime against the person or against property affects the person directly and the community indirectly. The effects are felt in all sectors of the economy, health and productivity. Crime against one person is therefore crime against all. It is upon every agency in the security sector to play its role in combating all forms of criminality for a better society to live in.

7.4.5 Kenya Prison Services

The Kenya Prisons Service (KPS) is a department within the Ministry of Interior and Coordination of National Government. It is established and governed by the Prisons Act (Cap 90) and Borstal Institutions Act (Cap 92) Laws of Kenya.

KPS is mandated with the containment and keeping offenders in humane

safe custody; rehabilitation of offenders through training, counseling, educational and professional programmes; facilitation of administration of justice by producing offenders to courts; control and training of youthful offenders in Borstal Institutions and Youth Corrective Training Center.

There are 118 Penal Institutions spread across the country. Nine (9) facilities are categorized as Maximum Security prisons with prisoners sentenced to 10 years and above, life or death penalty while forty-six (46) of them are classified as Medium Security holding prisoners serving between 5-10 years. The remaining sixty-four (64) are classified as Open Prisons with prisoners assessed to be of minimum security risk serving up to a maximum of five years.

The prisons also contain ordinary and capital remand prisoners. The daily average prisoners' population is 50,000 (31,000 convicted and 18,677 awaiting trial) against an accommodation capacity of 26,000 prisoners. This implies that the prison facilities are over 100% overcrowded. Furthermore, on average, there are about 600 children aged 4 years and below accompanying their mothers in prison.

Table 7.5: Number of inmates

Category	FY 2015/2016	FY 2016/2017
Convicted male	30,160	30196
Un convicted male	19,232	18501
Convicted female	2,177	1651
Un convicted female	1,272	1352
Young male offenders (Borstal Boys)	732	694
Young male offenders (Borstal girl	4	23
Young male offenders (YCTC)	55	140
Juveniles		32
TOTAL	53,632	52589

Overcrowding continues to place a huge burden on the management, control and rehabilitation of prisoners. In addition, the Service is currently holding a significant number of offenders charged with and/or convicted for terrorism related offences (including violent extremism), cyber crime and other transnational crimes, which pose a gross security threat.

Achievements of the Kenya Prisons Service

In line with the government's agenda on transforming the security institutions, KPS has achieved significant milestones in the following areas:



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A. **Infrastructural development:**

Since 2016, KPS has constructed new prisons including Makueni, Kwale, Mwingi, Rachuonyo, Kaloleni, Bom-et, Vihiga, Yatta, Marimanti, Kehancha, Chuka, Kilgoris, Sotik, Loitoktok, Maara, Nyamira and Mutomo as well upgraded existing facilities in more than 70 prisons. More significantly, the construction of Kamae Girls Borstal Institution, which began in 2014, is aimed at contributing to effective rehabilitation of youthful female offenders and minimizing chances of them being contamination by adult female prisoners. In addition, Kamiti Juvenile Home was established to prevent contamination of male juveniles by adult offenders.

B. **Rehabilitation of offenders:**

Since 2013, more than 23,000 inmates have gone through the vocational training programmes while 5,000 of them completed their trade tests. Majority of these prisoners have since been released and re-integrated back to society where they are making a positive contribution to the development of our economy.

C. **Transport:**

The department has progressively acquired a number of units for smooth operations. In 2015, the department received Kshs 120M to facilitate acquisition of additional 4 buses, 5 heavy-duty utility vehicles for stations in remote parts of the country and 12 assorted small vehicles for headquarters and field stations.

D. **Staff Housing:**

A total of 942 staff houses have been constructed since 2013. The department has been included

in Police and Prisons housing programme where 5,000 new units are expected to be constructed for Prisons staff. Towards that end, 350 units are at an advanced stage of completion at Kamiti, Shimo la Tewa and Ruiru Prisons.

E. **Staff Strength:**

There has been consistent expansion of uniformed staff strength to the current establishment of 23,600. This is due to the recruitment exercise conducted in May 2017, which enabled the department to increase its staff personnel. In doing so, KPS has ensured its commitment to provide equal opportunities to both genders in line with the affirmative action.

F. **Capacity Building:**

In a bid to promote professionalism, a number of prison staff have undergone capacity building including training both locally and internationally. This has enabled them to familiarize themselves with best practices. The department has standing agreements with some international organizations like JICA, SIDA, African Prisons Project among others for our officers to participate in their annual trainings.

G. **Implementation of Audit on Criminal Justice System:**

Through NCAJ, the Kenya Prisons Service in liaison with the Legal Resources Foundation conducted an audit of Kenya's Criminal Justice System with focus on pre-trial detention. The research team visited several prisons, police stations and courts. The report was



A total of 942 staff houses have been constructed since 2013. The department has been included in Police and Prisons housing programme where 5,000 new units are expected to be constructed for Prisons staff. Towards that end, 350 units are at an advanced stage of completion at Kamiti, Shimo la Tewa and Ruiru Prisons".

- launched and a Committee was constituted to implement its recommendations.
- H. **Taskforce to Review laws governing children:** Further, through NCAJ, a taskforce was constituted to review all laws governing children including the Borstal Institutions Act. The review is ongoing.
- I. **Review of Legislations governing KPS:** KPS in liaison with Stakeholders who are part of NCAJ reviewed its legislations (Prisons Act Chapter 90) and Borstal Institutions Act Chapter 92) Laws of Kenya in order to align them with the Constitution of Kenya 2010 and International Instruments. The Bills were forwarded to Attorney General's Office for onward transmission to Parliament for approval.
- J. **Establishment of Human Rights Offices in all Penal Institutions:** KPS in Liaison with Stakeholders has established human rights offices in all penal institutions. Further, the department has trained prison officers as human rights officers who handle human rights issues for prisoners and officers.
- K. **Establishment of Court Users Committee:** NCAJ in liaison with Stakeholders has established Court Users Committee in all court stations, which brings together all criminal Justice agencies such as KPS, NPS, and DCS among others.
- L. **Judicial Service week:** The taskforce on Children's Matters in liaison with NCAJ held judicial Service week, which dealt with children's pending cases in various courts.
- M. **Legal Aid Services to prisoners:** The Directorate of Legal in KPS (advocates) in liaison with other stakeholders such as Kituo Cha Sheria, Christian Lawyers among others render pro bono Services to prisoners who cannot hire private advocates to represent them in court.

Challenges

(a) Overcrowding

The department continues to experience overcrowding in our institutions. The current holding capacity has been exceeded by over 100%. The impact of overcrowding is evident in terms of poor service delivery due to overstretched resources and a rise in various risks that include spread of communicable diseases as well as security threats among many others. Overcrowding could be attributed to the following:-

1. Rise in crime rate: The country continues to experience high rates of crime, which arise in various trends. This is caused by among many other reasons; unemployment, peer pressure, use of drugs and substance abuse. With a high rate in crime, many offenders are committed to prisons. This is exacerbated by long periods of pre-trial detention.
 1. Ignorance of law: Majority of the inmates in our institutions are detained due to lack of information as pertains the law in regard to pleas, bails and bonds.
 2. Inadequate legal representation: Majority of the inmates cannot be able to secure the services of an advocate or legal representation because they

cannot afford the legal fees.

3. Death penalty: Inmates sentenced to death stay long periods on death row before their sentences are commuted to life or definite sentences. Currently, the department holds approximately 313 inmates sentenced to suffer death.

- (a) Inadequate /Lack of Infrastructure: Existing infrastructure is inadequate vis a vis the number of inmates they are supposed to serve. These include inmates' accommodation, training workshops and health facilities among others.
- (b) Inadequate vehicles/ Transport: Inadequate and un-serviceable vehicles impact negatively particularly on timely production of inmates to courts which ultimately slows down the dispensation of justice.
- (c) Inadequate funding: The National Treasury provides allocations incommensurate with the department's requirements leading to accumulated pending bills and inability to provide essential services to the prisoners.
- (d) Implementation of the bail and bond policies: The issue of petty offenders being subjected to pay high bail is still a challenge, as majority of the offenders cannot afford to pay, which leads them to prison. Therefore, Judiciary should fully implement the bail, bond and sentencing policies developed as a way of reducing overcrowding in prisons.
- (e) Non-custodial sentences: Judicial officials do not embrace Non Custodial Sentences for petty offenders.

Therefore, they should be encouraged to use non-custodial sentences to reduce congestion.

- (f) Implementation of Article 49 (2) of the Constitution: There is need for the Courts to implement Article 49 (2) of the Constitution by ensuring that a person who has committed an offence punishable by a fine only or by imprisonment for not more than six months is not remanded in custody.
- (g) Emerging Crimes: The emergence of new crimes including those based on technology pose a great challenge given lack of equipment and expertise to deal with them.
- (h) Violent Extremist Offenders (VEOs): The department lacks the expertise and equipment to deal with such forms of emerging crimes.
- (i) Human resource development: There is need to have frequent training and refresher courses for all officers at least once or twice a year to ensure they are up to date with the emerging crime trends and how to handle prisoners committed for engaging in them.
- (j) Land Encroachment: Members of the public have encroached on prison land making it difficult to establish new institutions and expand the existing ones.

7.4.6 Council of Governors

Administration of justice has improved significantly since the inception of devolution. The citizens of Kenya in the county level are now able to access courts or dispute resolution mechanisms. Though judicial functions are not



Inmates sentenced to death stay long periods on death row before their sentences are commuted to life or definite sentences. Currently, the department holds approximately 313 inmates sentenced to suffer death”.

devolved, the Judiciary has made significant reforms within the context of devolution. High courts stations have increased and many counties now have a High Court.

During the FY2016/2017, there were achievements and challenges in the justice sector at the county level as elaborated below;

1. Establishment of Courts:

There has been collaboration between the county governments and the Judiciary where county governments, such as Kiambu, Meru and Homabay counties donated land for the construction of High Courts. Construction is currently ongoing. Additionally, there has been an increase in the number of High Courts. So far, 38 counties have presence of a High Court.

2. Special Prosecutors: ODPP gazetted special prosecutors for County legislation in the “County Courts” which were previously known as Municipal courts.

3. Waiver of Court fees: Court fees for County matters related to the County legislation, both in the Executive and in the Assembly, was waived.

4. Appointment of Magistrates: The Chief Registrar of the Judiciary directed that a separate Registry be established in all Municipal and City Courts to handle matters from County legislation.

Challenges and recommendations

1. Revenue Allocation: All revenue that accrues from the cases arising out of violation of County legislation is collected by the Judiciary and

remitted to the Consolidated Fund. The Council has attempted to bring together stakeholders with a view to developing a mechanism that will facilitate revenue sharing in this area.

2. There is need to put in place measures for the seamless transition of the defunct Municipal or City Courts to designated Magistrate Courts within the various Counties. However, it is worth mentioning that Municipal and City Courts are not resident in all Counties.

3. As previously mentioned, there are currently 39 High Courts in 38 Counties. As such, not all Counties have a High Court creating some difficulty in accessing justice in an expeditious manner. All Counties should have a High Court.

4. The County Attorneys are yet to begin working towards streamlining human rights and justice issues across the country in collaboration with the Legal Affairs Committees of the Assemblies, the National Assembly and the Senate.

5. Establishment of legal units at the Executive level and the County Assembly level. Previously, legal units did not have frameworks, standards and guidelines. The CoG, Senate and other stakeholders will develop a framework/legislation for establishment of County Law offices.

6. The joint taskforce proposed in the high level NCAJ and CoG meeting of March 2015 and further proposed in a letter dated 10th June 2015 by the Chief Registrar of the Judiciary should be es-



As previously mentioned, there are currently 39 High Courts. As such, not all Counties have a High Court creating some difficulty in accessing justice in an expeditious manner. All Counties should have a High Court”.

established immediately. This taskforce will develop the transition to County Courts framework and the revenue sharing formula on fines.

7.4.7 Probation and Aftercare

This report covers some of the activities undertaken by the Department of Probation and Aftercare Service that directly relate to the administration of justice, including the Community Service Orders programme, with regard to the administration of criminal justice.

The Community Service Orders (CSO) programme derives its mandate from the CSO Act and it is mainly geared towards offenders whose imprisonment sentences attract three (3) years and below. It targets mainly non-serious offenders who pose no threat to themselves, the victim or the community. Offenders placed on community service engage in unpaid public works for a specified period within the community.

Principally, the mandate of the department stems from the Probation of Offenders Act and the Community Service Orders Act as side from other shared cross cutting criminal justice legislations.

The department strives to promote and enhance the administration of justice, community safety and public protection through provision of various advisory social inquiry reports, supervision and reintegration of offenders placed under is charge and engagement in victim work and social crime prevention. The functions of the department have increased tremendously over the years owing to expanded roles and these have been seen in the areas such as bail decision-mak-

ing, Alternative Dispute Resolution (ADR), Plea Agreements and other social advisory services to the courts and penal release organs. These have been in addition to the traditional roles in delivery of Presentence reports, Supervision of Court orders related to Probation orders and Community Service orders and in addressing the reintegration needs of offenders exiting penitentiary facilities, including those released under presidential power of mercy under Article 133 of the Constitution, and youthful offenders discharged from correctional institutions (Borstal Institutions and Rehabilitation Schools).

These services are intertwined with victim support services and crime prevention work whose objective is to create harmony and peaceful co-existence among the citizenry. The foregoing functions are seen in the light of the underlying and shared task of all criminal justice agencies, which relates to crime reduction and public protection. The activities undertaken under the review period are highlighted hereunder.

Activities, Achievements and Challenges (2016/2017)

Probation Service work has transformed beyond the tradition practice and officers are now engaged in provision of advisory reports related to

- a. Presentence reports for probation orders and community service orders
- b. Bail information reports for bail decision making
- c. Victim impact statements
- d. Plea Agreements and
- e. Reports on Alternative Dispute Resolutions in criminal matters.



The Community Service Orders (CSO) programme derives its mandate from the CSO Act and it is mainly geared towards offenders whose imprisonment sentences attract three (3) years and below. It targets mainly non-serious offenders who pose no threat to themselves, the victim or the community. Offenders placed on community service engage in unpaid public works for a specified period within the community".

Some of these practices are not fully anchored on statutes but operate on policy and legal precedence/case law.

Court Inquiries

During the period under review, there were a total of 48,031 cases inquired into for probation orders and Community Service Orders (CSO) combined emanating from various courts countywide. This however excludes cases handled by probation officers for bail information reports. These inquiries and advisory reports related to sentencing and bail decision making resulted in various court sanctions including placement on probation orders and community service orders and determination of appropriate bail terms.

From the above, and considering the past reporting period, we have documented tremendous decline in court referrals resulting in few accused persons being accorded the appropriate supervised community sanctions. This is also noticed in the wake of expanded access to justice through recruitment of more probation officers, judicial officers, prosecuting counsels and establishment of more courts. Thus, there is relative gross underutilization of alternative sanctions going by the figures below and the fact that prison facilities remain overcrowded. There is need for a probation officer to be stationed in each court and this remain unattained.

1. Probation Orders (Sec. 4 of the Probation of Offenders Act)

Probation orders are judicial supervision orders made by the court placing an offender under the supervision and rehabilitation of a probation officer subject to Section 216 of the CPC and Sec. 4 of the Probation of Offenders Act

Cap 64. During the reporting period, a total of 11, 011 Probation orders investigations were made by officers and Presentence reports prepared. Out of that number, 6910 offenders were placed on probation orders. These figures comprise new probation orders for both adults and juveniles. Further to submission of presentence reports, 4101 offenders were found unsuitable for probation and given alternative sanctions by the court. For those who were on probation supervision, 305 male and 105 female probationers absconded. This is an indication that there is serious need for increased funding to the department to enable it carryout effective supervision of offenders granted probation orders.



During the period under review, there were a total of 48,031 cases inquired into for probation orders and Community Service Orders (CSO) combined emanating from various courts countywide".

Table 7.6: Probation Orders, FY2016/17

2016/2017	COURT ENQUIRIES/PRE-SENTENCE REPORTS				NEW PROBATION ORDERS MADE				Offenders under supervision (CASELOAD)
JULY/JUNE	MALE		FEMALE		MALE		FEMALE		
	ADS	JUV	ADS	GIRLS	ADS	JUV	ADS	GIRLS	
JULY	828	151	186	33	426	101	176	57	11488
AUGUST	896	132	225	23	445	102	157	32	12214
SEPTEMBER	717	149	221	28	447	110	167	38	12633
OCTOBER	511	88	153	9	342	55	136	7	9053
NOVEMBER	708	80	200	14	383	63	154	9	11142
DECEMBER	597	105	129	8	308	62	89	10	10828
JANUARY	716	99	178	9	348	86	134	14	11965
FEBRUARY	901	108	189	18	490	80	165	24	12641
MARCH	877	80	221	15	459	69	156	16	12513
APRIL	687	71	149	14	306	44	101	9	10060
MAY	74	103	194	17	386	75	14	58	11023
JUNE	985	109	219	15	528	86	122	13	12226
TOTAL	8497	1275	2264	203	4868	933	1571	287	

2. Community Service Orders Programme (Sec. 3 of the CSO Act)

CSO are community payback orders directing an offender to perform unpaid public work for the benefit of the community. For the past 12 months (July 2016 to June 2017), a total of 34,665 cases were referred for CSO pre-sentence reports out of which 33,486 offenders were found suitable and served their sentences under community service orders. It should be noted though that a significant majority of these offenders were placed on One Day CSO thus not putting enough time to work. One-day orders are not ideal as the offenders have no time to work as they leave courts late and so mostly work in the court premises. Out of these numbers, 249 male and 83 female offenders absconded. Executing warrant of arrest for those who do not comply with community service work especially in urban slums is still a big challenge. On the whole, it is noted that lack of funds to sensitize new magistrates on CSO was a challenge.

Table 7.7: Community Service Orders, FY 2016/17

2016 / 2017	Court ENQUIRIES				New CSO ORDERS				Offenders* under supervision (CASELOAD)
JULY / JUNE	MALES		FEMALES		MALES		FEMALES		
	AD	JUV	AD	JUV	AD	JUV	AD	JUV	
JULY	2315	2	327	0	2266	1	347	0	4880
AUGUST	2784	7	528	0	2731	8	498	0	6552
SEPTEMBER	2345	5	464	1	2299	5	449	66	6252
OCTOBER	3677	67	599	58	3569	3	597	0	6501
NOVEMBER	2344	6	436	1	2286	7	456	1	6894
DECEMBER	1139	1	195	3	1104	1	186	3	4647
JANUARY	2334	3	423	1	2404	7	425	1	6152
FEBRUARY	2712	13	438	2	2596	38	419	0	5430
MARCH	2742	7	328	0	2682	5	464	3	5232
APRIL	2223	7	328	0	2152	5	321	0	4601



For the past 12 months (July 2016 to June 2017), a total of 34,665 cases were referred for CSO presentence reports out of which 33,486 offenders were found suitable and served their sentences under community service orders”.

MAY	2331	6	375	0	1908	4	319	0	4289
JUNE	2845	9	304	2	2504	8	336	2	5341
TOTAL	29791	133	4745	68	28501	92	4817	76	

**A significant number of offenders are placed on one day CSO thus entering and leaving the caseload monthly. This explains the margin between cases inquired into and those under supervision each month.

3. Prison Decongestion through High Court Sentence Review

This activity is coordinated by the Community Service Orders Secretariat and it involves many players including the Courts, Prison, Probation and Prosecution. Prisoner Sentence review is a normal preoccupation of presiding judges handling criminal matters in various courts. However, the Chair of National Community Service orders committee does occasionally arrange to carryout deliberate sentence review in order to decongest the crowded prisons. In the reporting period, the Community Service orders secretariat received request from various prisons which required decongestion in accordance with the CSO Act and other applicable laws.

A total of 2976 cases were received for consideration for review from Mombasa, Machakos Nyeri, Embu, Nakuru, Eldoret, Kisii, Kisumu, Kakamega, Kitale prisons where upon the High Court Sentence review was undertaken between April to May 2017. Slow retrieval of lower court files in some stations coupled with some prisoners declining interviews by probation officers, opting to complete sentences were some of the challenges experienced

In order to improve the sentence review exercise, the secretariat with the participation of judicial and prison officers, revised the Sentence Review (Prison Decongestion) Guidelines. The guidelines were revised to include emerging issues and also set timelines for various activities by the actors.

Table 7.8: Prisoners Sentences Reviewed

Prisoners Sentences reviewed*	No. of CSO Order	Immediately released on term served	No. of probation orders	Prison terms reduced	Sentences not varied	Files closed
867	371	256	21	91	63	65

*No. excludes those reviewed by other Judges in various courts

1. Training of CSO supervisors

The CSO secretariat conducted training of offender supervisors in the following stations: Engineer, Karatina, Kisauni Kitale, Kapenguria, Butali Kisumu, Nandi, Eldoret, Embu, Makindu, Mombasa. The purpose of this training was to strengthen supervision of work performance by offenders and promote their rehabilitation. This is a regular activity necessary in the CSO programme but due to lack of resources it was no possible to cover more areas.

2. Implementation of environmental management Act on environmental conservation

Using the CSO labour, the CSO programme was able to produce tree seedlings in the following probation stations- Thika, Machakos, Mombasa, Wimanam and Tigania. Over 17,000 tree seedlings were produced but the challenge of draught and inadequate offenders to man the nurseries affected production of seedlings leading to loss of young seedlings.

General challenges with CSO Programme

1. There is a marked decline in placement of offenders on CSO. Many work agencies who have always relied on offenders for labour are feeling the loss and some tasks remain undone due to lack of workers/offenders.
2. Budgetary cuts have affected operations in the field stations and they have been unable to visit work places to monitor offenders as often as they should
3. Transport remains a critical issue for field stations. It hampers ability to generate reports and monitor offenders at work sites.
4. Support to ex-offender on Aftercare

There are no statutory provisions requiring an adult prisoner who has exited prison to be accorded supervision upon completion of prison sentence other than for those who may be proclaimed to be subjected to it by the courts abinitio. As such only youthful offenders exiting from Borstal Institutions and rehabilitation schools may be subjected to post penal supervision for purposes of aftercare and reintegration by the department in spite of legislative gaps.

However, those placed under the purview of the department vide the presidential power of mercy are also being accorded aftercare services. By the end of the reporting period, we had 745 young ex-Borstal inmates under supervision, which involve addressing challenges to their reintegration, providing empowerment and educational support. It should be noted that although the Sexual Offenders Act and other statutes have provision for post penal supervision for purposes of rehabilitation and reintegration, these categories have not been referred to the department. Further, offenders leaving prisoners on normal terms are not subject to aftercare support as they do not fall within the purview of the departmental mandate

Table 7.9: Aftercare Supersees

2016/2017	Ex-Borstal Inmates under Aftercare supervision	Power of Mercy Pardonees and under Aftercare supervision
	Cases on Supervision	
July 2016	763	0
August 2016	710	0
September 2016	848	0
October 2016	523	96
November 2016	679	0
December 2016	680	0
January 2017	810	0



By the end of the reporting period, we had 745 young ex-Borstal inmates under supervision, which involve addressing challenges to their reintegration, providing empowerment and educational support”.

February 2017	861	o
March 2017	816	o
April 2017	685	o
May 2017	749	o
June 2017	745	o

Policy And Legislation

The legislative review process of the Probation of Offenders Act Cap 64 and that of the Community Service Orders Act No. 10 of 1998 which had been initiated in the last reporting period has not moved. It is not clear why these two enabling statutes have not reach Parliament for action. The intentions in the Bills are to have actions currently undertaken by the department but not anchored in law to be so grounded; to bolster the services under probation and community service orders; and have more non-serious offenders serve alternative sentences and potentially ease overcrowding of the penal institutions.

Probation Service is playing a critical role in Bail decision making with the preparations of Bail information reports both at the High Court and magistrates courts. To bolster this, Bail Information and Supervision Bill, and an operational policy, were initiated to purely cater for Probation Service bail work that is currently not well anchored in law or in the Bail and Bond Policy Guidelines as the latter only addresses functions of the Court and the Police. The processing and passing of this Bill is overdue.

Resource Allocation

The funds being allocated to the department for operational costs remain marginal. In the FY 2016/17, the department received Ksh. 286,059,084.00 for operational cost, excluding the personnel emolument. This significantly inhibited the capacity of the department to optimize its operations especially in relation to court inquiries and supervision of court orders. As shown in the table below, it is also noted that inadequate funding for the department impedes court actions and has a direct consequence on prison overcrowding.

With regard to development vote, there was an allocation of Ksh 101,200,000.00 was made to the department. Even then, challenges still abound with exchequer releases which inevitably slowed down project completion.

Table 7.10: Resource Allocation for Probation and Aftercare Service, 2016/17

Recurrent budget	Ksh. 286,959,984.00
Development budget	Ksh. 101,200,000.00
Total	Ksh. 388,159,984.00



In the FY 2016/17, the department received Ksh. 286,059,084.00 for operational cost, excluding the personnel emolument. This significantly inhibited the capacity of the department to optimize its operations especially in relation to court inquiries and supervision of court orders.

Source: Probation and Aftercare Service

Human Resource

The number of probation officers has increased with an additional recruitment of 305 probation officers. As at the close of the reporting period, there were 847 probation officers of various cadre serving all courts and probation institutions countrywide. This has eased demands from the courts and other service demands and also commensurate to the increased number of magistrates and judges, work created by the Power of Mercy Committee and cases from the Psychiatric Hospital in Mathari where the department has established a permanent liaison office.

Infrastructure and Office Construction

The development of infrastructure is still an area requiring substantial support. As noted above, the development vote for the department of probation has considerably gone down. The constructions are meant to improve on work environment and inmates hostels so as to increase access to justice and ease accommodation challenges. The following were the development projects in the year under review.

Table 7.11: Development Projects of the Probation Report 2016/17

No	Construction Project	Contract Sum/ Estimated Cost	Status Of The Project/ Percent Of Completion
1	Construction of female Probation Hostel, Siaya	153,300,000.00	Ongoing, 75%
2	Construction of Office Block, Msambweni	800,000.00	100%
3	Construction of Office Block, Muranga East	18,000,000.00	65%
4	Construction of Office Block, Makueni	14,500,000.00	90%
5	Construction of Office Block Kakuma,	10,000,000.00	100%
6	Construction of Office Block Nyeri,	13,500,000.00	95%
7	Construction of Office Block Kisauni,	8,250,000.00	100%
8	Construction of Office Block Nandi,	11,200,000.00	100%
9	Construction of Office Block Nyandarua South	8,5000,000.00	100%
10	Construction of Office Block Chuka	10,000,000.00	100%
	TOTAL	311,063,500*	

*Some of the works have been ongoing from previous year hence the amount exceeds the 2016/17 FY allocation

Information Community and Technology

The use of Information Technology forms a key component of reforms in



The number of probation officers has increased with an additional recruitment of 305 probation officers. As at the close of the reporting period, there were 847 probation officers of various cadre serving all courts and probation institutions countrywide”.

service delivery. The department is progressing on well with the adoption and usage of IT amidst challenges. There are instances when probation officers fail to present requisite reports to court for lack of computers, yet they cannot use commercial outlets owing to work sensitivity. There is still serious need for more computers to ease court work and generally improve on case management practices as some probation stations have only one commuter which has to be shared among officers and functions.

Development of web-based Offender Record Management System to ease offender data capture, storage, sharing and retrieval electronically had been initiated by the department and has been on pilot for some time. However, the system is currently not in operation

7.4.8 Council of Legal Education

The Council of Legal Education has been re-established under the Legal Education Act, No.27 of 2012 and tasked with: promoting legal education and training, through maintenance of the highest possible standards in legal education, licensing Legal Education Providers, administration of the Bar Examination, the recognition of Foreign Legal Qualification for enrollment to the Bar in Kenya. The Bar examinations are held in two series, the resit series in July of every year and the ordinary main sitting in November of every year.

The Council has made progress in the fulfilment of its mandate under the Legal Education Act 2012 as amended by the Statute Law (Miscellaneous) Amendment Act 2014, as follows:

- Administration of the Bar Examinations

Table 7.12: Data on candidates who sat for resits in July 2016 series

	ATP 100	ATP 101	ATP 102	ATP 103	ATP 104	ATP 105	ATP 106	ATP 107	ATP 108
Candidates present	521	377	97	163	41	141	163	327	1046
Percentage pass	81	75.5	76.5	74	90	97	91	75	92.5
Percentage fail	19	24.5	23.5	26	10	3	9	25	7.5

Total Qualified	511
Percentage qualified	38%

Table 7.13: Data on candidates that sat the Bar Examinations in November 2016 Ordinary series

	ATP 100	ATP 101	ATP 102	ATP 103	ATP 104	ATP 105	ATP 106	ATP 107	ATP 108
Candidates present	1928	1928	1928	1928	1928	1928	1928	1928	1928
Percentage pass	47	84.5	88	56	92	72.5	78	27	24
Percentage fail	53	15.5	12	44	8	27.5	22	73	76

Total Qualified	193
Percentage qualified	10%

Table 7.14: Data on candidates who sat for resist during the November 2016 series

	ATP 100	ATP 101	ATP 102	ATP 103	ATP 104	ATP 105	ATP 106	ATP 107	ATP 108
Candidates present	359	293	73	133	14	69	76	273	428
Percentage pass	31	77	74	34	85.5	45	41	10.5	15.5
Percentage fail	69	21	26	66	7	53.5	59	89.5	84.5

Total Qualified	167
Percentage qualified	19%

Council gazetted 1113 students between 1st July 2016 and 30th June 2017 to facilitate admission to the Bar.

Table 7.15: Data on Candidates Gazetted

No.	Gazettment Date	Number of Candidates
1.	29 th July, 2016	25
2.	21 st October, 2016	99
3.	9 th December, 2016	146
4.	23 rd December, 2016	253
5.	10 th March, 2017	312
6.	13 th April, 2017	103
7.	26 th May, 2017	98
8.	30 th June, 2017	77
9.	TOTAL	1113

- Licensing of legal education providers

Table 7.16: Data on Licensed Institutions - LL. B. and Diploma Programmes

No.	Name of Institution	Status
1	Riara University School of Law (Main Campus)	Licence valid until 09.11.2021 subject to satisfaction of terms and conditions.
2	Kisii University School of Law (Main Campus)	Licence valid until 02.10.2016. Application for renewal received. (Awaiting Inspection)
3	Africa Naarene University School of Law (Main Campus)	Licence valid until 29.05.2019
4	University of Nairobi School of Law (Parklands Campus)	Licence valid until 07.08.2019
5	University of Nairobi School of Law (Mombasa Campus)	Licence valid until 19.01.2021
6	Kabarak University School of Law (Main Campus)	Licence valid until 08.09.2020



Council gazetted 1113 students between 1st July 2016 and 30th June 2017 to facilitate admission to the Bar.

7	Egerton University School of Law (Nakuru Town Campus)	Licence valid until 12.02.2021
8	Strathmore University School of Law (Main Campus)	Licence valid until 9.11.2021 subject to satisfaction of terms and conditions.
9	Kenyatta University School of Law (Parklands Campus)	Licence valid until 14.12.2021 subject to satisfaction of terms and conditions.
10	Jomo Kenyatta University School of Law (Karen Campus)	Licence valid until 16.09.2021 subject to satisfaction of terms and conditions.
11	Catholic University of Eastern Africa School of Law	Licence valid until 16.09.2021 subject to satisfaction of terms and conditions.

Table 7.17: List of Audited institutions awaiting inspection

No	Name of Institution	Status
12	Mt. Kenya University School of Law (Parklands Campus)	Institution has applied for licensing. Audited and awaiting inspection.
13	Daystar University School of Law	Institution has applied for licensing. Audited and awaiting inspection.
14	Umma University School of Law	Institution has applied for licensing and Audited.
DIPLOMA		
1	Kisii University School of Law (Main Campus)	Licence valid until 02.10.2016. Application for renewal received. (Awaiting Inspection)
2	Kenya School of Law (Para-Legal Studies)	Institution has applied for licensing. Awaiting Inspection.
MASTERS		
1	Strathmore University School of Law	Institution has applied for licensing. Awaiting inspection.

Table 7.18: Schedule of fees

Service	Fees chargeable (Kshs)
Licensing process	
Certificate Programme/renewal	500,000.00
Diploma Programme/renewal	900,000.00
Undergraduate Programme/renewal	1,600,000.00
Master's Degree Programme/renewal	1,600,000.00
Doctor of Philosophy, Doctor of Laws Programme/renewal	800,000.00
Examination fees	
Examination fee per unit	5,000.00
Examination re-sit	10,000.00
Examination remark	15,000.00
Recognition of approval of foreign qualification in law	
Recognition of approval fees	10,000.00

There has been no increment in fees since the 2016/2017 fiscal year. Licensing fees are payable once every five (5) years which is the equivalent of the period of the licence.

No changes have been made to the examination regulations as applied by Kenya School of Law before Council took over the mandate. The Council of Legal Education is in the process of developing the Legal Education (Bar Examinations) Regulations 2017.

The pre-bar examination was introduced by the Statute Law Miscellaneous Act, 2014. This is the exclusive mandate of the Kenya School of Law.

- Recognition and approval of foreign legal qualifications

Table 7.19: Data on Applications received for Recognition and Approval of Foreign Legal Qualifications

	No. of Applicants
Application for Recognition & Approval of Foreign Legal Qualifications	309
Appeals	134
High School Qualifications	194
Clearance after Remedial Programme	55
TOTAL	692

Achievements

A. Licensing of Legal Education Providers: Council licenced one (1) Institution that is Jomo Kenyatta University of Agriculture & Technology. Further, Council renewed licences for four (4) Institutions namely; Riara University, Strathmore University, Kenyatta University and The Catholic University of Eastern Africa.

Table 7.20: Institutions Audited in Readiness for Inspection and Licensing

	Name of Institution	Status
LL.B. PROGRAMMES		
1	Mt. Kenya University School of Law (Parklands Campus)	Institution has applied for licensing. Audited and awaiting inspection.
2	Daystar University School of Law	Institution has applied for licensing. Audited and awaiting inspection.
MASTERS		
3	Strathmore University School of Law	Institution has applied for licensing. Awaiting inspection.
DIPLOMA		
4	Kisii University School of Law (Main Campus)	Licence valid until 02.10.2016. Application for renewal received. (Awaiting Inspection)
5	Kenya School of Law (Para-Legal Studies)	Institution has applied for licensing. Awaiting Inspection.

- B. Council processed applications for recognition and approval of Foreign Legal Qualifications for purposes of admission to the Advocates Training Programme.

Challenges

1. The biggest challenge has been the exponential growth in the number of student taking the Bar Examinations. This has put great strain on training resources. There is need to expand the number of Legal Education Providers offering the Advocates Training Programme.
2. Reconstitution of Council: The tenure of Council expired in February, 2017. New members of the Council have not been appointed for various reasons. Following the vacation of the appointment of the Chairman, Phillip Nzamba Kitonga, SC by the High Court in Judicial Review Application No. 315 of 2016 Republic V. Attorney-General and Phillip Nzamba Kitonga, Ex parte, Council of Legal Education, there is no substantive Chairman of the Council of Legal Education. Further, the Court of Appeal in Constitutional Petition No.405 of 2015, Moi University and Another restrained the reconstitution of Council until the appeal is heard. The appeal has not been heard and determined yet.

This matter is further compounded by the decision in High Court Constitutional Petition No. 238 of 2016 George Bala vs. the Attorney General, where the court held inter alia that the Attorney General was not a Cabinet Secretary and therefore could not perform or purport to perform the functions specifically reserved for a Cabinet Secretary. We are not aware of the steps taken by His Excellency the President to comply with this ruling.

3. Work in Progress:

Council has embarked on developing regulations in the following areas:

1. Open and Distance learning as a mode of study for law qualifications.
2. Criteria for recognition of post-graduate qualification in law
3. Recognition of Experiential learning.
4. The Legal Education (Bar Examinations) Regulations 2017.

7.4.9 Ethic and Anti-Corruption Commission

The Ethics and Anti-Corruption Commission (EACC) is a statutory body established under the Ethics and Anti-Corruption Commission Act, 2011 pursuant to Article 79 of the Constitution. Its mandate is to combat and prevent corruption and economic crime in Kenya through law enforcement, preventive measures, public education and promotion of standards and practices of integrity, ethics and anti-corruption. The Commission has initiated a number of programs in line with mandate namely: Law enforcement; Corruption prevention; public education and awareness creation and Partnerships, Networks and Coalitions against Corruption.

The Commission, in the exercise of its mandate, registered significant achievements in the FY 2016/17. These are highlighted below-

Table 7.21: EACC Law Enforcement Data

	Particulars	Achievements
1.	Complaints and allegations received and processed	8,044
2.	Reports on Ethical breaches	535
3.	Complaints taken up by the Commission	3,752
4.	Completed Investigations (Files) submitted to DPP	143
5.	Value of Illegally Acquired and Unexplained Assets Traced	Kshs. 5,043,794,000.00
6.	Proactive Investigations – Averted loss approximately	Kshs. 6,171,466,000.00
7.	Civil Proceedings – value of assets recovered	Kshs. 164,921,644
8.	Applications for Preservation of assets made	23
9.	Cases filed against the Commission	62

Strengthening Laws in the Fight against Corruption

The following measures were undertaken with a view to strengthen laws in the fight against corruption.

1. Recommendations towards Review of the Legal, Policy and Institutional Framework for Combating Corruption in Kenya

The Commission continues to play a key role in the ongoing implementation of the Report of the Task Force on Review of the Legal, Policy and Institutional Framework for Combating Corruption in Kenya. It played a critical role in making proposals that culminated in the enactment of the Bribery Act, 2016 and Access to Information Act, 2017. It also made contributions in the development of the new legislative Bills touching on anti-corruption namely the Anti-Corruption Laws (Amendment) Bill 2017, Whistle Blower Protection Bill 2017, and the False Claims Bill which seek to promote the fight against corruption.

2. Development of a National Ethics and Anti-Corruption Policy:

The draft NEAP was reviewed and is pending adoption by stakeholders.

3. Review of Implementation of the United Nations Convention against Corruption (UNCAC)

Kenya is a signatory to and member of the UNCAC. The Convention provides important benchmarks on the appropriate tools, laws, mechanisms and institutional arrangements towards effective combating and eradication of corruption. The Commission participated in the preparatory stages and was part of the Kenya delegation to the 4th Session of the Meeting of the Implementation Review Group of UNCAC held in Vienna, Austria, 19–23 June 2017 in which Kenya was selected to undergo review of implementation of UNCAC during the first year of the 2nd Cycle of the Review, which commences in the FY 2017/2018. Kenya will be reviewed by New Zealand and the Democratic Republic of Congo.

4. Promotion of Ethics and Integrity through implementation and enforcement of Chapter Six of the Constitution on Leadership and Integrity

Table 7.22: Implementation and Enforcement of Chapter Six of the Constitution on Leadership and Integrity

No	Particulars	Achievements
1.	Finalized cases on ethical breaches forwarded to DPP	6
2.	Finalized cases with recommendations for administrative action by the respective public entities.	14
3.	Specific Leadership and Integrity Codes for State officers approved.	35 / Cumulatively 118
4.	Notices issued to institute proceedings in the High Court	95
5.	Cautions to public entities and persons in violation of Chapter Six and LIA	31
6.	Advisories given on chapter 6 of the Constitution and LIA	32

5. Corruption Prevention

The Commission completed two system reviews on two public bodies, aimed at identifying loopholes for corruption in their system of work. Further, the Commission conducted Corruption Risk Assessments (CRAs) at 8 County Executives with the aim of identifying and profiling Corruption Risks in public institutions and advising on the strategies that should be implemented to mitigate the identified risks. The Commission also provided 734 advisories to 212 public institutions (MDAs) under the Performance Contracting (PC) framework and 8 County Executives and Assemblies not included in the Performance Contracting. The advisories focused on mapping out corruption prone areas in operational systems and procedures; developing strategies and measures to address corruption and unethical practices in operational systems and procedures; and developing and enforcing codes of conduct, anti-corruption policy and anticorruption action plan. The Commission also monitored the implementation progress in 13 public institutions in various Counties.

6. Public Education and Awareness Creation

The Commission undertook County Anti-Corruption Outreach Programmes in ten (10) counties; reached an estimated 12 million people through media programmes; 170,000 people through public outreach; 10,000 people through public barazas; trained 816 public officers; and disseminated 17,000 IEC materials. Moreover, 250 Community Based Anti-Corruption Monitors were sensitized from seven counties to mainstream anti-corruption, ethics and integrity at the grassroots level. 783 Integrity Assurance Officers from 102 institutions were trained in addition to 1,173 Corruption Prevention Committee members from 69 institutions drawn from the National and County Governments. The Commission also conducted training and sensitization on issues of leadership, ethics and integrity for the public sector, National and County Governments where a total of 6,454 officers from 193 institutions were sensitized.

Partnerships, Networks and Coalitions against Corruption:

The Commission continued to build partnerships, networks and coalitions in the fight against corruption and unethical conduct. This is spearheaded through the Kenya Leadership and Integrity Forum



The Commission conducted Corruption Risk Assessments (CRAs) at 8 County Executives with the aim of identifying and profiling Corruption Risks in public institutions and advising on the strategies that should be implemented to mitigate the identified risks. The Commission also provided 734 advisories to 212 public institutions (MDAs) under the Performance Contracting (PC) framework and 8 County Executives and Assemblies not included in the Performance Contracting.

(KLIF) which is a national integrity system set up to coordinate a unified sector-based strategy for preventing and combating corruption. The KLIF platform brings together fifteen sectors in the Country, namely the Legislature, Judiciary, Executive, EACC, Education, Watchdog Agencies; County Governments; Private Sector; Media; Enforcement Agencies; Professional Associations; Labour; Civil Society; Religious Sector; and Constitutional Commissions. EACC is currently the Secretariat for KLIF. Through this Forum, the Commission spearheaded publication of the Kenya Integrity Forum Sector Action Plan for 2016/2017, held a capacity building workshop for the Sector Coordinating Committee (SCC) on anti-corruption, ethics, integrity and good governance; and preparation of the Action Plans and monitoring the implementation of the KIP. The Commission in its secretariat role also consolidated the Kenya Integrity Forum Sector Action plans on implementation of KIP Progress report.

The Commission participated in the Summit on Governance and Accountability, held on 18th October 2016 at State House, Nairobi under the aegis of the Executive Office of the President. The purpose of the Summit was to highlight achievements made in the war against corruption since 2013 and to chart the way forward.

A number of challenges impacted negatively on the execution of EACC mandate during the reporting period. These include:

1. Law enforcement: Acute staff shortage; the expanded mandate under Chapter Six of the Constitution and the Leadership and Integrity Act, 2012; and lengthy legal process for Mutual Legal Assistance which hampers conclusion of investigations into cross border corruption and economic crimes; slow judicial process and numerous constitutional review applications; strengthening for the policy and legal framework for anti - corruption, ethics and integrity and lack of National Ethics and Anti-Corruption Policy Framework violations of Chapter Six of the Constitution and the Leadership and Integrity Act, 2012 by the political class; and lack of proper wealth declaration management and administrative procedures
2. Corruption prevention: The key challenge is the lack of power by the Commission to enforce systems review recommendations made to public institutions to seal corruption loopholes and strengthen systems of service delivery and operations. Other challenges include Inadequate Budgetary allocation to EACC for regional expansion and recruitment of personnel;
3. Public Education and Awareness Creation: Key challenges include: inadequate support and cooperation of county governments; political interference in the fight against corruption.

4. **Adverse Court Decisions:** There were a number of court decisions whose impact hamper the effective discharge of the Commission mandate. Specifically, a High Court decision which sought to nullify actions undertaken by the Commission when it was not fully constituted, and some rulings on interpretation of various sections of the new Bribery Act, 2016 which the Commission enforces.

7.4.10 National Council on Law Reporting

The mandate for National Council on Law Reporting (NCLR) is derived from the National Council for Law Reporting Act, Section 3, Legal Notice No. 29 of 2009. NCLR is mandated to publish the Kenya Law Reports and related publications; to revise, consolidate and publish the Laws of Kenya; to perform such other functions as may be conferred by statute

During the period under review, FY 2016/2017, the following activities were undertaken:

1. Publication of Law Reports

The Kenya Law Reports contains judgements, rulings and opinions of the superior Court of record. The organisation printed the following law reports:

1. The Kenya Law Reports 2012 volumes 1, 2, and 3
2. The Kenya Law Reports 2014 volume 1
3. The Kenya Law Reports: Devolution Law Reports volume 1 & 2

The following have been finalized and the procurement of printing services commenced in the year 2015/2016:

- a) The Kenya Law Reports 2014 Volumes 2, 3, and 4
- b) The Kenya Law Reports 1995 and 1997
- c) The Kenya Law Reports-Election Petitions Volume 6

The following publications have been prepared up to manuscript stage and are undergoing first review:

- a) The Supreme Court Case Digest volume 4
- b) The Kenya Law Reports 2015, Volumes 1, 2 & 3.

2. Publication of Other Print Publications (Judicial Decisions): The organisation also undertook the publication of other related legal materials. These are publications that are compliment and add to the Kenya Law Reports.

- a. The Supreme Court Case Digest volume 3
- b. The Bench Bulletin (issues 33-37)
- c. The Devolution Case Digest

3. Online Publication of Judicial Decisions/Case Law

The organisation therefore uses ICT to catalyse its processes and ensure proper delivery of services. It is for this reason that all judicial decisions that are collected are not only prepared into the Kenya Law Reports and other publications, but are also disseminated through

Kenya Law's website, www.kenyalaw.org.

The organisation publishes and disseminates, within 72 hours of receipt, all judicial decisions through its website. This ensures that the general public has access to all judicial decisions that have been issued by the Courts of Record in Kenya. These are: The Supreme Court; the Court of Appeal; The High Court; The Employments and Labour Relations Court; The Environment and Land Court. The organisation collected and published online 15,917 in the FY 2016/2017.

The "Kenya Law Weekly e-Newsletter" features write-ups of judicial opinions from the superior courts of record. The Case Updates generally contain cases that cover substantive and procedural issues as well as points of law of public interest. Such judicial opinions are considered on the basis that they meet the guidelines under the Kenya Law Editorial Policy and that they advance Kenya's jurisprudence. During the reporting period, a total of 24 issues were sent out.

4. Publication of the Laws of Kenya

Kenya Law compiles, publishes and disseminates the Laws of Kenya. During the year under review, the organisation published the Grey book. This is a publication that consists of 15 of the most frequently used Acts of Parliament. This publication is handy for both lawyers

and judicial officers. The amendments and updates to the Grey Book were also finalized and printed. These updates commonly referred to as Service Issues, will bring the previous printed Grey Books (2012- 2014) up to date so that they are revised up to the year 2016.

5. Publication of Other Print Publications (Laws of Kenya)

Kenya Law, in partnership with the Financial Reporting Centre, prepared and published a pocket size publication consisting of two statutes, namely, Proceeds of Crime and Anti- Money Laundering Act, No. 9 of 2009 and Prevention of Terrorism (No. 30 of 2012). This publication is the main reference material for people working within the space of money laundering and illicit financial transactions. Kenya Law also published the Electoral Volume which is a compilation of statutes governing elections in Kenya

6. Online Publication of the Laws of Kenya

Kenya Law has capitalised on the use of ICT and therefore relays a lot of legal information through its website, www.kenyalaw.org

a) National Legislation

There is dedicated tab on this website for the Laws of Kenya which is updated on a daily basis. Legislative supplements, which are published in the Kenya Gazette every Friday, are also incorporated into the database. The Laws of Kenya tab on the portal covers a wide range of services which in-

clude: National and County Legislation; both Substantive and Subsidiary Legislation; Legal Notices; Recent Legislation; Amendment Acts; East African Community Legislation and Treaties. This wide spectrum was necessary so as to satisfy every need of the users visiting our portal.

b) County Legislation

The organization has been collecting, consolidating and updating legislation from all the 47 County Assemblies in Kenya. There is a dedicated portal for this database and to further draw attention to these emerging pieces of legislation the organisation has created a tab and populated it with devolution related statutes. This creates a quick link to access these laws for ease of reference. The organisation made a visit to all the 47 counties in a bid to enhance collection and reinforce the strategic partnerships of the counties. Out of this, the department was able to collect about 1,500 pieces of county legislation.

c) East Africa Community Legislation

Kenya is a member of the East African Community and is bound by the laws legislated by the East African Community Assembly. The organisation, in collaboration with the Ministry of East African Affairs, Commerce and Tourism, collects legislation from the East African Community Assembly in Arusha and publishes the same on the Kenya Law website as part of the Laws of Kenya online edition.

d) Treaties and Agreements

The Constitution of Kenya provides that any treaty or convention ratified by Kenya shall form part of the law of Kenya. Kenya Law maintains a database that is dedicated to all the treaties and agreements that Kenya has taken any action on. This online resource, which was developed in the year 2011, contains treaties, agreements, conventions and other international instruments to which Kenya has taken any action in such as ratification, accession and declaration. In addition to this the database also contains 500 major multilateral instruments sourced from mainly the United Nations Treaties Repository and African Union Treaties Database (including those that Kenya is not a signatory to). This database is routinely updated to incorporate new content as new treaties and agreements are continually deposited with the Secretary-General of the United Nations and other regional international organizations. The main purpose of this resource is to provide access to information to legal practitioners and the public at large in compliance with articles 2 (5), 2(6) and 35 of the Constitution of Kenya, 2010.

7. The 24th Annual Supplement

The delegated mandate via the Legal Notice 29 of 2009 requires NCLR to prepare and publish an Annual Supplement according to section 7 of the Revision of the Laws Act (Cap. 1). An Annual Supplement contains a revised edition of every Act

that has been enacted or has come into force during the previous year together with its subsidiary legislation.

Kenya Law is working closely with the Office of the Attorney General Department of Justice, Legislative drafting department to finalize the legal notice to bring into force the 24th Annual Supplement. The 24th Annual Supplement will bear the new revised chapter numbers and the new chapter numbers allocated to specific Acts. After finalization and acceptance of the legal notice by the Legislative drafting department, the department will proceed to prepare the 24th Annual Supplement.

8. Publication of the Kenya Law Review Journal

The Kenya Law Review Journal is a publication that provides a forum for the scholarly analysis of Kenyan law and interdisciplinary academic research on the law. The focus of the Journal is on studies of the legal system and analyses of contemporary legal issues with particular emphasis on every article making a substantive contribution to understanding some aspect of the country's legal system.

The organisation published the Kenya Law Review Journal Vol. 5 [No1, May 2016] in July. The publication featured articles from both the Bar and the Bench. The current edition contained articles on the Analysis of

the 2015 Kenya's Protection from Domestic Violence Act (PDVA). From the bench there was an article on an insider's perspective of setting the ultimate court in the land (the Supreme Court) and the important role that judges have to play in realizing the States' responsibility to eliminate violence against women.

9. Digitization of Public Legal Information

Kenya Law seeks to enlarge the repository of Kenya's legal information by providing public legal information in a digital format. Kenya Law therefore seeks to digitize all of Kenya's legal information so as to make it easily accessible to all Kenyans and to the world at large. Based on this, the organisation carried out the following:

- a. Acquired and kept up to date all the relevant public legal information including the Kenya Gazette, Legal Notices, Acts of Parliament, Bills and Hansards.
- b. Acquired and uploaded 54 Reports of Commissions of Inquiry from 1924-2015 on the Kenya Law website.
- c. Digitised 230,000 pages of Reports from Parliamentary Committees and votes Petitions and proceedings.

10. Monitoring Law Reform Issues Emerging from the Superior Courts of Record

Kenya Law submits cases calling for reform in the law to the Attorney Gener-

al and the Kenya Law Reform Commission so as to drive the legal reform process. Kenya Law contributes to legal and administrative reforms by tracking and reporting judicial opinions containing pertinent pronouncements on legal and administrative reforms. The organisation prepared a compilation of law reform issues raised by the courts in the judgments for each quarter of the year and forwarded the same to the Attorney General's office and the Kenya Law Reform Commission.

Challenges experienced

During the financial year under review, Kenya Law faced the following challenges:

- a) Budgetary Constraints:
Kenya Law only received a budgetary allocation of Ksh 255,000,000.00 out of the total requested amount of Ksh 546,000,000. The following is a breakdown of what was budgeted and what was received.

Table 7.23: Budgetary Allocation Kenya Law, 2016/17

	Budgeted	Actuals Received
TOTAL	333,786,536.00	283,346,484.00
GOK	206,000,000.00	255,000,000.00
JPIP	53,220,082.00	20,912,059.00
SALES	20,548,454.00	7,434,425.00

- b) ICT constraints including:
 - i) Highly specialized systems that require advanced training. Training could not be carried out due to the limited funds.
 - ii) Obsolescence of Computer hardware and Technology
 - iii) Unstable Electricity (Lack of clean power from the source)
 - iv) Cyber Security and Hacking (Internal and External)
 - v) Increasing Internet Bandwidth requirements, this could not be satisfied because of budgetary constraints.
- c) Human resources constraints:
 - i) Staff skills and competency gaps due to highly specialized training required. Since the year 2010, the Judiciary has engaged in a robust transforming programme aimed at improving access to justice and service delivery for the Kenyan people as per the Constitution of Kenya 2010. Under this Judiciary Transformation Framework, the number of Judges has increased to a total of 159. This has led to a considerable increase in judicial opinions being delivered. The current situation is that the 7 Law Reporters in the department are not in a position to handle the influx of cases and hence a lot of work is pending mostly at the reads stage.
 - ii) The freeze on employment directive by the government
 - iii) Limited office space.

- d) External Threats:
 1. Competition from the private sector with similar products
 2. Delays in implementation of JPIP activities
 3. Cyber security and hacking threats
- e) Internal threats:
 1. Obsolescence of some legal publications
 2. Delays in the publication of the Kenya Law Reports
 3. Delays in the publishing of the Kenya Law Review Journal due to slow response from prospective authors and peer reviewers.

7.4.11 Kenya Law Reform Commission (KLRC)

Kenya Law Reform Commission (KLRC) pursuant to its mandate under Clause 5(6)(b) of the Sixth Schedule of the Constitution continued to develop legislation required to implement the Constitution. KLRC assisted a number of MDAs (Ministries, Departments and Agencies) with the review and harmonization of their respective legislative frameworks with the Constitution.

Various country governments received technical assistance from the Commission with regard to the reform or amendment of their laws. KLRC continued to give advisory opinions to Parliament, MDAs and county governments. KLRC continued to propose amendments to various laws after receiving reports from the National Council of Law Reporting on court judgments touching on law reform.

KLRC continued receiving

status reports from various MDAs on the implementation of the Constitution. KLRC continued to disseminate its publication “the Guide to the Legislative Process in Kenya” (the Guide) to various stakeholders including county governments. County governments on the contents of the Guide. The Commission increased its technical capacity by recruiting and appointing eight new advocates. Five new officers were also added in the various support departments.

The following are some of the challenges that the Commission encountered when executing its mandate:-

- a. Lack of understanding on scope of devolved functions at both levels of government.
- b. Duplicity of laws at the national and county levels of government.
- c. Some MDAs do not have in place policy on their areas of mandate. This therefore can cause delay where disputes and disagreements on policy have cropped up either between a ministry and its departments or agencies, a ministry and its experts or task forces or between two ministries.
- d. Sometimes lack of consensus among stakeholders has resulted in a delay in the publication of the relevant Bills and in some instances it has resulted in numerous Bills on the same subject. This leads to confusion.
- e. Inadequate financial resources to enable KLRC deliver on its mandate.
- f. Occasional unreasonable timelines by MDAs and county governments.



KLRC continued receiving status reports from various MDAs on the implementation of the Constitution. KLRC continued to disseminate its publication “the Guide to the Legislative Process in Kenya” (the Guide) to various stakeholders including county governments. County governments on the contents of the Guide”.

Below is a list of draft legislation and Policies that the Commission developed during the period under review.

Table 7.24: List of Draft Legislation and Policies Developed by KLRC in the FY 2016 in the FY 2016/2017

No.	BILLS DEVELOPED OR REVIEWED	STATUS
1	Radiographers Bill, 2017	Completed
2	Parliamentary Service Bill, 2017	Completed
3	President's Award Bill, 2017	Completed
4	Kenya Industrial Research and Development Institute Bill, 2017	Completed
5	Public Fare Regulation Bill, 2016	Completed
6	Community Mobilization and Group Development Bill, 2017	Completed
7	Geology Bill, 2017	Completed
8	Borstal Institutions Bill, 2017	Completed
9	National Anti-corruption Campaign Steering Committee Bill, 2017	Completed
10	Contempt of Court Bill, 2016	Completed
11	National Crime Research Centre Bill, 2016	Completed
12	Medical Fund Bill, 2016	Completed
13	Livestock and Livestock Products Marketing Bill, 2016	Completed
14	Public Officers (Amendment) Bill, 2016	Completed
15	Movable Property Security Rights Bill, 2016	Completed
16	Marriage (Amendment) Bill, 2016	Completed
17	Films, Stage Plays and Publications (Amendment) Bill, 2016	Completed
18	Independent Policing Oversight Authority (Amendment) Bill, 2016	Completed
19	Land (Amendment) Bill, 2016	Completed
20	Nurses (Amendment) Bill, 2016	Completed
21	Firearms (Amendment) Bill, 2016	Completed
22	Medical Practitioners and Dentist's (Amendment) Bill, 2016	Completed
23	National Government (Amendment) Bill, 2016	Completed
24	Counsellors and Psychologists (Amendment) Bill, 2016	Completed
25	Prisons Bill, 2017	Ongoing
26	National Volunteerism Bill, 2017	Ongoing
27	Social Protection Bill, 2017	Ongoing
28	Older Persons Bill, 2017	Ongoing
29	Meteorological Bill, 2017	Ongoing
30	Kenya Society for the Blind (Amendment) Bill, 2016	Ongoing
31	Children (Amendment) Bill, 2017	Ongoing (Taskforce)
32	Sexual Offences (Amendment) Bill, 2017	Ongoing (Taskforce)
33	Kenya Food and Drugs Authority Bill, 2016	Ongoing (Taskforce)
34	a. SUBSIDIARY LEGISLATION DEVELOPED OR REVIEWED	STATUS
35	Public Finance Management (Reparations for Historical Injustices Fund) Regulations, 2017	Completed
36	Market Infrastructure Development Regulations, 2017	Completed
37	Victim Protection Regulations, 2017	Completed
38	Small Claims Court Rules, 2017	Completed
39	Competition (General) Regulations, 2017	Completed

40	Advocates (Remuneration) (Amendment) Order, 2017	Completed
41	Auctioneers (Amendment) Rules, 2017	Completed
42	Children Act (General Rules and Regulations (Amendment)) Rules, 2017	Completed
43	Probate and Administration (Amendment) Rules, 2017	Completed
44	Firearms (Licensing Procedures) Regulations, 2017	Completed
45	Firearms (Administration of the Board) Regulations, 2017	Completed
46	Firearms (Shooting Ranges and Shooting Clubs) Regulations, 2017	Completed
47	Public Finance Management (Reparations For Historical Injustices Restorative Justice Fund) Regulations, 2016	Completed
48	Counter-trafficking in Persons Regulations, 2016	Completed
49	Pest Control Board (Licensing of Premises) Regulations, 2016	Completed
50	Industrial Training (Registration and Accreditation of Industrial Training Providers) Regulations, 2016	Completed
51	Industrial Training (Apprenticeship Training) Regulations, 2016	Completed
52	Industrial Training (Assessment and Certification) Regulations, 2016	Completed
53	Industrial Training (Indentured Learnership Training) Regulations, 2016	Completed
54	Industrial Training (Levy Administration) Regulations, 2016	Completed
55	Industrial Training (Attachment Training) Regulations, 2016	Completed
56	b. COUNTY BILLS DEVELOPED OR REVIEWED	STATUS
57	Kakamega County Disaster Management Regulations, 2017	Completed
58	Nairobi City County Inspectorate Service Bill, 2017	Completed
59	Uasin Gishu County Cooperative Enterprise Development Fund Regulations, 2017	Completed
60	Uasin Gishu County Enterprise Development Fund (Amendment) Bill, 2017	Completed
61	Isiolo County Climate Change Fund Bill, 2016	Completed
62	Isiolo County Village Bill, 2016	Completed
63	Isiolo County Customary Natural Resource Bill, 2016	Completed
64	Isiolo County Sand Harvesting Bill, 2016	Completed
65	Isiolo County Livestock Sales Yard Bill, 2016	Completed
66	Isiolo County Emergency Fund Bill, 2016	Completed
67	Siaya County Persons with Disabilities Bill, 2016	Completed
68	Kisumu County Persons with Disabilities Bill, 2016	Completed
69	Nandi County Cess Bill, 2016	Completed
70	Kakamega County Alcoholic Drinks Control Regulations, 2017	Completed
71	Nandi County Rating Bill, 2016	Completed
72	Nyandarua County Health Services Bill, 2016	Completed
73	Machakos County Emergency Fund Bill, 2016	Completed
74	Mombasa County Waste Management Bill, 2016	Completed
75	Bungoma County Public Participation Bill, 2016	Completed
76	c. COUNTY SUBSIDIARY LEGISLATION DEVELOPED OR REVIEWED	STATUS
77	Public Finance Management (Tharaka Nithi County Assembly Staff Car Loan Fund) Regulations, 2016	Completed
78	Public Finance Management (Tharaka Nithi County Executive Staff Car Loan Fund) Regulations, 2016	Completed
79	Public Finance Management (Elgeyo Marakwet County Co-operative Development Fund) Regulations, 2016	Completed

80	Public Finance Management (Laikipia County Executive Car Loan Scheme) Regulations, 2016	Completed
81	Public Finance Management (Laikipia County Executive Mortgage Scheme Fund) Regulations, 2016	Completed
82	Vihiga County Assembly Service (Ward Offices) Regulations	Completed
83	Public Finance Management (Baringo County Small and Medium Enterprises Fund) Regulations, 2016	Completed
84	Public Finance Management (Kiambu County Agriculture Institutions Revolving Fund) Regulations, 2016	Completed
85	Public Finance Management (Embu County Education Support Fund) (Amendment) Regulations, 2016 (Gazette Notice)	Completed
86	Public Finance Management (Laikipia county executive Mortgage scheme fund) Regulations, 2016	Completed
87	Public Finance Management (Laikipia County Executive Car Loan Scheme) Regulations, 2016	Completed
88	Vihiga County Elderly Persons Fund Regulations	Completed
89	Kakamega Small Scale Trade Development Regulations, 2016	Completed
90	Public Finance Management (Nandi County Assembly Car Loan and Mortgage Scheme Fund) Regulations, 2016	Completed
91	Kajiado County Finance Management (Kajiado County Emergency Fund) Regulations, 2016	Completed
92	Nyamira County Education Support Fund Regulations, 2016	Completed
93	Public Finance Management (The Makueni County Youth, Men, Women, Persons with Disabilities and Table-banking Groups Empowerment Fund) Regulations	Completed
94	Public Finance (Baringo County Assembly) Catering and Health Services Scheme Fund Regulations, 2017	Completed
95	Public Finance Management (Mombasa County Assembly Members and Staff Car Loan and Mortgage Fund) Regulations, 2016	Completed
96	Kakamega County Imarisha Afya ya Mama na Mtoto and Family Planning Fund Regulations, 2017	Completed
97	Kakamega County Disaster Management Regulations, 2017	Completed
98	Public Finance Management (Nyeri County Vocational Training Centres and Early Childhood Development and Education Centres Grant) Regulations, 2017	Completed
99	d. GUIDELINES REVIEWED	STATUS
100	Kitui County Infrastructure Guidelines	Completed
101	Kitui County Pro-poor Guidelines	Completed
102	e. POLICIES REVIEWED	STATUS
103	National School Library Policy	Completed
104	Kenya Food and Drugs Authority Policy	Ongoing

* Completed” refers to draft legislation or policy finalized by KLRC and submitted either to the Attorney General, an instructing ministry/department/agency or a county government.

7.4.12 Witness Protection Agency (WPA)

The Kenya's Witness Protection Agency is a body corporate established under the Kenya Witness Protection Act, 2006 (Cap 79 Laws of Kenya) amended by the Witness Protection (Amendment) Acts No. 2 of 2010 and No. 45 of 2016. The object and purpose of the Agency is to provide special protection, on behalf of the State, to persons in possession of important information and who are facing potential risk or intimidation due to their co-operation with prosecution and other law enforcement agencies.

The Witness Protection Agency (WPA) provides the framework and procedures for giving special protection to such persons to ensure an effective and efficient administration of justice in the country.

1. Growth and current status of witness protection

WPA continued to exercise its critical role in supporting administration of criminal justice. During the FY2016/2017 period, the Agency received a total of 210 new applications into the Witness Protection Programme compared to 217 during the FY 2015/2016 period.

Table 7.25: Comparative growth summary of Witness Protection Programme

Description	2009/12	2012/13	2013/14	2014/15	2015/16	2016/17	TOTAL
Applications received for witness protection	60	72	130	207	217	210	896
Applicants admitted into WPP	10	18	55	97	105	102	387
Total number of dependants	44	76	242	198	266	360	1186
Applications closed - interventions made and advice given on the right authority to report the matter	50	54	75	110	112	108	499
Witnesses who have been discharged	5	8	34	41	71	89	248
Witnesses harmed in the programme	0	0	0	0	0	0	0
Witnesses who have fallen out of the programme	0	2	1	6	0	0	9



During the FY2016/2017 period, the Agency received a total of 210 new applications into the Witness Protection Programme compared to 217 during the FY 2015/2016 period".

Description	2009/12	2012/13	2013/14	2014/15	2015/16	2016/17	TOTAL
Applicants who have successfully testified	9	11	29	14	82	110	255
Witnesses who have died due to natural causes	0	0	1	1	1	0	3

2. Admission of threatened witnesses

The Agency worked in collaboration with law enforcement agencies and stakeholders to identify threatened witnesses, assess them, admit and offer alternative advice for the rejected applications. Admitted witnesses relocated in different parts of the country depending on security threat analysis. Others are provided in-court protection depending on the nature of protection measure required. Below is a graphical presentation of applications received viz-a viz the applicants admitted into the Witness Protection Programme.

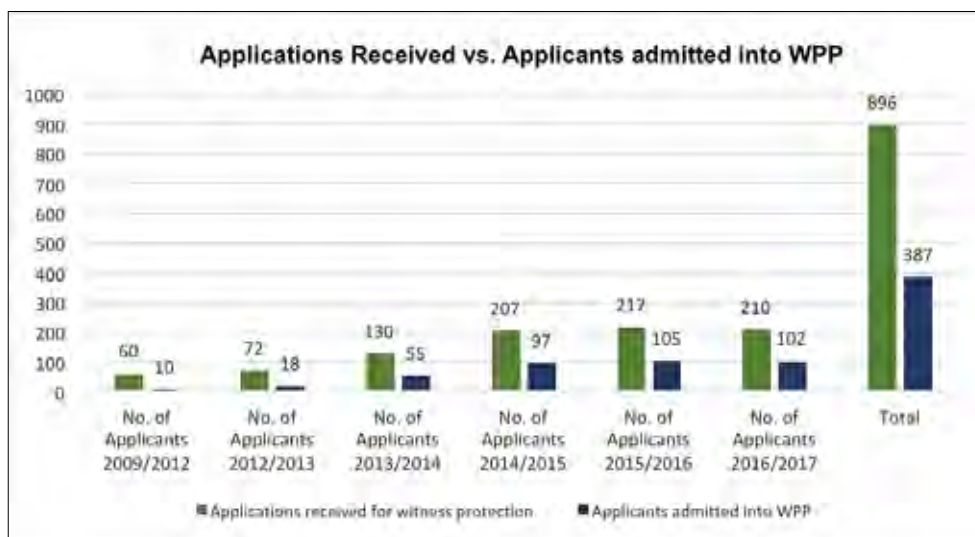


Figure 7.5: Applications Received vs. Applicants Admitted into Witness Protection Programme

3. Conviction rate in cases of witness protection

The ability to protect witnesses in judicial proceedings is critical in ensuring effective investigation and prosecution of serious crimes. It is particularly salient in the context of prosecutions of organized criminal gangs, corruption cartels, homicide, and terrorist groups, who have the means and the motivation to intimidate and harm potential witnesses in order to prevent them from cooperating with law enforcement and judicial authorities. The critical role that the Agency plays in the criminal justice system is best evidenced in the twenty-seven (27) cases concluded so far, where there were protected witnesses. The prosecution obtained convictions in nineteen (19)



The critical role that the Agency plays in the criminal justice system is best evidenced in the twenty-seven (27) cases concluded so far, where there were protected witnesses. The prosecution obtained convictions in nineteen (19) out of twenty-seven cases with sentences ranging from death sentence, life imprisonment to a number of years in prison. This is 70.37% conviction rate”.



During the period under review, there was an increase of cases in courts, on their own motion taking appropriate measures to protect witnesses. There have also been cases where courts have appointed competent persons as intermediaries in order to enable the witness give evidence”.

out of twenty-seven cases with sentences ranging from death sentence, life imprisonment to a number of years in prison. This is 70.37% conviction rate.

4. **Stakeholder sensitization impact**

The Agency enhanced sensitization campaigns to judicial and security officials such as magistrates, judges, prosecutors and law enforcement agencies on the gazetted Rules of Court. The court officials in particular are obligated to take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of witnesses by having regard to all relevant factors, including age, gender, health and nature of the crime. As well the power of the Courts to on own motion or upon application made by the Agency or the prosecution make appropriate orders for the protection of a witness.

During the period under review, there was an increase of cases in courts, on their own motion taking appropriate measures to protect witnesses. There have also been cases where courts have appointed competent persons as intermediaries in order to enable the witness give evidence.

Achievements

1. The Witness Protection (Amendment) Act 2016: During the year, the Agency successfully lobbied for the enactment of the Witness Protection (Amendment)

Bill in November 2016. The Amendment Act was assented to law in December 2016, and came into effect in January 2017. The amendments aligned the provisions of the Act with the Constitution and other legislation. It also makes provision for reciprocal protection arrangements with foreign countries, international courts or tribunals.

2. The Support for the enforcement of electoral and related policies, legislations and regulations: During the year under review, the Witness Protection Agency supported the enforcement of electoral and related policies, legislations and regulations to ensure peaceful electoral processes before, during and after 2017 general elections. The Agency continued to work closely with investigators, prosecutors and courts to provide witness protection to support the prosecution of electoral and hate speech related offences.
3. The Annual Magistrates Colloquium: The Agency continued to enhance public participation and access to information by participation in two editions of the Annual Magistrates Colloquium. The forum brought together 485 Magistrates. The members were appraised on and interrogated new developments in the Witness Protection regime in Kenya. Magistrates were also sensitized on the Witness Protection Rules 2015, which provide guidance on how to deal with cases involving protected persons. The Agency will continue attending the court users’

committee meetings to continue expounding on the role and mandate of WPA and to follow up on issues of witness protection that arise.

4. **Memorandum of Understanding with Judiciary Training Institute:** During the year under review, the WPA and the Judiciary Training Institute (JTI) signed a Memorandum of Understanding (MOU). The MOU provides a framework for collaborative efforts between the Agency and JTI, in relation to witness protection services with a specific focus on the mandates of JTI. It also provides for partnership in areas of capacity building and training of the staff of WPA and JTI. The MOU also provides for joint training programs for the Agency or in collaboration with the Agency for staff of the Judiciary, sensitization of stakeholders on Witness Protection Act and other relevant trainings.

5. Cases of interest

1. During the period under review, the Agency handled sensitive cases that generated a lot of public interest. Notable among them was the Mavoko murder case where lawyer Willie Kimani from the International Justice Mission (IJM), his client and their taxi driver were abducted and later killed by suspected Administration Police Officers. The key witnesses in the matter were admitted for protection by the Agency.



2. The case where the Principal of Kiru Secondary School was murdered by gangsters hired by his wife who was also a High School Principal is another notable case where the Agency provided protection to the children of the couple who were crucial witnesses in the murder.
3. The murder of a patient at Mwingi Level Four Hospital by two armed men who stormed the hospital and pumped bullets into a 27-year-old man. The patient had been admitted after surviving another shooting. One of the gunmen coldly emptied bullets into the helpless patient, in the presence of his horrified sister who was sitting next to him, while another stood guard at the hospital wards door. The Agency was called in to assure witnesses of their safety which enabled full in-

Signing of the Memorandum of Understanding between Ms. Alice Ondieki, Executive Director, Witness Protection Agency, and Hon. Justice Prof. Otieno Odek, Director, Judiciary Training Institute.

vestigations into the killing, for which the accused persons are facing charges of murder before Court.

6. Other milestones

1. No witnesses were harmed or fell out of the protection programme.
2. Applicants who have successfully testified increased from 82 in FY2015/16 to 98 in FY2016/17.
3. Client satisfaction level during the period under review rose to 81% from 78% in the FY2015/16 period.
4. The Agency participated in Court Users Committee meetings and conducted awareness campaigns across the country.

Challenges

The Agency continues to face challenges in its operations. Key among them are:

1. Judicial protection infrastructure: Lack of formal judicial protection infrastructure has seen slow uptake of procedural protec-

tion measures of protected witnesses in court.

2. Slow pace of trials: This has contributed substantially to high costs of maintaining witnesses and related persons under the Programme. There is need to prioritize trials that involve protected witnesses so that their cases can be expedited.
3. Inadequate awareness on witness protection: There is still lack of awareness among judicial officers and counsel on the substantive and procedural issues of witness protection, which limits the application of protection measures.
4. Inadequate funding: Witness Protection is a very expensive exercise and the Agency has to compete with other Agencies for funding. In some instances, we are not able to protect some applicants due to financial constraints.

WPA participating in Nakuru Court Users Committee meeting held on 2nd March 2017 at Waterbuck Hotel, Nakuru



7.4.13 National Crime Research Centre

The National Crime Research Centre (NCRC) is established under the National Crime Research Act No. 4 of 1997 and is mandated to carry out research into the causes of crime and its prevention and to disseminate the research findings and recommendations to the Government Agencies concerned with the administration of crimi-

nal justice and other stakeholders.

Activities, achievements and challenges encountered in the Administration of Justice during the FY 2016/2017 covered its mandate and strategic objectives as follows:

Strategic Objective 1: To develop a National Crime Year Book on crime trends, roots, consequences and prevention

This objective was achieved through mapping and identifying crime research themes and carrying out research on thematic areas towards preparation of an Annual National Crime Year Book. NCRC's Annual Crime Year Book will be a comprehensive national policy reference source on crime research and data for agencies in the administration of criminal justice, the public and other interested stakeholders involved in security and crime management and control. The Year Book will also present a national crime index outlook and present in a broad picture the crime trends, causes, consequences and prevention mechanism in Kenya. The following crime studies are at different levels.

Results Achieved:-

- “Community-based Sentences in Kenya”: The study was carried out in 24 counties and covered Community Service Orders and Probation Orders in Kenya. Issues addressed by the study included: utilization of community-based sentences and a comparison to short term prison sentences; factors influencing the utilization of community-based sentences; factors that affect the levels of compliance with community-based

sentences; factors shaping public attitudes towards community-based sentences; challenges facing the delivery of community-based sentences; and appropriate and effective interventions towards strengthening community-based sentences Programme.

- “Rapid Assessment of Arsons in Secondary Schools in Kenya – July-August, 2016”: This was a rapid assessment study carried out in 16 affected counties to: examine the prevailing factors that have been assigned to the burning of secondary schools in general; establish the specific factors responsible for the recurrence of burning of secondary schools in second term and the pervasiveness during the period under review; and to make appropriate recommendations on how to overcome the identified weaknesses, loopholes and opportunities for burning of secondary schools in second term. The preliminary report has been shared through issue and/or policy briefs and final report is underway following the completion of review by the NCRC Governing Council.
- Study on “Crime and Violence Prevention”: The study was a jointly undertaken by the NCRC, Kenya School of Government (KSG) and United States International University-Africa in Kwale and Bungoma Counties with the overall objective of identifying risk factors for youth involvement in crime, violence and other detrimental behaviour. The findings of

the study have since been incorporated into a training curriculum on Crime and Violence Prevention at the KSG. Relevant practitioners are now undertaking sponsored training on the same at the School. The World Bank is considering funding the study in Isiolo and Garissa County.

- National Crime Mapping Survey: The objectives of the study were to map and analyze crime hot spots across the Country; identify the prevalence and types of crimes by county; establish factors aggravating crime by county; document crime prevention strategies in the counties; evaluate the effectiveness of crime prevention initiatives; and recommend county-specific crime reduction approaches. Preliminary analysis findings, the study identified over 120 Organized Criminal Gangs operating in the country, a rise from about 46 groups identified by the Centre's study on Organized Criminal Gangs in Kenya in 2012. Preliminary findings and recommendations have already been shared with the National Security Advisory Committee.
- "Capital Punishment and Capital Offences": NCRC, in partnership with the Power of Mercy Advisory Committee (POMAC) conducted Public Hearings and Debates in more than 40 counties on the subject of Death Penalty in Kenya. The hearings were intended to collect and document views and recommendations of various stakeholders with regard to

capital punishment and the form of punishment capital offenders should be subjected to. The draft report of the Public Hearings and Debates has been reviewed by the Governing Council. The final report will assist Government in its policy position with regard to the Death Penalty. NCRC also undertook a research on Capital Punishment and Capital Offences in the 47 counties. Among other issues, the study focused on: public awareness about capital Offences punishable by death; factors that contribute to offenders committing offences that attract the death penalty; whether public favours the Death Sentence or its abolition for capital offences; public opinion concerning appropriate alternative sentences for offences currently punishable by death; whether or not public favour life imprisonment without limit; and victim services.

- "Corruption in Public Service: Opportunities and Challenges": NCRC commissioned this study in all the 47 counties. The study covered the three Arms of Government at the national and county levels of Government. Among other issues, the study sought to: establish the public perceptions on the common and emerging forms/types of corruption in the Public Service; establish the public experiences on the common and emerging forms/types of corruption in the Public Service; ascertain the root cause of corruption in Public Service institutions;



Preliminary analysis findings, the study identified over 120 Organized Criminal Gangs operating in the country, a rise from about 46 groups identified by the Centre's study on Organized Criminal Gangs in Kenya in 2012".

identify the different perpetrators of corruption in the Public Service; appraise the consequences of corruption on public service delivery; assess public response in corruption prevention in Public Service; and identify the challenges and make appropriate recommendations in the control of corruption in the Public Service. The findings and recommendations will inform policy on corruption prevention measures.

Strategic Objective 2: To enhance access and management of crime data and to modernize crime research infrastructural facilities.

The Centre has a legal, policy and institutional mandate as the agency responsible for collating all crime related data to inform policy decision-making. Therefore, the strategic objective was realized through establishment and management of a crime data repository Unit and system. For the operationalization of the Crime data repository system and resource Centre, NCRC will continually collate all crime data from 27 Government agencies who are members of National Council for Administration of justice.

Results achieved

- a) Collation of crime-related data from about 10 of the 28 NCAJ member agencies.
- b) Development of the NCRC Crime Reporting Mobile Application and which was officially launched by the NCRC Governing Council Chairman/Attorney General on 24th January 2017. NCRC operates a Mobile Application Crime Reporting sys-

tem. The data is analyzed daily, weekly and linked to Multi-agency command Centre. Sensitization of the mobile application has been conducted in four (4) regions of coast, Rift Valley, Western and Nyanza regions. Live Reporting on the NCRC website for county specific crime reports. The Application is now being utilized by the public in reporting crime incidents which will then be analyzed and information shared with relevant agencies.

- c) National Crime Mapping data has been collected from 47 counties.
- d) The Centre signed a Memorandum of understanding with the Technical University of Kenya in August 2016 on the design and development of Geo-Spatial and GIS system in Crime Research.

Strategic Objective 3: Develop and implement an effective communication strategy to facilitate sharing of crime research information with agencies in the administration of criminal justice, the public and other interested stakeholders

This objective was realized through:

- a) Dissemination of crime research information through mass media platforms, stakeholder fora, crime research issue briefs, policy briefs and publications.
- b) Creation and maintenance of an interactive website (www.crimeresearch.go.ke). Live reporting on the NCRC website for county specific crime reports. The Council of Governors can track crime patterns and



The Centre signed a Memorandum of understanding with the Technical University of Kenya in August 2016 on the design and development of Geo-Spatial and GIS system in Crime Research”.

trends of crime in their respective counties.

Strategic Objective 5: To strengthen and promote inter-agency and collaboration at county, national and international levels

This objective was implemented by developing a strong and effective collaboration, partnership and networking through establishment of legal and/or policy frameworks.

Results achieved

- a. NCRC mapped and listed potential collaborators and partners.
- b. Funding support of about Kshs. 9 Million was received from Jamii Thabiti Programme of Coffey International towards development of the 2018-2022 Strategic Plan. The funds were on a direct financing from the donor.
- c. Collaboration, partnership and joint research; NCRC has developed a close working relationship with eight (8) National and International agencies towards crime research. These included: Technical University of Kenya on the design and development of Geo-spatial and GIS System in Crime Research; POMAC on research on Capital Punishment and Offences; NCAJ on Taskforce on Children and Sexual Offences; UNODC on case files on Human trafficking; Department of Immigration on Migrants profiling and policy; MOU with Council of Governors; Kenya Prisons Service Multi-agency

taskforce on Prison Congestion; and the World Bank on Crime and violence prevention Baseline surveys.

7.4.14 Commission on Administrative Justice

The Commission on Administrative Justice (CAJ) also known as the Office of the Ombudsman is a Constitutional Commission established under Article 59 (4) and Chapter Fifteen of the Constitution, and the Commission on Administrative Justice Act, 2011. The Commission has a mandate, inter-alia, to investigate any conduct in state affairs or any act or omission in public administration in any sphere of Government and complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct.

It is worthwhile to note that the mandate of the Commission was extended in 2016 through the enactment of the access to information Act, which confers oversight and enforcement functions to the Commission. In discharging its mandate, under the Act, the commission reviewed 50 applications for access to information, in addition to training, public officers, and formulating a number of programmes and activities for full implementation.

Achievements

- 2.0 The Commission handled 118,543 complaints out of which 100,720 were resolved which represented a resolution rate of 85%.
- 3.0 The Commission created awareness on administrative justice and access to information through various initiatives, including county visits and huduma mashi-



The Commission handled 118,543 complaints out of which 100,720 were resolved which represented a resolution rate of 85%.

nani programmes designed to enable the commission reach communities where Ombudsman has no physical presence, and to increase the service delivery points. Similarly the commission employed existing structures to advance the administrative justice agenda through a concept known as Huduma Mashinani (service at the grassroots). Specifically, the Commission enlisted the support of opinion leaders to reach out to residents of informal settlements in Nairobi. The initiative which was in operation in four areas (Mukuru kwa Njenga, Mathare, Kiambu and Korogocho) in 2015 was extended to cover Kangemi, Mukuru kwa Reuben, Kibera and Kawangware in 2016.

- 4.0 Five (5) advisory opinions and proposals on matters relating to good governance and public administration were issued. Notably, the Commission issued advisory opinions on the following;
 1. Advisory opinion on the National Treasury Circular No. 13/2016.
 2. Advisory opinion on the County Government (Amendment) Bill, No. 21 of 2015; and
 3. Advisory opinion on the use of public resources and participation of public officers in political activities.
- 5.0 The Commission trained 2,055 officers drawn from 155 institutions across di-

verse sectors. The training targeted complaints officers, senior managers and front-line officers, and focused on, inter alia, best practices in complaints management, principles of public administration and access to information.

In spite of the above milestones, the Commission encountered the challenges the Commission faced a number of challenges that affected the optimal attainment of its functions during the reporting period as highlighted below;

1. **Budgetary Constraints;**
Inadequate funding continues to be a major challenge to the Commission. The funds allocated by the Exchequer are not sufficient to cater for all the needs of the Commission particularly in light of the increasing number of complaints thereby overstressing its capacity to render services efficiently.
2. **Delays in releasing the revised estimates and exchequer;**
This hindered timely implementation of some of the planned activities hence affecting the absorption rate. This is further exacerbated by the frequent downtime of the IFMIS and e-Procurement which affected and delayed the procurement of goods.
3. **Pooling of publicity and awareness budget to Government Advertising Agency (GAA);**
The Commission encountered challenges in accessing the funds held by the GAA since the National Treasury did not indicate how much was earmarked



Whereas approved staff establishment is 336, the Commission has only 70 members of staff. This shortage continues to cause a strain on effective service delivery to the public and hinders decentralization of the Ombudsman services.

- for the Commission.
4. **Inadequate Staffing;**
Whereas approved staff establishment is 336, the Commission has only 70 members of staff. This shortage continues to cause a strain on effective service delivery to the public and hinders decentralization of the Ombudsman services.
 5. **Unresponsiveness from the public institutions:**
Impunity remains the biggest obstacle to quick resolution of complaints. A number of public institutions and officers were cited for unresponsiveness in the period under review.
 6. **Enforcement mechanisms and high public expectations:**
The mechanisms for enforcing the commission's decisions, determinations and recommendations are inadequate while the commissions mandate is derived from the constitution and the Act, there is minimal goodwill from public institutions to comply with the same.

7.4.15 Kenya National Commission on Human Rights

The Kenya National Commission on Human Rights is an independent National Human Rights Institution (NHRI) established in accordance with Article 59 of the Constitution and operationalized by the Kenya National Commission on Human Rights Act of 2011 (Revised 2012). The Commission is organized around six programmatic departments as follows: Complaints and Investigations, Redress, Reforms and Accountability, Public Education and Training, Research and

Compliance and Economic, Social and Cultural Rights. The Monitoring and Evaluation, Internal Audit, Information Communication Technology, Finance, Human Resource and Administration and the Public Affairs Communication Units provide administrative and logistical support to the programmatic departments.

The Commission is currently implementing its 3rd Strategic Plan for the period 2015–2018. The Key themes of the Strategic Plan are Access to Justice, Institutional Reform, Promotion of Socio-economic Rights and Organizational Strengthening.

Key Achievements

1. **Provision of redress through utilisation of ADR:** Having successfully trained Commissioners and staff on ADR, the Commission utilised ADR in resolving reported cases of human rights cases. In particular the Commission played a key role in resolving the protracted doctor's strike by acting as CO chair of the court mandated mediation panel via the directives of the court in the ELC cause no. 2486 of 2016 and Petition no.283 of 2016. The Commission also participated as mediators in a mediation panel pursuant to orders of the court in Meru High Court civil case no.163 of 2014 (Lake Turkana Wind Power Project). Altogether the Commission was able to resolve 3 cases through use of ADR.
2. **Redress of Human rights Violations:** The Commission successfully litigated for the protection of human rights. For instance the court upheld the challenge by

KNCHR to the move by the Government to disband the Committee on Refugee Affairs and its intended closure of Daadab refugee camp and repatriation of refugees of Somali origin in High Court petition no. 227 of 2016. The Commission also intervened in Civil Case no. 2486 of 2016 when the doctors were at risk of being incarcerated for contempt of court and persuaded the court to refer the matter to the Commission for mediation.

3. **Survey on the impact of the Presidential Pleasure Sentence:** The KNCHR conducted a survey within 48 prisons in Kenya on the impact of the presidential pleasure sentence (PPS). The survey collected views from various respondents within the penal institutions in the country. A preliminary survey was carried out to establish the extent of its application and its impact on the enjoyment of rights by inmates. The inmates serving under the PPS expressed frustration that they are the forgotten lot among all the different categories of inmates in Kenya. Once sentenced, such inmate is not liable to appeal the sentence and would thus be within the detention facility for an indefinite period. This will include some staying until death or until when Presidential Pardon takes place. This causes a lot of mental torture to those serving under this sentence due to their indefinite period of incarceration.
4. **Condition of pre-trial detention in Kenya:** The history of Kenya has been marred with

large scale violations of fundamental Human Rights in places of detention. The unnecessary and arbitrary use of arrest and pre-trial detention is a major contributory factor to prison overcrowding in Kenya. KNCHR together with the Network of African Human Rights Institutions (NANHRI) visited Nairobi Remand and Allocation prison in a bid to popularize the recently adopted Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines). The Luanda Guidelines provide an authoritative interpretation of the African Charter on Human and Peoples' Rights and offer specific detail on the measures State Parties to the African Charter need to take to uphold, protect and promote the rights of people subject to arrest, police custody and pre-trial detention. In doing so, they reinforce the importance of a criminal justice system built on core human rights principles. During this exercise, KNCHR was able to document the various challenges that prisoners under pre-trial detention were facing in accessing justice within the criminal justice system.

5. **Monitoring of Police recruitment:** The Commission monitored police recruitment and observed that recommendations made by the Commission in the previous police recruitment exercise had been adopted by the police. The process was therefore an improvement to previous exercises however the

Commission advised that recruitment has to progress in a way that progresses the service towards the professionalization of the service by attracting candidates with higher academic competencies as opposed to the current process that focuses on physical aptitude.

Implementation Challenges And Recommendations On Way Forward

During the reporting period, KNCHR has been able to document the following challenges from its monitoring exercises in prison:

Bail and bond

It was also noted that despite the Constitution making bail available for all offences, magistrates set such bail and bond so high that the accused person cannot afford. This therefore amounts to a technical manoeuvre around the constitutional provision to deny them bail. Foreigners also felt that the application of bail was selective. Some foreigners were granted bail while others were denied even where they had a citizen surety and their passports had been confiscated by the prosecution.

Slow administration of justice

There were also complains on how slow the Judiciary was in dispensing their cases. Their matters were always being adjourned either for the reason that the magistrate is not in, or no witnesses present before court or the investigating officer wasn't available. This goes against the principle on fair hearing since some had stayed in prison even longer than the duration of the sentence for the offence for which they were charged.

Judicial Service week 2013/2014

After the promulgation of the current Constitution, the Chief Justice, vide Gazette Notice No.13601 dated 14th October 2013 conferred jurisdiction upon any judge serving in the judiciary to hear any matter during the judicial service week. Some of the judges constituted benches that heard appeals, which were later subject to court proceedings. It was decided that the ELC was not a High Court but has the status of the High Court. Therefore, a mixed bench comprising of judges of the High Court and ELC was unconstitutional and the Gazette Notice No.13602 and the subsequent handling of the appeals by ELC judges was also unconstitutional. This decision created a problem because most of the people who had been convicted during this period felt that their cases had not been handled by competent judges and hence they wanted them to be retried by courts with jurisdiction. Some also wanted to be acquitted, stating that an injustice had been meted on them and hence it would be unfair to subject them to a subsequent process.

Inadequate funding in core mandate areas:

This is a perennial challenge for the Commission. As demonstrated above the Commission gets minimal support from the Treasury for its core functions. Areas that have continued to be under funded included complaints and investigations, compliance audits, public education, monitoring of security agencies, prison visits and capacity building for staff.

Failure by state agencies to implement the recommendations of the Commission:

The Commission has faced diffi-

culties in engaging with Ministries, Departments and Agencies (MDAs) who are acting in disregard of constitutional directives. Repeatedly, the findings of the Commission have been met with blanket denials.

Recommendations to key stakeholders within the Criminal Justice System

Judiciary

1. The Judiciary needs to reduce the excessive and arbitrary use of pre-trial detention. Greater effort must be placed on ensuring that pre-trial detention is used as an exceptional measure, in accordance with international law. Reducing the number of people and the time spent in pre-trial detention has the potential to significantly reduce the risk of torture and other ill-treatment and help ease the global problem of overcrowding in facilities where pre-trial detainees are held.
2. The judiciary should also address the issue of inadequate judicial staff. This situation has further resulted in delay in concluding cases. Some cases take up to 15 years to be concluded and this goes against the constitutional rights of an accused to receive a speedy trial.
3. A concerted effort is required to link advocacy efforts with alternatives to pre-trial detention and involvement in justice reform programs. Courts should avoid the use of pre-trial detention for minor offenses and be more inclined towards the use of non-custodial solutions such as bail, which should also be affordable so as not

to defeat its purpose.

4. If employed, pre-trial detention should only be used for strictly specified time periods and for the shortest time possible. Any extension of pre-trial detention should be duly authorized by a judge.
5. Courts must ensure the prevention of torture and other ill-treatment. Those responsible for torture, regardless of their rank or position, are held accountable in accordance with procedures that comply with both domestic and international law. Prompt, efficient, and independent investigation are to be carried out into all allegations of torture or other ill-treatment.
6. The roll out of the modalities for the implementation of the court annexed mediation in other regional courts and the further training of mediators to handle family and commercial matters through alternative dispute resolution is an achievement by the Judiciary towards guaranteeing the right to the expeditious resolution of disputes. A replication of the court annexed mediation in other courts would go a long way in the reducing significantly backlog of cases and in fulfilment of the Constitutional provisions of Article 159 (2) (c) to infuse alternative forms of dispute resolutions in both criminal and civil matters.

Prosecution and Police

The police and the prosecution should ensure that the relevant evidence and witnesses are presented before court when they are

required. A majority of cases delay due to missing police files and unavailable witnesses. Courts should not tolerate delay tactics from the prosecution side since an accused person stands to face gross human rights violations as a result of this.

The investigative capacity of relevant authorities needs to be strengthened. It is observed that the court system is handicapped by structural deficiencies and procedural problems and any reforms of the prisons must take into account strategies of addressing these deficiencies.

7.4.16 Kenya Human Rights Commission

i) Legal Aid Support

During the 2016/2017 period, the Legal Aid Programme offered legal advice to at least 470 clients. An increase in the number of clients attended to in the 4th quarter of the year was attributed to partnership and collaboration with the SALAR externship programme which increased the uptake of clients. Of the clients attended to, KHRC mediated 16 disputes, 11 of which were successful. 12 persons were taken through self-representation training, which provides some clients with tips on how to represent themselves in legal disputes in court.

In May 2017, KHRC collaborated with the Judiciary, IDLO and the International Commission of Jurists (ICJ) in implementing an evaluation of the Court-Annexed Mediation Pilot Programme aimed at independently and comprehensively assessing the project as well as its relevance, efficiency, effectiveness, and sustainability. The evaluation procedure involved assessing the successes, challenges and methodologies of the pilot as it comes to a

close April 2017.^[2]

In 2016 KHRC participated in a Referral Partners Network Legal Aid forum hosted in Nakuru County by the KNCHR as the county of focus for the activity. Over 3,200 members of the public were sensitized on human rights, the mandates and complaints handling procedures. Around 65 complaints received and documented by KNCHR. Several others received and processed by the various partner institutions.

ii) Public Interest Litigation (PIL) Cases

KHRC instituted 14 on-going public interest litigation cases, represented our clients as a petitioner, interested party, or friend of the court (*Amicus Curiae*). Out of the 14 cases 4 have been concluded pending advocacy and lobbying for their implementation:

1. Judicial Review 431 of 2016 Republic v Cabinet Secretary Ministry of Devolution & Others: This matter was withdrawn on grounds that it had been rendered spent by an Executive Order dated 28th October 2016 transferring the Non-Governmental Organizations Coordination Board from the Ministry of Devolution and Planning to the Ministry of the Interior and Coordination of National Government, and secondly, there had been an earlier decision regarding it.
2. Petition 439 of 2016 CREAW & Others v Attorney General: Parliament and the Office of the Attorney General were given 60 days within which to enact legislation to give effect to Article 81 (b) – the two-thirds gender rule

- failure to which a petition shall be delivered to the Chief Justice to advise the President to dissolve parliament.
3. Petition 351 of 2015 Trusted Society of Human Rights Alliance v. Ag, CS Ministry of Devolution & Others: The Interior Cabinet Secretary was ordered to publish in the Gazette within the next 30 days, the commencement date of the Public Benefit Organization (PBO) Act (2013).
 4. Petition 39 of 2016 Legal Advice Centre & 3 Others v County Government of Mombasa & 2 Others: Court held that there was insufficient public participation in the planning of a public project and was required to ensure and adhere to public participation at every level of the project. The court also ordered the design of a robust continuing plan for public participation and the same communicated to the public for input.

7.4.17 Federation of Women Lawyers-Kenya

The Federation of Women Lawyers-Kenya (FIDA Kenya) is a non-profit, non-partisan and non-governmental membership organization that offers free legal representation for the indigent Kenyan women through its Access to Justice Programme. FIDA (K) is a member of NCAJ>

During the reporting period, FIDA Kenya organized for legal aid clinics in various Counties that include; Kajiado County, Endebess – Trans Nzoia County, Faza Island – Lamu County. This is due to the fact that most women in the marginalized areas lack the means to access FIDA offices. There is still great need to take legal services down to the communities.

Through the Access to Justice programme, FIDA Kenya has offered legal representation to the following clients the Nairobi, Mombasa and Kisumu Legal Aid clinics within the reporting period:

Table 7.26: Legal Representation by FIDA-K

	Particulars	Numbers (Women)
1	Total Clients Attended to	9,213
2	New Clients	3,447
3	Subsequent Clients	5,741
4	Cases successfully concluded	515

Notably, most of the cases reported were family matters more specifically being cases of custody and maintenance, succession, domestic violence, division of matrimonial property, rape and defilement and general legal advice.

FIDA Kenya has for the last 32 years embraced mediation for family matters. The following are figures of clients offered mediation services.

Table 7.27: Mediation Services Offered by FIDA-K

No	Particulars	Numbers (Women)
1	Total Clients Invited for Mediation	1,340
2	Mediation Sessions Conducted	524
3	Successful Mediations	373

Notably, the public is embracing mediation as we have observed that over the years the numbers of clients turning up for mediation has been increasing. Mediations sessions conducted record more than 60% success rate.

Achievements

1. FIDA Kenya obtained judgment against the then parliament with Orders that they observe the two-thirds gender rule in their appointments.
2. FIDA Kenya continues to train an average of 15 clients per clinic per month to represent themselves in Court for custody and maintenance cases.

Challenges

1. Backlog of cases in court and limited judicial officers impeded finalization of cases for instance the Children's Court in Mombasa and ELC Court in Kisumu.
2. Despite the fact that there is a Children's Department, clients remain very reluctant to seek help from this office and thus there is need to demystify the role of Children's Department in family matters.
3. Most women are still ignorant of Constitutional

Provisions and new laws like Marriage Act and Matrimonial Property Laws. Enforcement of provisions in the Protection from Domestic Violence Act is still a challenge. There is need to sensitize the public on the new laws and their impact.

7.4.18 Kenya Association of Manufacturers

Kenya Association of Manufacturers (KAM) is the umbrella body for manufacturing value add industries in Kenya. One of its key priority areas is advocating for a justice system environment that promotes business and effective business competitiveness in Kenya.

KAM has had several engagements and activities with the Judiciary in the administration of justice are detailed here below:

1. Launch of the Commercial Law Guidebook

The Kenya Magistrates and Judges Association (KMJA) collaborated with the Kenya Association of Manufacturers on the development of a Commercial Law Guidebook. The content of the Publication was developed by multi-stakeholder composition of public regulators whose work is focused on commercial matters such as Kenya Revenue Authority, Kenya Industrial Property Institute (KIPI), Anti-Counterfeit Authority (ACA) and Kenya Bureau of Standards (KEBS). The Guidebook provides a simplified understanding of the law and judicial processes governing commercial issues in Kenya. The publication is instrumental to the business community, the general public and the Judiciary. The Guidebook was developed and launched on 12th January 2017.

Chief Justice, Hon. David Maraga launching the Commercial Law Guidebook. Looking on is the Deputy Chief Justice, Lady Justice Philomena Mwilu (R)



2. Engagements with the Business Court Users Committee

The Judiciary through the Commercial Division continued to convene quarterly engagements with the private sector associations through the Business Court Users Committee (BCUC). The Kenya Association of Manufacturers acts as the secretariat for the Business Court Users Committee. The BCUC was created as a special CUC under NCAJ where issues affecting business organizations are presented and dealt with by the Commercial Division. A total of six (6) meetings were held in each quarter for the period 2016-2017.

The BCUC has been instrumental in convening public - private dialogue on the commercial court pilot projects and judiciary projects such as the Court Annexed Mediation in the commercial courts and E-Payments project. The feedback has been instrumental in informing the implementation of the projects. In addition, the BCUC supported collation of feedback from private sector on the redress mechanism proposed for the draft investment policy for the country currently being developed.

The BCUC has planned a Tax Training Workshop for the Judges of the Commercial and Tax Division to be held in the next financial year. The training is intended to enhance the Judiciary's capacity on tax issues such as Corporate Income Tax, Scope of Taxation and Right to Tax, Determining Taxable Income, Withholding Tax and Tax Avoidance, Fundamentals of Transfer Pricing, Transfer Pricing Controversy and Introduction to International Tax and Fundamentals on Value Added Tax (VAT) regime.

7.4.19 National Transport and Safety Authority

The National Transport and Safety Authority (NTSA) was established through an Act of Parliament; Act Number 33 on 26th October 2012. The objective of forming the Authority was to harmonize the operations of the key road transport departments and help in effectively managing the road transport sub-sector and minimizing loss of lives through road crashes.

In the FY2016/17, the total number of traffic victims stood at 2834, marking a decrease from 3150 in the FY2015/16. As shown in Table 7.28, the month of May recorded the highest traffic casualty rate, closely followed by August, November, and December. As Table 7.29 shows, pedestrians form the bulk of traffic victims, accounting for nearly 50 per cent of victims, followed by passengers and motor cyclists, in that order.

Significant reduction in fatalities was observed among pedestrians while the weekends had the highest number of fatalities in comparison to the weekdays. Notably, majority of the road crash victims comprised of the youth aged between the 20 and 44 years. The Authority for the first time since its establishment met its performance target of reducing road traffic crashes by 10%. This translates to 361 lives saved.

Pedestrians continued to be the most vulnerable group in as far as road traffic crashes is concerned. Pedestrian safety interventions on high-risk roads was an area of interest to the Authority during the year. As a result of collaboration with stakeholders in the Save a Thousand Lives Initiative, pedestrian fences along



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high risks road such as the North Airport Road, Waiyaki Way, Popo Road, Imara Daima junction, Landhies Road and Mombasa Road (Nyayo Stadium Round About and opposite Standard Media Group offices) were erected.

In the period under review, NTSA has been engaging in a number of activities to streamline operations in the transport sector. This has entailed partnership with the Judiciary and the Police. Consequently, significant achievements have been realized including improvement on speed limit enforcement on Nairobi-Naivasha Highway and other key roads; and reduced drunk driving among motorist.

The Authority deployed traffic marshals to assist pedestrians at the designated crossing points and ensured implementation of the 50kph within the Nairobi metropolitan area. The interventions within Nairobi County, lead to a drop from 376 to 270 pedestrian fatalities, which represents a 39% reduction in pedestrian fatalities.

Despite the 10% reduction, evidence indicates that 91% of the traffic crashes were attributed to human related factors. They included speeding, reckless driving, dangerous overtaking, drink driving, drink walking, drink riding, motorists using unfamiliar roads during weekends and lack of use of helmets.

Table 7.28: Categories of Fatal Traffic Victims FY2015/16 and FY2016/17

MONTHS	2015/2016	2016/2017	VAR	%VAR
July	220	216	-4	-1.8
August	248	240	-8	-3.2
September	249	218	-31	-12.4
October	264	230	-34	-12.9
November	283	190	-93	-32.9
December	304	289	-15	-4.9
January	272	253	-19	-7.0
February	305	227	-78	-25.6
March	250	269	19	7.6
April	255	265	10	3.9
May	246	259	13	5.3
June	254	178	-76	-29.9
TOTAL	3150	2834	-316	-10.0

Source: NTSA

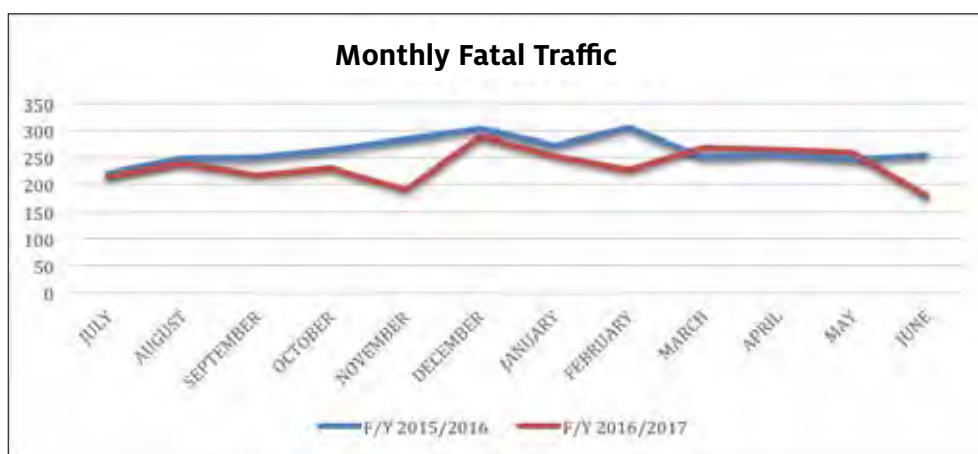


Figure 7.6: Categories of Traffic Victims

Table 7.29: Categories of Traffic Victims

CATERGORIES	F/Y 2015/2016	F/Y 2016/2017	VAR	%VAR
Pedestrians	1306	1021	-285	-21.8
Passengers	687	743	56	8.2
Motor Cyclist	512	465	-47	-9.2
Drivers	369	319	-50	-13.6
Pillion Passengers	200	232	32	16.0
Pedal Cyclist	76	54	-22	-28.9
TOTAL	3150	2834	-316	-10.0

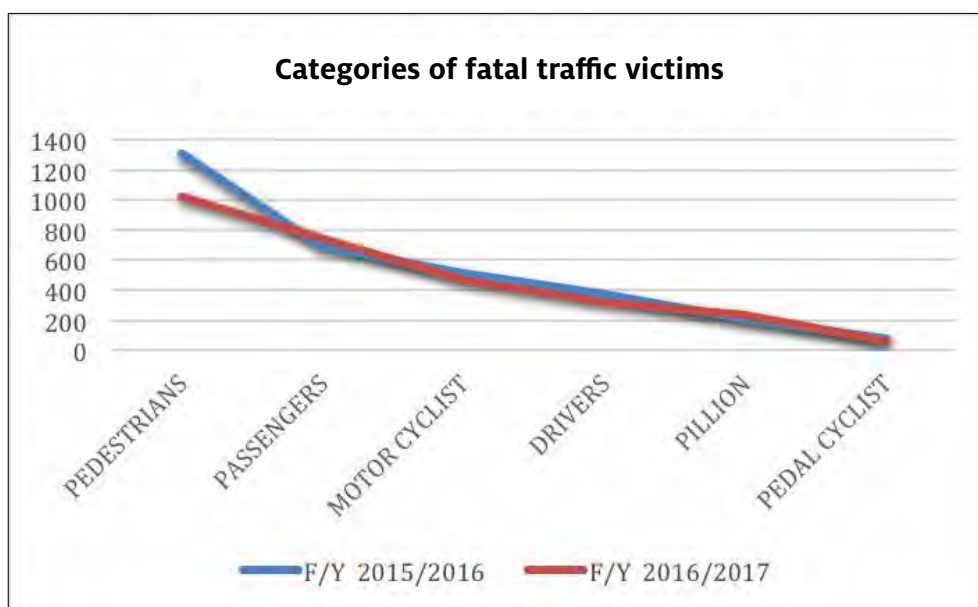


Figure 7.7: Categories of Traffic Victims

7.4.20 Department of Children Services

The Department draws its mandate from Section 38 of the Children Act, 2001. Its main mandate is to safeguard the rights and welfare of children, in particular, the establishment, promotion, co-ordination and supervision of services and facilities designed to advance the wellbeing of children and their families.

Children's Institutions

Currently the Department runs fourteen (14) Children Remand Homes that offer safe custody and care to children in conflict with the law pending finalization of their cases in courts. These are Nairobi (at Kabete), Kiambu, Murang'a, Nyeri, Kericho, Eldoret, Machakos, Meru, Manga, Kisumu, Kakamega, Likoni, Malindi and Nakuru. The Remands provided custody and care to 5688 children in 2016/17 up from 4982 children in 2015/16.

Further, the Department manages ten (10) Rehabilitation Schools for children in conflict with the law. The Rehabilitation Schools, formerly known as "Approved Schools", are established under Section 47 of the Children Act. These Rehabilitation Schools are in Kabete, Wamumu, Kericho, Kakamega, Othaya, Likoni, Kisumu, Dagoretti and Kirigiti. Getathuru Rehabilitation School is used as the reception, assessment and classification for boys while Kirigiti acts as both a Rehabilitation school and a reception, assessment and classification centre for girls. During the review period, 1423 children were rehabilitated, up from 1205 in 2015/16.

The Department also manages four (4) Children Rescue Centres for children in need of care and protection in Nairobi, Garissa, Thika and Machakos where 622 children were provided with protection and care, up from 595 in 2015/16.

During the review period, 1423 children in Rehabilitation schools were provided with skills training and formal education. Of these, 34 were provided with Start-up kits upon their graduation. During the same period, 940

children were reintegrated to the communities.

The Department also runs six (6) Child Protection Centres in Malindi, Nakuru, Nairobi, Siaya, Garissa and Kakamega. These are non-residential facilities that provide service hubs in the most disadvantaged areas where children, families and the community can receive seamless, integrated family services and information. By offering services within the community CPCs ensure that children get access to immediate support, guidance, monitoring and a chance to improve their lives in order to reach their full potential.

Charitable Children's Institutions

These are run by individuals, NGOs or religious organizations for care and protection of children especially orphans and vulnerable children. There are over 400 such institutions all over the country, which are registered by the National Council for Children's Services and supervised by the Department.

Child Helpline 116

This is a Government phone service that links children in need of care and protection to essential services and resources. The call centre is situated within Kabete Rehabilitation School and has two satellite centres in Eldoret and Garissa. The Helpline started with a voice service but has now diversified to chats and SMS. The calls are classified into the following broad categories abuse, education & career, family and community, general information, health/basic needs and non-intervention.

Achievements

The National Council for Children's Services (NCCS) during this period responded to issues raised by the Committee of Experts on the Convention on the Rights of the Child concerning Nubian Children which were brought up when the Country submitted the consolidated 3rd, 4th, 5th UNCRC State Party Report in Geneva.

The Council held several consultative forums with key stakeholders working with children and line government agencies at national and regional levels to review the current Children Act and developed the Draft Children Bill 2017 which is awaiting validation. One of the main stakeholders in the process has been the NCAJ Taskforce on Children Matters whose Chairperson, Lady Justice Martha Koome co-chairs the National Steering Committee on the Children Bill with the Director Children Services.

The Child Protection Information Management System (CPMIS) was launched on 9th May 2017. The CPMIS was rolled out in eleven Counties namely Kisumu, Homa bay, Migori, Kakamega, Machakos, Siaya, Muranga, Kwale, Nairobi, Nakuru and Kilifi. Data collection and reporting tool for use by the 47 Counties was developed. In the next Financial Year, it is expected that CPIMS will be rolled out to the remaining Counties to provide accurate and reliable data on children.

A Draft National Child Protection Strategy was developed to ensure service delivery in the Children sector and effective co-ordination in the implementation of child protection programs. The draft highlights the situation of child protection in the country

and gives emphasis on key strategic areas of intervention and strategies guided by legislations, policies, standards and guidelines.

A five-year Africa region campaign was launched in Addis Ababa as part of the global campaign. Towards this end, the Department, in collaboration with partners, launched the National Campaign on Violence against Children (VAC) in Narok County. For effective collaboration, coordination the Department held a National Child Protection Stake Holders Forum. This is to ensure meaningful impact of the implementation of child protection programs and strategies.

The Ministry has in place a Counter Trafficking in Persons Secretariat to coordinate policies, programs and other measures to prevent and combat Trafficking in Persons, especially children and women. This Secretariat ensured the implementation of the Counter- Trafficking in Persons Act, 2010. The Secretariat has further developed Draft Guidelines in accordance with section 28 of the Counter Trafficking in Persons Act 2010, developed Standard Operating procedures for Police and Prosecution to assist victims of trafficking in collaboration with the Department of Immigration through the National Coordination Mechanism meetings for state actors in combating human trafficking.

In adoption services programme, 60 local adoption orders were issued while several others are in the process of adoption. The moratorium on Inter-country adoptions was still in force hence no inter-country adoptions took place throughout the review period.



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The Department received assistance from stakeholders to offer material and technical support to victims of violence, especially children, in Baringo County to mitigate against ethnic violence. As a result, children were offered psycho-social support and a Child Protection in Emergencies Working Group (CPiEWG) was formed and their terms of reference developed. This was to give assistance to children in emergencies in Garissa, Baringo, West Pokot, Tana River, Wajir and Turkana. A drought assessment tool was further developed to be utilized by the 23 ASAL Counties to build the capacity of officers in drought prone areas.

Draft Guidelines on Case Management and Referral to standardize the management of cases of children (both in need of care and Protection and those in conflict with the law) has been developed for use by both government and partners offering services to children. The document is being piloted in six Counties - Nakuru, Kakamega, Siaya, Garissa, Kilifi and Busia - before being rolled out countrywide.

The Department reviewed the Child Protection Centres (CPCs) Operational Standards to guide the management of the CPCs. The Kabete Safe-House was merged with the Nairobi Children's Rescue Centre to become an annex of the Rescue Centre to ensure proper care and upkeep of children in need of care and Protection.

The Department gave bursaries to 22,000 secondary school students under the Presidential Bursary scheme for Orphans and Vulnerable children (OVC)

Challenges

1. The Department currently has Fourteen (14) Children Remand Homes across the country, which are inadequate and as a result children continue to be held Police cells at times mixed with adults which is against the provisions of the Constitution and the Children Act.
2. There continues to be a growing concern about the delay in dispensation of children matters following which children remain in Children Remand homes for unnecessarily long periods thus missing out on school while those out on bond/bail have to make several trips to and from the courts.
3. Delay in children matters where children are supposed to testify leading to contamination of evidence and trauma.
4. The Witness Protection Agency (WPA) in the interest of protecting child witnesses commits them in the Remand Homes, hence disadvantaging them.
5. Loss of evidence and poor prosecution of defilement cases resulting in the defeat of justice.
6. Inadequate or poor means of transporting children to court.
7. Lack of provision of meals and other basic items such as sanitary pads while children are attending court.
8. Children aged below 17 years being held in adult remand facilities with adults.
9. Lack of legal aid and legal representation for children.
10. Poor, aged and dilapidated infrastructure in Children Remand Homes and Reha-

bilitation schools as most of these facilities were constructed during the colonial period.

11. Delayed funding especially in the institutions causing children to be denied some of the basic rights.
12. Mushrooming of Charitable Children Institutions some of which do not meet the basic standards for children while there is child abuse in others.
13. Inadequate mechanisms for dealing with lost/missing children and children of imprisoned mothers.
14. New trends and ever evolving cases of cases involving children, for instance child online abuse, child gangs and children involved in terrorism.

7.4.21 The Cradle

The CRADLE - The Children's Foundation is a non-partisan, non-profit making and non-governmental organization committed to the protection, promotion and enhancement of the rights of the child through court representation, advocacy and law reform. The organization exists to protect and promote the rights of the child and see a just society for children. The CRADLE works with numerous stakeholders and collaborators such as governmental departments, international organizations, other NGOs and communities to raise awareness on child protection and child rights, provide legal aid to children in contact and conflict with the law, and trafficked children, protect child rights and strengthen policy and legislative advocacy for legal frameworks.

During the period 2016/2017, the

CRADLE offered legal aid to over 663 children through its offices in Nairobi, Lodwar and Malindi.

Table 7.30: Legal Aid Provided by Cradle 2016/17

	Nairobi	Malindi	Lodwar	Total
Boys	108	88	119	315
Girls	113	126	109	348
Total	221	214	228	663

The CRADLE advocates handled matters of defilement and children in conflict with the law while Legal aid was offered to assist children access justice and safeguard their welfare through self-representation scheme and referrals to other partner organizations to ensure effective response to the various legal issues raised by clients.

There was a big demand for legal aid in child maintenance matters. The CRADLE was also able to offer legal representation to children in conflict with the law. The CRADLE actively participated in the children's service week in different courts around the country notably Nairobi, Lodwar, Bungoma and Kitale. The CRADLE observed the high number of child abuse matters especially defilement in Bungoma. The CRADLE has received numerous calls of assistance from grassroot organisations in the area to assist in the mitigating the high number of cases. The issue at hand is the lack of prosecution of these matters, interference from the police and perpetrators, subsequently the perpetrators go scot free.

The CRADLE runs a Probono Lawyers Scheme. A total of 15 cases were referred to pro bono lawyers countrywide. All the cases referred were maintenance matters.

The CRADLE undertook



During the period 2016/2017, the CRADLE offered legal aid to over 663 children through its offices in Nairobi, Lodwar and Malindi.

seven duty bearers' trainings during this period, six in Turkana, and one in Nairobi. The training equipped the duty bearers (police officers, chiefs, paralegals, and advocates) with skills and knowledge on child rights and current legal framework on child protection for better response to child abuse cases.

During the period under review, The CRADLE offered psychosocial support to over 151 children in contact and conflict with the law, and child survivors of abuse.

Table 7.31: Psychosocial support provided by the Cradle 2016/17

	Boys	Girls
Nairobi	4 boys	10 girls
Turkana	59 boys	78 girls
Total	63 boys	88 girls

The CRADLE engaged paralegals especially in Lodwar, where there are no lawyers to offer legal support. The CRADLE linked the paralegals to a probono lawyer support and guidance when on cases that they might not be able to handle. This has gone a long way in enhancing child protection in the region. The CRADLE also conducted five child rights community awareness bazaars and four legal aid clinics within Turkana.

In policy and advocacy, The CRADLE participated in the NCAJ Taskforce on children's matters, NCAJ special committee on the Sexual Offences and the NCAJ Committee on Criminal Justice Reform and continued to influence policies that affect children especially within the judicial system. The CRADLE is a member of the National Steering Committee of The Children's Bill. The CRADLE has also been an active member of different court users committees where they have been driving the children's agenda. The CRADLE is a member of the Taskforce on Policy, Legal, Institutional and Administrative reforms regarding intersex persons in Kenya under the office of the Attorney General.

7.4.22 Legal Resources Foundation

The Legal Resources Foundation (LRF) is an independent, human rights organization that promotes access to justice through human rights education, research and policy advocacy initiatives. LRF's mission is to be a resource for justice, equity and resilience in communities through holistic participatory interventions and strategic partnerships. In this regard, LRF partners with both State and Non State actors at national and regional levels to promote exchange learning for purposes of learning and experience. LRF further is an active member of NCAJ, both at the Council and Technical Committee Level.

LRF has continued work in partnership with the NCAJ, its Constituent CUCs around the country, and the Kenya Prison Service, National Police Service, Probation department, among other actors in the justice to enhance the space for access to jus-

Chief Justice, Hon. David Maraga on January 23rd 2017 launched the audit report on Criminal Justice System in Kenya



tice and human rights in Kenya.

During the period under review, LRF in partnership with RODI Kenya and NCAJ undertook an audit of the criminal justice system. This resulted in a publication which was launched on 30th January 2016.

The main objective of the audit is to conduct a comprehensive analysis of the criminal justice system and provide recommendations to strengthen service delivery, legislative, policy and practice reforms in Kenya.

7.5 Judiciary Budget Requirements versus the Governance Justice Law and Order Sector (GJLOS)

Table 7.32 below provides an analysis of the budgetary allocation of the Governance Justice Law and Order Sector (GJLOS) in the past Medium Term Expenditure Framework (MTEF) period.

Table 7.32: Analysis of Budgetary Allocation in the MTEF Period 2014/15 – 2016/17

Vote & Vote Details	Recurrent Approved Allocation (Kshs Million)			Development Approved Allocation (Kshs Million)			Overall Budget (Kshs Million)		%age Allocation
	2014/15	2015/16	2016/17	2014/15	2015/16	2016/17	2014/15	2015/16	
1021 State Department for Interior	92,010	100,225	107,935	8,683	13,578	27,946	100,693	113,803	64.17%
2031 Independent Electoral and Boundaries Commission	6,281	4,878	23,065	178	27	552	6,459	4,905	11.15%
1023 State Department for Correctional services	17,113	17,120	20,227	597	611	525	17,711	17,731	9.80%
1261 The Judiciary	10,732	11,684	12,956	3,093	3,115	4,153	13,825	14,799	8.08%
1252 State Law Office Department of Justice	4,023	4,430	5,040	505	379	239	4,528	4,809	2.49%
1271 Ethics and Anti-Corruption Commission	1,746	2,957	3,230	278	300	250	2,024	3,257	1.64%
1291 Office of the Director of Public Prosecutions	1,727	2,384	2,115	67	73	98	1,794	2,457	1.05%
1311 Office of the Registrar Political Parties	476	533	827	-	-	-	476	533	0.39%

Vote & Vote Details	Recurrent Approved Allocation (Kshs Million)			Development Approved Allocation (Kshs Million)			Overall Budget (Kshs Million)			%age Allocation
	2014/15	2015/16	2016/17	2014/15	2015/16	2016/17	2014/15	2015/16	2016/17	FY 2016/17
2151 Independent Policing and Oversight Authority	291	396	485	-	-	-	291	396	485	0.23%
2051 Judicial Service Commission	338	472	450	-	-	-	338	472	450	0.21%
2101 National Police Service Commission	471	476	435	-	-	-	471	476	435	0.21%
2011 Kenya National Commission on Human Rights	357	459	421	-	-	-	357	459	421	0.20%
2141 National Gender and Equality Commission	290	310	387	-	18	18	290	328	405	0.19%
1321 Witness protection Agency	295	370	388	-	-	-	295	370	388	0.18%
SUM TOTAL	136,150	146,693	177,961	13,401	18,101	33,781	149,550	164,794	211,742	100.0%

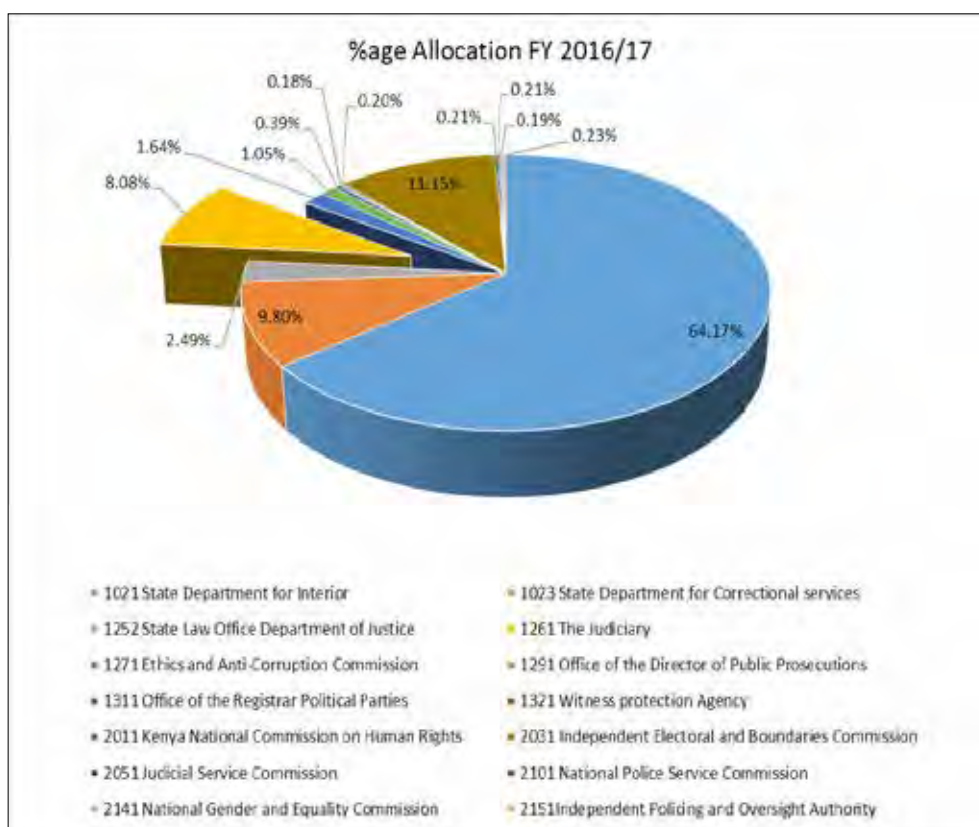


Figure 7.8: Percentage Budgetary Allocation within the GJLOS for FY 2016/17

Figure 6.3 indicates that the State Department for Interior receives more than half (64%) of the entire budget allocated for the GJLOS. Only IEBC received more than 10% of the entire budget while the rest of the other entities received a budget of less than 10% of the Sector Budget. The Judiciary received less than 10% of the entire budget.

Court	No. of Meetings	Achievements	Challenges
Butali	4	<ul style="list-style-type: none"> • ADR Mechanism • Involvement of stakeholders in decision making which affect the court 	<ul style="list-style-type: none"> • Delay in funding • Inadequate funds
Butere	6	<ul style="list-style-type: none"> • Public sensitization on various laws through the outreach activities. • The administration of justice has been demystified to members of the public. • Through collaboration with the stakeholders there has been improved case clearance of backlog, days spent in remand by accused persons and a good case clearance rate. • Operationalizing Mobile Court visits to Khwisero in order dispense justice at the public's doorstep. • Installation of Internet/Wifi facilities at the station in furtherance to pillar four of the Judiciary Transformation Framework. • Operationalizing Mpesa services to enable clients to make payments easily and efficiently. • Effective implementation of the new DCRT Template. • Development of and compliance with the station's Service Delivery Charter. • Operationalizing our customer care desk at the station to better serve our clients. • Enhancing public awareness on court activities through consistent and timely posting of notices and cause lists at the station as well as through social media i.e. Facebook and WhatsApp. • Through collaboration with the stakeholders we have seen an improvement in the rate of clearance of backlog and days spent in remand by accused persons as well as achieving a good case clearance rate. • Regular maintenance and improvement of court infrastructure including court building and equipment. 	<ul style="list-style-type: none"> • Lack of funds for the last quarter of the financial year crippled our activities. • Area covered by the Court is large, i.e. Khwisero & Butere Sub-County coupled with a poor road network in some areas constrains our clients from accessing the Court. • The station suffers from inadequate staffing; in particular, there is need for a Process Server, Secretary, Store Keeper and more Clerical Officers. • The need to have desk telephones for internal communication. • The need to have a generator installed to address cases of blackouts. • There is need for adequate furniture and computers for the staff both at Butere Law Courts and Khwisero Court.
Chuka	4	<ul style="list-style-type: none"> • Creating awareness by holding open days • Prison visit twice a month 	<ul style="list-style-type: none"> • Lack of financial resources • Untrained members • Lengthy cause lists • Absconding of suspect • Failure to avail witnesses • Ignorance of litigants

Table 7.33: Court Users Committees Reports

Court	No. of Meetings	Achievements	Challenges
Baricho	4	<ul style="list-style-type: none"> Improved relationships between courts and stakeholders Enabled identification of problem areas Refurbishment of customer care desks Erection of directional signage Quarterly meetings 	<ul style="list-style-type: none"> No funding for two quarters for CUC activities. Inconsistency in CUC membership due to transfers and leave
Bomet	6	<ul style="list-style-type: none"> Co-operation with stakeholders which has seen smooth running of Court operations generally Reduction of case backlog 	<ul style="list-style-type: none"> We need to have the fence of Bomet G.K. Prison reinforced so as to accommodate capital offenders who are held currently at Kericho G.K. Prison about 70kms away No women prison in Bomet and the female remandees are held in Kericho Women Prison about 70kms away No holding area for children at the Bomet police station Funds allocated through JPIP funding are too restrictive and we are not able to address some of the issues we could have addressed using those funds.
Bondo	4	<ul style="list-style-type: none"> No cells for children and physically challenged persons. 	<ul style="list-style-type: none"> Expedition delivery of justice due to coordination with Stakeholders. Identified the need to sensitize the public on alternative Dispute Resolution. Purchased adequate furniture and repaired water catchment from C.U.C funding
Bungoma	4	<ul style="list-style-type: none"> Improved understanding and cooperation between court users. Improved efficiency in service delivery 	<ul style="list-style-type: none"> Lateness Inconsistency in attendance by individual members Lack of adequate funds to support the C.U.C activities
Busia	4	<ul style="list-style-type: none"> We have placed some benches at the corridors to assist litigants and members of the public to sit as they wait to be served. 	<ul style="list-style-type: none"> No waiting place for litigants and members of public. No provision or a room set aside for nursing mothers. No children friendly environment where children who come to court can play, relax or even read books as they wait for their parents or guardians. No quality folder which resulting to easy wear and tear

Court	No. of Meetings	Achievements	Challenges
Eldama – Ravine	4	<ul style="list-style-type: none"> Conducted a public outreach programme in the nine (9) administrative units within our jurisdiction Renovated court building, bought sanitary goods and mattresses, built children cells at Eldama Ravine Police station Bought a photocopier to assist accused persons get witness statements and any documentary evidence Administration of justice has been improved significantly. 	<ul style="list-style-type: none"> Delay in disbursement of funds Lack of cooperation from a few stakeholders Lack of information, awareness and knowledge on the law
Eldoret	4	<ul style="list-style-type: none"> Put ramps for disabled Customer care booth 	<ul style="list-style-type: none"> Delay in disbursing funds for activities. Inconsistent member attendance Shortage of magistrates Lack of office space
Embu	2	<ul style="list-style-type: none"> Training of CUC Members on children matters 	<ul style="list-style-type: none"> Insufficient funding Bureaucracy in getting funding eg. proposals
Engineer	2	<ul style="list-style-type: none"> Visited remandees and we were able to learn the problems they face. Reduction of backlog cases. 	<ul style="list-style-type: none"> Some intended resolutions could not be met due to shortage of finances. Absenteeism / lateness by members.
Garissa	3		
Gatundu	4	<ul style="list-style-type: none"> We have done a successful training for chiefs and assistant chiefs in Law of Succession. Reduction of backlog. 	<ul style="list-style-type: none"> Limited attendance by members. Lack of structured funding for meetings. Delay in Government analyst reports. No structure for implementation of resolutions
Garsen	3	<ul style="list-style-type: none"> The court was able to expedite all the old cases more than 2 years old. The Court was ranked No.1 in the 2016 customer satisfaction survey for all the Magistrates Courts increased confidence in our court. The corruption index was 0%. The court is customer friendly and also our remandees have adequate cells for children, adult and females. The court also managed to handle 25% of its Criminal cases through Alternative Dispute Resolution Mechanism. 	<ul style="list-style-type: none"> There is insecurity challenges in Garsen due to the Alshabab periodical attacks. Alshabab shot indeed one of our witnesses when they attacked a bus that she was travelling in. We have poor road networks making it difficult for our client to access the court. Transport challenge due to insecurity to the road. The court suspended its mobile courts at Kipini due to insecurity situation and impassibility of the roads
Gichugu	5		

Court	No. of Meetings	Achievements	Challenges
Githongo	3	<ul style="list-style-type: none"> The court in co-operation with other stakeholders has been able to expedite all cases. Currently we are able to give hearing dates within 2-3 days, after registering over 2000 cases in a calendar year. Case clearance rate is the best in the court as per PMMU directorate. Judgment waiting period has been maintained at not more than 14 days for civil case and 7 days for criminal cases. Consumption Index as per the last survey was 0%. Currently after registering over 1,500 cases, we only have 15 remandees whose cases are not more than 2 months old. 	<ul style="list-style-type: none"> Githongo Law Courts has only one court building. The proposed courthouse is ongoing relatively slow. Have no ICT department and a procurement officer. The mobile court outreach has been hampered by the poor road network owing to the kind of motor vehicle assigned to the station.
Githunguri	3	<ul style="list-style-type: none"> Provision of witness statements to remandees Visit to children's home with the region Held an open day Stakeholder training conducted Reduction in the number of adjournments due to the sensitisation of the police, prosecutors and investigators Continuous clean up of backlog by dismissal of cases that have been pending for more than four years 	<ul style="list-style-type: none"> Lack of funds to carry out planned activities CUCs lack awareness of their roles Expansive area covered by the court
Habaswein	2	<ul style="list-style-type: none"> Formed and trained the court hinterland committees on ADR to reduce backlog and give the community the chance to handle its own challenges. Public awareness has been enhanced and the communities justice seeking behavior has tremendously improved. 	<ul style="list-style-type: none"> Wide jurisdiction area limited resources/funding High illiteracy level among our clients Harsh weather conditions
Hamisi	4	<ul style="list-style-type: none"> Be able to engage the public on issues touching the court operation including case clearance program for the court, sexual related offences and witness management programs. 	<ul style="list-style-type: none"> Mobilization of stakeholders for a meeting. The vast nature of court coverage makes it hard to mobilize stakeholders to attend the meeting when required. Transportation constraints. The court is vastly covered by rough terrains without effective means of transport

Court	No. of Meetings	Achievements	Challenges
Hola	3	<ul style="list-style-type: none"> • The court was able to mainstream ADR. This led to a reduction in family or matrimonial disputes at the court. • Through the assistance of the stakeholders, the court moved to a leased premises which is larger. • The members of the public are now able to follow the proceedings while seated in court. • Increase in cases being withdrawn as a result of voluntary reconciliation. This is mainly because of the efforts made during the open fora and the open day held by the CUC. • Among the top ten best performing courts in the Country. There is also increased confidence in our court. • The corruption index was 0%. • Through stakeholder engagement, our court is now adequately guarded by Police officers, the orderlies come to court on time and we are able to commence our court sessions on time. • Shared resource by use vehicles from other departments like the police to visit our mobile courts. 	<ul style="list-style-type: none"> • The court building is still small and therefore not customer friendly. • Poor road networks making it difficult for access the court. • Stalled motor vehicle due to lack of proper service. • The new premises are not burglar proof and need adequate signage.
Homa – Bay	3	<ul style="list-style-type: none"> • Visiting Manga Children’s home • Visiting the prison 	<ul style="list-style-type: none"> • Lack of funding • Lack of training • Lack of consistency in meeting attendance • Resolutions not met
Isiolo	4	<ul style="list-style-type: none"> • Involvement of all stakeholders leading to enhanced work efficiency • Encourages teamwork • Faster resolution of cases. 	<ul style="list-style-type: none"> • Lack of adequate resources
Iten	1	<ul style="list-style-type: none"> • Enhanced inter-agency working relationship. • Expeditious disposal of cases. • Increase of public confidence in the justice system. • Fostering of Alternative Disputes Resolutions. 	<ul style="list-style-type: none"> • Key members sending representatives to CUC. • Request for sitting allowances by CUC members.
JKIA	4	<ul style="list-style-type: none"> • Sufficient stakeholder engagement • Excellent service delivery. 	<ul style="list-style-type: none"> • Being a newly established court, a number of members have no prior encounter with court related issues. • Uncooperative advocates hampering expeditious disposal of cases.

Court	No. of Meetings	Achievements	Challenges
Kabarnet	4	<ul style="list-style-type: none"> Joined open days for Eldama Ravine and Kabarnet Law Courts: We had two successful open days during the year in question, one at Kabarnet and another one at Eldama Ravine. The main objectives for the open days were to sensitize members of the public on the procedures of the court, embrace alternative dispute resolution, children rights effects of illicit brew and rising inter community conflicts within Baringo County due to cattle rustling. Continued CUC Programs: We had several CUC meetings of which we discussed various issues and as a result we managed to hold a public Baraza with area Chiefs at Tenges. 	<ul style="list-style-type: none"> Insecurity hampering attendance of witnesses due to insecurity in the county of Baringo, we were not able to proceed with hearings of most cases especially in criminal cases, since the witnesses had difficulties to attend court. Remandees convicts escaping from police station. We had instances where remandees and convicts escaped from police custody. Such incidences hindered the hearing and determination of criminal cases in the station. We also had a continued challenge in prison where we have not had cells for holding capital offenders.
Kajiado			
Kakamega	9	<ul style="list-style-type: none"> Engagement with the public through meetings and open forums optimally a success Case review committee established and review of all juvenile-related cases done as well as sentence review 	<ul style="list-style-type: none"> Non-prioritization of CUC activities by custodians In corporation of more community members hampered by non-provision of fare refund funds. Secretariat operations limited due to non-funding Justice delivery hampered by resource inadequacies of other CJS partners and Judiciary itself especially delay in witness statements, mobile court in Navakholo ceased to operate, follow up to CSO work sites not implemented, capacity building of stake holders-chiefs, CSO supervisors.
Kakuma			
Kaloleni	3		

Court	No. of Meetings	Achievements	Challenges
Kandara	7	<ul style="list-style-type: none"> Held sensitization meetings as follows: <ul style="list-style-type: none"> Workshop School visit at Githumu boys Public outreach at Gacharage Chief's sensitization meeting Customer satisfaction levels have improved particularly for people from Ithanga who used to go to Thika court and their cases would take long to be concluded which is not the position now. 	<ul style="list-style-type: none"> Statements for accused is still a challenge and causes delays even after agreeing with stakeholders. Balancing between court work and the various activities to be undertaken Stakeholders availability for meetings is challenging since they are also undertaking other roles Due to heads representing departments at times information does not get to the implementing body e.g investigating officers
Kangema	4	<ul style="list-style-type: none"> Interaction with different stakeholders during the meetings. Clearing of backlog in civil cases through dismissal under Order 17 CPR. ADR/Alternative Justice System being applied in some cases-involving relatives and neighbours. The court is a pilot court in Alternative Justice System. Case backlog in Criminal cases reduced due to availability of police files and witnesses. Improved public awareness on court processes and services through a CUC open day, road show and students/teachers congress held during the financial year through JPIP funding. Sensitization of assistant county commissioners chiefs and assistant chiefs on court processes during a sensitization workshop held during the financial year through JPIP funding. 	<ul style="list-style-type: none"> Lack of sufficient funds to organize CUC meeting which is held in court room and lunch served at same venue due to lack of sufficient funds to hold meetings in a hotel. No sitting allowance to members. Lack of funds for motivation activities and team building for C.U.C members to bond. Some stakeholders failing to attend meetings in time due to means of transport from their areas or travelling allowance.
Kangundo	2	<ul style="list-style-type: none"> Reducing backlog Feedback from the public able to solve their problem Smooth running of the court process Dispute resolution through the chiefs 	<ul style="list-style-type: none"> Insufficient funds Time Mistrust within the committee Communication breakdown Lack of training
Kapenguria	3	<ul style="list-style-type: none"> Doctors trained in filling P3 forms Best court in case backlog clearance Construction of Child Protection Unit at Kapenguria Police Station 	<ul style="list-style-type: none"> Charge sheet not signed by ODPP
Kapsabet	4	<ul style="list-style-type: none"> CUC members organized a successful open day Through CUC, Kapsabet High Court Land was acquired Through CUC, lands in Kabiwet, Kobujoi and Songor were acquired for the proposed magistrates courts. Feedback on corruption where CUC members reported that it has since declined 	<ul style="list-style-type: none"> Financial constraints in paying for the lunch and transport allowances Financial constraints in hiring of meeting venues Lack of training for the CUC members

Court	No. of Meetings	Achievements	Challenges
Karatina	4	<ul style="list-style-type: none"> • Sensitization of the public about court processes • Promotion of the ADR system • Exposure of CUC members on the best practices 	<ul style="list-style-type: none"> • Insufficient funding • Inadequate training of CUC members • Poor turnout/attendance by members • Limited stakeholder engagement
Kehancha	4	<ul style="list-style-type: none"> • Increase in number of People coming to Court to seek services • Increase in number of people released on Bond • Significant reduction in number of pending cases • Reduction in period taken to execute warrant of arrest and witness summons by the Police • No accused persons in traffic case is locked up in cells without first being granted time, place and adequate facilities to pay fines. • Increase in knowledge and enforcement around FGM issues amongst locals thus increase in retention and completion rate of girls in schools. 	<ul style="list-style-type: none"> • Lack of Mobile Court in Kegonga and Ntimaru where due. • Handling of Exhibits by Police • Shoddy investigations of cases. • Inadequate witness protection mechanisms and facilities
Kericho	4	<ul style="list-style-type: none"> • Co-operation from stakeholders • Improved access to justice 	<ul style="list-style-type: none"> • Facilitation allowance for those travelling from far • Certain members not attending all the meetings
Keroka	3	<ul style="list-style-type: none"> • No achievement has been realized giving rise of repeat discussion without results. 	<ul style="list-style-type: none"> • No funding has been disbursed despite the fact that our proposal are on the desk for either approval or funding. • Some CUC members may be penetrating Judicial officers as conveyor belt in matters of court cases.
Kerugoya	2	<ul style="list-style-type: none"> • Pre-trial conferences being conducted pending fixing of hearing dates • Held an Open day • Training of CUCs on Elections Dispute Resolution • Had an outreach program at Ngomongo village 	<ul style="list-style-type: none"> • Lack of prison facility for women in Kirinyaga County • Frequent adjournment of cases • Logistical challenges in transporting children in remands from Murang'a • Lack of ICT infrastructure • Lack of rehabilitation centres

Court	No. of Meetings	Achievements	Challenges
Kiambu	4	<ul style="list-style-type: none"> • Conducted High Court and Chief Magistrate Courts CUC meetings. • Reduced Trial period from date of taking plea to time of judgment delivery. • Increased in number of people released on bond. • Reduction in number of pending cases. • Increase in number of people coming to court to seek services. • Reduction of complaints from public, litigants and inmates 	<ul style="list-style-type: none"> • Lack of sufficient funds • Lack of expected attendance • Lack of follow-up in order to implement all agreed resolutions.
Kibera			
Kigumo	4	<ul style="list-style-type: none"> • Purchase of photocopier/printer for witness statement • Purchase of lockable cabinets for storage of prosecution files • Reduced number of adjournments 	<ul style="list-style-type: none"> • Lack of cooperation from government doctors as witnesses • Delay in obtaining government analyst reports on alcohol and drug related cases • Delay in disbursement of CUC funds • Stakeholders internal weaknesses e.g underfunding of the police and the children's department.
Kikuyu	3	<ul style="list-style-type: none"> • Effective stakeholders engagement and regular communication • Trained stakeholders on cooperation. • Increased confidence in our court the court was position one in the region on customer satisfaction 	<ul style="list-style-type: none"> • Poor status of the children protection unit facility at Kikuyu police station • Lack of transport means to ferry remandees to and from remand centres. • Long distance between the court and Kiambu children home where we remand children.
Kilgoris	6	<ul style="list-style-type: none"> • Appreciation from the public on the openness of the Judiciary • Engagement resulting to cordial working relationship • A tool of awareness on the performance of the judiciary and the stakeholders 	<ul style="list-style-type: none"> • Insecurity in mobile courts in Murken due to community tensions that forces adjournments • Poor road network between the mobile courts and Kilgoris • Traditional practices of the Maasai that limit the participation of women in CUC programs • High illiteracy levels limiting public participation • Access to Narok High Court for appeal cases is daunting due to the long distance • Kilgoris serves Transmara East and West resulting to overcrowding of the court since there is no waiting bay or a customer care desk.

Court	No. of Meetings	Achievements	Challenges
Kilifi	4	<ul style="list-style-type: none"> • Held outreach programs on Gender based violence (mostly sexual offences). • Prison visit. • Held a one (1) week legal awareness program. • Reduced backlog of cases. • Held three (3) days training for CUC members • Adjournments reduced. • Quarterly CUC meetings held as required. • We have been able to get support from NGOs to carry out some outreach programs. • Held one Judiciary open day. • Our Court has been friendly to customers through engagement with various stakeholders. • Reduced number of days spent in remand custody. 	<ul style="list-style-type: none"> • Lack of Secretariat office. • Lack of training of investigating officers. • Lack of water storage facilities for the court. • Lack of funds to make customer care desk friendlier. • Insufficient funds to facilitate witnesses. • Lack of funds to buy tea and snacks for the children attending court.
Kilungu	1	<ul style="list-style-type: none"> • Installation of power in staff toilets and gate guard house. • Installation of backup solar panels for the court. • Training of the police and prison on Sexual Offences Register. • Improved output by police and cooperation by stakeholders. • Cleared backlog. 	<ul style="list-style-type: none"> • Distances – People come from far. • Supervision of CUC initiatives a challenge e.g. CSO projects.
Kimilili	3	<ul style="list-style-type: none"> • Coordinated approach to issues • Improved ADR 	<ul style="list-style-type: none"> • Limited funding • Delayed funding • Uninformed members needing sensitization • Inadequate time to address all the issues raised
Kisii	4	<ul style="list-style-type: none"> • Visitation of correctional facilities • High Court was awarded by the PMMSC as the best performing court in reduction of case backlog • Conducted an Open day • Have held strategic meetings 	<ul style="list-style-type: none"> • Lack of funds for sensitisation of the public on philosophy and culture of the justice sector • Lack of infrastructure • Late disbursement of funds • Inactive departments
Kisumu	7	<ul style="list-style-type: none"> • Held CUC meetings • Held National Administration/Chiefs training in the County 	<ul style="list-style-type: none"> • Funding issues • Transport challenges • Short notice to attend meetings
Kitale	1		
Kithimani	4	<ul style="list-style-type: none"> • Have held 2 public legal clinics. • A women and children's cell is currently under construction. 	<ul style="list-style-type: none"> • No donor funding. • Shortage of funds.
Kitui			

Court	No. of Meetings	Achievements	Challenges
Kwale		<ul style="list-style-type: none"> • Application of bail and bond policy guideline to assist in determining bond terms. • Facilitation/enhancement of fare reimbursement to witnesses by the judiciary and stakeholders/partners. • Enhanced communication to litigant on status of their bonds reason for denial • Proper archive is put in place where files are tagged accordingly to case, i.e. Civil, criminal or traffic. 	<ul style="list-style-type: none"> • High illiteracy levels amongst community members making it difficult to understand/differentiate between bond and bail. • Inadequate allocation to fare reimbursement kit • High poverty index amongst the community members making it difficult to access even the most lenient bond terms. • Manual filing system – time wasted in retrieval of files.
Kyuso	4	<ul style="list-style-type: none"> • Through funding from NCAJ/JPIP the court purchased and installed water tanks that has improved water storage capacity and rain water harvesting • Visiting to court and attendance by stakeholders has helped in demystifying court processes • Through the children's department and the probation department prompt pre-bail reports and age assessment reports have saved minors from being remanded • There are no children custodial facilities in the Police and Prison departments • Inter-agency collaboration has reduced adjournments and hastened case disposal. • Case committee under the National taskforce on de-congestion has assisted in reduction of petty offenders in prison 	<ul style="list-style-type: none"> • Travel to court is a challenge due to lack of Public transport in Mwingi • High illiteracy levels and hence less understanding of judicial processes • Request for funding for construction of the court cells and perimeter wall was approved but funding is still being awaited • Lack of ICT and internet connectivity for the CUC secretariat • Lack of transport reimbursement for CUC members from far flanked areas • Erratic power supply in region affects court operations • Lack of photocopier for the Police and ODPP leading to reliance on the court for reproduction of witness statements
Lamu	4	<ul style="list-style-type: none"> • Establishment of the Sea Security sub-committee of the Court-user-Committee. • Hosting the inaugural Open Day in November 2016. 	<ul style="list-style-type: none"> • Accommodating the members from Lamu East in the Court-user-Committee who travel by boat and spend at least one night in Lamu, they require travel and one night's accommodation reimbursement.
Limuru	6		
Lodwar	3		
Loitoktok	2	<ul style="list-style-type: none"> • Building of holding cells • Construction of urinal 	<ul style="list-style-type: none"> • Lack of prison establishment • Diverse jurisdiction • Lack of mobile court to cover the entire jurisdiction
Machakos	4	<ul style="list-style-type: none"> • Training for CUC members. • Meeting with all State Prosecutors, the Police and Investigators to improve on service delivery. 	<ul style="list-style-type: none"> • Bringing all CUC members within the expansive county without facilitations.

Court	No. of Meetings	Achievements	Challenges
Makadara	5	<ul style="list-style-type: none"> • Proper coordination between departments • Open days have led to breaking of barriers between the public and court • Special CUC'S held for target groups have led to improved co-ordination and collaboration. 	<ul style="list-style-type: none"> • Mobilisation • Funding for open days, infrastructure development, provision of food for children
Makindu	4	<ul style="list-style-type: none"> • CUC carrying on duties diligently • Formation of ADR committees among the two communities. • Collaboration and networking e.g. KWS, etc • Trained CUC & ADR members • Outreach programme on sexual offences and • Wildlife Act • Purchase of ADR desks • Purchase of overhead projector. 	<ul style="list-style-type: none"> • Stopping of funding of out of pocket allowance • Vast area of jurisdiction • High level of poverty in the area of jurisdiction • Animosity between the communities the Kamba & Masai within the area of jurisdiction.
Makueni	3		
Malindi	4	<ul style="list-style-type: none"> • Launching of Marafa Mobile court • Launching of the Labour Court • Destruction of Drugs • Holding of Judiciary open day at Marafa 	<ul style="list-style-type: none"> • Inadequate Judicial officers in the station • The expensive Marafa mobile court area require splitting in order to conveniently serve all beneficiaries residing in far areas
Mandera	4	<ul style="list-style-type: none"> • Judiciary has been demystified: people harbour no fear of the court system • Smooth working relationships between stakeholders 	<ul style="list-style-type: none"> • For every case reported, more cases of VAWG do happen and remain unreported due to stigma • Some sections of the society still prefer the traditional Maslaha system which is injurious to the victims and does not protect the rights of the individual victim • The large geographical area means that many people cannot access justice because of the distance they have to travel to reach the court or the police • Legal representation is lacking in this area where most victims are illiterate and do not understand the court processes

Court	No. of Meetings	Achievements	Challenges
Maralal	5	<ul style="list-style-type: none"> • Restoration of services at Wamba and Baragoi mobile Courts which had been suspended after ODPP personnel withdrew their services. • Construction of new Maralal Law Courts premises commenced within the financial year through JPIP funding. • Witnesses statements provided to accused persons through C.U.C Inter-agency Cooperation. • A comprehensive C.U.C work plan was prepared and funding proposals forwarded to JPIP. • An additional judicial officer's posted and jurisdictional challenge in alcoholic related cases addressed. • Improvement noted in execution of Warrant of arrest and case clearance rate. 	<ul style="list-style-type: none"> • Inadequate funding for our C.U.C i.e. GoK funding of Ksh 10,000 per quarter. • No funding for our C.U.C during the fourth quarter 2016/2017 • Lack of facilities to photocopy witness statements for accused persons. • Need to establish C.U.C for Wamba and Baragoi Mobile courts or funding to facilitate their C.U.C members to travel to Maralal. Both Mobile courts are more than 100 kms away. • Poor facilitation of ODPP personnel accompanying judicial team to mobile courts which led to the withdrawal of their services, which hampered service delivery at mobile courts. • Challenges in Hearing Alcoholic related cases due to interdiction of the magistrate • Reported delay in obtaining experts reports especially government chemist reports. • Failure by the police to execute Warrants of Arrest. • Lack of cells for Minors at Maralal police station. • Insecure Holding Cells at Maralal Law courts, Money allocated for construction of new cells was not released. • Inadequate funds to cater for witness expenses and payments for interpreters. • No children's remand facility in entire Samburu County. • The need for capacity building for the C.U.C members on C.U.C reporting templates.
Mariakani	4	<ul style="list-style-type: none"> • Held training for CUC Members • Locals cooperating with the CUC Member amongst their own. 	<ul style="list-style-type: none"> • Not enough funding • Lack of allowance to pay members
Marimanti	3		
Marsabit	3	<ul style="list-style-type: none"> • Dealing with cultural practices such as FGM • Inadequate funding to facilitate County CUC meeting given the vastness of Marsabit County 	<ul style="list-style-type: none"> • Enhanced Stakeholder engagement which resulted into increased confidence on the courts • Collaboration with partners for capacity building for CUC Members • Promotion of ADR in the justice system

Court	No. of Meetings	Achievements	Challenges
Maseno	4	<ul style="list-style-type: none"> • Improvement on the timely production of remandees in court • Improved process of bonding of witnesses minimizing unnecessary court adjournment • Improved production of police files in court hence reduction in backlog • Committed and active CUC stakeholders thereby enhancing coordination in the dispensation of justice • Reduced case backlog 	<ul style="list-style-type: none"> • Inadequate funding making it difficult to improve activities and attendance as planned.
Maua	3	<ul style="list-style-type: none"> • The court CUC was able to hold an open day which was very educative to the public. 	<ul style="list-style-type: none"> • Availability of funds to carry out CUC's activities • Stakeholders viewing the CUC as a judiciary affair • Non attendance by key stakeholders
Mavoko	2	<ul style="list-style-type: none"> • Increased access to justice • Reduction in case backlog • Improved relationship between stakeholders • Speedy conclusion of cases 	<ul style="list-style-type: none"> • Lack of adequate training • Poor management of time to slot meetings • Lack of adequate cooperation from other stakeholders • Lack of enough funds to support initiatives
Mbita	5		
Meru	4	<ul style="list-style-type: none"> • Construction of children's remand home • Launch of County CUC • Holding of open day • Establishment ELRC sub-registry • Establishment of mobile court at Timau 	<ul style="list-style-type: none"> • Inadequate funds • Lack of cooperation from some stakeholders • Lack of children holding cells • Lack of special care facilities for inmates
Migori	2		
Milimani Commercial Courts	5	<ul style="list-style-type: none"> • The C.U.C provide funds for partitioning of the cash office. • Introduction of service charter • Introduction of open door policy • Encouraging C.U.C to pay for the defaulted court fees. • Introduction of uploading Causelist on the Judiciary website. 	<ul style="list-style-type: none"> • Lack of participation by the Advocates as most of them are very busy. • Lack of Funding • Unnecessary Adjournment of cases • Failure by some Advocates to provide adequate information to their clients.
Molo	6	<ul style="list-style-type: none"> • Effective stakeholder engagement • Efficient case hearings due to witness attendance • Expeditious disposal of cases 	<ul style="list-style-type: none"> • Full attendance • Lack of commitment by some departments • Insufficient funds
Mombasa	4	<ul style="list-style-type: none"> • Pro bono and pauper scheme committee formed • Improvement of Likoni Children Remand Home • Good stakeholder engagement/ partnership 	<ul style="list-style-type: none"> • Reporting template not embraced by some stakeholders especially the police service • Funding for meetings as the station does not have a boardroom. • Funding of activities

Court	No. of Meetings	Achievements	Challenges
Moyale	2	<ul style="list-style-type: none"> Measures in place of availing cause list to police stations one week in advance Communication to litigants through mobile phone Timely pre-trials Construction of client/witness waiting bay Successful mobilization of Sololo residents for mobile court operations. 	<ul style="list-style-type: none"> Police to ensure that accused records are verifiable Lack of proper record of accused persons Challenge by process servers, children officers and probation officers to access far flanged area; Language barrier in these areas Inadequate space in the registry Insecurity Lack of an exhibit store Border influx Lack of fund to set up Sololo CUC sub committee
Mpeketoni	4	<ul style="list-style-type: none"> The CUC had a successful open day at Mpeketoni on 18th July 2017. The court was able to carry out a successful outreach program that targeted schools. The court was able to make schedule visits to Hindi Prison despite not having a station vehicle. 	<ul style="list-style-type: none"> Security was major issue noting that Lamu County had been hit by several terrorist attacks. The court has no adequate furniture and space to hold the CUC meetings. The court also requires a station vehicle to facilitate transport of judicial officers and staff.
Mukurweini	5	<ul style="list-style-type: none"> Sensitization of the public about court processes Promotion of the ADR system Exposure of CUC members on the best practices Good working relation with other government and non-governmental institutions. Expeditious delivery of justice to the clients. 	<ul style="list-style-type: none"> Insufficient funding Inadequate training of CUC members Poor turnout/attendance by members Limited stakeholder engagement Due to strict guidelines in management of CUC grant, CUC may not reach to common people due to non-approval of some activities like open days, sensitization and public barazas.
Mumias	4		
Murang'a		<ul style="list-style-type: none"> Improvement in availing witnesses in court during the hearing of cases Charge sheet brought in time for registration 	<ul style="list-style-type: none"> Lack of enough funds Lack of proper preparations by some stakeholder
Mutomo	3	<ul style="list-style-type: none"> No backlog Cases concluded within stipulated time Cordial working relationship between CUCs and staff members Complete installation of 2 water tanks, generator and WI-FI. 	<ul style="list-style-type: none"> Lack of Orma language interpreters Lack of sitting space for judicial staff Lack of adequate furniture Lack of toilet for remandees Insufficient allocation of fuel for the station generator and the station land rover Inadequate funding for CUC

Court	No. of Meetings	Achievements	Challenges
Mwingi	5	<ul style="list-style-type: none"> • Successful completion of the 1st phase of the Child Protection Unit at Mwingi Central Police Station as a project proposed by CUC members, funded by JPIP. • Successful completion of women prison wards; though funds were from the Prisons service, the issue was often a key agenda during our CUC meetings. • Amicable solution to address the issue on expert witnesses dates and time allocations in courts especially the Medical personnel; • This sub-committee was tasked with making a courtesy call the to Medical Superintendents of Mwingi and Migwani sub-county hospitals in a bid to come up with a practical schedule of medical personnel testifying in all Mwingi Courts; this further assisted in minimizing delays of court matters. 	<ul style="list-style-type: none"> • Lack or inadequate witness statements • Migwani mobile court – It was established almost 4 years ago, yet there are only two (2) Judicial Officers serving both Mwingi Law Courts’ and the Migwani mobile court which is attended on a weekly basis (every Tuesday).

Court	No. of Meetings	Achievements	Challenges
Naivasha	3	<ul style="list-style-type: none"> • The CUC members have been engaged in reaching needy persons with an aim of showing love and helping them access justice • CUC has helped in construction of a children's protection unit which is used as a remand for children from Naivasha Law Courts, even though the facility not fully completed it's now a shelter for those needy children in need of care and protection and/or children in conflict with law. • The court had challenges in filling of the sexual offences forms but through the CUC meetings this was resolved and the forms are being filled expeditiously. • The CUC has very good working relationship with all the stakeholders in Naivasha court jurisdiction. 	<ul style="list-style-type: none"> • There has been a problem of executing warrants of arrest in both criminal and traffic matters even though those cases where a cash bail has been posted most of them are forfeited for non-attendance. • Prison congestion due to the high number of remandees • Witnesses in sexual offences cases sometimes are difficult to trace and in many cases they are compromised hence end up not testifying. Also a challenge children when trying to seek justice because relatives and the community shy away from giving necessary information. • Few lawyers within Naivasha offer pro bono service and it's becoming difficult for those vulnerable groups who cannot afford to pay lawyers' services • The court does not have a sign interpreter thus those children and people with such disability face challenges when they are seeking justice. • Shortage of judicial officers • The CUC Naivasha has not been able to incorporate a number of good and potential stakeholders so as to reach many people as they would wish.
Nakuru	4	<ul style="list-style-type: none"> • Improved stakeholder interaction • Reduction in cases of missing police files • Improvement in handling of children cases since we have a Children's CUC which is a sub-committee which brings together all the stakeholders dealing with Children's cases. • Improved working relationship between the ODPP and the police 	<ul style="list-style-type: none"> • Limited funding • Time constraints for effective discussions

Court	No. of Meetings	Achievements	Challenges
Nanyuki	3	<ul style="list-style-type: none"> • Prosecution and investigation officers trained and expounded on how to deal with scientific evidence, digital evidence and witness disowning evidence. • Prompt application of section 87 CPC, section 204 and other relevant sections of the law. • Promotion of ADR • Open Day held on 11th May 2017 Deserving cases were considered. • Office of the County government identified to deal with menace of street children. • Doldol mobile court • Improved stakeholder interaction • Cases of missing police files has reduced • Improvement in handling of children cases since we have a Children's CUC which is a sub-committee which brings together all the stakeholders dealing with Children's cases. • Improved working relationship between the ODPP and the police 	<ul style="list-style-type: none"> • Penalty for illegal grazing is minimal hence repeat offenders. • Lack of adequate resources i.e. motor vehicles and & funds • Unavailability of expert witnesses e.g. document examiner, ballistic evidence • Investigations being more theoretical rather than practical. • Failure by investigating officer to avail e.g. police file, exhibit in time • Failure to supply defendants with prosecution witness statement timely. • Loss of police files and exhibits • Failure to bond witnesses in time. • Lack of specialists to deal with homicide cases • Laikipia County Geographical challenges. i.e. poor road network and wide coverage. • Lack of resources to execute warrants and summons. • Lack of juvenile centers in the County. • Congestion in prison hence delay to produce remandee's to court • Lack of interest in cases by complainants • Limited funding • Time constraints for effective discussions
Narok			
Ndhiwa	2	<ul style="list-style-type: none"> • State counsel posted in the station improving service delivery 	<ul style="list-style-type: none"> • Only one judicial officer posted to the station • No. Gender desk • No Open Days • No Children Remand
Ngong	4	<ul style="list-style-type: none"> • Customer Care Tent • Container for temporary cells • Create awareness by litigants through CUC • Open Day • Promotion of ADR 	<ul style="list-style-type: none"> • Late receipt of AIE, which delays quarterly meetings. • Inconsistent attendance by CUC members.

Court	No. of Meetings	Achievements	Challenges
Nkubu	3	<ul style="list-style-type: none"> • Community sensitization to access to justice • Promotes people- focused delivery to justice • Reduction of case backlog through ADR • Promoting inter-agency co-operation 	<ul style="list-style-type: none"> • Inadequate funding • Inconsistency in attendance affected mostly by member transfers • Lack of motivation for members • Lack of interest by some stakeholders
Nyahururu	3		
Nyamira	4	<ul style="list-style-type: none"> • Good coordination with stakeholders 	<ul style="list-style-type: none"> • Insufficient funding
Nyando	3	<ul style="list-style-type: none"> • Reduction of stock theft • Sondu Miriu court (proposed) land and building standing. 	<ul style="list-style-type: none"> • Capacity building to members • Sustainability of membership • Limited funds especially to meet demands for CUC members who come from two-sub county, Nyando and Nyakach.
Nyeri	3	<ul style="list-style-type: none"> • Three C.U.C members meetings. • C.U.C/ C.S.O Training. • Two public Barazas i.e Kamakwa and Wamagana • Legal Aid Clinic at Nyeri prisons 	<ul style="list-style-type: none"> • Inadequate funding • Delay of returns from some departments e.g police
Ogembo	2	<ul style="list-style-type: none"> • Visited G.K Prison • Visited Manga Children Home. • Conducted an Open Day. 	<ul style="list-style-type: none"> • Lack of Waiting Bay • Lack of facilities in child unit care • Witnesses not brought to court.

Court	No. of Meetings	Achievements	Challenges
Othaya	10	<ul style="list-style-type: none"> • Help to iron out the differences in different players of criminal justice system • P3 Forms filled timeously • Increased number of witnesses attending court • CUC and ADR members training on sentencing and bail/bond policies. • Prison/Remand visit to sensitize our clients on the Criminal Procedures, the rights of accused persons and emerging issues of the new constitution (2010) • Community Dialogue and Sensitization exercise in all wards in Othaya. To sensitize members on Succession matters and AJS. • CICWL case sensitization exercise at Othaya Rehabilitation School. • Held Judiciary (Othaya) Open Day to demystify the Judiciary and Court Processes • CUC collaboration and cooperation led to the reduction of backlog i.e. timely production of remandees, police files availed in court, witness statements handed to the accused during plea taking. • Liased with Kenya Law Report and were able to get copies of Constitution that we gave to participants at every forum. 	<ul style="list-style-type: none"> • Inadequate funding to support CUC programmes • Transfer of CUC members • CUC meetings in a year is not sufficient. To address emerging problems in time. • Delegations to less active members
Oyugis	4	<ul style="list-style-type: none"> • Improvement in case management • Improvement in awareness of court procedure 	<ul style="list-style-type: none"> • Inadequate funding • Lack of funds to pay allowance as some members travel from far • Lack of our own facilities
Rongo	4	<ul style="list-style-type: none"> • Backlog reduced because: Cases with warrant of arrest withdrawn under section 87(a) CPC.; Old civil matters dismissed for want of prosecutions; Cases adjournment minimized. • Created good relationship and environment with the stakeholders. • Able to train chiefs on ADR that has started working. 	<ul style="list-style-type: none"> • Lack of funds to facilitate the members. • Poor attitude to court political environments. • Due to the area the court covers the costs. • Is unable to accommodate all stakeholders.
Runyenjes	5	<ul style="list-style-type: none"> • Enhanced sensitization of the importance of CUC meetings among stakeholders • Increased co-ordination of all the justice-oriented departments e.g ODPP's office, Probation. • Timely submission of frameworks to the concerned authorities. 	<ul style="list-style-type: none"> • Slow budgetary allocation and disbursement of funds that has hindered timely holding of meetings. • Delayed responses from the directorates on pertinent CUC proposals.
Shanzu			

Court	No. of Meetings	Achievements	Challenges
Siakago	4	<ul style="list-style-type: none"> Most of the problems are solved amicably through brainstorming and coming up with solutions. JPIP funding well utilized and members are happy with the flow of files and work of dispensation of justice is going on well. 	<ul style="list-style-type: none"> Lack of funds in some quarters but we still hold meetings. Some of our officers come from far and poor infrastructure makes them not to attend meetings regularly. Some invited members don't attend meetings thus the issues to be dealt by them are never addressed.
Siaya	4	<ul style="list-style-type: none"> Maintained quarterly meetings. Members visited prison and had an elaborative educative session with inmates. Significant reduction of inmates in prison. Significant reduction on illicit brews. Improvement in case management and witness attendance. 	<ul style="list-style-type: none"> Delayed and inadequate funding. County government not fully engaged in CUC. Probono lawyers are reluctant to take cases due to delayed payments.
Sirisia	5		
Sotik	4	<ul style="list-style-type: none"> Seamless execution of duties among stakeholders. Increased case clearance rate. Increased usage of ADR. Increased appreciation of non-custodian sentence. 	<ul style="list-style-type: none"> Lack of funding from JPIP Non-Attendance of stakeholders due lack of facilitation. Monotony of the meeting venue due to insufficient funding to look for a different venue.
Tamu	6	<ul style="list-style-type: none"> Enhanced service delivery, case clearance rate recorded at 108% 0% corruption recorded 	<ul style="list-style-type: none"> Stakeholders complain that travel allowances have been scrapped off leading to poor attendance
Taveta	5	<ul style="list-style-type: none"> High level of customer/stakeholder satisfaction. Improved services to our stakeholders. 	<ul style="list-style-type: none"> Funding constraints.
Tawa	5	<ul style="list-style-type: none"> Relationships between members has been harnessed. There is seamless flow of justice. 	<ul style="list-style-type: none"> Lack of proper representation i.e. in the committee. Lack of enough manpower to man the new station. Low implementation of CUC agendas. Lack of participation from all stakeholders
Thika	5	<ul style="list-style-type: none"> Synergy amongst stakeholders. Better & faster resolution of cases. 	<ul style="list-style-type: none"> Attendances erratic Finances Implementation by stakeholders. Uncooperative departments.
Tigania	4	<ul style="list-style-type: none"> Training of all CUC members in June 2017 Improvement of court cells and provision of juvenile cells Increase in Case Clearance Rate Increased confidence in our court 	<ul style="list-style-type: none"> Lack of enough personnel Congestion of prisons Transportation problems Lack of training or unawareness on roles and duties/mandate

Court	No. of Meetings	Achievements	Challenges
Ukwala	4	<ul style="list-style-type: none"> Improved infrastructure – refurbishment of court 2 Enhanced cooperation among actors in the justice system hence improving case clearance rate Enabled court to get feedback Promoted ADR as members have been sensitized on the use of ADR Enhanced proper handling of cases such as defilement and land matters 	<ul style="list-style-type: none"> Delay in disbursement of CUC funds. Inadequate funding Lack of facilitation to members -transport Lack of commitment by some members Ignorance among some members on their roles Failure by some members to comply with passed resolutions
Vihiga	12	<ul style="list-style-type: none"> Public outreach sensitisation Justice of peace mission at GK Prison Reduced remand period CUC members trained on the Bail and Bond Policy and the Sentencing Policy Kenya National Commission on Human Rights and Fida Kisumu incorporated as members 3 bonding session and teambuilding with Kapsabet Law Court Memorandum of understanding signed between EACC and Court on corruption prevention mechanism 2 judicial staff trained on corruption prevention mechanism Held four outreach activities after qualifying for the JPIP funding Pro-bono committee and bar bench committee formed which helped in expeditious disposal of criminal cases Refund of witness expenses as expeditious disposed by the Mobile court launched at Luanda in January 2017 	<ul style="list-style-type: none"> High Illiteracy rate by the litigants Inadequate personnel especially the children department that forestalls the availability of social inquiry reports on time Lack of CUC secretariat to coordinate CUC activities Lack of substantive Child officers in Luanda/Emuhaya sub-counties jeopardizing the best interests of the child.
Voi	4	<ul style="list-style-type: none"> Improved cooperation and corroboration among players in the justice sector Enhanced service delivery 	<ul style="list-style-type: none"> Lack of adequate funding hence limited in activities. Lack of commitment from some stakeholders.
Wajir	4	<ul style="list-style-type: none"> Starting of court sessions in time Punctuality of staff members. Physical improvement of court environment More cordial staff and client relationship Reduced adjournment due to bonding of witness Better service delivery due to refurbishment of customer care desk. Better use of ADR mechanism Improved relationship between the court and the courts stakeholders. 	<ul style="list-style-type: none"> Some staff have inadequate knowledge of management roles hence need for training. Lack of finances to carry out bonding sessions and team building. Inadequate water supply hence need for bigger water tank. Few toilets for staff and the public hence there is need for construction of new toilets that will cater for even the disabled The station requires generator due to rampant power blackout

Court	No. of Meetings	Achievements	Challenges
Wang'uru	4	<ul style="list-style-type: none"> • Reduction in cases of 2nd generation brews. • Bumps erected on roads. • Reduction of cruelty to donkeys. • School Outreach programme implemented • Karoti Girls visited by Judicial Officers and other stakeholders. • ADR Committee formed. 	<ul style="list-style-type: none"> • Controlling miraa ferrying vehicles still a challenge. • Some members not reporting back as required.
Webuye	3	<ul style="list-style-type: none"> • Formation of sub location based Alternative Dispute Resolution Committees. • Applying and executing all warrants of arrest within three months. • Engaging the public and stakeholders through the local Radio Station (Radio Mambo) every Wednesday at 8.00 pm. • Referral of cases for ADR on a case to case basis which has improving the case clearance rate. 	<ul style="list-style-type: none"> • Members noted that there is no Witness Protection Agency in the county • Members also stressed the need for a legal aid to assist litigants who are not in a position to prosecute their cases in court • Concerns are that there is no children's cell at the police station and at the court. Children were forced to share cells with hardcore criminals or women cells hence vulnerable to abuse. • Execution of Warrants of arrest is a challenge especially in Traffic cases since most offenders are on transit. • Witnesses are not bonded promptly to attend court especially on inquest matters. • Lack of proper Case Management to track and report on the status of cases.
Winam	3	<ul style="list-style-type: none"> • Holding of regular meetings • Successful projects such as customer care office, signage, orderlies sentry 	<ul style="list-style-type: none"> • Lack of cooperation from some stakeholders • Inadequate financing of CUC activities • Delay in disbursement of JPIP funding • Local donors unwilling to come on board • Risk of conflict on interest with stakeholders/local donors.

Court	No. of Meetings	Achievements	Challenges
Wundanyi	3	<ul style="list-style-type: none"> • Matters on delays of police files raised in our CUC meetings and the relevant institution promised to comply. • Bond terms reviewed and the number of remandees in custody reduced. • Through NCAJ and after we raised the issue of poor access to justice by some of our litigants, we were listed as one of the beneficiary of mobile courts. We are yet to get funds to make it operational. • Through NCAJ we managed to implement public outreach programmes by holding sensitization forums. 	<ul style="list-style-type: none"> • Delayed justice mostly attributed to delays in producing police files on time. • Conditions of bail and bond terms • Difficult access to court due to distance • Negative attitude by the public on court processes. • Lack of legal aid to deserving accused persons

ANNEX

1.1 Annex1: List of Judges for the FY2016/2017

	SUPREME COURT	
CHIEF JUSTICE AND PRESIDENT, SUPREME COURT OF KENYA		
	Name	Station
1	HON. MR. JUSTICE DAVID K. MARAGA	Nairobi
DEPUTY CHIEF JUSTICE & VICE-PRESIDENT, SUPREME COURT OF KENYA		
	Name	Station
2	HON. LADY JUSTICE PHILOMENA M. MWILU	Nairobi
SUPREME COURT JUDGES		
	Name	Station
3	Hon. Mr. Justice Mohammed K. Ibrahim	Nairobi
4	Hon. Mr. Justice Jackton Boma Ojwang	Nairobi
5	Hon. Mr. Justice Smokin Wanjala	Nairobi
6	Hon. Lady Justice S. Njoki Ndungu	Nairobi
7	Hon. Mr. Justice Isaac Lenaola	Nairobi
	COURT OF APPEAL	
1.	HON. MR. JUSTICE PAUL K. KARIUKI	PRESIDING, COURT OF APPEAL
NAIROBI		
2.	Hon. Mr. Justice P.N. Waki	Nairobi
3.	Hon. Lady Justice Roselyn Nambuye	Nairobi
4.	Hon. Justice Mohamed Warsame	Nairobi
5.	Hon. Mr. Justice Milton A. Makhandia	Nairobi
6.	Hon. Justice Daniel K. Musinga	Nairobi
7.	Hon. Mr. Justice William Ouko	Nairobi
8.	Hon. Mr. Justice Patrick O. Kiage	Nairobi
9.	Hon. Justice Steven K. Gatembu	Nairobi
10.	Hon. Mr. Justice Kathurima M'Inoti	Nairobi
11.	Hon. Lady Justice Agnes K. Murgor	Nairobi
12	Hon. Prof. James Otieno Odek	Nairobi, Director JTI
KISUMU		
13	HON. MR. JUSTICE E. GITHINJI	PRESIDING JUDGE
14	Hon. Lady Justice Hannah M. Okwengu	Kisumu

15	Hon. Lady Justice Jamila Mohammed	Kisumu
MALINDI/MOMBASA		
16	HON. MR. JUSTICE ALNASHIR M. VISRAM	PRESIDING JUDGE
17	Hon. Lady Justice Wanjiru Karanja	Malindi
18	Hon. Lady Justice Martha Koome	Malindi
NYERI		
19	HON. MR. JUSTICE G.B.M. KARIUKI	PRESIDING JUDGE
20	Hon. Lady Justice Fatuma Sichale	Nyeri
21	Hon. Mr. Justice Sankale Ole Kantai	Nyeri
	HIGH COURT	
	STATION/DIVISION	DESIGNATION/COURT
1	HON. MR. JUSTICE RICHARD M. MWONGO	PRINCIPAL JUDGE
BOMET		
2	HON. MR. JUSTICE MARTIN MUYA	PRESIDING JUDGE
BUNGOMA		
3	HON. MR. JUSTICE SAMUEL N. MUKUNYA	PRESIDING JUDGE Environment & Land Court
4	Hon. Lady Justice Abida Ali-Aroni	High Court
BUSIA		
5	HON. MR. JUSTICE KIARIE WA KIARIE	PRESIDING JUDGE
6	Hon. Mr. Justice Antony Kimani Kaniaru	Environment & Land Court
CHUKA		
7	HON. MR. JUSTICE ROBERT LIMO	PRESIDING JUDGE
8	Hon. Mr. Justice Peter M. Njoroge	Environment & Land Court
ELDORET		
9	HON. MR. JUSTICE GEORGE KANYI KIMONDO	PRESIDING JUDGE
10	Hon. Lady Justice Cecilia Githua	High Court
11	Hon. Mr. Justice David O. Ogembo	High Court
12	Hon. Mr. Justice Antony O. Ombwayo	Environment & Land Court
13	Hon. Lady Justice Millicent Akinyi Obwa (Odeny)	Environment & Land Court
EMBU		
14	HON. LADY JUSTICE FLORENCE MUCHEMI	PRESIDING JUDGE
15	Hon. Mr. Justice Yuvinalis Angima Maronga	Environment & Land Court
GARISSA		

16	HON. MR. JUSTICE GEORGE DULU	PRESIDING JUDGE
17	Hon. Mr. Justice Enock Chirchir Cherono	Environment & Land Court
GARSEN		
18	HON. LADY JUSTICE ASENATH ONGERI	PRESIDING JUDGE
HOMA BAY		
19	HON. LADY JUSTICE HELLEN OMONDI	PRESIDING JUDGE
KAJIADO		
20	HON. MR. JUSTICE REUBEN NYAKUNDI	PRESIDING JUDGE
21	Hon. Lady Justice Christine Atieno Ochieng	ELC
KAKAMEGA		
22	HON. LADY JUSTICE RUTH SITATI	PRESIDING JUDGE
23	Hon. Justice Jesse Nyaga Njagi	High Court
24	Hon. Lady Justice Nelly Matheka Awori	ELC
KABARNET		
25	HON. JUSTICE EDWARD MURIITHI	PRESIDING JUDGE
KAPENGURIA		
26	HON. JUSTICE STEPHEN GITHINJI	PRESIDING JUDGE
KERICHO		
27	HON. LADY JUSTICE MUMBI NGUGI	PRESIDING JUDGE
28	Hon. Lady Justice Jane Muyoti Onyango	Environment & Land Court
29	Hon. Mr. Justice Marete Njagi	ELRC
KERUGOYA		
30	HON. MR. JUSTICE BOAZ OLAO	PRESIDING JUDGE, Environment & Land Court
31	Hon. Lady Justice Lucy Gitari	High Court
KIAMBU		
32	HON. JUSTICE PROF. JOEL NGUGI	PRESIDING JUDGE
KISII		
33	HON. MR. JUSTICE JOSEPH KARANJA	PRESIDING JUDGE
34	Hon. Lady Justice Wilfrida A. Okwany	High Court
35	Hon. Mr. Justice John M. Mutungi	Environment & Land Court

KISUMU		
36	HON. MR. JUSTICE DAVID MAJANJA	PRESIDING JUDGE
37	Hon. Lady Justice Esther Maina	High Court
38	Hon. Lady Justice Thripisa Wanjiku Wamae	High Court
39	Hon. Lady Justice Maureen A. Onyango	ELRC
40	Hon. Mr. Justice Stephen M. Kibunja	Environment & Land Court
KITALE		
41	HON.MR. JUSTICE HILLARY CHEMITEI	PRESIDING JUDGE
42	Hon. Mr. Justice Francis Mwangi Njoroge	Environment & Land Court
KITUI		
43	HON. LADY JUSTICE LILIAN N. MUTENDE	PRESIDING JUDGE
LAIKIPIA (Nanyuki Law Courts)		
44	HON. LADY JUSTICE MARY M. KASANGO	PRESIDING JUDGE
LODWAR		
45	HON. MR. JUSTICE STEPHEN RIECHI*	PRESIDING JUDGE
MACHAKOS		
46	HON. LADY JUSTICE PAULINE NYAMWEYA	PRESIDING JUDGE
47	Hon Mr. Justice David Kipyegon Kemei	High Court
48	Hon. Mr. Justice Oscar A. Angote	Environment & Land Court
MAKUENI		
49	HON.MR. JUSTICE CHALRLLES KARIUKI	PRESIDING JUDGE
50	Hon. Mr. Justice Charles Gitonga Mbogo	Environment & Land Court
MALINDI		
51	HON. MR. JUSTICE WELDON KORIR	PRESIDING JUDGE
52	Hon. Mr. Justice James Otieno Olola	Environment & Land Court
MARSABIT		
53	HON. MR. JUSTICE SAID JUMA CHITEMBWE	PRESIDING JUDGE
MERU		
54	HON. MR. JUSTICE ALFRED MABEYA	PRESIDING JUDGE
55	Hon. Mr. Justice Francis M. Gikonyo	High Court
56	Hon. Lady Justice Anne Colleta Ongijo	High Court
57	Hon. Lady Justice Lucy Ngima Mbugua	Environment & Land Court

MIGORI		
58	HON. MR. JUSTICE ANTHONY CHARO MRIMA	PRESIDING JUDGE
59	Hon. Mr. Justice George M. Atunga Ongondo	Environment & Land Court
MOMBASA		
60	HON. MR. JUSTICE ERIC OGOLA	PRESIDING JUDGE
61	Hon. Mr. Justice Patrick J. Otieno	High Court
62	Hon. Lady Justice Dora Chepkwony	High Court
63	Hon. Lady Justice Mugure Thande	High Court
64	Hon. Lady Justice Margaret N. Mwangi	High Court
-19	Hon. Lady Justice Asenath Ongeru*	High Court
65	Hon. Lady Justice Anne A. Omollo	Environment & Land Court
66	Hon. Lady Justice Loice Chepkemai Komoi	Environment & Land Court
67	Hon. Mr. Justice Charles Kimutai Yano	Environment & Land Court
68	Hon. Mr. Justice James Riika	ELRC
69	Hon. Mr. Justice Onesmus Makau	ELRC
MURANGA		
70	HON. MR. JUSTICE HATARI WAWERU	PRESIDING JUDGE
71	Hon. Lady Justice Grace Jemutai Kemei	ELC
NAIROBI (Milimani High Court)		
CIVIL DIVISION		
72	HON. MR. JUSTICE MBOGHOLI MSAGHA	PRESIDING JUDGE
-1	Hon. Mr. Justice Richard Mwongo *	
73	Hon. Mr. Justice Joseph K. Seron	
74	Hon. Lady Justice Beatrice N.T. Jaden	
75	Hon. Mr. Stephen Riechi*	
76	Hon. Lady Justice Lucy Muihaki Njuguna	
COMMERCIAL DIVISION		
77	HON. MR. JUSTICE FRED OCHIENG	PRESIDING JUDGE
78	Hon. Mr. Justice Francis Tuiyott	
79	Hon. Lady Justice Grace Nzioka	
80	Hon. Lady Justice Olga Sewe Akech	
81	Hon. Mr. Justice Joseph Onguto	
82	Hon. Lady Justice Rachel Ngetich	
CONSTITUTIONAL & HUMAN RIGHTS DIVISION		
83	HON. JUSTICE ENOCK CHACHA MWITA	PRESIDING JUDGE
84	Hon. Justice John Muting'a Mativo	Judge

CRIMINAL DIVISION		
85	HON. LADY JUSTICE JESSIE LESIIT	PRESIDING JUDGE
86	Hon. Mr. Justice Luka Kimaru	
87	Hon. Lady Justice Stella Mutuku	
88	Hon. Mr. Justice James Wakiaga	
89	Hon. Lady Justice Grace Ngenye	
FAMILY DIVISION		
90	HON. MR. JUSTICE AGGREY O. MUCHELULE	PRESIDING JUDGE
	Hon. Lady Justice Rose Ougo	
91	Hon. Lady Justice Lydia A. Achode *	
92	Hon. Lady Justice Margaret Muigai	
93	Hon. Mr. Justice William Musyoka	
94	Hon. Lady Justice Farah S.A. Mohamed	
95	Hon. Mr. Justice John Nyabuto Onyiego	
JUDICIAL REVIEW DIVISION		
96	HON. MR. JUSTICE GEORGE ODUNGA	PRESIDING JUDGE
97	Hon. Lady Justice Roselyn Aburili.	
ANTI-CORRUPTION AND ECONOMIC CRIMES DIVISION		
98	HON. LADY JUSTICE HEDWIG ONG'UNDI	PRESIDING JUDGE
* * *	Hon. Lady Justice Lydia A. Achode *	
ENVIRONMENT AND LAND COURT DIVISION (NAIROBI)		
99	HON. MR. JUSTICE SAMSON ODHIAMBO OKONG'O	PRESIDING JUDGE
100	Hon. Lady Justice Mary Gitumbi	
101	Hon. Mr. Justice Elijah Obaga	
102	Hon. Lady Justice Antonina Kossy Bor	
103	Hon. Mr. Justice Benard Mweresa Eboso	
EMPLOYMENT AND LABOUR RELATIONS COURT DIVISION		
104	HON. MR. JUSTICE NDERI NDUMA	PRINCIPAL JUDGE
105	Hon. Lady Justice Monica Mbaru	
106	Hon. Lady Justice Hellen Wasilwa	
107	Hon. Mr. Justice Nelson Abuodha	
108	Hon. Lady Justice Linet Ndolo Ngume	
109	Hon. Mr. Justice Nzioki Wa Makau	
NAIVASHA		
110	HON. LADY JUSTICE CHRISTINE MEOLI	PRESIDING JUDGE

NAKURU		
111	HON. LADY JUSTICE MAUREEN ODERO	PRESIDING JUDGE
112	Hon. Lady Justice Janet Mulwa	High Court
113	Hon. Mr. Justice Anthony Ndungu	High Court
114	Hon..Lady Justice Roselyn L. Korir	High Court
115	Hon. Mr. Justice Munyao Sila	Environment & Land Court
	Hon. Mr. Justice Dalmas Omondi Ohungo	Environment & Land Court
116	Hon. Mr. Justice Stephen O. Radido	ELRC
NAROK		
117	HON. MR. JUSTICE JUSTUS BWONWONG'A	PRESIDING JUDGE
118	Hon. Mr. Justice Mohammed Kullow	Environment & Land Court
NYAMIRA		
119	HON. MR. JUSTICE CRISPIN NAGILLA	PRESIDING JUDGE
NYANDARUA		
120	HON. LADY JUSTICE ROSELINE WENDOH	PRESIDING JUDGE
121	Hon. Lady Justice Mary C. Oundo	Environment & Land Court
NYERI		
122	HON. MR. JUSTICE JAIRUS NGAA	PRESIDING JUDGE
123	Hon. Lady Justice Abigail Mshila	High Court
124	Hon. Lady Justice Teresia Mumbua Matheka	High Court
125	Hon. Lady Justice Njoki Waithaka	Environment & Land Court
126	Hon. Mr. Justice Byram Ongaya	ELRC
SIAYA		
127	HON. MR. JUSTICE JAMES AARON MAKAU	PRESIDING JUDGE
THIKA		
128	HON. LADY JUSTICE NYAMBURA GACHERU	ELC
VOI		
129	HON. LADY JUSTICE NANCY J. N. KAMAU	PRESIDING JUDGE
LODWAR		
130	HON. MR. JUSTICE STEPHEN RIECHI	PRESIDING JUDGE

** Hon. Mr. Justice Riechi to also serve and oversee Lodwar High Court

** Hon. Lady Justice Asenath Ongeru to also serve and oversee Garsen/Hola High Court

** Hon. Lady Justice Lydia A. Achode will serve in the Anti-Corruption and Economic Crimes Division

1.2 Annex2: List of Magistrates for the FY2016/2017

CHIEF REGISTRAR	
HON. ANN AMADI	Nairobi
DEPUTY CHIEF REGISTRAR	
VACANT	Nairobi
OFFICE OF REGISTRAR	
SUPREME COURT	
Esther Nyaiyaki	Registrar
Hon. Daniel Ole Keiwua	Deputy Registrar, Senior Principal Magistrate
COURT OF APPEAL - NAIROBI	
Hon. Moses K. Serem	Registrar
Hon. Hon. Paul K. Rotich	Deputy Registrar (Malindi)
Anne Wanjiku Nyoike	Senior Resident Magistrate
HIGH COURT	
Hon. Judith Omenge	Registrar
Hon. Rosemary Kimingi	Chief Magistrate
Hon. Jane Kemunto Ocharo	Senior Resident Magistrate
OFFICE OF THE PRINCIPAL JUDGE	
Hon. Dennis Mikoyah	Ag. Chief Officer, Senior Principal Magistrate
EMPLOYMENT & LABOUR RELATIONS COURT	
Hon. Kennedy L. Kandet	Registrar
Hon. Ngumi Wangeci	Senior Resident Magistrate
Hon. Daisy Chebet Mutai	Deputy Registrar
ENVIRONMENT AND LAND COURT	
Hon. Rose Nyanunga Makungu	Ag. Registrar
REGISTRAR MAGISTRATE COURTS	
Hon. Peter M. Mulwa	Registrar
Hon. Caroline Kabucho	Assistant Registrar
TRIBUNALS	
Anne Asuga	Ag. Registrar
JUDICIAL SERVICE COMMISSION	
Hon. Wilfrida Mokaya	Registrar
Hon. Bernard O. Ochieng	Senior Principal Magistrate
OFFICE OF THE CHIEF JUSTICE	
Hon. Moses Wanyonyi Wanjala	Senior Resident Magistrate

OFFICE OF THE JUDICIARY OMBUDSPERSON	
Hon. Herbert Inonda Mwendwa	Resident Magistrate
OFFICE OF THE CHIEF REGISTRAR	
Hon. Joseph Were	Principal Magistrate
COMMUNITY SERVICE ORDER COORDINATOR	
Hon. Benjamin A. Mitullah	Senior Principal Magistrate
JUDICIARY TRAINING INSTITUTE	
Hon. Sammy Aswani Opande	Senior Resident Magistrate
Hon. Charles Nchore Ondieki	Senior Resident Magistrate
Hon. Monica Nasiche Munyendo	Senior Resident Magistrate
Hon. Becky Mulemia Cheloti	Resident Magistrate
JUDICIARY COMMITTEE ON ELECTIONS	
Hon. Lillian Arika	Senior Principal Magistrate
MILIMANI LAW COURTS	
HIGH COURT DEPUTY REGISTRARS	
Hon. Jacob ole Kipury	Chief Magistrate - DR HC CA
Hon. Rose A.A. Otieno	Senior Principal Magistrate – DR Dismissals
Hon. Elizabeth Chepkoech Tanui	Principal Magistrate – DR Commercial
Hon. Claire Nanjala Wanyama	Resident Magistrate – DR Commercial
Hon. Faith Kawira Muguongo	Resident Magistrate – DR Criminal
Hon. Caroline J. Kendagor	Senior Resident Magistrate – DR Family
Hon. Wilson Rading Outa	Resident Magistrate – DR Family
Hon. Mukabi Kimani	Resident Magistrate – DR Family
Hon. Isabela Nekesa Barasa	Resident Magistrate – DR ELC
Hon. Sharon Muteitsi Mwayuli	Resident Magistrate – DR ELC
Hon. Rosaline Adhiambo Aganyo	Resident Magistrate – DR Criminal
Hon. Allan Temba Sitati	Senior Resident Magistrate – DR Civil
Hon. Fatuma Mwanza Rashid	Senior Resident Magistrate – DR Civil
Hon. Esther Wangare Mburu	Resident Magistrate – DR Const. & JR.
CHIEF MAGISTRATES' COURT	
Hon. Francis Andayi	Chief Magistrate
Hon. Martha W. Mutuku	Senior Principal Magistrate
Hon. Kenneth Kipkurui Cheruiyot	Principal Magistrate
Hon. Peter Oduor Ooko	Principal Magistrate
Hon. Hellen Onkwani	Senior Resident Magistrate
Hon. Miriam Mugure Peter	Resident Magistrate
Hon. Christine Mukami Njagi	Resident Magistrate
Hon. Sinkiyian Nkini Tobiko	Resident Magistrate
ANTI-CORRUPTION COURT	
Hon. Kennedy Bidali	Chief Magistrate (Ombusperson)
Hon. Lawrence N. Mugambi	Chief Magistrate
Hon. Felix Kombo	Senior Principal Magistrate

TRAFFIC COURT	
Hon. Benson Musyoki Nzakyo	Senior Resident Magistrate
Hon. Electer Akoth Riany	Senior Resident Magistrate
CHILDRENS' COURT	
Hon. Theresa Nyangena	Principal Magistrate
Hon. Zipporah Wawira Gichana	Senior Resident Magistrate
Hon. Mary Anjao Otindo	Senior Resident Magistrate
Hon. Gerhard Gitonga Muchege	Senior Resident Magistrate
Hon. Hellen Malikia Siika	Resident Magistrate
CITY COUNTY COURT	
Hon. Roselyne Oganyo	Chief Magistrate
Hon. Mary Wanja Njagi	Principal Magistrate
Hon. Selina Nelima Muchungi	Resident Magistrate
COOPERATIVE TRIBUNAL	
Hon. Alex Ithuku	Senior Principal Magistrate
Hon. Cecilia Karimi Kithinji	Senior Resident Magistrate
MILIMANI COMMERCIAL COURTS	
Hon. Peter Gesora	Chief Magistrate
Hon. Ameyo Edna Asachi Nyaloti	Chief Magistrate
Hon. Elizabeth Katiwa Usui	Senior Principal Magistrate
Hon. Grace Mmasi	Senior Principal Magistrate
Hon. Mildred Obura	Senior Principal Magistrate
Hon. David Mburu Wanjohi	Principal Magistrate
Hon. Duke Atuti Ocharo	Senior Resident Magistrate
Hon. Isaac Karasi Orenge	Senior Resident Magistrate
Hon. Esther Nasimiyu Wanjala	Senior Resident Magistrate
Hon. David Mbeja Obonyo	Senior Resident Magistrate
Hon. Peter Omuyeke Muholi	Senior Resident Magistrate
Hon. Leah Wandia Kabaria	Senior Resident Magistrate
Hon. Irene Wangui Gichobi	Senior Resident Magistrate
Hon. Margaret Wanjeri Murage	Resident Magistrate
KADHIS' COURT - UPPERHILL	
Hon. Rashid A. Omar	Deputy Chief Kadhi
Hon. Ishaq Abduljabar Hussein	Kadhi I
MAKADARA LAW COURTS	
Hon. Emily Ominde	Chief Magistrate
Hon. Heston N. Nyaga	Chief Magistrate
Hon. Angelo Kithinji Rwito	Senior Principal Magistrate
Hon. Ase Meresia Opondo	Senior Resident Magistrate
Hon. Stephen Samuel Wadida Jalang'o	Senior Resident Magistrate
Hon. Eva Kanyiri Kaimenyi	Senior Resident Magistrate
Hon. Jacqueline Chepkoech Kibosia	Senior Resident Magistrate

Hon. Alice Wambui Macharia	Senior Resident Magistrate
Hon. William Otieno Oketch	Senior Resident Magistrate
Hon. Eunice Cherotich Kimaiyo	Senior Resident Magistrate
KIBERA LAW COURT	
Hon. Joyce Mkambe Gandani	Chief Magistrate
Hon. Elizabeth Nyarangi Juma	Senior Principal Magistrate
Hon. Esther Boke	Senior Principal Magistrate
Hon. Bernard Ochoi	Principal Magistrate
Hon. Barbara Ojoo	Principal Magistrate
Hon. Derrick Khaemba Kuto	Senior Resident Magistrate
Hon. Faith Mueni Mutuku	Senior Resident Magistrate
Hon. Jane Wambui Kamau	Resident Magistrate
Hon. Dogo Sheikh Kabasoo	Kadhi II
JKIA LAW COURTS	
Hon. Lucas O. Onyina	Senior Principal Magistrate
Hon. Caroline Muthoni Nzibe	Resident Magistrate
NYANZA PROVINCE	
KISUMU LAW COURTS	
Hon. Julius K. Ng'arng'ar	Chief Magistrate
Hon. Christopher Yalwala	Principal Magistrate
Hon. Joanne N. Wambilyanga	Principal Magistrate – DR CoA
Hon. Phylis Lusuah Shinyanda	Senior Resident Magistrate
Hon. Kemunto Winfrida Onkunya	Senior Resident Magistrate
Hon. Angeline Achieng A. Odawo	Resident Magistrate
Hon. Rose Mugeni Ndombi	Resident Magistrate
Hon. Pauline Wangari Mbulika	Resident Magistrate – DR HC
Hon. Martha Awidhi Agutu	Resident Magistrate
Hon. Rashid Kokonya Otundo	Kadhi I
WINAM LAW COURTS	
Hon. Bernard Kasavuli	Senior Resident Magistrate
Hon. Carolyn Naliaka Njalale	Resident Magistrate
Hon. Jocelyne Rino Kimeto	Resident Magistrate
MASENO LAW COURTS	
Hon. Dolphine Okundi	Senior Principal Magistrate
Hon. Kipngeno Reuben S. aka Sang	Senior Resident Magistrate
Hon. Barnabas Kibet Kiptoo	Resident Magistrate
SIAYA LAW COURTS	
Hon. James Ongondo	Principal Magistrate
Hon. Celesa Asis Okore	Senior Resident Magistrate
Hon. Tom Mark Olando	Senior Resident Magistrate
BONDO LAW COURTS	
Hon. Moses Oyoko Obiero	Principal Magistrate

Hon. Edwin Wasike Nyongesa	Senior Resident Magistrate
UKWALA LAW COURTS	
Hon. Gladys Adhiambo	Senior Resident Magistrate
Hon. Christabel Irene Agutu	Resident Magistrate
NYANDO LAW COURTS	
Hon. Patrick Olengo	Principal Magistrate
Hon. Millicent Chepkurui Nyigei	Resident Magistrate
TAMU LAW COURTS	
Hon. Purity Chepkorir Koskey	Senior Resident Magistrate
Hon. Everlyne Makungu Onzere	Senior Resident Magistrate
HOMA-BAY LAW COURTS	
Hon. Thomas Obutu Atanga	Senior Principal Magistrate
Hon. Susan Ndegwa	Principal Magistrate
Hon. Paul Mutia Mayova	Senior Resident Magistrate
Hon. Lester Simiyu	Senior Resident Magistrate
Hon. Nyaboga Idris Nyamagosa	Kadhi II
MBITA LAW COURTS	
Hon. Samson Ongeru Omwenga	Principal Magistrate
Hon. Japheth Cheruiyot Bii	Resident Magistrate
NDHIWA LAW COURTS	
Hon. Mary Ashisero Akala	Senior Resident Magistrate
MIGORI LAW COURTS	
Hon. Richard O. Odenyo	Senior Principal Magistrate
Hon. Edwin Nyaga Muriuki	Principal Magistrate
Hon. Martin Maina Wachira	Senior Resident Magistrate
Hon. Adan Ibrahim Tullu	Kadhi I
RONGO LAW COURTS	
Hon. Raymond Kibet Langat	Senior Resident Magistrate
Hon. Charles Mwaniki Kamau	Resident Magistrate
OYUGIS LAW COURTS	
Hon. Joseph Ndururi	Principal Magistrate
Hon. John Paul Nandi	Senior Resident Magistrate
Hon. Joy Shiundu Wesonga	Senior Resident Magistrate
KISII LAW COURTS	
Hon. John N. Muniu	Chief Magistrate
Hon. Ruth B. Nabwire Maloba	Senior Resident Magistrate
Hon. Stephen Onjoro Khachuenu	Senior Resident Magistrate
Hon. Virginia Karanja	Senior Resident Magistrate – DR HC
Hon. Symphie Nekesa Makila	Resident Magistrate

NYAMIRA LAW COURTS	
Hon. Eunice Kagure Nyutu	Principal Magistrate
Hon. Alice Chemosop Towett	Resident Magistrate
OGEMBO LAW COURTS	
Hon. Naomi Wairimu	Principal Magistrate
Hon. Caroline R.T. Ateya	Resident Magistrate
KEROKA LAW COURTS	
Hon. James N. Mwaniki	Senior Principal Magistrate
Hon. Racheal Njoki Kahara	Resident Magistrate
KEHANCHI LAW COURTS	
Hon. Peter Ndwiga	Senior Principal Magistrate
Hon. George Rachemi Sagero	Senior Resident Magistrate
WESTERN REGION:	
KAKAMEGA LAW COURTS	
Hon. Bildad Ochieng	Chief Magistrate
Hon. Haxel Wandere	Principal Magistrate
Hon. Benson Sikuku Khapoya	Senior Resident Magistrate - DR HC
Hon. Malesi Eric Kidali	Senior Resident Magistrate
Hon. Sheikh Shaban Issa Muhammed	Kadhi II
MUMIAS LAW COURTS	
Hon. Teresia A. Odera	Senior Principal Magistrate
Hon. Charity Cheruto Kipkorir	Senior Resident Magistrate
Hon. Fredrick Mayaka Nyakundi	Resident Magistrate
BUTERE LAW COURTS	
Hon. Felix Makoyo Omweri	Senior Resident Magistrate
Hon. Maureen Iberia Shimenga	Resident Magistrate
BUTALI LAW COURTS	
Hon. Evans W. Muleka	Senior Resident Magistrate
Hon. Tony Kipkorir a.k.a. Tony Kwambai	Resident Magistrate
VIHIGA LAW COURTS	
Hon. Jacinta Atieno Orwa	Principal Magistrate
Hon. Willy Kipkoech Cheruiyot	Resident Magistrate
HAMISI LAW COURTS	
Hon. Maureen Lambisia Nabibya	Senior Resident Magistrate
Hon. Dennis Onyango Ogal	Resident Magistrate
Hon. Ally Wayu Bakari	Kadhi II
BUNGOMA LAW COURTS	
Hon. John G. King'ori	Chief Magistrate

Hon. Charles Soi Mutai	Principal Magistrate
Hon. Stephen O. Mogute	Principal Magistrate
Hon. Elias Ngugi Mwenda	Senior Resident Magistrate
Hon. Gabriel Peter Omondi	Senior Resident Magistrate
Hon. Sebastian G.O. Ratori	Principal Kadhi
WEBUYE LAW COURTS	
Hon. Thomas Muraguri	Senior Principal Magistrate
Hon. Nancy Nang'uni Barasa	Senior Resident Magistrate
KIMILILI LAW COURTS	
Hon. Dickson Odhiambo Onyango	Senior Principal Magistrate
Hon. Christine Achieng Menya	Resident Magistrate
SIRISIA LAW COURTS	
Hon. Lilian Nafula Kiniale	Senior Principal Magistrate
Hon. Caroline Mutenyo Watimmah	Resident Magistrate
BUSIA LAW COURTS	
Hon. William Chepseba	Chief Magistrate
Hon. George Njenga Wakahiu	Chief Magistrate
Hon. Martha Nanzushi Anyona	Senior Resident Magistrate
Hon. Josephine Nyatuga Maragia	Resident Magistrate
Hon. Opacha Jamal Omodoi	Kadhi II
RIFT VALLEY REGION:	
NAKURU LAW COURTS	
Hon. Godfrey Oduor	Chief Magistrate
Hon. Joel K. Ng'eno	Chief Magistrate
Hon. Josephat Burudi Kalo	Chief Magistrate
Hon. Liz Lynne W. Gicheha	Senior Principal Magistrate
Hon. Victor Ndururu	Senior Principal Magistrate
Hon. Ben Mararo	Principal Magistrate
Hon. Joe Mkutu Omido	Principal Magistrate
Hon. Judicaster Nthambi Nthuku	Senior Resident Magistrate
Hon. Faith K. Munyi	Senior Resident Magistrate
Hon. Kelly Eunice Aoma	Resident Magistrate
Hon. Wilson Kipchumba Kitur	Resident Magistrate
Hon. Daisy J. Mosse	Resident Magistrate
Hon. Nancy Mwende Nzau Makau	Resident Magistrate
Hon. Abdilaziz Maalim Mohamed	Kadhi I
NAIVASHA LAW COURTS	
Hon. Dominica Nyambu	Chief Magistrate
Hon. Esther Kimilu	Principal Magistrate
Hon. Lyna Sarapai	Senior Resident Magistrate (study leave)
Hon. Renee Musimbi Kitagwa	Resident Magistrate
Hon. Zainab Abdul Rahaman	Resident Magistrate – DR HC

MOLO LAW COURTS	
Hon. Samuel Wahome	Chief Magistrate
Hon. James Helekia Sijenyi Wanyanga	Resident Magistrate
Hon. Ritah Mukungu Amwayi	Resident Magistrate
ELDORET LAW COURTS	
Hon. Charles Obulutsa	Chief Magistrate
Hon. Margaret Wambani Onditi	Chief Magistrate
Hon. Harrison Barasa Omwima	Principal Magistrate
Hon. Mildred Munyekenye	Principal Magistrate – DR HC
Hon. Stella Nekesa Telewa	Resident Magistrate
Hon. Nicodemus Nyamwega Moseti	Resident Magistrate
Hon. Emily Chemeli Kigen	Resident Magistrate
Hon. Issack Hassan Mohamed Noor	Kadhi I
KAPSABET LAW COURTS	
Hon. Dolphina A. A. Kayila	Senior Principal Magistrate
Hon. Ezekiel Angaga Obina	Senior Resident Magistrate
Hon. Cheronoh M. Kesse	Senior Resident Magistrate
KITALE LAW COURTS	
Hon. Patrick Wandera	Chief Magistrate
Hon. Paul Biwott	Senior Principal Magistrate
Hon. Mary Immaculate Gwaro	Principal Magistrate
Hon. Dorcas Wangeci Maiteri	Senior Resident Magistrate – DR HC
Hon. Vincent Okello Adet	Senior Resident Magistrate
Hon. Grace Nasike Sitati	Resident Magistrate
Hon. Peter Wabomba Wasike	Resident Magistrate
KERICHO LAW COURTS	
Hon. Samuel Mokua	Chief Magistrate
Hon. Catherine Kinya Mungania	Senior Resident Magistrate
Hon. Solomon K. Ngetich	Senior Resident Magistrate
Hon. Bernard Kipyegon Rugut	Senior Resident Magistrate
Hon. Judith Achieng Nyagol	Resident Magistrate
Hon. Byson Benjamin Limo	Resident Magistrate
Hon. Sambul M. Muhiyidin	Kadhi II
SOTIK LAW COURTS	
Hon. Bernard Obae Omwansa	Senior Resident Magistrate
Hon. Chrispine Oruo	Resident Magistrate
BOMET LAW COURTS	
Hon. Pamela Achieng	Principal Magistrate
Hon. Maureen Cherono Nyigei	Senior Resident Magistrate
ITEN LAW COURTS	
Hon. Hezron Moibi Nyaberi	Senior Principal Magistrate
Hon. Nelly Chepchirchir	Resident Magistrate

KABARNET LAW COURTS	
Hon. Samson. O. Temu	Principal Magistrate
Hon. Nerolyne Miraho Iagwa	Resident Magistrate
ELDAMA - RAVINE LAW COURTS	
Hon. John Tamar	Principal Magistrate
Hon. Rhoda Yator	Senior Resident Magistrate
NAROK LAW COURTS	
Hon. Wilbroda Juma	Chief Magistrate
Hon. Tito Maoga Gesora	Senior Principal Magistrate
Hon. Hosea Mwangi Ng'ang'a	Senior Resident Magistrate
KILGORIS LAW COURTS	
Hon. Robert M. Oanda	Principal Magistrate
Hon. Dennis Kiprono Matutu	Senior Resident Magistrate
KAJIADO LAW COURTS	
Hon. Susan M. Shitubi	Chief Magistrate
Hon. Magaret A. Kasera	Principal Magistrate
Hon. Maisy Pauline Chesang	Resident Magistrate
Hon. Juma Khamisi Tsamuo	Kadhi I
LOITOKTOK LAW COURTS	
Hon. Mathias Okuche	Senior Resident Magistrate
NGONG LAW COURTS	
Hon. Stephen Mbungi	Chief Magistrate
Hon. Lorraine Dinna Ogombe	Senior Resident Magistrate
KAPENGURIA LAW COURTS	
Hon. Douglas Machage	Principal Magistrate
Hon. Phoebe Yiswa Kulecho	Resident Magistrate
MARALAL LAW COURTS	
Hon. Richard Kipkemoi koech	Principal Magistrate
Hon. Abraham Karugia Gachie	Senior Resident Magistrate
LODWAR LAW COURTS	
Hon. Mwangi Karimi Mwangi	Principal Magistrate
Hon. Christine Wekesa Mulongo	Senior Resident Magistrate – DR HC
KAKUMA LAW COURTS	
Hon. Jackline Wekesa Mukhwana	Senior Resident Magistrate
Hon. Kunyuk John Tito	Kadhi I
NANYUKI LAW COURTS	
Hon. Lucy Mutai	Chief Magistrate

Hon. Josephat W. Gichimu	Principal Magistrate
Hon. Evanson Bett	Senior Resident Magistrate – DR HC
NYAHURURU LAW COURTS	
Hon. Judith Wanjala	Chief Magistrate
Hon. Ocharo Momanyi	Senior Resident Magistrate
Hon. Susan Njeri Mwangi	Senior Resident Magistrate
Hon. Victoria Achieng Ochanda	Resident Magistrate
Hon. Alice Wairimu Mukenga	Resident Magistrate
CENTRAL REGION:	
NYERI LAW COURTS	
Hon. Wendy Micheni	Chief Magistrate
Hon. Philip Mutua	Senior Principal Magistrate
Hon. Harrison Adika Musa Sajide	Senior Resident Magistrate – DR CoA
Hon. Ruth Kefa Chebesio	Senior Resident Magistrate
Hon. Onesmus K. Towett	Senior Resident Magistrate
Hon. Nelly Wangechi Kariuki	Resident Magistrate – DR HC
Hon. Catherine Wanjugu Mburu	Resident Magistrate
Hon. Kutwaa Mohammed Abdalla	Principal Kadhi
OTHAYA LAW COURTS	
Hon. Ben Mark Ekhubi	Senior Resident Magistrate
Hon. David Muchangi Ireri	Resident Magistrate
KARATINA LAW COURTS	
Hon. Florence Wangari Macharia	Senior Principal Magistrate
Hon. Elvis Michieka	Resident Magistrate
MUKURWEINI LAW COURTS	
Hon. Robinson O. Oigara	Principal Magistrate
Hon. Victor Otieno Chianda	Senior Resident Magistrate
MURANG'A LAW COURTS	
Hon. Margaret Wachira	Chief Magistrate
Hon. Antony Mwicigi	Principal Magistrate
Hon. Walter Onchuru	Principal Magistrate
Hon. Eric Otieno Wambo	Senior Resident Magistrate – DR HC
Hon. Malampu Abdilatif Silau	Kadhi I
KANGEMA LAW COURTS	
Hon. Jared O. Magori	Senior Principal Magistrate
Hon. Dennis Mungai Kivuti	Senior Resident Magistrate
KIGUMO LAW COURTS	
Hon. Agnes Mwangi Wahito	Senior Resident Magistrate
Hon. Agneta Atieno Ndege Ogonda	Resident Magistrate
THIKA LAW COURTS	

Hon. Theresa Murigi	Chief Magistrate
Hon. Anne Mwangi	Senior Principal Magistrate
Hon. Benson Ireri	Principal Magistrate
Hon. Clarence Otieno	Principal Magistrate
Hon. Grace A. Omodho	Senior Resident Magistrate
Hon. Jerop Brenda Bartoo	Resident Magistrate
Hon. Vicky Adhiambo Kachuodho	Resident Magistrate
Hon. Zaharani Omar	Kadhi I
GATUNDU LAW COURTS	
Hon. Letizia M. Mwangi	Senior Principal Magistrate
Hon. Emily Nyongesa Nafula	Senior Resident Magistrate
Hon. Carolyn Nyaguthii Mugo	Resident Magistrate
KANDARA LAW COURTS	
Hon. Manuela Wanjiru Kinyanjui	Senior Resident Magistrate
Hon. Margaret Wangare Kurumbu	Resident Magistrate
KIAMBU LAW COURTS	
Hon. Patricia Gichohi	Chief Magistrate
Hon. Stella Atambo	Senior Principal Magistrate
Hon. Justus Mulei Kituku	Principal Magistrate
Hon. Bryan Khaemba Mandila	Senior Resident Magistrate
Hon. Simon Kaigongi Arome	Resident Magistrate – DR HC
GITHUNGURI LAW COURTS	
Hon. Charles Ariba Kutwa	Principal Magistrate
Hon. Melanie Celestine A. Awino	Senior Resident Magistrate
KIKUYU LAW COURTS	
Hon. Daniel M. Ngali	Principal Magistrate
Hon. Geoffrey Onsarigo Osoro	Resident Magistrate
LIMURU LAW COURTS	
Hon. Everlyne S. A. Owande	Senior Principal Magistrate
Hon. Njalale Karen Mukhaye	Senior Resident Magistrate
Hon. Sandra Achieng Ogot	Resident Magistrate
ENGINEER LAW COURTS	
Hon. Martin Kinyua Mutegi	Senior Resident Magistrate
Hon. Georgina Nasaakopakasi	Resident Magistrate
KERUGOYA LAW COURTS	
Hon. Samuel Soita	Chief Magistrate
Hon. Juliet Atema Kasam	Senior Resident Magistrate – DR HC
Hon. Yusuf Barasa Mukhula Barasa	Resident Magistrate
BARICHO LAW COURTS	
Hon. Evans Hezekiah Keago	Senior Principal Magistrate

Hon. Monicah Njoki Kivuti	Resident Magistrate
GICHUGU LAW COURTS	
Hon. Agnes Ndunge Makau	Senior Resident Magistrate
Hon. Mercy Nasimiyu Wanyama	Senior Resident Magistrate
WANG'URU LAW COURTS	
Hon. Peter N. Kiama	Senior Principal Magistrate
Hon. Daffline Nyaboke Sure	Resident Magistrate Magistrate
EASTERN REGION:	
EMBU LAW COURTS	
Hon. Maxwell Gicheru	Chief Magistrate
Hon. Samuel Kiprotich Mutai	Principal Magistrate
Hon. Vincent Obondi Nyakundi	Senior Resident Magistrate - DR HC
Hon. Julian Kabugo Ndeng'eri	Resident Magistrate
RUNYENJES LAW COURTS	
Hon. Beatrice Muthoni Kimemia	Senior Principal Magistrate
Hon. Lawrence Kyasya Mwendwa	Senior Resident Magistrate
SIKAKO LAW COURTS	
Hon. Thomas Nzyoki	Senior Principal Magistrate
Hon. Jackson Obuya Omwange	Resident Magistrate
MERU LAW COURTS	
Hon. Hannah Njeri Ndunh'u	Chief Magistrate
Hon. Lucy Ambasi	Chief Magistrate
Hon. Stella Nabwire Abuya	Senior Principal Magistrate
Hon. Monica Nyarango Nyakundi	Principal Magistrate
Hon. Carolyne Kenda Obara	Principal Magistrate – DR HC
Hon. Evans Ayiema Mbicha	Senior Resident Magistrate
CHUKA LAW COURTS	
Hon. Mwakwambirwa M. Sudi	Senior Resident Magistrate
Hon. Linda Akosa Mumassabba	Resident Magistrate
MARIMANTI LAW COURTS	
Hon. Linus Nyakundi Mesa	Senior Resident Magistrate
Hon. Stephen Munene Nyaga	Resident Magistrate
NKUBU LAW COURTS	
Hon. Joan Irura	Senior Resident Magistrate
Hon. Ezra Masira Ayuka	Resident Magistrate
GITHONGO LAW COURTS	
Hon. Charles Alberto Obonyo Mayamba	Senior Resident Magistrate
Hon. Caroline Kemei	Resident Magistrate
MAUA LAW COURTS	

Hon. Douglas Nyambane Ogoti	Chief Magistrate
Hon. Andrew Githinji Munene	Senior Resident Magistrate
Hon. John Waweru Wang'ang'a	Resident Magistrate
Hon. Oscar Muigai Ruguru Wanyaga	Resident Magistrate
Hon. Muriuki Nicholas Murithi	Kadhi II
TIGANIA LAW COURTS	
Hon. Sogomo Gathogo	Senior Resident Magistrate
Hon. Paul Matanda Wechuli	Resident Magistrate
MACHAKOS LAW COURTS	
Hon. Alfred G. Kibiru	Chief Magistrate
Hon. Abdulgadir R. Lorot	Senior Principal Magistrate
Hon. Carolyn Ocharo	Principal Magistrate
Hon. Lucy Chebet Kaityany	Senior Resident Magistrate – DR HC
Hon. Irene Marcia Kahuya	Senior Resident Magistrate
Hon. Yusuf Abdalla Shikanda	Senior Resident Magistrate
Hon. Kibelion Kipkurui	Senior Resident Magistrate
Hon. Catherine Khakasa Kisiangani	Resident Magistrate
Hon. Mwaito Salim Juma	Kadhi I
MAVOKO LAW COURTS	
Hon. Linus Pogh'on Kassan	Senior Principal Magistrate
Hon. Peter Oduor Ooko	Senior Principal Magistrate
Hon. Jacqueline Adhiambo Agonda	Senior Resident Magistrate
KITHIMANI LAW COURTS	
Hon. Gilbert Omuyaku Shikwe	Senior Resident Magistrate
Hon. Eva Wanjiku Wambugu	Resident Magistrate
KANGUNDO LAW COURTS	
Hon. Desderias Orimba	Senior Principal Magistrate
Hon. Martha Akoth Opanga	Senior Resident Magistrate
Hon. Eddah Savai Agande	Resident Magistrate
TAWA LAW COURTS	
Hon. Margaret Nafula Makokha	Senior Resident Magistrate
Hon. Christine Asuna Okello	Resident Magistrate
MAKUENI LAW COURTS	
Hon. Corilus Osero Nyawiri	Senior Resident Magistrate
Hon. Irene Ruguru Ngotho	Senior Resident Magistrate
KILUNGU LAW COURTS	
Hon. Patrick Wambugu Mwangi	Senior Resident Magistrate
Hon. Elizabeth Murugi Muiru	Senior Resident Magistrate
MAKINDU LAW COURTS	
Hon. Gerald Muuo Mutiso	Principal Magistrate

Hon. David Munyao Ndungi	Senior Resident Magistrate
KITUI LAW COURTS	
Hon. Mary Anne Murage	Chief Magistrate
Hon. Johnstone Munguti	Principal Magistrate
Hon. Rose Ombata	Resident Magistrate – DR HC
Hon. Ali Dida Wako	Kadhi II
MUTOMO LAW COURTS	
Hon. Joseph N. Nyakundi	Senior Principal Magistrate
Hon. Stephen Kalai Ngii	Senior Resident Magistrate
MWINGI LAW COURTS	
Hon. Kibet Sambu	Senior Principal Magistrate
Hon. Grace Wangui Kirugumi	Senior Resident Magistrate
Hon. Karanja Thulkif Waweru	Kadhi II
KYUSO LAW COURTS	
Hon. Bethwel Kimutai Matata	Senior Resident Magistrate
Hon. John Ochoe Aringo	Resident Magistrate
MARSABIT LAW COURTS	
Hon. Boaz Maura Ombewa	Principal Magistrate
Hon. Tom Mbayaki Wafula	Resident Magistrate
Hon. Abdullahi Mohammed	Principal Kadhi
ISIOLO LAW COURTS	
Hon. Samuel M. Mungai	Chief Magistrate
Hon. Robert Gitau Mundia	Senior Resident Magistrate
Hon. Aathman Abduhalim Hussein	Principal Kadhi
Hon. Galgalo Adan	Kadhi I - Garbatulla
Hon. Mustafa Guyo Shunu	Kadhi II - Merti
MOYALE LAW COURTS	
Hon. Edward Kiprono Too	Senior Resident Magistrate
Hon. Simon Kimani Mburu	Senior Resident Magistrate
Hon. Ali Dida Wako	Kadhi I
COAST REGION:	
MOMBASA LAW COURTS	
Hon. Evans K. Makori	Chief Magistrate
Hon. Julius Mukut Nangea	Chief Magistrate
Hon. Francis N. Kyambia	Senior Principal Magistrate
Hon. Charles N. Ndegwa	Senior Principal Magistrate
Hon. Henry Nyabuto Nyakweba	Principal Magistrate
Hon. Alberty Saitabau Lesootia	Senior Resident Magistrate – DR LRBC
Hon. Edgar Matsigulu Kangoni	Senior Resident Magistrate
Hon. Martin Osano Achoka Rabera	Senior Resident Magistrate
Hon. Gideon Kiage Oenga	Resident Magistrate

Hon. Lilian Tsuma Lewa	Senior Resident Magistrate
Hon. Viola Jepkorir Yator	Senior Resident Magistrate
Hon. Erick Musyoka Mutunga	Senior Resident Magistrate
Hon. Dorothy I.N.N. Wasike	Resident Magistrate
Hon. Lucy Khahendi Sindani	Resident Magistrate
KADHIS' COURT MOMBASA	
Hon. Al Muhdhar A. Hussein	Chief Kadhi
Hon. Khamis Ramadhani	Kadhi I
Hon. Salim Mwidadi Abdullah	Kadhi II
Hon. Mwambele M. Suleiman	Kadhi II
SHANZU LAW COURTS	
Hon. Diana Rachel Kavedza-Mochache	Senior Principal Magistrate
Hon. Anastasia Gathoni Ndung'u	Resident Magistrate
MALINDI LAW COURTS	
Hon. Dr. Julie Oseko	Chief Magistrate
Hon. Sylvia R. Wewa	Principal Magistrate
Hon. Yvonne Khatambi Inyama	Senior Resident Magistrate
Hon. Janette Wandia Nyamu	Resident Magistrate
Hon. Salim S. Mohammed	Principal Kadhi
GARSEN LAW COURTS	
Hon. James Macharia Muriuki	Principal Magistrate
Hon. Eugene Melville Kadima	Resident Magistrate
Hon. Murshal Mohamed Sizi	Kadhi II
KALOLENI LAW COURTS	
Hon. Leah Njambi Waigera	Senior Resident Magistrate
KILIFI LAW COURTS	
Hon. Robinson Ondieki	Senior Principal Magistrate
Hon. Leah Nekesa Kisabuli	Resident Magistrate
Hon. Talib B. Mohammed	Principal Kadhi
VOI LAW COURTS	
Hon. Elena Gathoni Nderitu	Senior Principal Magistrate
Hon. Mogire Onkoba	Senior Resident Magistrate
Hon. Sukyan Omar Hassan	Senior Principal Kadhi (DCK)
MARIAKANI LAW COURTS	
Hon. Nathan Shiundu Lutta	Senior Principal Magistrate
Hon. Lewis Kamanga Gatheru	Resident Magistrate
Hon. Maldy Omar Khamis Swaleh	Kadhi II
WUNDANYI LAW COURTS	
Hon. Nicholas N. Njagi	Senior Principal Magistrate

TAVETA LAW COURTS	
Hon. James Omburah	Principal Magistrate
Hon. Geoffrey Ontita Kimang'a	Resident Magistrate
KWALE LAW COURTS	
Hon. Doreen Mulekyo	Chef Magistrate
Hon. Betty Chepkemei Koech	Senior Principal Magistrate
Hon. Paul Kipkemoi Mutai	Resident Magistrate
Hon. Bedzenga Said Khamis	Principal Kadhi
Hon. Wendo Shaban Wendo	Kadhi II
Hon. Mohamed Garama Randu	Kadhi II - Msambweni
LAMU LAW COURTS	
Hon. Angela Njeri Thuku	Principal Magistrate
Hon. Victor Karago Asiyio	Resident Magistrate
Hon. Hamisi M. Mshali	Principal Kadhi
Hon. Swaleh Mohamed Ali	Kadhi I – Faza Island
MPEKETONI LAW COURTS	
Hon. Calestous Sindani Nambafu	Senior Resident Magistrate
Hon. Gavana Awadh Mohamed	Kadhi II
HOLA LAW COURTS	
Hon. Peter Aloyce Ndege	Principal Magistrate
Hon. Juma A. Abdalla	Principal Kadhi
NORTH-EASTERN REGION:	
GARISSA LAW COURTS	
Hon. Cosmas M. Maundu	Chief Magistrate
Hon. Timothy Ole Tanchu	Senior Resident Magistrate
Hon. James Jesse Masiga	Senior Resident Magistrate
Hon. Sheikh M. Hassan	Principal Kadhi
Hon. Daffa Hassan Omar	Kadhi II
Hon. Mohamud I. Mohamed	Kadhi II - Ijara
Hon. Mohamed Kule Muhumed	Kadhi II - Balambala
DAADAB KADHIS COURT	
Hon. Fahad Ismael Mohamed	Kadhi II
WAJIR LAW COURTS	
Hon. Amos Kiprop Makoross	Senior Resident Magistrate
Hon. Vincent Mugendi Nyaga	Resident Magistrate
Hon. Abdi Osman Sheikh	Kadhi I
Hon. Dadacha Ali Ibrahim	Kadhi II – Bute
Hon. Wehliye Mohamed Sheikh	Kadhi II – Eldas
HABASWEIN KADHIS COURT	
Hon. Muktar Billow Salat	Kadhi I

MANDERA LAW COURTS	
Hon. Peter Nyagaka Areri	Senior Resident Magistrate
Hon. Duncan Kiptoo Mtai	Resident Magistrate
Hon. Habib Salim Vumbi	Kadhi I
Hon. Hussein Mohamed Hassan	Kadhi II - Elwak
Hon. Ahmed Issack Maalim	Kadhi II – Tagabu

Summary

	Total	Male	Female
Chief Magistrates	48	28	20
Senior Principal Magistrate	55	33	22
Principal Magistrate	62	41	21
Senior Resident Magistrate	154	76	78
Resident Magistrate	102	36	66
	421	214	207
Kadhis	55		
Registrars and Deputies	11	4	7

1.3 Annex 3: From Chapter 2

1.4

Table 2.1: Filed Civil Cases by High Court Station by Specific Case Type

High Court Station	Commercial Matters	Commercial Misc	Winding up Cause	Income-tax Appeal	Bankruptcy Cause	Bankruptcy Notice	Civil Matter	Civil Misc	Civil App	Family Appeal	Family Misc	Probate Admin	Divorce	Adoption	Matrimonial Property	Judicial Review	Judicial Misc	Judicial ELC	Const Human Right	Other Civil	All Civil Cases
Bomet	0	0	0	1	0	0	4	11	4	0	0	27	0	0	0	2	0	0	6	0	55
Bungoma	0	1	0	0	0	0	6	12	29	1	0	4	0	1	0	4	0	0	0	0	58
Busia	0	0	0	0	0	0	6	90	13	0	0	1	2	0	0	33	0	0	7	0	152
Chuka	0	0	0	0	0	0	8	10	20	0	31	26	0	0	0	214	0	0	0	0	309
Eldoret	0	0	0	0	0	0	11	74	79	0	1	41	0	3	0	14	0	0	20	0	243
Embu	0	0	0	0	0	0	3	8	21	0	36	59	0	0	0	0	0	0	6	0	133
Garissa	0	0	0	0	0	0	5	4	11	0	0	32	0	0	0	7	0	0	21	0	80
Garsen	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Homabay	0	0	0	0	0	0	2	14	76	1	1	4	0	0	0	20	0	0	4	0	122
Kabarnet	0	0	0	0	0	0	1	0	2	0	0	1	0	0	0	0	0	0	2	0	6
Kajiado	15	0	2	1	1	0	14	7	9	0	0	28	0	2	0	11	0	0	9	0	99
Kakamega	0	0	0	0	0	0	14	7	135	0	2	7	0	0	0	27	0	0	2	0	194
Kapenguria	0	0	0	0	0	0	0	2	2	0	1	1	0	0	0	1	0	0	3	0	10
Kericho	0	0	0	0	0	0	2	41	80	0	0	13	0	7	0	15	0	0	0	0	158
Kerugoya	0	0	0	0	0	0	47	0	34	0	0	0	0	0	52	3	0	0	4	0	140
Kiambu	0	0	0	0	0	0	18	52	18	0	0	16	0	2	0	23	0	0	20	0	149
Kisii	0	0	0	0	0	2	42	135	109	0	0	11	1	5	0	12	0	0	31	0	348
Kisumu	0	0	0	0	6	10	36	241	98	0	0	28	0	12	0	12	0	0	30	0	473
Kitale	0	0	0	0	0	0	25	19	35	0	4	40	0	0	0	7	0	0	7	0	137
Kitui	0	0	0	0	0	0	4	5	15	0	0	3	0	2	0	3	0	0	5	0	37
Lodwar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Machakos	11	0	0	0	0	0	354	71	65	0	0	71	0	1	1	57	0	0	12	0	643
Makueni	0	0	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	0	0	0	4

Malindi	3	1	0	1	1	1	25	42	133	0	0	46	3	1	0	15	0	0	11	0	283
Marsabit	0	0	0	0	0	0	0	2	2	0	0	2	0	0	0	0	0	0	0	6	
Meru	0	0	0	0	0	0	160	100	150	1	15	31	2	1	0	260	0	0	10	0	730
Migori	0	1	0	0	0	0	4	20	108	0	1	19	0	0	0	0	0	6	0	159	
Milimani AntiCorr	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2	
Milimani Civil	0	0	0	0	0	0	302	536	0	0	0	0	0	0	0	0	0	22	0	860	
Milimani Comm	971	1	17	15	12	11	0	0	0	0	0	0	0	0	0	0	0	0	0	1,027	
Milimani Const	0	0	0	0	0	0	0	0	6	0	0	0	0	0	0	147	0	436	0	589	
Milimani Criminal	0	0	0	0	0	0	0	0	14	0	0	0	0	0	0	0	0	0	0	14	
Milimani Family	0	0	0	0	0	0	610	0	3	57	119	1,245	14	105	50	0	0	0	0	2,203	
Milimani Jud Rev	0	0	0	0	0	0	3	0	5	0	0	0	0	0	0	513	0	35	0	556	
Mombasa	9	12	5	0	4	1	80	151	315	6	3	23	10	5	3	102	0	95	0	824	
Muranga	0	0	0	0	0	0	21	134	53	2	0	40	0	0	10	14	0	20	0	294	
Naivasha	0	0	0	0	0	0	10	67	38	0	0	15	0	3	0	14	0	8	0	155	
Nakuru	6	0	0	2	0	0	30	52	164	3	36	1,099	1	17	16	24	0	21	0	1,471	
Nanyuki	0	0	0	0	0	0	5	11	5	0	0	9	4	0	3	2	0	2	0	41	
Narok	0	0	0	0	0	0	4	5	1	0	0	2	0	0	0	0	0	2	0	14	
Nyamira	1	0	0	0	0	0	3	0	13	0	0	12	0	1	0	2	0	5	0	37	
Nyandarua	0	0	0	0	0	0	5	0	7	0	1	23	0	0	0	2	0	1	0	39	
Nyeri	0	0	0	0	0	0	31	89	51	0	2	13	1	3	0	12	0	16	0	218	
Siaya	1	0	0	0	1	0	12	72	27	0	0	28	1	0	0	2	0	1	0	145	
Voi	1	1	0	0	0	0	6	7	36	0	0	8	0	0	0	1	0	8	0	68	
TOTAL	1,018	17	24	20	25	25	1,914	2,091	1,990	71	253	3,030	39	171	135	1,575	0	888	0	13,286	

Table 2.2: Resolved Civil Cases by High Court Station by Specific Case Type

High Court Station	Commercial Matters	Commercial Misc	Windingup Cause	Income Tax Appeal	Bankruptcy Cause	Bankruptcy Notice	Civil Matter	Civil Misc	Civil App	Family Appeal	Family Misc	Probate Admin	Divorce	Adoption	Matrimonial Property	Judicial Review	Judicial Misc	Judicial Etc	Const Humanright	Other Civil	All Civil Cases
Bomet	0	0	0	1	0	0	6	0	4	0	0	20	0	1	0	0	0	0	3	0	35
Bungoma	0	1	0	0	0	0	31	19	58	0	0	153	0	0	0	3	0	0	2	0	267
Busia	0	0	0	0	0	0	5	3	57	0	0	174	0	0	0	5	0	0	2	0	246
Chuka	0	0	0	0	0	0	1	0	39	2	4	131	0	0	0	43	0	0	1	0	221
Eldoret	0	0	0	0	0	0	15	11	23	0	0	176	0	0	0	3	0	0	3	0	231
Embu	0	0	0	0	0	0	6	2	16	0	11	229	0	0	0	1	0	0	2	0	267
Garissa	0	0	0	0	0	0	9	1	19	0	0	17	0	0	0	4	0	0	11	0	61
Garsen	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Homabay	1	0	0	0	0	0	2	12	82	0	0	146	0	0	0	4	0	0	1	0	248
Kabarnet	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2	0	3
Kajiado	4	0	2	1	0	0	5	24	9	0	0	57	0	0	1	6	0	0	3	0	112
Kakamega	0	0	0	0	0	0	9	12	168	0	0	584	14	0	0	2	0	0	4	0	793
Kapenguria	0	0	0	0	0	0	0	1	2	0	0	18	0	0	0	0	0	0	0	0	21
Kericho	0	0	0	0	0	0	1	0	64	0	0	136	0	3	0	0	0	0	0	0	204
Kerugoya	0	0	0	0	0	0	1	2	26	0	4	91	0	1	0	5	0	0	2	0	132
Kiambu	3	0	0	1	0	0	8	41	38	0	0	9	0	4	0	14	0	0	8	0	126
Kisii	0	0	0	0	0	0	18	27	65	0	0	122	1	6	0	1	0	0	10	0	250
Kisumu	0	0	1	0	44	10	101	321	486	0	0	672	0	14	0	22	0	0	38	0	1,709
Kitale	0	0	0	0	0	0	24	27	61	0	0	997	0	0	0	2	0	0	6	0	1,117
Kitui	0	0	0	0	0	0	2	2	18	0	0	4	1	1	0	0	0	0	0	0	28
Lodwar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Machakos	3	0	0	0	0	0	0	0	0	0	0	1,546	1	13	0	16	0	0	5	0	1,765
Makueni	0	0	0	0	0	0	0	0	0	0	0	6	0	0	0	0	0	0	0	0	9
Malindi	4	0	2	0	0	0	20	19	136	0	1	32	10	0	1	10	0	0	16	0	251
Marsabit	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	2	0	4
Meru	0	0	0	0	0	1	101	126	234	0	9	830	1	0	0	20	0	0	5	0	1,327
Migori	0	32	0	0	0	0	7	17	76	0	1	284	0	0	0	1	0	0	3	0	421
Milimani AntiCor*	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2
Milimani Civil*	2	0	0	0	0	0	371	163	514	0	0	2	0	0	0	0	0	0	22	0	1,074
Milimani Comm*	774	0	16	4	17	3	0	0	0	0	0	0	0	0	0	0	0	0	8	0	822
Milimani Const*	0	0	0	0	0	0	10	0	6	0	0	0	0	0	0	59	0	0	287	0	362
Milimani Criminal	0	0	0	0	0	0	0	0	14	0	0	0	0	0	0	0	0	0	0	0	14
Milimani Family	2	0	0	0	0	0	16	0	3	20	14	3,947	60	150	24	0	0	0	0	0	4,236
Milimani Jud Rev*	0	0	0	0	0	0	18	0	5	0	0	0	0	0	0	217	0	0	13	0	253
Mombasa	9	9	0	16	3	0	102	221	401	5	1	417	19	4	1	131	0	0	54	0	1,393
Muranga	0	0	0	0	0	0	9	18	24	1	6	535	0	1	1	2	0	0	7	0	604
Naivasha	0	0	0	0	0	0	3	25	12	0	0	89	0	1	1	4	0	0	8	0	143
Nakuru	3	0	0	0	0	0	37	42	168	2	2	424	6	3	1	4	0	0	7	0	699
Nanyuki	0	0	0	0	0	0	5	4	11	0	0	49	2	1	2	0	0	0	5	0	79
Narok	0	0	0	0	0	0	0	0	1	0	0	2	0	0	0	0	0	0	0	0	3
Nyamira	1	0	0	0	0	0	0	0	9	0	0	13	1	0	0	1	0	0	2	0	27
Nyandarua	0	0	0	0	0	0	0	0	0	0	0	13	0	0	0	0	0	0	0	0	13
Nyeri	0	0	1	0	0	0	249	226	51	0	0	567	2	6	1	8	0	0	12	0	1,123
Siaya	0	0	0	0	1	0	3	64	15	0	0	41	0	1	0	1	0	0	1	0	127
Voi	1	0	0	0	0	0	6	2	31	0	0	85	0	0	0	1	0	0	1	0	127
TOTAL	807	42	22	23	66	13	1,214	1,459	3,095	30	53	12,619	118	210	33	590	0	0	556	0	20,950

Table 2.3: Filed Criminal Cases by High Court Station By Specific Case Type

High Court Station	Murder	Criminal Application	Criminal Appeal	Criminal Revision	Criminal Second Appeals	Other Criminal	All Criminal Cases
Bomet	25	1	12	0	0	0	38
Bungoma	31	13	14	0	0	0	58
Busia	16	10	0	2	0	0	28
Chuka	9	9	4	0	0	0	22
Eldoret	102	64	72	1	0	0	239
Embu	35	15	25	108	0	0	183
Garissa	7	29	83	14	0	0	133
Garsen	0	3	0	0	0	0	3
Homabay	33	26	27	94	0	0	180
Kabarnet	78	40	30	1	2	0	151
Kajiado	26	9	5	52	0	0	92
Kakamega	23	13	26	3	0	0	65
Kapenguria	14	4	8	1	0	0	27
Kericho	6	0	7	3	0	0	16
Kerugoya	17	0	88	15	0	21	141
Kiambu	64	13	34	11	1	0	123
Kisii	40	119	69	127	0	0	355
Kisumu	36	51	75	101	0	0	263
Kitale	10	4	27	164	0	0	205
Kitui	17	7	23	2	0	0	49
Lodwar	4	4	14	0	0	0	22
Machakos	28	321	44	64	0	7	464
Makueni	4	0	1	0	0	0	5
Malindi	10	2	5	0	0	0	17
Marsabit	6	13	15	2	0	0	36
Meru	111	122	104	48	0	0	385
Migori	22	40	25	12	0	0	99
Milimani Anti	0	0	0	0	0	48	48
Milimani Civil	0	0	0	0	0	0	0
Milimani	0	1	0	0	0	0	1
Milimani	0	0	0	0	0	0	0
Milimani	91	542	192	527	1	0	1,353
Milimani	0	0	0	0	0	0	0
Milimani	0	0	0	0	0	0	0
Mombasa	50	148	131	111	0	0	440
Muranga	39	26	74	16	0	0	155
Naivasha	40	16	53	27	0	0	136
Nakuru	86	33	89	15	0	0	223
Nanyuki	35	65	101	229	0	0	430
Narok	18	1	10	0	0	0	29
Nyamira	19	27	15	7	0	0	68
Nyandarua	11	0	11	3	0	0	25
Nyeri	17	9	57	133	0	0	216
Siaya	33	55	166	104	1	0	359
Voi	12	78	116	197	0	0	403
Total	1,225	1,933	1,852	2,194	5	76	7,285

Table 2:1 Resolved Criminal Cases by High Court Station by Specific Case Type

High Court Station	Murder	Criminal Application	Criminal Appeal	Criminal Revision	Criminal Second Appeals	Other Criminal	All Criminal Cases
Bomet	7	0	28	2	0	0	37
Bungoma	43	10	122	0	0	0	175
Busia	11	11	38	4	0	0	64
Chuka	19	6	3	0	0	0	28
Eldoret	40	18	48	1	0	0	107
Embu	4	16	29	88	0	0	137
Garissa	20	8	86	11	0	0	125
Garsen	2	2	6	0	0	0	10
Homabay	32	31	34	135	0	0	232
Kabarnet	3	9	11	1	0	0	24
Kajiado	32	4	12	1	0	0	49
Kakamega	38	4	65	10	0	0	117
Kapenguria	19	1	23	0	0	0	43
Kericho	7	0	9	1	0	0	17
Kerugoya	7	13	72	35	0	0	127
Kiambu	17	11	97	11	0	0	136
Kisii	47	16	32	0	0	0	95
Kisumu	85	36	149	50	0	0	320
Kitale	29	5	93	0	3	0	130
Kitui	20	1	27	2	0	0	50
Lodwar	12	2	45	0	0	0	59
Machakos	13	42	78	1	0	0	134
Makueni	0	0	2	0	0	0	2
Malindi	15	4	70	8	0	0	97
Marsabit	4	3	31	0	0	0	38
Meru	88	34	196	64	0	0	382
Migori	55	9	65	7	0	0	136
Milimani Anti Corrupt	0	0	0	0	0	18	18
Milimani Civil	0	0	0	0	0	0	0
Milimani Comm & Tax	0	0	0	0	0	0	0
Milimani Constitutional	0	0	0	0	0	0	0
Milimani Criminal	116	320	209	156	0	0	801
Milimani Family	0	0	0	0	0	0	0
Milimani Judicial Review	0	0	0	0	0	0	0
Mombasa	10	46	96	7	0	0	159
Muranga	10	4	93	6	0	0	113
Naivasha	40	7	39	15	0	0	101
Nakuru	100	6	97	4	0	0	207
Nanyuki	10	10	66	16	0	0	102
Narok	2	0	17	0	1	0	20
Nyamira	13	1	6	5	0	0	25
Nyandarua	1	0	7	0	0	0	8
Nyeri	14	20	163	184	0	0	381
Siaya	34	6	98	23	0	0	161
Voi	12	12	96	84	0	0	204
Total	1,031	728	2,458	932	4	18	5,171

Table 2: 2 Pending Civil Cases By Type For High Court Station, 2016/17

High Court Station	Commercial Matters	Commercial Misc	Winding up Cause	Income Tax Appeal	Bankruptcy Cause	Bankruptcy Notice	Civil Matter	Civil Misc	Civil App	Family Appeal	Family Misc	Probate Admin	Divorce	Adoption	Matrimonial Property	Judicial Review	Judicial Misc	Judicial Etc	Const Human & Rights	Other Civil	All civil cases
Bomet	0	0	0	0	0	0	11	15	13	0	0	227	0	0	0	2	0	0	6	0	274
Bungoma	0	0	0	0	0	0	198	431	557	1	2	1,241	0	1	2	3	3	1	10	0	2,450
Busia	1	0	0	0	0	0	58	333	69	5	0	1,259	2	0	0	29	0	10	8	0	1,774
Chuka	0	0	0	0	0	0	18	18	7	2	29	381	0	0	2	172	0	0	0	0	629
Eldoret	0	0	0	0	0	0	245	661	688	1	1	1,421	30	3	0	48	3	0	65	0	3,166
Embu	0	0	0	0	2	0	88	254	181	0	26	1,754	5	1	0	1	0	0	35	0	2,347
Garissa	0	0	0	0	0	0	110	41	4	0	0	15	2	0	46	3	0	0	10	0	231
Garsen	0	0	0	0	0	0	7	0	36	0	2	30	0	0	0	0	0	0	0	0	75
Homabay	1	0	0	0	0	0	2	2	6	1	1	860	0	1	0	16	0	0	3	0	893
Kabarnet	0	0	0	0	0	0	1	0	1	0	0	1	0	0	0	0	0	0	0	0	3
Kajiado	11	0	0	0	1	0	19	8	1	0	0	9	0	2	1	13	0	0	9	0	74
Kakamega	0	7	0	0	0	0	265	313	265	2	2	3,166	11	0	0	36	0	125	29	0	4,221
Kapenguria	0	0	0	0	0	0	2	2	4	0	1	14	0	0	0	1	1	0	5	0	30
Kericho	122	0	0	0	0	0	2	82	285	0	0	1,335	0	28	1	15	14	0	17	0	1,901
Kerugoya	0	0	0	0	0	0	105	62	118	0	27	1,863	3	3	55	0	0	0	5	0	2,241
Kiambu	3	0	0	1	0	0	10	11	20	0	0	7	0	4	0	9	0	0	12	0	77
Kisii	1	0	0	0	0	2	163	418	624	1	0	724	38	17	0	31	12	3	77	0	2,111
Kisumu	4	0	1	0	2	2	473	543	90	0	0	1,154	1	16	1	64	13	0	46	0	2,410
Kitale	0	0	1	0	3	0	17	126	228	0	4	550	1	10	0	14	0	9	23	0	986
Kitui	0	0	0	0	0	0	2	18	161	0	0	5	1	1	0	3	0	0	5	0	196
Lodwar	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
Machakos	8	0	0	0	0	0	1,464	1,618	976	0	220	3,107	1	9	1	42	0	0	8	0	7,454
Makueni	0	0	0	0	0	0	0	0	1	0	0	4	0	0	0	0	0	0	0	0	5
Malindi	2	1	-1	1	7	1	88	156	76	0	1	383	27	2	1	14	0	0	44	0	803
Marsabit	0	0	0	0	0	0	3	2	8	0	0	2	0	0	0	1	0	0	2	0	18
Meru	1	0	0	0	1	0	1,529	420	613	1	21	651	20	4	6	427	19	100	33	0	3,846

Migori	0	31	0	0	0	0	2	47	81	0	0	0	601	0	0	0	0	0	0	5	0	767
Milimani AntiCorr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Milimani Civil	2	0	0	0	0	0	3,986	3,922	4,391	0	0	0	2	0	0	0	0	0	0	0	12,303	
Milimani Comm	3,554	1,809	116	25	140	92	0	30	0	0	0	0	0	0	0	0	0	0	8	0	5,774	
Milimani Const	0	0	0	0	0	0	10	0	0	0	0	0	0	0	0	0	97	0	736	0	843	
Milimani Criminal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Milimani Family	2	0	0	0	0	0	384	1	91	156	456	16,745	387	280	330	0	0	0	0	0	18,832	
Milimani Jud Rev	0	0	0	0	0	0	15	0	0	0	0	0	0	0	0	918	24	0	26	0	983	
Mombasa	375	13	19	16	21	1	1,563	2,549	2,493	77	108	1,791	253	23	26	284	919	24	249	0	10,804	
Muranga	2	0	0	0	0	0	83	256	564	2	32	1,491	5	16	11	21	5	0	37	0	2,525	
Naivasha	8	0	0	0	0	0	50	57	168	3	1	202	1	2	4	22	0	0	15	0	533	
Nakuru	2	0	0	2	0	0	917	1,371	988	8	39	4,258	14	50	43	232	1	2	78	0	8,005	
Nanyuki	0	0	0	1	0	0	0	7	6	3	1	49	4	1	2	2	0	0	1	0	77	
Narok	0	0	0	0	0	0	4	17	19	0	0	22	0	0	0	0	0	0	2	0	64	
Nyamira	12	0	0	0	5	0	4	0	133	22	25	5	1	1	181	1	0	0	4	0	394	
Nyandarua	0	0	0	0	0	0	5	0	7	0	1	10	0	0	0	2	0	0	1	0	26	
Nyeri	0	1	1	0	0	0	277	624	218	0	7	2,784	24	28	1	27	2	13	36	0	4,043	
Siaya	1	0	0	1	0	0	11	10	15	0	1	151	1	1	0	1	0	0	2	0	195	
Voi	0	1	0	0	0	0	13	5	42	0	0	138	0	0	0	1	1	0	7	0	208	
Total	4,112	1,863	137	47	182	98	12,204	14,432	14,248	285	1,008	48,412	832	504	714	2,552	1,017	287	1,659	0	104,593	

Annex 2:1:3 Pending Criminal Cases By Type For High Court Station, 2016/17

High Court Station	Murder	Criminal Application	Criminal Appeal	Criminal Revision	Criminal Second Appeal	Other Criminal	All Criminal cases
Bomet	18	4	56	1	0	0	79
Bungoma	156	53	398	45	0	0	652
Busia	60	21	135	112	0	0	328
Chuka	6	4	1	0	0	0	11
Eldoret	448	177	857	38	0	0	1,520
Embu	124	25	151	59	1	0	360
Garissa	52	80	138	3	0	0	273
Garsen	6	1	32	18	0	0	57
Homabay	53	6	7	41	0	0	107
Kabarnet	75	31	20	0	2	0	128
Kajiado	36	9	1	50	0	0	96
Kakamega	230	22	350	7	0	0	609
Kapenguria	33	9	9	2	0	0	53
Kericho	92	11	89	6	0	0	198
Kerugoya	16	1	64	27	1	21	130
Kiambu	47	2	77	0	1	0	127
Kisii	148	112	56	142	0	0	458
Kisumu	126	24	83	51	0	0	284
Kitale	67	32	212	168	2	0	481
Kitui	41	6	81	0	1	0	129
Lodwar	3	3	4	0	0	0	10
Machakos	41	323	362	76	0	7	809
Makueni	2	0	1	0	0	0	3
Malindi	31	19	28	6	0	0	84
Marsabit	10	3	1	2	0	0	16
Meru	355	111	282	8	1	0	757
Migori	54	38	11	19	0	0	122
Milimani AntiCorr	0	0	0	0	0	30	30
Milimani Civil	0	0	0	0	0	0	0
Milimani Comm.	0	1	0	0	0	0	1
Milimani Const	0	0	0	0	0	0	0
Milimani Criminal	424	1,121	991	624	1	0	3,161
Milimani Family	0	0	0	0	0	0	0
Milimani Jud Rev	0	0	0	0	0	0	0
Mombasa	254	149	935	147	2	0	1,487
Muranga	126	51	561	13	0	0	751
Naivasha	87	28	143	28	6	0	292
Nakuru	391	238	903	26	0	0	1,558
Nanyuki	49	77	138	213	0	0	477
Narok	16	25	7	0	1	0	49
Nyamira	67	29	9	2	0	0	107
Nyandarua	10	0	4	3	0	0	17
Nyeri	102	97	222	18	0	0	439
Siaya	66	61	140	158	18	0	443
Voi	12	66	86	116	0	0	280
Total	3,934	3,070	7,645	2,229	37	58	16,973

Table 2:4 Case Backlog in High Court stations, 2016/17

High Court Station	1 - 2 Years	2 - 5 Years	5 - 10 Years	Over 10 years	All Backlog
Bomet	244	13	0	0	257
Bungoma	604	1,158	981	279	3,022
Busia	430	980	394	67	1,871
Chuka	353	0	0	0	353
Eldoret	1,254	1,720	662	310	3,946
Embu	427	751	504	618	2,300
Garissa	119	219	9	0	347
Garsen	80	27	4	2	113
Homabay	146	358	240	18	762
Kabarnet	32	3	10	4	49
Kajiado	8	2	0	1	11
Kakamega	901	2,687	684	294	4,566
Kapenguria	55	0	0	0	55
Kericho	197	586	549	535	1,867
Kerugoya	658	1,413	93	10	2,174
Kiambu	9	0	0	3	12
Kisii	406	989	300	25	1,720
Kisumu	460	943	447	74	1,924
Kitale	374	454	253	61	1,142
Kitui	244	0	0	0	244
Lodwar	5	3	0	0	8
Machakos	716	1,749	2,640	2,146	7,251
Makueni	2	2	0	0	4
Malindi	186	233	64	0	483
Marsabit	2	0	0	0	2
Meru	818	1,590	897	390	3,695
Migori	210	329	130	11	680
Milimani Anti-Corruption & Econ. Crimes	0	0	0	0	0
Milimani Civil Division	833	3,420	3,051	4,252	11,556
Milimani Commerical & Tax Division	894	1,947	1,461	437	4,739
Milimani Con. Law & Human Rights	164	99	0	0	263
Milimani Criminal Division	430	823	370	14	1,637
Milimani Family Division	1,504	3,351	4,164	7,976	16,995
Milimani Judicial Review Division	130	150	84	0	364
Mombasa	1,380	1,861	950	467	4,658
Muranga	872	1,814	15	0	2,701
Naivasha	393	148	1	0	542
Nakuru	1,475	3,278	1,827	736	7,316
Nanyuki	30	40	6	0	76
Narok	76	12	0	0	88
Nyamira	207	130	42	0	379
Nyandarua	0	0	0	0	0
Nyeri	606	1,072	825	1,589	4,092
Siaya	249	0	0	0	249
Voi	171	2	0	0	173
TOTAL	18,354	34,356	21,657	20,319	94,686

Table 2:5: Filed and Resolved Cases in Magistrate Court, 2016/17

Court Station	CRIMINAL		CIVIL		ALL	
	FC	RC	FC	RC	FC	RC
Baricho Court	2,485	2,226	459	311	2,944	2,537
Bomet Court	2,214	2,092	182	159	2,396	2,251
Bondo Court	925	870	442	205	1,367	1,075
Bungoma Court	2,051	1,800	74	351	2,125	2,151
Busia Court	2,716	1,728	94	182	2,810	1,910
Butali Court	1,419	1,403	313	255	1,732	1,658
Butere Court	991	972	277	265	1,268	1,237
Chuka Court	1,647	1,459	429	423	2,076	1,882
Eldama Ravine Court	1,653	1,042	70	161	1,723	1,203
Eldoret Court	8,289	6,808	1,581	779	9,870	7,587
Embu Court	1,638	1,419	533	1,275	2,171	2,694
Engineer Court	749	561	59	89	808	650
Garissa Court	1,567	1,245	14	9	1,581	1,254
Garsen Court	307	173	2	1	309	174
Gatundu Court	1,760	1,647	332	471	2,092	2,118
Gichugu Court	778	740	263	198	1,041	938
Githongo Court	1,588	1,443	44	69	1,632	1,512
Githunguri Court	1,767	1,599	42	111	1,809	1,710
Hamisi Court	855	957	74	126	929	1,083
Hola Court	312	297	27	48	339	345
Homabay Court	1,170	1,039	92	105	1,262	1,144
Isiolo Court	794	532	23	74	817	606
Iten Court	1,845	3,179	29	77	1,874	3,256
JKIA Court	269	241	2	2	271	243
Kabarnet Court	1,346	1,260	28	117	1,374	1,377
Kajiado Court	2,868	2,799	39	251	2,907	3,050
Kakamega Court	4,172	3,105	404	335	4,576	3,440
Kakuma Court	241	147	0	0	241	147
Kaloleni Court	293	289	362	287	655	576
Kandara Court	1,595	1,261	129	119	1,724	1,380
Kangema Court	964	833	79	116	1,043	949
Kangundo Court	1,456	1,353	167	125	1,623	1,478
Kapenguria Court	1,657	1,395	33	68	1,690	1,463
Kapsabet Court	3,280	2,757	466	369	3,746	3,126
Karatina Court	793	761	399	224	1,192	985
Kehancha Court	1,393	1,372	69	194	1,462	1,566
Kericho Court	5,039	4,287	352	340	5,391	4,627
Keroka Court	1,203	1,137	18	151	1,221	1,288
Kerugoya Court	1,173	1,229	584	365	1,757	1,594
Kiambu Court	2,697	2,749	166	847	2,863	3,596
Kibera Court	6,457	4,207	0	0	6,457	4,207
Kigumo Court	2,153	1,947	29	356	2,182	2,303
Kikuyu Court	1,933	1,353	326	492	2,259	1,845
Kilgoris Court	1,676	1,341	18	50	1,694	1,391
Kilifi Court	844	928	602	1,454	1,446	2,382
Kilungu Court	1,689	1,534	274	154	1,963	1,688
Kimilili Court	1,903	1,814	132	191	2,035	2,005

Kisii Court	3,642	3,583	2,187	1,818	5,829	5,401
Kisumu Court	4,951	2,065	2,183	1,331	7,134	3,396
Kitale Court	3,936	3,497	506	522	4,442	4,019
Kithimani Court	2,210	1,911	50	313	2,260	2,224
Kitui Court	1,262	740	576	242	1,838	982
Kwale Court	1,692	1,512	403	326	2,095	1,838
Kyuso Court	411	360	153	28	564	388
Lamu Court	547	564	9	88	556	652
Limuru Court	2,158	2,122	29	230	2,187	2,352
Lodwar Court	934	739	16	17	950	756
Loitoktok Court	518	448	8	7	526	455
Machakos Court	3,953	3,503	1,179	2,859	5,132	6,362
Makadara Court	9,218	8,841	0	0	9,218	8,841
Makindu Court	2,271	470	229	263	2,500	733
Makueni Court	689	626	28	136	717	762
Malindi Court	1,630	1,191	28	285	1,658	1,476
Mandera Court	1,144	972	15	36	1,159	1,008
Maralal Court	1,035	745	8	9	1,043	754
Mariakani Court	1,728	1,786	636	458	2,364	2,244
Marimanti Court	699	593	5	6	704	599
Marsabit Court	787	676	14	69	801	745
Maseno Court	1,552	1,595	97	568	1,649	2,163
Maua Court	3,821	3,149	231	266	4,052	3,415
Mavoko Court	2,921	2,950	1,547	968	4,468	3,918
Mbita Court	938	873	9	43	947	916
Meru Court	3,011	2,858	749	667	3,760	3,525
Migori Court	916	705	917	359	1,833	1,064
Milimani Anticorruption	16	19	0	0	16	19
Milimani Childrens' Court	622	173	1,338	358	1,960	531
Milimani Commercial	1	130	11,364	7,715	11,365	7,845
Milimani Magistrate	18,740	11,838	0	24	18,740	11,862
Molo Court	4,043	4,135	43	872	4,086	5,007
Mombasa Court	10,121	6,702	2,330	2,363	12,451	9,065
Moyale Court	514	372	10	18	524	390
Mpeketoni Court	457	411	7	3	464	414
Mukurwe-ini Court	653	597	50	58	703	655
Mumias Court	2,139	1,914	607	896	2,746	2,810
Muranga Court	2,211	2,071	1,489	1,012	3,700	3,083
Mutumo Court	725	597	25	48	750	645
Mwingi Court	746	576	86	128	832	704
Nairobi City Court	3,795	3,815	0	0	3,795	3,815
Naivasha Court	4,912	3,228	340	435	5,252	3,663
Nakuru Court	5,719	3,402	1,258	1,524	6,977	4,926
Nanyuki Court	2,375	2,077	1,451	224	3,826	2,301
Narok Court	4,536	4,257	267	196	4,803	4,453
Ndhiwa Court	259	213	155	78	414	291
Ngong Court	1,485	1,103	11	10	1,496	1,113
Nkubu Court	1,372	1,486	185	69	1,557	1,555
Nyahururu Court	1,663	1,719	192	389	1,855	2,108
Nyamira Court	1,326	1,207	291	219	1,617	1,426
Nyando Court	1,490	1,057	362	90	1,852	1,147
Nyeri Court	3,321	3,162	795	548	4,116	3,710
Ogembo Court	2,781	2,167	157	489	2,938	2,656

Othaya Court	1,252	1,128	56	67	1,308	1,195
Oyugis Court	1,483	1,428	120	216	1,603	1,644
Rongo Court	879	840	41	257	920	1,097
Runyenjes Court	673	598	47	115	720	713
Shanzu Court	4,558	4,516	0	0	4,558	4,516
Siakago Court	1,296	1,142	249	279	1,545	1,421
Siaya Court	1,247	1,661	444	471	1,691	2,132
Sirisia Court	1,134	1,124	30	35	1,164	1,159
Sotik Court	1,690	1,775	368	636	2,058	2,411
Tamu Court	548	496	41	80	589	576
Taveta Court	663	579	25	34	688	613
Tawa Court	445	365	202	169	647	534
Thika Court	1,881	2,265	670	672	2,551	2,937
Tigania Court	997	1,047	43	113	1,040	1,160
Tononoka Court	473	98	244	95	717	193
Ukwala Court	784	857	28	123	812	980
Vihiga Court	2,088	1,897	59	184	2,147	2,081
Voi Court	1,682	1,468	344	245	2,026	1,713
Wajir Court	783	614	26	8	809	622
Wanguru Court	1,213	1,141	255	283	1,468	1,424
Webuye Court	1,327	1,351	138	154	1,465	1,505
Winam Court	1,789	1,694	491	529	2,280	2,223
Wundanyi Court	769	941	42	162	811	1,103
All courts	250,864	211,857	48,721	46,958	299,585	258,815

Table 2:6(a): Filed Criminal Cases per Magistrate Court Station per Type

Court Name	Abortion	Abuse Of Office	Alarming Publications	Alcoholic Offences	Arson	Attempted Murder	Bankruptcy	Burglary	C Trademark	Child Care	Child Conflict	Child Negligence	Child Stealing	Const Hrv	Corrupt Integrity	Creating Disturbance	Criminal Trespass	Disobedience	Econ Crime	Escape Custody	Failure Management	Failure Prosecution	Felony	Forgery	Fraud
Baricho	3	0	0	254	9	3	0	68	2	55	1	0	1	0	0	615	8	0	0	6	0	0	0	1	1
Bomet	6	0	0	461	17	17	0	43	3	186	0	7	0	3	1	321	5	0	0	5	0	0	0	1	14
Bondo	2	0	0	113	16	4	0	57	0	6	0	0	0	0	0	113	5	0	0	0	0	0	0	3	0
Bungoma	2	0	0	254	12	2	0	65	2	16	2	8	1	4	1	361	3	0	0	5	0	0	0	5	5
Busia	0	0	0	291	16	7	0	100	2	83	1	10	1	1	0	687	5	0	0	5	0	0	0	4	3
Butali	0	0	0	421	7	5	0	54	3	16	5	8	1	0	0	174	9	0	0	0	0	0	0	4	13
Butere	3	0	0	231	3	6	0	25	0	143	0	0	3	0	0	161	1	0	0	1	0	0	0	1	6
Chuka	2	0	0	375	8	7	0	39	1	42	1	1	0	0	0	200	0	0	0	2	0	0	0	3	1
Eldama Ravine	4	0	0	299	7	8	0	45	0	23	0	0	0	0	0	233	3	0	0	3	0	0	0	3	2
Eldoret	7	1	0	2,469	38	106	1	263	31	27	25	1	1	0	19	410	30	0	0	0	0	0	0	27	26
Embu	0	0	0	104	15	22	0	31	4	77	0	0	0	0	0	298	10	0	0	1	0	0	0	1	4
Engineer	5	0	0	6	13	4	0	55	1	14	5	2	2	0	0	193	5	0	0	13	0	0	0	0	1
Garissa	1	0	0	33	2	4	0	36	0	14	4	0	1	0	2	70	3	0	0	7	0	0	0	2	4
Garsen	0	0	0	14	1	2	0	12	0	4	0	1	0	0	0	28	8	0	0	0	0	0	0	1	1
Gatundu	0	0	0	421	9	8	0	38	4	31	0	5	0	0	0	490	6	0	0	5	0	0	0	4	0
Gichugu	0	0	0	190	3	2	0	24	2	48	1	1	3	0	0	134	1	0	0	0	0	0	0	0	3
Githongo	2	0	0	545	8	3	0	18	6	47	0	0	0	0	0	482	1	0	0	0	0	0	0	2	0
Githunguri	1	0	0	48	13	17	0	71	0	38	1	3	0	0	0	739	2	0	0	8	0	0	0	5	4
Hamisi	0	0	0	163	5	8	0	44	1	13	0	1	0	0	0	216	2	0	0	1	0	0	0	1	1
Hola	0	0	1	20	2	0	0	16	0	3	0	0	1	0	0	52	2	0	0	1	0	0	0	2	0
Homabay	0	0	0	97	5	4	0	35	0	38	0	0	0	0	2	229	6	0	0	0	0	0	0	9	1
Isiolo	0	0	0	59	4	3	0	32	0	19	0	0	0	0	7	63	2	0	0	5	0	0	0	2	1
Iten	3	0	0	479	31	12	0	22	0	61	2	7	2	3	0	153	6	0	0	17	0	0	0	1	0
JKIA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	6	0	0	0	0	0	0	2	0
Kabarnet	1	0	0	321	10	2	0	38	0	48	0	0	0	1	0	191	7	0	0	2	0	0	0	6	0
Kajiado	1	0	0	163	2	15	0	63	3	113	1	2	0	0	6	602	10	0	0	0	0	0	0	12	2
Kakamega	1	0	1	680	11	13	0	107	9	239	25	6	2	0	3	939	22	0	0	25	0	0	0	14	18
Kakuma	0	0	0	3	2	11	0	26	0	2	0	0	0	0	0	11	1	0	0	1	0	0	0	0	0
Kaloleni	4	0	0	19	3	1	0	11	1	8	0	0	0	0	0	20	0	0	0	3	0	0	0	0	1
Kandara	0	0	0	126	11	5	0	71	3	36	1	0	3	0	1	379	20	0	0	3	0	0	0	2	2
Kangema	1	0	0	14	8	3	0	30	0	15	1	0	2	0	0	173	2	0	0	0	0	0	0	0	0

Mavoko	0	0	0	0	51	0	7	0	8	0	10	3	1	0	0	0	93	7	0	0	1	0	0	0	5	0
Mbita	0	0	0	108	1	7	0	34	3	1	1	1	2	1	0	0	146	3	0	0	2	0	0	0	4	0
Meru	0	0	0	260	7	26	0	55	1	324	2	0	0	0	3	10	727	17	0	0	2	0	0	0	6	5
Migori	2	0	0	58	5	36	0	21	4	15	3	3	3	2	1	0	52	4	0	0	3	0	0	0	2	3
Milimani Anticorruption	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	0	0	0	4	0	2	0	0	0	
Milimani Childrens'	0	0	0	0	0	0	0	4	0	551	0	18	0	0	0	0	2	0	0	0	0	0	9	0	0	
Milimani Commercial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Milimani Magistrate	0	0	1	2	0	50	0	15	42	0	0	0	2	0	2	9	6	117	0	0	0	0	0	0	106	25
Molo	8	0	0	373	25	29	0	112	3	107	0	4	0	11	2	321	22	0	0	7	0	0	0	1	7	9
Mombasa	1	0	2	228	0	73	4	122	8	0	1	75	3	5	17	105	46	0	0	5	0	0	0	49	32	
Moyale	1	0	0	4	2	29	0	10	0	2	0	0	0	0	0	40	2	0	0	1	0	0	0	1	1	
Mpeketoni	0	0	0	34	5	1	0	33	0	14	0	0	0	0	0	4	41	17	0	0	1	0	0	1	0	
Mukurwe-ini	0	0	0	11	1	0	0	32	6	11	0	0	0	0	0	0	167	0	0	0	0	0	0	1	0	
Mumias	0	0	0	494	9	7	0	47	1	80	1	1	0	0	0	0	317	11	0	0	0	0	0	0	11	7
Muranga	0	0	0	77	4	15	0	23	0	85	0	4	0	1	1	1,053	4	0	0	8	0	0	0	1	2	
Mutumo	0	0	0	174	3	13	0	24	0	5	0	0	0	0	0	54	2	0	0	2	0	0	0	2	1	
Mwingi	1	0	0	27	7	5	0	25	0	14	0	0	0	0	0	55	1	0	0	1	0	0	0	4	1	
City Court	0	0	0	3	0	6	0	3	3	0	0	0	5	1	1	0	6	0	0	0	0	0	0	6	2	
Naivasha	0	0	0	36	6	17	0	96	3	167	1	2	0	0	0	1	186	27	0	0	3	0	0	0	8	5
Nakuru	2	0	0	522	19	38	1	155	1	460	1	11	0	2	9	345	26	0	0	8	0	0	0	25	15	
Nanyuki	4	0	0	96	8	10	0	74	0	63	0	0	0	0	0	0	300	243	0	0	1	0	0	0	16	0
Narok	3	0	1	302	19	36	0	72	3	87	0	0	0	0	0	0	410	13	0	0	21	0	0	0	10	1
Ndhiwa	0	0	0	35	4	3	0	13	0	2	0	0	0	0	0	24	11	0	0	2	0	0	0	0	0	
Ngong	0	0	0	42	1	7	0	23	0	81	1	1	0	0	0	0	299	2	0	0	0	0	0	0	2	
Nkubu	1	0	0	470	18	21	0	29	0	34	0	2	0	0	0	0	245	1	0	0	0	0	0	0	1	2
Nyahururu	3	0	0	114	21	20	0	98	0	188	0	1	0	13	0	0	185	36	0	0	10	0	0	0	10	1
Nyamira	2	0	0	572	9	3	0	32	1	2	2	1	0	0	2	172	6	0	0	1	0	0	0	1	1	
Nyando	0	0	2	92	11	5	0	32	0	95	1	2	1	0	0	0	160	8	0	0	0	0	0	0	5	
Nyeri	1	0	0	175	12	22	0	50	1	75	0	6	0	0	0	5	496	8	0	0	6	0	0	0	22	3
Ogembo	3	0	0	940	17	6	0	108	0	16	0	1	0	1	0	0	522	11	0	0	2	0	0	0	8	0
Othaya	0	0	0	21	1	6	0	25	0	15	10	0	0	0	0	0	674	2	0	0	3	0	0	0	4	1
Oyugis	0	0	0	136	3	11	0	41	4	16	5	0	0	0	0	0	177	8	0	0	0	0	0	0	4	2
Rongo	0	0	0	110	4	7	0	31	0	10	1	1	0	0	0	0	150	6	0	0	2	0	0	0	1	1
Runyenjes	0	0	0	73	3	0	0	11	1	10	1	1	0	0	2	183	1	0	0	0	0	0	0	0	4	
Shanzu	0	0	0	196	11	40	0	90	0	29	1	3	3	0	0	0	245	42	0	0	5	0	0	0	8	8
Siakago	0	0	0	113	9	9	0	35	0	19	1	1	0	0	1	0	443	15	0	0	0	0	0	0	1	1
Siaya	0	0	0	299	5	27	0	41	0	23	0	18	0	0	0	0	77	8	0	0	7	0	0	0	8	0
Sirisia	0	0	3	272	0	5	0	39	35	38	0	1	0	0	0	0	330	1	0	0	6	0	0	0	1	2
Sotik	1	0	0	281	5	1	0	35	5	9	0	0	0	0	0	0	761	4	0	0	0	0	0	0	1	9

Table 2.7(b): Filed Criminal Cases by Court Station per Type

Court Name	Grievous Harm	Immigration Offences	Impersonation	Inquest	Malicious Damage	Manslaughter	Misc ACCR	Misc Criminal	Obstruct Justice	Obtaining	Offences Morality	Other Criminal	Possession Firearm	Possession Narcotics	Public Health	Robbery	RWV	Sexual Offences	Stealing	Stock Theft	Terrorism	Traffic	Wildlife	Total
Baricho	133	0	0	0	33	2	0	0	1	14	0	56	0	113	9	4	6	60	140	3	0	884	0	2,485
Bomet	149	0	3	4	39	7	0	0	7	6	0	26	3	16	14	14	3	44	97	9	4	670	9	2,214
Bondo	162	3	1	2	18	5	0	0	1	14	1	110	2	27	0	5	12	58	91	24	0	67	3	925
Bungoma	241	0	5	2	21	4	0	0	2	14	3	178	1	25	1	9	11	115	166	9	0	496	0	2,051
Busia	251	27	3	1	42	2	0	0	2	36	0	229	0	46	11	20	14	128	75	21	0	394	3	2,716
Butali	165	0	0	2	50	2	0	0	1	8	1	35	1	36	1	8	5	69	270	10	0	206	24	1,419
Butere	111	0	0	3	12	4	0	0	7	6	0	27	0	17	2	1	12	53	32	6	0	113	1	991
Chuka	120	0	1	0	37	6	0	0	6	18	6	158	1	60	6	2	7	37	93	8	0	380	19	1,647
Eldama Ravine	96	3	0	0	17	3	0	0	3	21	8	51	0	11	0	2	15	30	61	10	0	595	97	1,653
Eldoret	649	13	9	13	145	11	0	0	7	171	8	371	1	78	1	31	59	258	718	45	0	2,058	134	8,289
Embu	87	1	4	0	59	0	0	0	14	34	0	130	2	69	12	5	8	42	152	7	0	422	23	1,638
Engineer	71	0	1	0	23	1	0	0	0	9	1	25	0	50	1	6	5	52	78	15	0	74	18	749
Garissa	115	172	2	0	25	1	0	0	0	35	1	210	2	27	2	18	7	37	73	4	19	633	1	1,567
Garson	42	9	0	1	2	0	0	0	0	4	0	32	0	18	0	0	1	26	28	22	13	24	13	307
Gatundu	93	6	3	0	32	0	0	0	2	18	15	87	1	167	3	2	12	52	124	1	0	120	1	1,760
Gichugu	80	1	1	0	42	1	0	0	2	17	0	14	0	66	3	1	1	22	95	2	0	13	5	778
Githongo	116	0	0	3	47	1	0	0	0	32	1	74	0	34	0	3	2	21	64	8	0	60	8	1,588
Githunguri	114	5	4	3	40	1	0	0	19	24	0	23	3	161	11	13	10	50	157	3	0	176	0	1,767
Hamisi	155	0	2	2	9	0	0	0	1	3	0	26	0	32	0	1	20	69	53	3	0	5	18	855
Hola	46	5	0	2	4	0	0	0	0	3	0	37	0	13	0	2	1	22	32	11	1	22	11	312
Homabay	84	1	0	7	26	0	0	0	0	26	0	108	0	25	0	12	3	40	65	10	0	330	7	1,170
Isiolo	99	28	0	2	29	6	0	0	3	16	6	81	1	8	0	17	11	34	89	10	33	118	6	794
Iten	210	4	3	1	36	3	0	0	3	8	0	63	1	5	58	12	5	42	43	24	0	470	55	1,845
JKIA	3	51	1	0	2	0	0	0	0	5	0	77	0	19	2	0	0	0	32	0	0	57	5	269
Kabarnet	149	3	0	7	21	7	0	0	2	13	0	131	2	2	30	3	5	45	56	38	0	194	11	1,346
Kajiado	133	23	4	3	18	0	0	0	6	35	0	152	0	53	29	5	26	31	171	13	1	1,139	31	2,868
Kakamega	303	0	3	3	53	1	0	0	11	77	0	100	0	45	7	16	41	125	227	30	0	972	46	4,172
Kakuma	41	2	1	0	4	4	0	0	0	2	2	8	2	10	0	5	8	31	33	14	0	17	0	241
Kaloleni	43	2	0	0	9	1	0	0	1	8	0	28	0	5	8	3	0	29	34	5	0	44	2	293
Kandara	150	1	0	0	55	4	0	0	2	24	0	88	0	157	11	3	24	90	139	7	0	173	4	1,595
Kangema	68	1	0	2	33	0	0	0	1	2	0	62	0	68	5	3	9	25	75	10	0	350	1	964

Kangundo	148	0	0	0	0	2	39	1	0	0	0	2	35	3	103	0	144	2	11	13	48	137	9	1	202	0	1,456	
Kapenguria	215	22	6	1	39	1	39	1	0	0	2	32	0	72	2	14	2	14	2	3	11	67	124	14	0	92	14	1,657
Kapsabet	399	13	2	2	69	2	69	2	0	0	8	30	1	164	0	56	9	56	9	39	145	175	27	0	355	22	3,280	
Karatina	62	1	5	1	20	0	0	0	0	0	1	20	0	53	0	37	2	37	2	3	12	30	104	5	0	224	21	793
Kehancha	142	3	1	2	25	1	0	0	0	3	40	0	136	2	21	8	1	21	8	1	27	35	103	16	1	193	10	1,393
Kericho	272	2	2	1	104	5	0	0	0	4	43	5	214	2	82	3	82	3	20	31	70	220	12	1	1,456	9	5,039	
Keroka	166	0	1	0	23	2	0	0	0	3	22	0	38	0	11	0	11	0	13	10	51	92	3	0	193	1	1,203	
Kerugoya	62	0	3	5	22	1	0	0	0	2	18	0	69	0	31	6	31	6	7	14	17	55	2	0	534	17	1,173	
Kiambu	181	5	4	3	46	2	0	0	0	6	56	0	194	1	162	47	162	47	28	62	51	254	4	0	761	0	2,697	
Kibera	163	6	6	10	134	2	0	0	428	14	173	1	606	4	223	1	223	1	24	29	105	234	0	2	2,346	27	6,457	
Kigumo	129	0	3	0	48	3	0	0	0	0	20	0	111	0	168	6	168	6	1	15	67	138	5	0	366	1	2,153	
Kikuyu	108	0	2	2	32	0	0	0	0	1	43	0	212	2	136	26	136	26	11	25	56	169	4	0	713	3	1,933	
Kilgoris	198	43	6	1	33	6	0	0	0	11	12	1	55	0	33	40	33	40	3	13	81	139	67	0	194	126	1,676	
Kilifi	51	5	0	0	12	7	0	0	0	5	12	0	193	2	20	0	20	0	1	10	82	49	8	1	233	9	844	
Kilungu	95	2	1	16	23	0	0	0	3	2	9	0	88	0	36	0	36	0	2	8	43	82	8	0	966	9	1,689	
Kimilili	233	3	1	1	37	0	0	0	0	2	35	0	92	0	11	4	11	4	3	15	89	100	27	0	410	27	1,903	
Kisii	260	1	10	0	41	25	0	0	0	0	17	0	148	1	105	122	105	122	4	25	81	123	11	0	519	2	3,642	
Kisumu	129	55	5	4	25	8	13	0	3	41	6	594	3	20	0	20	20	0	20	28	25	249	1	1	3,172	6	4,951	
Kitale	332	1	0	0	64	1	0	0	0	4	68	0	402	39	150	13	150	13	7	25	160	389	17	0	825	36	3,936	
Kitimani	178	33	0	3	56	1	0	0	11	24	0	103	1	113	27	113	27	2	19	75	208	30	0	473	11	2,210		
Kitui	181	8	1	2	30	5	0	0	2	31	0	5	0	148	3	148	3	1	26	117	148	37	0	72	13	1,262		
Kwale	126	38	2	3	12	2	0	0	0	25	0	279	4	46	0	46	0	10	17	111	134	35	5	543	41	1,692		
Kyuso	52	0	0	2	6	3	0	0	0	0	0	0	58	1	13	1	13	1	3	3	20	22	16	0	37	7	411	
Lamu	64	10	0	1	16	2	0	0	1	8	0	59	2	65	0	65	0	5	7	23	51	10	0	35	3	547		
Limuru	96	3	0	2	22	2	0	0	1	24	1	103	1	65	4	65	4	6	24	58	161	5	0	1,197	31	2,158		
Lodwar	222	1	2	4	18	12	0	0	2	14	1	65	3	24	8	24	8	16	17	75	105	30	0	53	3	934		
Loitoktok	20	16	0	16	5	1	0	0	1	9	0	17	0	33	4	33	4	0	5	23	34	5	0	55	12	518		
Machakos	161	0	2	4	69	1	0	0	1	24	0	347	0	110	11	110	11	6	33	76	220	18	0	1,779	19	3,953		
Makadara	513	187	6	3	65	3	0	0	5	112	5	414	7	202	62	202	62	26	96	152	499	0	1	3,387	0	9,218		
Makindu	92	5	1	5	23	1	0	0	1	14	1	48	2	31	9	31	9	6	3	59	128	13	0	1,166	93	2,271		
Makueni	62	0	1	0	18	2	0	0	0	7	0	41	0	32	1	32	1	5	3	36	66	2	0	142	11	689		
Malindi	111	18	0	38	25	0	0	0	1	25	0	274	0	72	0	72	0	2	20	59	128	31	2	592	31	1,630		
Mandera	66	93	3	0	12	2	0	0	2	3	0	502	1	52	0	52	0	2	5	17	30	1	1	253	0	1,144		
Maralal	93	1	0	0	13	2	0	0	1	7	0	59	1	13	2	13	2	1	5	23	64	17	0	49	16	1,035		
Mariakani	134	13	2	0	19	0	0	0	0	18	0	76	0	35	1	35	1	1	7	47	168	22	0	880	13	1,728		
Marimanti	75	0	2	1	23	9	0	0	1	6	1	42	1	5	1	5	1	1	6	21	55	12	0	40	6	699		
Marsabit	121	32	0	0	25	2	0	0	0	6	0	109	7	35	0	35	0	8	6	23	45	3	0	55	15	787		
Maseno	129	0	2	1	22	2	0	0	1	6	1	32	2	45	14	45	14	4	16	45	44	8	0	711	1	1,552		
Maua	516	4	2	1	131	1	0	0	4	85	1	136	3	51	6	51	6	26	63	80	989	90	0	312	44	3,821		

Mavoko	76	1	2	3	20	2	0	0	0	3	32	0	426	1	31	21	2	12	11	129	3	0	1,960	0	2,921
Mbita	99	60	1	0	16	0	0	0	0	4	14	1	24	0	47	10	6	3	37	62	14	0	212	15	938
Meru	173	13	2	3	37	0	0	0	0	4	38	1	21	1	70	72	3	21	52	202	17	0	796	40	3,011
Migori	117	1	0	0	14	9	0	0	0	0	10	1	124	0	20	0	4	19	36	94	9	4	236	4	916
Milimani Anti-Corruption	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	
Milimani Childrens' Commercial	7	0	0	0	0	0	0	0	0	0	0	0	0	0	7	0	0	0	15	9	0	0	0	622	
Milimani	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Milimani	22	139	7	2	7	2	0	0	0	30	243	0	193	8	42	0	9	34	20	296	0	26	17,283	0	18,740
Molo	373	2	3	0	61	9	0	0	0	21	59	0	119	3	143	9	37	25	136	229	50	0	1,419	304	4,043
Mombasa	221	54	14	2	62	1	0	0	0	4	149	115	1,375	5	290	14	33	57	149	679	1	8	6,106	6	10,121
Moyale	78	76	0	0	20	3	0	0	0	0	2	2	58	1	18	1	4	8	17	45	6	0	77	5	514
Mpeketoni	34	4	2	1	22	1	0	0	0	2	5	1	20	0	26	0	3	1	45	41	26	0	44	28	457
Mukurwe-ini	30	0	0	5	20	0	0	0	0	1	2	0	22	0	49	5	1	4	17	35	2	0	231	0	653
Mumias	136	0	2	0	26	1	0	0	0	3	8	0	140	1	19	5	11	5	33	115	3	0	642	3	2,139
Muranga	79	0	0	1	19	0	0	0	0	3	15	0	71	0	104	10	2	8	27	83	9	0	502	0	2,211
Mutumo	56	2	0	0	11	1	0	0	0	1	6	0	127	1	19	3	2	6	23	67	19	0	69	32	725
Mwingi	94	13	0	0	23	2	0	0	1	3	0	74	2	23	0	6	2	29	58	30	0	232	13	746	
City Court	3	0	3	0	1	0	0	0	0	0	10	5	3,503	0	3	201	0	0	0	28	0	1	1	0	3,795
Naivasha	124	0	1	22	31	2	0	0	0	3	47	2	162	1	69	0	16	18	59	256	13	0	3,495	33	4,912
Nakuru	267	2	9	1	88	3	0	0	0	8	176	8	395	2	115	5	74	24	170	557	32	0	2,058	85	5,719
Nanyuki	127	7	1	4	58	3	0	0	0	0	28	1	116	11	29	0	8	16	90	217	55	2	716	71	2,375
Narok	253	14	2	4	53	4	0	0	0	1	46	1	132	0	46	15	9	24	85	228	36	0	2,552	53	4,536
Ndhiwa	43	1	0	0	3	0	0	0	0	0	3	0	10	1	8	0	0	5	15	8	3	0	61	4	259
Ngong	69	26	1	1	7	2	0	0	0	0	15	0	35	0	43	15	5	24	22	82	0	0	666	13	1,485
Nkubu	122	0	0	1	56	0	0	0	0	2	23	0	33	0	33	11	2	6	35	116	6	0	99	3	1,372
Nyahururu	158	2	1	17	39	1	0	0	0	7	26	0	68	5	60	1	6	25	84	180	37	0	197	49	1,663
Nyamira	112	0	1	2	13	1	0	0	0	0	6	0	70	0	20	1	3	43	50	34	5	0	158	0	1,326
Nyando	97	0	2	2	21	7	0	0	0	1	3	0	64	0	25	1	6	10	55	55	20	0	705	2	1,490
Nyeri	111	2	2	19	47	0	0	0	0	5	24	2	129	0	87	16	11	31	58	218	11	0	1,627	39	3,321
Ogembo	379	2	4	0	69	13	0	0	0	6	34	0	140	2	58	5	14	14	99	164	6	0	137	0	2,781
Othaya	54	0	0	4	13	0	0	0	0	5	9	0	129	0	49	1	7	6	15	47	5	0	146	0	1,252
Oyugis	147	0	3	3	33	1	0	0	0	1	8	0	35	1	28	2	5	14	63	80	14	0	636	2	1,483
Rongo	97	2	8	1	12	0	0	0	0	1	3	0	78	0	33	8	8	5	26	57	3	0	213	0	879
Runyenjes	62	0	0	1	23	0	0	0	0	0	7	0	31	0	34	3	2	4	17	50	4	0	144	1	673
Shanzu	183	7	3	5	51	1	0	0	0	1	84	0	284	1	256	6	7	53	129	436	3	6	2,356	5	4,558
Siakago	159	0	0	6	25	6	0	0	0	0	13	0	102	0	54	0	2	10	45	68	13	0	142	3	1,296

Siaya	269	2	2	2	20	8	0	0	1	7	1	74	4	66	0	5	6	49	69	22	0	119	8	1,247
Sirisia	107	39	1	4	15	1	0	0	7	10	0	59	0	3	0	2	5	20	44	11	0	45	28	1,134
Sotik	180	0	1	3	42	3	0	0	0	13	0	20	0	11	3	3	0	30	63	16	0	184	6	1,690
Tamu	34	0	1	2	13	4	0	0	2	6	1	30	0	26	6	4	5	31	43	17	0	91	1	548
Taveta	44	13	0	9	15	1	0	0	0	16	0	18	0	7	0	1	1	18	68	11	0	142	138	663
Tawa	49	0	0	1	18	1	0	0	0	8	0	33	1	22	0	0	1	35	40	10	0	90	2	445
Thika	142	18	1	0	29	1	0	0	1	59	0	95	4	157	31	3	41	45	267	2	0	250	1	1,881
Tigania	155	0	0	2	42	0	0	0	4	14	0	85	1	20	0	0	12	19	92	28	0	53	9	997
Tononoka	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	473
Ukwala	162	4	1	2	19	8	0	0	0	5	1	48	1	20	1	9	12	58	67	7	0	65	3	784
Vihiga	108	2	2	1	19	3	0	0	0	8	0	47	1	37	2	2	28	26	48	5	0	841	0	2,088
Voi	45	8	0	5	17	1	0	0	1	5	0	158	0	35	13	1	4	27	81	4	0	717	91	1,682
Wajir	103	119	3	0	18	1	0	0	0	7	0	50	8	17	3	1	5	24	37	6	8	163	3	783
Wanguru	93	0	2	10	34	1	0	0	0	18	0	87	0	67	3	3	12	22	126	6	0	247	2	1,213
Webuye	87	3	0	5	13	0	0	0	1	6	8	93	0	11	8	3	6	35	80	2	0	744	1	1,327
Winam	98	1	1	0	21	2	0	0	1	19	0	96	2	80	4	4	13	43	138	5	1	532	0	1,789
Wundanyi	53	5	1	0	10	2	0	0	2	1	0	42	0	26	1	1	2	30	13	18	0	90	6	769
All courts	16,527	1,629	222	356	3,776	309	13	431	350	3,230	232	18,455	186	6,676	1,188	878	1,826	6,458	16,099	1,632	143	87,152	2,378	250,864

Annex 2.8 Resolved Criminal Cases by Court Station per Type

Court Name	Abortion	Abuse of Office	Alarming Publication	Alcoholic Offences	Arson	Attempted Murder	Bankruptcy	Burglary	C Trademark	Child Care	Child Conflict	Child Negligence	Child Stealing	Const Hrv	Corrupt Integrity	Creating Disturbance	Criminal Trespass	Disobedience	Econ Crime	Escape Custody	Failure Management	Failure Procurement	Felony	Forgery	Fraud
Baricho	2	0	0	254	6	1	0	44	2	28	0	0	0	0	0	603	2	0	0	3	0	0	0	0	1
Bomet	5	0	0	461	13	10	0	38	3	186	0	5	0	0	1	307	4	0	0	2	0	0	0	0	13
Bondo	2	0	0	113	15	4	0	51	0	6	0	0	0	0	0	109	2	0	0	0	0	0	0	1	0
Bungoma	0	0	0	202	8	1	0	58	3	17	2	7	3	4	0	338	3	0	0	3	0	0	0	2	2
Busia	0	0	0	229	9	4	0	42	2	26	1	4	0	1	0	528	1	0	0	3	0	0	0	2	1
Butali	0	0	1	421	11	3	0	59	3	8	5	11	1	0	0	176	11	0	0	0	0	0	0	2	24
Butere	3	0	0	220	3	6	0	38	0	157	0	0	2	0	0	160	2	0	0	0	0	0	0	1	5
Chuka	0	0	0	375	4	4	0	24	1	23	1	0	0	0	0	205	0	0	0	1	0	0	0	4	0
Eldama Ravine	5	0	0	264	2	7	0	27	0	14	0	0	0	0	0	210	3	0	0	3	0	0	0	1	2
Eldoret	4	0	0	2469	27	74	0	205	43	14	9	3	1	0	6	345	23	0	0	11	0	0	0	8	46
Embu	0	0	0	128	10	21	0	28	2	72	0	0	0	0	0	253	8	0	0	1	0	0	0	4	4
Engineer	3	0	0	7	7	3	0	43	1	14	1	0	1	0	0	154	5	0	0	6	0	0	0	0	1
Garissa	2	0	0	33	4	4	0	34	0	11	3	0	0	0	2	66	2	0	0	5	0	0	0	4	5
Garsen	0	0	0	7	1	2	0	7	0	1	0	1	0	0	0	16	5	0	0	1	0	0	0	0	2
Gatundu	1	0	0	421	5	3	0	41	1	21	0	5	0	0	0	491	7	0	0	4	0	0	0	3	0
Gichugu	0	0	1	191	5	0	0	21	2	39	1	1	3	0	0	121	1	0	0	0	0	0	0	0	1
Githungo	1	0	0	523	7	3	0	15	5	36	0	0	0	0	0	471	0	0	0	0	0	0	0	1	0
Githunguri	0	0	0	48	10	14	0	62	0	42	0	2	0	0	0	680	2	0	0	3	0	0	0	7	1
Hamisi	0	0	0	216	4	8	0	50	0	4	0	0	0	0	0	200	2	0	0	0	0	0	0	1	0
Hola	0	0	1	17	2	1	0	25	0	3	0	0	1	0	0	49	1	0	0	1	0	0	0	3	1
Homabay	0	0	0	97	4	2	0	34	0	30	0	0	0	0	1	234	4	0	0	0	0	0	0	4	3
Isiolo	0	0	0	52	4	3	0	20	0	20	0	0	0	0	0	60	1	0	0	4	0	0	0	2	0
Iten	5	0	0	479	30	12	0	41	0	91	2	7	1	3	0	203	12	0	0	15	0	0	0	3	0
JKIA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	6	0	0	0	0	0	0	2	0
Kabarnet	1	0	0	320	10	2	0	38	0	48	0	0	0	1	0	191	7	0	0	2	0	0	0	0	0
Kajiado	1	0	0	163	3	15	0	63	2	50	1	0	0	0	0	618	6	0	0	0	0	0	0	7	4
Kakamega	0	0	1	597	8	13	0	83	7	77	3	5	2	0	0	693	13	0	0	10	0	0	0	11	11
Kakuma	0	0	0	3	2	5	0	22	0	0	0	0	0	0	0	8	1	0	0	1	0	0	0	0	0
Kaloleni	1	0	0	19	2	0	0	11	1	9	0	0	0	0	0	22	0	0	0	3	0	0	0	0	0
Kandara	0	0	0	126	7	5	0	49	3	18	1	0	1	0	1	357	17	0	0	5	0	0	0	3	2
Kangema	1	0	0	12	5	3	0	25	0	15	1	0	0	0	0	159	2	0	0	0	0	0	0	0	0

Kangundo	2	0	0	116	4	10	0	42	0	12	0	15	0	0	0	5	360	5	0	0	2	0	0	1	1
Kapenguria	2	0	0	353	13	1	0	28	1	29	0	4	0	0	0	4	345	4	0	0	2	0	0	1	2
Kapsabet	0	0	0	697	9	21	0	67	15	35	1	7	1	0	0	10	678	10	0	0	5	0	0	3	12
Karatina	1	0	0	18	5	18	0	26	0	10	0	1	0	0	0	1	99	1	0	0	0	0	0	1	1
Kehancha	0	0	0	229	13	34	0	37	0	14	0	0	0	0	0	14	269	14	0	0	0	0	0	2	2
Kericho	4	0	0	916	17	9	0	69	2	73	2	5	0	1	0	4	1160	4	0	0	7	0	0	4	8
Keroka	1	0	0	290	10	0	0	51	2	7	1	1	1	0	0	2	183	2	0	0	0	0	0	3	1
Kerugoya	0	0	0	205	1	17	0	23	0	12	0	2	0	0	0	6	33	6	0	0	4	0	0	5	2
Kiambu	0	0	0	167	1	23	0	42	0	76	1	1	3	0	0	14	501	14	0	0	13	0	0	6	14
Kibera	0	0	0	335	3	12	0	60	2	9	0	1	2	0	0	5	312	5	0	0	2	0	0	19	28
Kigumo	2	0	0	43	6	10	0	35	0	113	0	0	0	1	0	7	813	7	0	0	4	0	0	4	0
Kikuyu	0	0	0	80	2	1	0	25	3	20	0	5	1	0	0	7	106	7	0	0	1	0	0	4	2
Kilgoris	4	0	0	262	8	8	0	46	0	44	1	2	1	0	0	7	125	7	0	0	5	0	0	4	1
Kilifi	8	0	0	4	12	18	0	26	0	53	0	1	0	0	0	13	48	13	0	0	1	0	0	5	3
Kilungu	2	0	0	54	3	19	0	20	1	3	0	1	0	0	0	9	130	9	0	0	2	0	0	1	2
Kimilili	2	0	0	321	7	2	0	79	1	45	0	7	2	0	0	6	281	6	0	0	5	0	0	3	0
Kisii	2	0	0	1542	7	12	0	41	1	257	0	1	1	0	1	8	197	8	0	0	1	0	0	13	7
Kisumu	0	0	0	49	0	24	0	29	0	20	1	3	0	0	5	5	67	5	0	0	4	0	0	13	10
Kitale	2	0	0	949	14	5	0	79	11	159	1	2	1	0	0	23	115	23	0	0	5	0	0	5	0
Kithimani	1	0	0	112	6	17	0	78	0	19	0	0	0	2	0	14	501	14	0	0	5	0	0	3	1
Kitui	0	0	0	63	4	6	0	47	5	7	0	0	0	0	0	7	135	7	0	0	19	0	0	0	2
Kwale	0	0	0	28	8	12	0	62	0	27	0	1	1	0	0	15	114	15	0	0	0	0	0	2	1
Kyuso	1	0	0	63	6	3	0	13	0	12	0	0	0	5	0	2	39	2	0	0	1	0	0	0	0
Lamu	0	0	0	26	4	16	0	36	0	63	0	0	0	1	2	2	29	2	0	0	6	0	0	0	2
Limuru	4	0	0	46	2	1	0	29	1	62	0	1	0	0	0	2	160	2	0	0	0	0	0	7	1
Lodwar	1	0	0	75	7	13	0	49	0	4	0	0	0	0	4	4	46	4	0	0	5	0	0	3	1
Loitoktok	0	0	0	36	1	0	0	8	5	1	0	0	0	0	0	1	154	1	0	0	2	0	0	0	0
Machakos	0	0	0	50	9	17	0	75	0	51	14	1	0	0	1	4	736	4	0	0	3	0	0	5	4
Makadara	0	0	0	916	13	100	0	153	22	25	0	5	8	1	0	30	1707	30	0	0	20	0	0	47	25
Makindu	0	0	0	8	0	4	0	15	1	6	0	0	0	0	0	8	68	8	0	0	0	0	0	0	0
Makueni	0	0	0	48	1	4	0	35	0	6	0	0	0	0	0	3	132	3	0	0	4	0	0	3	0
Malindi	1	0	0	4	3	12	0	21	0	6	1	1	0	0	0	7	100	7	0	0	2	0	0	4	2
Mandera	0	0	0	5	4	1	0	10	3	7	0	0	0	0	0	1	55	1	0	0	2	0	0	2	0
Maralal	0	0	0	203	1	0	0	9	0	6	1	0	1	0	0	4	322	4	0	0	0	0	0	0	0
Mariakani	2	0	0	56	6	42	0	27	3	20	0	3	1	0	0	10	89	10	0	0	5	0	0	8	4
Marimanti	2	0	0	241	3	13	0	14	0	23	0	0	0	0	0	1	56	1	0	0	2	0	0	0	1
Marsabit	0	0	0	32	1	2	0	25	0	4	1	4	0	0	0	2	189	2	0	0	1	0	0	3	0
Maseno	0	0	0	268	2	7	0	49	6	35	0	0	0	0	0	7	75	7	0	0	1	0	0	5	6
Maua	2	0	0	442	10	40	0	67	1	81	2	0	0	0	2	9	382	9	0	0	11	0	0	2	3

Mavoko	0	0	0	51	1	5	0	12	0	1	1	1	0	0	0	0	99	4	0	0	0	0	0	0	11	0
Mbita	0	0	0	106	1	5	0	32	2	1	1	1	0	1	0	0	142	3	0	0	1	0	0	0	2	1
Meru	1	0	0	251	16	19	0	69	3	343	0	0	0	0	3	2	696	18	0	0	1	0	0	0	3	12
Migori	0	0	0	47	3	23	0	18	4	9	0	6	1	1	0	0	46	7	0	0	2	0	0	0	2	2
Milimani Anticorruption	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18	0	0	0	0	1	0	0	0	0	0
Milimani Childrens	0	0	0	0	0	0	0	2	0	129	0	9	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Milimani Commercial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	0	0	0	0	0	0	0	0	0	0	1
Milimani CM	0	0	1	0	0	16	0	10	29	0	0	0	0	0	2	1	7	54	0	0	0	0	0	65	8	0
Molo	8	0	0	373	22	28	0	93	3	86	1	4	0	11	2	0	352	25	0	0	7	0	0	0	5	10
Mombasa	2	0	3	167	3	49	5	56	9	0	0	81	2	0	3	0	54	22	0	0	1	0	0	0	23	21
Moyale	0	0	0	4	1	17	0	10	0	1	0	0	0	0	0	0	35	1	0	0	0	0	0	1	0	0
Mpeketoni	0	0	0	34	2	1	0	29	0	14	0	0	0	0	0	2	40	17	0	0	1	0	0	1	0	0
Mukurwe-ini	0	0	0	7	0	0	0	17	3	11	0	0	0	0	0	0	159	0	0	0	0	0	0	1	0	0
Mumias	0	0	0	471	7	7	0	39	2	27	0	5	0	0	0	0	291	8	0	0	0	0	0	0	9	3
Muranga	0	0	0	77	2	15	0	21	0	57	0	3	0	0	0	0	1019	1	0	0	8	0	0	0	4	1
Mutumo	0	0	0	169	2	9	0	22	0	4	0	0	0	0	0	0	54	3	0	0	2	0	0	0	2	0
Mwingi	0	0	0	26	3	6	0	20	0	10	0	0	0	0	0	0	53	0	0	0	1	0	0	0	1	1
Nairobi City Court	0	0	1	3	0	6	0	5	5	0	0	5	1	0	0	0	8	1	0	0	0	0	0	0	20	5
Naivasha	0	0	0	33	5	15	0	66	0	26	1	2	0	0	0	0	179	31	0	0	4	0	0	0	4	3
Nakuru	0	0	0	194	6	18	0	54	0	308	0	5	0	2	6	0	120	12	0	0	2	0	0	0	12	9
Nanyuki	2	0	0	91	6	10	0	56	0	111	0	0	0	0	0	0	268	229	0	0	0	0	0	0	5	1
Narok	2	0	0	295	12	29	0	59	1	72	0	0	0	0	0	0	408	22	0	0	14	0	0	0	5	1
Ndhiwa	0	0	0	34	5	3	0	10	0	0	0	0	0	0	0	0	13	5	0	0	1	0	0	0	0	0
Ngong	0	0	0	37	0	2	0	2	0	4	0	1	0	0	0	0	289	0	0	0	0	0	0	0	0	1
Nkubu	1	0	0	470	23	21	0	31	0	16	0	2	0	0	0	0	257	0	0	0	1	0	0	0	8	6
Nyahururu	2	0	0	139	18	20	0	106	0	123	0	0	0	13	0	0	218	46	0	0	14	0	0	0	9	2
Nyamira	1	0	0	572	2	3	0	34	0	1	2	0	0	0	0	0	165	4	0	0	1	0	0	0	0	0
Nyando	0	0	0	82	2	5	0	14	0	24	0	0	1	0	0	0	130	2	0	0	0	0	0	0	1	5
Nyeri	0	0	0	185	10	22	0	50	3	69	0	5	0	0	3	0	496	5	0	0	2	0	0	0	14	4
Ogembo	2	0	0	899	10	6	0	61	0	15	0	0	0	1	0	0	424	8	0	0	2	0	0	0	2	0
Othaya	0	0	0	17	1	4	0	29	0	1	0	0	0	0	0	0	674	1	0	0	2	0	0	0	2	1
Oyugis	0	0	0	130	3	10	0	30	5	13	5	0	0	0	0	0	176	8	0	0	0	0	0	0	2	2
Rongo	0	0	0	110	5	2	0	32	0	11	0	1	0	0	0	0	152	2	0	0	0	0	0	0	1	1
Runyenjes	0	0	0	75	1	0	0	11	1	13	0	1	0	0	1	0	171	2	0	0	0	0	0	0	0	1
Shanzu	0	0	0	187	7	30	0	70	0	18	0	3	2	0	0	0	267	42	0	0	6	0	0	0	10	4

Siakago	0	0	0	113	4	9	0	20	0	13	0	1	0	0	0	0	440	10	0	0	0	0	0	1	2
Siaya	0	0	0	299	13	27	0	69	0	33	0	18	0	0	0	0	128	8	0	0	0	7	0	16	2
Sirisia	0	0	1	270	1	3	0	39	32	35	0	1	0	0	0	0	329	2	0	0	0	6	0	1	2
Sotik	1	0	0	281	4	1	0	36	5	13	0	0	0	0	0	0	761	4	0	0	0	0	5	9	
Tamu	0	0	0	106	6	4	0	12	2	3	0	4	0	1	0	0	67	1	0	0	4	0	2	6	
Taveta	0	0	0	44	1	0	0	15	0	2	0	0	0	0	0	0	71	4	0	0	0	0	3	2	
Tawa	0	0	0	35	7	0	0	10	1	0	0	0	0	0	0	0	62	3	0	0	0	0	0	0	
Thika	1	0	0	395	9	25	0	47	6	60	0	25	0	6	0	0	201	19	0	0	4	0	20	12	
Tigania	2	0	0	240	8	6	0	44	0	8	0	0	0	0	0	0	150	12	0	0	1	0	4	0	
Tononoka	0	0	0	0	0	0	0	0	0	59	0	0	0	0	0	0	0	0	0	0	0	0	34	0	
Ukwala	0	0	0	129	14	5	0	44	0	42	0	1	0	0	0	0	77	4	0	0	4	0	1	0	
Vihiga	0	0	0	142	4	1	0	47	1	61	0	1	0	0	0	0	616	3	0	0	2	0	2	1	
Voi	0	0	0	206	3	5	0	19	0	45	2	0	0	0	0	0	142	12	0	0	1	0	0	0	
Wajir	0	0	0	5	1	5	0	16	0	7	0	0	0	0	0	0	116	7	0	0	5	0	2	0	
Wanguru	0	0	0	145	4	11	0	26	0	13	0	1	2	0	0	0	197	13	0	0	5	0	3	3	
Webuye	1	0	0	113	4	3	0	37	0	24	0	0	1	0	0	0	35	1	0	0	1	0	9	10	
Winam	0	0	0	137	6	18	0	66	0	131	0	3	6	1	0	0	203	4	0	0	2	0	3	31	
Wundanyi	2	0	0	124	0	1	0	28	1	2	0	0	0	0	0	0	404	12	0	0	2	0	0	1	
All courts	111	0	10	25,939	722	1,317	5	4,690	285	4,605	71	315	57	75	62	30,406	1,138	0	0	0	356	1	0	560	467

Table 2.9 (b): Resolved Criminal Cases by Court Station per Type

Court Name	Grievous Harm	Immigration Offences	Impersonation	Inquest	Malicious Damage	Manslaughter	Obstruct Justice	Obtaining	Offences Morality	Other Criminal	Possession Firearm	Possession Narcotics	Public Health	Robbery	RWV	Sexual Offences	Stealing	Stock Theft	Terrorism	Traffic	Wildlife	Total
Baricho	104	0	1	1	26	2	0	14	0	58	1	111	11	2	4	55	139	3	0	748	0	2,226
Bomet	134	0	3	6	28	5	7	14	0	12	2	16	8	5	4	32	99	9	4	648	8	2,092
Bondo	121	3	0	1	17	5	1	9	1	110	2	25	0	3	12	64	96	27	0	66	4	870
Bungoma	242	0	4	18	32	0	3	23	3	141	0	26	0	8	10	94	136	9	0	398	0	1,800
Busia	137	18	0	6	14	0	2	24	0	141	1	28	11	7	7	62	125	7	0	283	2	1,728
Butali	165	0	0	4	41	1	0	7	1	42	1	36	1	8	2	42	81	10	0	206	19	1,403
Butere	109	0	0	3	8	4	3	13	0	18	0	17	2	0	9	44	26	7	0	111	1	972
Chuka	108	0	0	0	34	2	6	13	6	122	1	60	6	2	5	22	81	8	0	324	17	1,459
Eldama Ravine	50	2	0	1	9	0	2	7	8	33	0	10	0	1	3	28	42	3	0	234	71	1,042
Eldoret	552	9	6	11	80	4	11	93	8	210	4	63	2	34	48	243	522	30	0	1,486	104	6,808
Embu	76	0	4	3	39	1	11	16	0	83	1	50	11	5	11	36	143	8	0	363	27	1,419
Engineer	46	0	0	0	24	0	0	11	0	18	0	33	0	3	1	31	67	11	0	63	7	561
Garissa	114	147	3	0	12	1	0	26	1	113	3	18	2	11	2	28	58	4	13	509	5	1,245
Garsen	21	4	0	0	0	0	0	2	0	21	0	8	0	1	1	20	17	13	1	8	13	173
Gatundu	86	5	2	0	28	0	1	26	15	74	0	141	3	1	10	33	114	0	0	103	2	1,647
Gichugu	80	1	1	2	34	1	0	17	0	13	0	63	3	1	4	23	91	1	0	15	3	740
Githongo	96	0	0	2	47	0	0	22	0	42	0	34	0	3	0	10	61	5	0	51	8	1,443
Githunguri	98	5	3	3	28	1	15	21	0	16	1	151	9	16	17	32	134	2	0	176	0	1,599
Hamisi	155	0	0	1	14	0	0	4	0	42	1	32	0	2	26	90	74	5	0	5	21	957
Hola	46	6	0	0	4	0	0	3	0	31	0	13	0	2	4	17	31	6	1	22	6	297
Homabay	67	1	0	4	18	1	0	12	0	72	0	25	0	7	1	34	43	10	0	327	4	1,039
Isiolo	49	24	1	1	10	1	0	4	5	62	2	6	0	5	2	28	44	6	13	90	13	532
Iten	212	6	2	1	43	3	3	15	0	51	0	4	163	12	2	50	76	28	0	1,497	107	3,179
JKIA	3	51	1	0	2	0	0	2	0	77	0	3	1	0	0	0	25	0	0	57	4	241
Kabarnet	138	3	0	7	21	6	2	6	0	95	2	2	30	3	5	35	50	35	0	189	11	1,260
Kajiado	119	21	3	7	14	2	3	40	0	114	1	56	38	1	23	43	158	17	0	1,178	28	2,799
Kakamega	251	0	1	2	38	2	7	44	0	60	0	40	7	8	33	92	166	25	0	760	35	3,105
Kakuma	21	2	0	0	2	4	0	1	0	6	0	5	0	0	8	10	30	4	0	12	0	147
Kaloleni	41	2	0	2	8	0	1	9	0	33	0	5	6	3	1	27	32	6	0	43	2	289
Kandara	93	1	1	0	39	3	1	14	0	56	0	131	12	3	9	21	106	4	0	168	4	1,261

Kangema	63	1	0	0	0	26	0	0	2	0	45	1	58	5	3	5	21	52	9	0	318	1	833
Kangundo	112	0	1	0	0	37	0	2	20	3	92	0	134	2	4	9	24	133	5	1	204	0	1,353
Kapenguria	176	21	1	3	33	0	0	29	0	54	4	6	2	3	4	81	79	12	0	85	17	1,395	
Kapsabet	284	11	4	2	47	5	10	17	6	126	2	45	5	2	17	74	136	18	0	369	16	2,757	
Karatina	61	1	3	8	25	0	5	12	0	44	0	37	1	3	7	20	102	5	0	224	23	761	
Kehancha	142	3	1	2	25	0	3	40	0	136	0	15	8	1	27	35	103	16	0	193	10	1,372	
Kericho	223	2	3	7	70	2	4	27	3	98	1	45	4	11	30	66	173	10	1	1,215	11	4,287	
Keroka	148	0	1	1	30	0	4	19	0	33	0	6	0	12	24	46	82	3	0	173	2	1,137	
Kerugoya	64	0	4	14	26	0	1	13	0	73	0	31	6	2	9	23	74	4	0	550	25	1,229	
Kiambu	183	2	2	1	49	2	3	75	0	183	1	163	47	17	57	49	268	5	0	780	0	2,749	
Kibera	148	6	4	6	27	4	23	61	0	213	2	96	2	11	34	28	263	2	0	2,454	33	4,207	
Kigumo	116	0	2	5	28	0	1	15	0	97	0	168	4	2	16	34	109	1	0	311	0	1,947	
Kikuyu	75	0	0	3	17	2	1	19	1	107	3	98	22	7	16	19	81	2	0	621	2	1,353	
Kilgoris	147	43	2	3	17	2	4	10	0	37	0	38	33	0	11	54	110	32	0	167	113	1,341	
Kilifi	64	6	1	2	13	8	6	9	0	163	3	20	0	1	5	134	64	14	0	214	9	928	
Kilungu	64	2	2	17	19	1	1	12	0	64	0	36	0	0	4	27	69	6	0	952	11	1,534	
Kimilili	237	3	1	2	28	0	1	26	0	77	0	10	2	3	22	95	85	29	0	410	22	1,814	
Kisii	260	3	9	2	30	9	0	20	0	164	1	84	118	4	14	89	104	11	0	569	1	3,583	
Kisumu	58	21	1	3	18	2	3	20	4	225	2	9	0	8	16	29	123	1	0	1,291	1	2,065	
Kitale	280	2	3	0	55	0	3	41	0	319	44	143	6	4	17	163	286	10	0	731	19	3,497	
Kithimani	112	31	0	4	41	0	12	12	0	76	2	105	27	2	8	43	181	30	0	458	8	1,911	
Kitui	77	5	1	0	22	1	0	13	0	1	0	117	2	0	5	28	71	23	0	75	4	740	
Kwale	136	31	1	3	12	1	0	16	0	186	2	42	0	9	28	127	139	26	4	442	36	1,512	
Kyuso	52	0	0	0	11	1	0	1	0	26	1	13	1	2	7	27	18	16	0	36	3	360	
Lamu	65	8	0	0	15	0	1	8	0	64	2	65	0	7	7	15	67	15	2	36	0	564	
Limuru	96	3	0	2	24	2	0	12	1	81	0	65	4	5	8	33	128	4	0	1,311	27	2,122	
Lodwar	186	0	1	5	16	5	1	14	0	31	5	24	4	7	11	59	93	24	0	38	3	739	
Loitoktok	20	15	0	16	5	0	1	9	0	11	0	33	4	0	5	23	27	5	0	55	11	448	
Machakos	125	0	2	5	68	1	1	27	0	355	0	90	13	6	20	54	171	20	0	1,567	7	3,503	
Makadara	585	189	14	4	76	10	7	207	2	281	11	171	49	31	210	172	763	0	0	2,984	3	8,841	
Makindu	34	0	2	7	11	0	0	4	1	5	0	6	3	3	1	24	48	8	0	178	25	470	
Makueni	65	0	1	2	16	3	0	3	0	25	0	32	0	2	3	19	69	4	0	137	9	626	
Malindi	95	9	0	27	16	1	1	17	0	109	2	72	0	1	5	39	93	16	0	507	17	1,191	
Mandera	52	74	2	0	10	0	2	1	0	428	1	27	0	2	6	14	22	1	2	238	0	972	
Maralal	36	1	0	3	6	2	1	0	0	38	0	8	0	1	3	11	36	11	0	37	4	745	
Mariakani	127	12	2	36	17	0	0	17	0	60	1	33	0	2	10	65	148	17	0	952	11	1,786	
Marimanti	56	0	2	1	15	4	0	5	1	28	0	3	1	0	4	19	38	10	0	46	4	593	
Marsabit	98	31	0	0	18	1	0	4	0	96	4	21	0	5	4	14	46	0	1	51	16	676	
Maseno	123	0	0	7	21	1	2	4	1	24	0	51	14	5	21	55	59	11	0	734	1	1,595	

Maua	436	2	0	4	134	0	4	0	72	0	93	4	52	11	15	68	55	781	58	0	254	49	3,149
Mavoko	48	0	1	2	12	2	2	18	0	406	0	31	21	4	12	9	109	3	0	2,083	1	2,950	
Mbita	84	55	2	0	15	0	4	12	1	27	0	44	13	5	3	42	51	11	0	195	11	873	
Meru	159	11	2	3	42	1	5	25	2	8	1	71	72	2	27	34	179	17	0	728	32	2,858	
Migori	99	0	0	0	12	1	0	14	1	72	0	17	0	4	12	35	66	5	1	191	4	705	
Milimani Anticorruption	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19	
Milimani Childrens	2	0	0	0	0	0	0	0	0	0	0	0	7	0	0	14	9	0	0	0	0	173	
Milimani Commercial	0	0	0	0	113	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	1	130	
Milimani CM	9	38	3	3	5	3	8	89	0	86	4	15	0	6	11	20	157	0	4	11,184	0	11,838	
Molo	373	2	2	1	73	7	21	93	0	80	2	143	9	20	27	188	280	49	0	1,434	301	4,135	
Mombasa	143	26	9	12	158	3	3	102	115	654	2	166	9	14	41	84	391	1	7	4,260	1	6,702	
Moyale	45	60	0	1	14	0	0	2	1	48	2	14	0	4	6	9	24	7	0	60	5	372	
Mpeketoni	34	4	2	1	22	1	2	4	0	11	0	15	0	3	1	45	29	25	0	43	28	411	
Mukurwe-ini	25	0	0	3	11	0	0	1	0	22	0	49	5	1	3	20	32	0	0	227	0	597	
Mumias	138	0	3	1	20	0	1	3	0	79	0	16	5	3	2	32	97	3	0	642	0	1,914	
Muranga	67	0	0	2	18	0	3	6	0	42	0	93	10	3	7	32	63	8	0	509	0	2,071	
Mutumo	52	2	0	0	8	0	0	2	0	63	0	19	2	3	4	31	44	11	0	59	30	597	
Mwingi	71	13	0	1	9	1	1	0	0	37	1	15	0	0	3	23	42	12	0	214	12	576	
Nairobi City Court	10	1	3	1	0	0	0	24	5	3,442	0	1	69	0	2	17	43	201	4	0	21	0	3,815
Naivasha	88	0	2	25	25	0	1	36	2	121	1	69	0	2	17	43	201	4	0	2,193	29	3,228	
Nakuru	100	1	2	9	34	1	2	50	9	204	3	56	4	31	9	113	204	7	0	1,775	40	3,402	
Nanyuki	91	8	1	6	35	1	0	13	2	81	8	22	0	6	14	54	146	34	2	716	58	2,077	
Narok	212	13	2	6	36	4	1	26	1	78	0	48	11	10	17	77	166	35	0	2,552	42	4,257	
Ndhiwa	34	0	0	0	2	0	0	2	0	12	1	8	0	0	2	14	10	2	0	53	2	213	
Ngong	15	13	1	0	1	0	0	0	0	12	0	11	14	0	3	1	22	0	0	666	8	1,103	
Nkubu	138	0	1	0	76	0	1	32	0	29	0	33	8	9	4	53	165	5	0	92	4	1,486	
Nyahururu	152	2	1	13	53	0	6	32	0	59	0	67	1	5	16	83	191	41	0	228	59	1,719	
Nyamira	91	0	3	0	8	0	0	6	0	54	0	18	1	1	21	22	36	4	0	157	0	1,207	
Nyando	36	0	1	1	20	4	0	4	0	35	0	12	0	2	6	18	21	12	0	619	0	1,057	
Nyeri	96	2	1	5	24	1	1	24	0	96	0	88	16	5	20	61	172	14	0	1,627	41	3,162	
Ogembo	225	2	1	8	45	5	4	23	0	70	2	43	2	6	6	73	105	9	0	108	0	2,167	
Othaya	56	0	0	2	13	0	3	8	0	51	0	49	1	2	6	24	42	3	0	136	0	1,128	
Oyugis	138	0	3	4	23	1	0	14	0	35	1	25	2	8	5	84	80	14	0	605	2	1,428	
Rongo	91	1	0	1	22	2	1	7	0	37	0	33	5	2	4	29	60	3	0	225	0	840	
Runyenjes	41	0	0	1	13	0	0	4	0	15	0	34	3	0	4	16	47	4	0	139	0	598	
Shanzu	210	7	3	0	49	1	1	60	0	251	0	247	4	7	57	116	378	5	3	2,467	4	4,516	
Siakago	135	0	0	2	11	2	0	3	0	63	0	42	0	1	7	35	64	15	0	143	6	1,142	
Siaya	280	2	0	9	31	5	1	8	1	99	3	69	7	2	13	78	143	30	0	242	18	1,661	
Sirisia	108	37	1	5	10	1	5	8	0	53	0	3	0	2	4	38	38	14	0	47	28	1,124	

Sotik	181	0	0	15	44	1	0	13	0	25	1	11	3	3	5	66	79	16	0	186	6	1,775
Tamu	33	0	1	0	6	1	2	4	0	16	0	26	6	5	3	24	49	11	0	91	0	496
Taveta	34	12	1	0	7	2	0	13	0	9	0	8	0	1	5	9	51	11	0	143	131	579
Tawa	34	0	0	2	15	0	0	7	0	19	0	19	0	0	0	20	27	6	0	96	2	365
Thika	167	8	7	1	45	1	11	95	0	103	1	160	33	3	32	108	347	3	0	309	1	2,265
Tigania	158	0	0	4	48	1	3	16	1	86	0	20	1	1	24	20	112	26	0	46	5	1,047
Tononoka	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0	0	0	98	
Ukwala	164	4	1	7	23	10	0	9	0	48	2	20	0	9	12	71	80	7	0	67	2	857
Vihiga	77	2	2	0	19	3	0	7	0	39	1	37	2	1	14	26	48	5	0	733	0	1,897
Voi	30	8	0	7	16	1	0	11	0	97	1	33	16	1	5	24	83	4	0	626	70	1,468
Wajir	69	110	3	0	11	0	0	5	0	20	1	18	3	0	1	12	29	5	2	159	2	614
Wanguru	100	0	0	6	29	0	0	15	0	71	0	66	4	2	9	32	112	9	0	262	1	1,141
Webuye	107	3	2	11	7	0	0	12	8	67	0	11	13	2	9	25	67	3	0	761	4	1,351
Winam	121	1	5	2	23	2	2	14	0	68	3	83	8	4	33	62	165	6	1	480	0	1,694
Wundanyi	52	5	0	0	9	3	0	3	0	48	0	26	1	1	2	46	27	27	0	104	10	941
All courts	14,038	1,302	181	476	3,253	191	282	2,424	220	13,584	164	5,715	1,240	566	1,590	5,555	13,547	1,343	63	72,810	2,081	211,857

Annex 2.10 Filed Civil Cases by Court per Type

Court Name	Adoption	CBAs	Custody	Maintenance	Divorce	Separation	ELC	Election Petition	ELRC	Guardianship	Income Tax	Libel	Misc Civil	Other Civil	Running Down	Succession	Workman Compensation	Total
Baricho	0	0	0	0	1	0	0	0	0	0	0	0	0	48	98	312	0	459
Bomet	0	74	0	0	10	0	0	0	0	0	0	1	0	2	95	0	0	182
Bondo	0	0	0	0	4	0	0	0	1	0	0	1	0	24	93	318	1	442
Bungoma	0	0	0	0	0	0	1	0	6	0	7	11	0	16	26	5	2	74
Busia	0	0	0	0	2	0	0	9	0	0	1	1	0	41	9	28	3	94
Butali	0	13	73	0	15	0	0	1	0	0	0	0	0	59	69	30	53	313
Butere	0	0	0	0	2	0	0	0	0	0	0	0	0	43	95	137	0	277
Chuka	0	0	0	0	17	0	0	0	0	0	0	1	0	95	74	235	7	429
Eldama Ravine	0	0	0	0	0	0	0	0	0	0	0	0	0	0	51	18	1	70
Eldoret	0	71	82	0	13	0	0	0	4	0	0	0	0	330	850	228	3	1,581
Embu	0	1	0	0	5	0	0	0	0	0	3	1	0	144	3	363	13	533
Engineer	0	0	0	0	0	0	0	0	0	0	0	0	0	8	15	3	33	59
Garissa	0	0	0	0	0	0	0	0	1	0	0	0	0	13	0	0	0	14

Annex 2.11 Resolved Civil Cases by Court per Type

Court Name	CBA's	Custody Maintenance	Divorce Separation	ELC	Election Petition	ELRC	Guardianship	Income Tax	Libel	Misc Civil	Other Civil	Running Down	Succession	Workman Compensation	Total
Baricho	0	0	5	0	0	0	0	0	0	0	26	119	161	0	311
Bomet	74	0	16	0	0	0	0	0	2	0	2	65	0	0	159
Bondo	0	0	3	0	0	1	0	0	0	0	48	93	58	2	205
Bungoma	0	0	7	1	0	6	0	7	13	0	102	162	6	47	351
Busia	0	0	2	0	2	0	0	1	1	0	66	78	28	4	182
Butali	5	31	20	0	0	0	0	0	0	0	49	91	3	56	255
Butere	0	0	7	0	0	0	0	0	0	0	109	90	32	27	265
Chuka	0	0	7	0	0	0	0	0	4	0	315	70	20	7	423
Eldama Ravine	0	0	0	0	0	0	0	0	0	0	15	130	13	3	161
Eldoret	71	43	23	0	0	4	0	0	0	0	125	441	49	23	779
Embu	1	0	24	0	0	1	0	0	18	0	875	236	106	14	1,275
Engineer	0	0	2	0	0	0	0	0	0	0	19	15	20	33	89
Garissa	0	0	0	0	0	0	0	0	0	0	9	0	0	0	9
Garsen	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
Gatundu	1	0	7	0	0	0	0	0	2	0	37	197	57	170	471
Gichugu	0	0	6	0	0	0	0	0	0	0	30	7	155	0	198
Githongo	0	0	2	0	0	0	0	0	0	0	39	26	2	0	69
Githunguri	0	0	5	0	0	0	0	0	0	0	32	13	59	2	111
Hamisi	0	0	2	0	0	0	0	0	0	0	32	54	33	5	126
Hola	0	0	0	0	0	0	0	1	0	0	29	17	0	1	48
Homabay	0	0	3	0	0	0	0	0	3	0	90	7	2	0	105
Isiolo	0	0	1	0	0	0	0	0	0	0	54	15	3	1	74
Iten	0	0	6	0	0	9	0	8	1	0	25	0	3	25	77
JKIA	0	0	0	0	0	2	0	0	0	0	0	0	0	0	2
Kabarnet	12	0	4	0	0	0	0	0	0	0	23	5	73	0	117
Kajiado	0	0	14	0	0	0	0	3	0	0	13	109	35	77	251
Kakamega	23	0	12	0	1	1	0	0	3	0	132	104	1	58	335
Kakuma	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kaloleni	9	0	3	0	0	0	0	0	3	0	12	97	3	160	287
Kandara	0	0	0	0	0	0	0	0	1	0	8	65	6	39	119
Kangema	0	0	5	0	0	0	0	0	0	0	36	54	20	1	116
Kangundo	0	0	7	0	0	0	0	0	0	0	15	73	28	2	125

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Taveta	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tawa	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Thika	0	0	8	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Tigania	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tononoka	0	93	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ukwala	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vihiga	23	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Voi	0	17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wajir	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wanguru	14	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Webuye	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Winam	0	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wundanyi	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
All courts	473	1,441	1,452	1	12	112	13	90	357	4	16,572	17,661	3,935	4,735	46,958	0	0	0

Table 2.12(a): Pending Criminal Cases Per Magistrate Court by Case Type

Court Name	Abortion	Abuse Of Office	Alarming Publications	Alcoholic Offences	Arson	Attempted Murder	Bankruptcy	Breach Trust	Burglary	C Trademark	Child Care	Child Conflict	Child Negligence	Child Stealing	Const Hrv	Corrupt Integrity	Creating Disturbance	Criminal Trespass	Deceiving Principal	Destroy Evidence	Disobedience	Econ Crime	Escape Custody	Failure Management		
	Baricho	5	0	43	0	10	2	0	27	70	1	28	2	2	3	0	0	103	12	0	0	0	0	4	0	
	Bomet	1	0	75	0	5	7	0	2	59	0	0	3	23	3	0	22	9	0	0	0	0	7	0		
	Bondo	0	0	0	0	7	2	0	11	47	0	0	1	0	0	0	4	7	0	0	0	0	0	0		
	Bungoma	2	0	106	52	19	1	0	58	279	1	7	1	7	5	0	1	128	1	0	0	0	0	2	0	
	Busia	0	0	84	62	53	3	12	79	516	9	65	3	10	200	3	0	233	11	0	0	0	1	4	0	
	Butali	0	1	60	0	4	2	0	28	137	0	11	0	2	4	0	0	62	7	0	0	0	0	0	0	
	Butere	0	0	26	11	5	0	0	4	45	0	5	8	0	1	0	0	1	2	0	0	0	1	0	0	
	Chuka	4	0	32	0	6	3	3	5	154	0	19	0	2	29	0	0	14	2	0	1	0	0	2	0	0
	Eldama Ravine	2	0	0	35	10	1	0	14	79	0	11	0	0	5	0	0	55	1	0	0	0	0	1	0	0
	Eldoret	12	1	442	0	31	32	1	126	650	3	20	16	24	512	3	13	144	33	0	3	0	6	19	1	1
	Embu	0	0	55	28	8	1	0	7	75	9	13	0	2	26	0	0	138	5	0	0	0	5	4	0	0
	Engineer	6	0	3	3	12	1	1	17	72	0	5	4	2	1	0	0	95	0	0	0	0	0	7	0	0

Garissa	0	2	2	0	5	0	1	28	120	6	7	1	0	6	1	0	16	10	0	0	3	4	0
Garsen	0	0	1	7	0	0	0	10	19	1	4	0	0	11	0	0	25	22	0	1	0	0	0
Gatundu	0	0	41	0	6	5	0	15	89	3	15	2	0	5	0	1	71	4	0	0	0	4	0
Gichugu	0	0	62	0	1	2	0	11	57	0	9	0	0	0	0	0	27	0	0	1	0	0	0
Githongo	1	0	0	22	1	0	0	0	3	1	11	0	0	0	0	0	11	1	0	0	0	0	0
Githunguri	1	0	14	4	5	3	0	21	61	0	0	1	1	18	0	0	59	9	0	0	0	5	0
Hamisi	0	0	60	24	2	0	0	47	254	2	9	0	2	8	0	0	113	0	0	0	0	1	0
Hola	0	0	0	3	0	4	0	9	26	0	12	0	0	4	0	0	7	1	0	0	1	2	0
Homabay	0	0	0	0	8	2	0	14	72	1	14	0	0	10	0	1	7	9	0	0	0	0	0
Isiolo	0	0	4	7	0	0	6	18	42	1	0	0	0	5	0	7	13	3	0	0	2	0	0
Iten	5	0	208	0	37	0	0	35	183	0	0	0	0	18	0	0	61	2	0	0	1	7	1
JKIA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kabarnet	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kajiado	0	0	0	0	6	0	0	67	129	1	72	3	4	24	0	6	11	14	0	0	0	0	0
Kakamega	3	0	189	83	15	0	76	92	358	5	169	25	2	50	3	3	451	22	0	0	10	15	0
Kakuma	0	0	0	0	0	0	0	0	4	0	2	0	0	0	0	0	3	0	0	0	0	0	0
Kaloleni	3	0	0	0	1	1	0	0	0	0	0	0	0	10	0	0	7	0	0	0	0	0	0
Kandara	1	0	0	0	8	0	5	3	59	1	21	0	0	9	1	0	60	7	0	0	0	1	0
Kangema	0	0	1	2	3	1	0	8	22	0	0	0	0	2	0	0	22	0	0	0	1	0	0
Kangundo	1	0	39	4	6	0	0	26	97	0	11	0	0	5	0	3	64	5	0	0	1	0	0
Kapenguria	2	0	86	37	8	0	1	25	175	1	21	5	0	12	0	0	68	10	0	0	0	4	0
Kapsabet	3	0	54	17	17	15	0	15	205	2	33	0	1	38	3	0	91	9	0	1	0	1	0
Karatina	0	0	21	5	7	0	0	15	86	3	4	0	1	38	0	0	49	0	0	0	0	1	0
Kehancha	1	0	0	0	2	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	1	0	0
Kericho	1	2	0	31	32	13	0	65	222	10	47	4	5	52	0	0	62	6	0	0	6	0	4
Keroka	0	0	2	8	4	3	0	23	104	2	3	1	0	15	1	0	10	3	0	0	0	2	0
Kerugoya	0	0	30	0	2	0	41	8	48	1	6	0	0	0	0	0	0	0	0	0	0	0	0
Kiambu	0	0	0	27	3	10	7	42	140	1	0	2	3	19	3	0	7	0	0	0	3	0	0
Kibera	4	1	130	1,104	11	13	10	202	509	18	15	0	7	0	3	0	170	27	0	0	6	4	0
Kigumo	1	0	0	126	17	6	0	85	262	0	0	1	2	53	0	0	221	23	0	0	0	2	0
Kikuyu	2	0	8	17	8	2	3	33	143	2	75	2	1	37	0	0	57	4	0	1	0	1	0
Kilgoris	5	0	0	4	18	5	0	29	157	0	14	0	0	45	2	0	82	40	0	0	0	8	0
Kilifi	3	0	0	4	3	0	0	19	79	0	27	0	0	96	0	0	13	15	0	2	0	0	0
Kilungu	0	0	22	0	5	21	0	6	41	0	10	0	0	3	0	0	27	16	0	0	0	0	0
Kimilili	0	0	10	15	8	4	0	28	255	0	21	0	0	5	1	1	41	6	0	0	2	0	0
Kisii	5	1	98	0	22	4	72	22	349	7	297	0	0	19	6	0	9	13	0	0	2	6	0
Kisumu	0	5	0	78	4	6	6	35	122	7	77	0	0	5	0	0	111	2	0	0	12	9	0
Kitale	0	0	2	0	25	2	0	73	413	0	49	1	9	61	3	4	47	61	0	0	0	1	0
Kithimani	2	0	0	10	6	8	0	29	55	4	8	0	0	0	0	0	46	3	0	0	0	2	0

Kitui	0	0	10	0	11	13	0	45	235	3	10	0	1	66	0	0	110	23	0	0	0	0	29	1
Kwale	0	3	8	2	3	0	16	21	89	1	29	0	0	34	1	0	52	7	0	0	0	0	10	1
Kyuso	1	0	29	0	3	3	0	5	32	0	13	17	0	15	0	0	29	0	0	0	0	0	0	0
Lamu	0	0	3	0	12	0	0	15	41	2	0	0	1	18	0	0	4	9	0	0	0	0	0	0
Limuru	2	0	2	0	10	3	0	0	85	1	14	0	2	108	1	0	0	3	0	0	0	0	0	0
Lodwar	1	0	0	1	6	4	0	0	32	0	7	0	3	3	0	24	11	1	0	0	0	0	0	0
Loitoktok	0	0	0	0	0	0	0	0	5	0	46	0	0	0	0	0	0	1	0	0	0	0	0	0
Machakos	0	0	32	5	12	0	6	55	125	6	93	0	3	94	0	27	121	25	0	0	1	2	1	1
Makadara	13	3	27	234	7	0	7	380	1,224	0	18	1	83	0	16	0	983	59	0	2	0	22	28	0
Makindu	4	0	15	95	14	12	0	53	318	4	31	4	7	23	0	2	410	109	0	0	0	0	7	0
Makueni	2	0	0	2	11	1	7	22	130	2	10	2	0	3	0	1	27	13	0	0	0	0	1	0
Malindi	3	0	0	1	14	3	2	37	191	8	12	2	2	61	0	20	69	12	0	1	0	0	4	0
Mandera	0	0	0	0	3	1	0	1	8	0	2	0	0	2	0	0	0	2	0	0	0	0	0	0
Maralal	0	0	0	48	1	0	2	0	37	0	10	0	1	0	0	1	59	0	0	0	0	2	0	0
Mariakani	0	0	0	4	2	4	0	4	58	0	7	0	0	3	0	0	21	0	0	0	0	0	0	0
Marimanti	0	0	68	22	0	16	0	9	33	0	0	0	0	8	0	0	0	4	0	0	0	2	0	0
Marsabit	0	0	0	5	0	2	3	8	11	0	0	0	0	5	0	0	103	3	0	0	0	0	1	0
Maseno	0	0	116	0	11	0	1	44	173	0	1	0	13	12	1	0	80	22	0	0	0	1	0	6
Maua	1	0	153	176	24	5	8	51	413	0	83	3	2	35	0	3	199	8	0	0	0	0	8	0
Mavoko	0	0	24	0	3	2	0	15	40	0	13	2	6	6	0	1	39	35	0	0	0	0	1	0
Mbita	0	0	9	17	2	2	0	14	67	1	2	0	2	0	0	0	21	3	0	0	0	3	2	0
Meru	0	1	69	9	13	7	86	56	190	7	0	5	3	45	0	9	104	18	0	0	0	2	1	0
Migori	2	0	45	11	10	13	1	9	102	5	7	5	0	9	0	0	28	8	0	0	0	1	2	4
Milimani Anticorruption	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	69	0	0	0	0	0	24	0	0
Milimani Childrens	0	0	0	0	0	0	0	1	9	0	427	0	9	2,911	0	0	3	0	0	0	0	0	0	0
Milimani Commercial	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Milimani	0	0	0	5	0	34	0	8	56	13	0	0	54	0	2	8	19	80	0	0	0	5	4	0
Molo	0	1	14	0	18	1	16	27	346	0	39	13	0	10	0	0	24	17	0	0	0	0	0	0
Mombasa	2	1	43	89	5	28	0	128	323	38	5	2	23	1	7	16	2,264	66	0	0	0	19	6	1
Moyale	1	0	0	0	1	12	0	1	16	0	1	0	0	0	0	0	10	2	0	0	0	0	1	0
Mpeketoni	0	0	0	0	3	0	0	0	4	0	0	0	0	0	0	2	1	0	0	0	0	0	0	0
Mukurwe-ini	0	0	2	4	1	0	0	10	29	3	0	0	0	0	0	0	8	0	0	0	0	0	0	0
Mumias	0	1	0	23	3	0	165	6	96	0	72	2	0	3	0	0	33	6	0	0	0	5	1	0
Muranga	0	0	17	0	4	0	14	15	91	3	48	0	2	120	1	5	116	7	0	0	0	2	4	0
Mutumo	0	0	12	5	2	4	0	2	28	6	2	0	0	0	0	0	4	1	0	0	0	0	0	0
Mwingi	1	0	0	2	4	2	15	9	111	1	6	0	0	0	0	0	57	1	0	0	0	0	1	0

Table 2.15 (b): Pending Criminal Cases Per Court by Type

Court Name	Failure Procurement										Felony	Forgery	Fraud	Grievous Harm	Immigration	Impersonation	Inquest	Malicious Damage	Manslaughter	Misc Accr	Misc Criminal	Obstruct Justice	Obtaining	Offences Morality	Other Criminal	Possession Firearm	Possession Narcotics	Public Health	Robbery	RWV	Sexual Offences	Stealing	Stock Theft	Terrorism	Traffic	Uttering False Doc	Wildlife	Total Criminal
	0	2	6	7	30	0	0	1	10	0	0	0	0	0	0	1	0	1	26	12	2	3	9	8	53	51	4	0	398	0	3	939						
Baricho	0	1	2	1	15	0	0	5	22	3	0	0	0	0	0	0	0	31	5	1	6	13	3	30	34	4	0	22	2	4	420							
Bomet	0	1	3	1	44	0	3	1	1	4	1	0	0	0	0	0	0	0	0	2	2	1	2	17	14	6	5	9	0	0	205							
Bondo	0	1	3	1	44	0	3	1	1	4	1	0	0	0	0	0	0	0	0	2	2	1	2	17	14	6	5	9	0	0	205							
Bungoma	0	1	19	8	0	8	9	63	27	4	0	0	0	3	35	0	101	17	0	6	18	20	163	126	0	0	266	0	1	1,565								
Busia	0	25	34	4	118	9	3	94	10	12	2	0	0	10	85	1	211	15	21	0	22	65	364	333	32	0	198	11	15	3,141								
Butali	0	3	3	7	1	0	0	6	55	1	0	0	0	3	15	0	10	2	0	1	0	10	22	30	0	0	0	0	5	492								
Butere	0	0	0	3	2	0	0	0	7	2	0	0	0	4	12	0	1	4	0	2	1	9	36	11	2	0	6	0	0	211								
Chuka	0	2	5	2	14	0	1	5	34	15	0	0	5	14	0	80	4	0	0	0	0	11	65	12	7	0	361	0	14	927								
Eldama Ravine	0	0	2	2	46	3	1	2	15	4	0	0	2	31	0	34	2	1	0	6	26	50	50	37	11	0	512	0	26	1,027								
Eldoret	1	0	33	229	16	4	16	60	155	22	3	0	3	122	0	0	0	25	15	5	13	114	493	583	47	0	854	4	55	5,114								
Embu	1	6	8	8	24	2	5	2	43	4	4	0	4	56	3	74	48	19	1	0	11	51	88	10	0	151	1	4	1,004									
Engineer	0	10	0	0	26	0	1	8	7	3	1	0	0	8	1	50	49	17	1	3	6	76	47	8	0	41	0	21	613									
Garissa	0	1	10	12	1	6	13	1	27	10	3	0	0	9	0	120	21	19	0	7	18	84	76	2	2	219	0	0	947									
Garsen	0	1	3	0	23	8	0	1	10	0	0	0	2	5	1	22	8	10	0	1	4	43	19	21	12	21	2	10	328									
Gatundu	0	0	3	10	18	1	4	0	23	3	0	0	1	2	0	22	10	26	0	7	12	79	47	1	1	30	0	1	562									
Gichugu	0	0	1	7	0	0	0	0	26	2	0	0	2	8	0	1	19	3	0	0	0	20	28	3	0	1	0	4	295									
Githongo	0	0	1	0	20	0	0	1	0	1	0	0	0	10	1	18	0	0	0	0	2	11	3	3	3	9	0	0	131									
Githunguri	0	2	3	4	23	0	2	8	24	0	0	0	6	19	0	14	67	12	2	0	11	57	56	1	0	0	0	0	513									
Hamisi	0	6	0	15	0	0	3	1	16	0	0	0	1	1	0	37	30	0	0	2	62	57	106	9	0	18	0	11	897									
Hola	0	0	5	2	0	0	0	2	1	0	0	0	0	0	0	13	2	0	0	0	0	18	20	13	0	0	0	10	155									
Homabay	0	4	18	0	17	0	2	18	24	2	0	0	0	23	2	54	32	0	3	5	15	64	61	8	0	39	0	6	535									
Isiolo	0	8	5	1	53	4	2	3	43	6	5	0	4	21	1	20	7	6	0	18	18	33	60	11	2	55	1	0	515									
Iten	0	1	3	1	0	0	2	16	36	11	0	0	0	8	0	114	2	3	0	0	22	83	35	5	0	0	0	37	937									
JKIA	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	16	1	0	0	7	0	0	0	0	1	28									

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Moyale	0	0	0	1	33	16	0	0	0	0	0	0	0	0	0	1	0	6	21	33	0	0	17	0	0	0	194		
Mpeketo ni	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	9	11	0	0	0	12	1	0	1	0	46		
Mukurwe -ini	0	0	0	1	5	0	0	3	10	0	0	1	7	0	0	0	0	0	3	7	6	2	0	4	0	0	113		
Mumias	0	4	10	11	0	0	2	3	26	1	3	0	2	12	1	105	9	4	8	9	32	46	0	0	0	2	3	709	
Muranga	0	1	0	5	12	0	1	25	22	4	0	0	0	22	1	57	93	11	0	3	11	49	93	3	0	136	4	1	1,003
Mutumo	0	1	2	1	14	0	0	0	25	3	0	0	1	4	0	77	3	0	1	0	9	25	34	13	0	19	0	4	302
Mwingi	0	0	3	3	23	0	0	3	26	5	0	0	0	5	0	67	20	8	6	1	55	47	18	0	103	0	9	612	
Nairobi City	0	4	101	104	2	5	6	9	4	3	0	0	2	71	0	73	0	0	2	0	3	12	268	0	1	50	1	0	785
Naivasha	0	18	16	2	38	1	3	62	40	9	1	0	5	49	0	178	77	0	0	2	42	145	250	26	0	1,799	0	8	3,349
Nakuru	0	9	136	12	174	2	15	99	23	14	71	0	21	463	7	48	63	3	6	141	44	1,019	92	0	946	0	98	7,518	
Nanyuki	0	14	20	2	36	0	0	13	59	4	10	0	0	37	0	145	8	0	8	30	102	164	39	0	1	1	49	1,392	
Narok	0	8	18	5	45	1	5	39	30	4	1	0	0	40	0	108	16	0	5	0	41	105	119	1	0	0	2	42	961
Ndhiwa	0	0	3	0	11	1	1	6	2	2	0	0	0	3	0	6	7	1	0	1	8	25	3	10	0	11	0	4	202
Ngong	0	0	0	1	54	13	0	1	6	2	0	0	0	15	0	23	0	32	1	5	21	60	0	0	0	0	5	382	
Nkubu	0	2	2	2	0	0	2	6	58	4	0	0	5	35	0	21	17	0	4	2	17	39	79	4	0	9	0	1	703
Nyahururu	0	12	10	36	27	0	1	64	25	3	0	0	4	30	3	121	64	0	0	1	54	259	160	43	0	143	14	44	2,435
Nyamira	0	0	3	2	21	0	0	10	14	1	0	0	4	0	1	2	2	3	0	4	28	55	6	3	0	37	0	0	444
Nyando	0	9	6	3	61	0	2	9	24	7	0	1	12	7	0	70	13	1	4	31	129	97	22	0	268	0	2	1,172	
Nyeri	3	2	24	10	15	1	7	47	30	1	0	0	5	27	5	33	60	0	0	7	44	71	103	8	0	0	10	1	664
Ogembo	0	9	12	0	155	0	3	58	96	11	0	0	4	61	7	103	2	17	3	22	19	102	145	2	0	68	5	0	1,688
Othaya	0	1	3	0	0	0	0	3	0	0	0	0	2	4	0	74	6	0	0	9	0	2	6	2	0	10	0	1	273
Oyugis	0	0	2	0	11	0	0	0	15	0	0	0	2	0	0	156	4	3	0	2	16	48	55	0	0	31	0	0	539
Rongo	0	10	10	0	18	1	11	2	20	3	0	0	0	21	0	56	49	0	9	10	19	111	90	0	0	110	0	0	873
Runyenjes	0	0	1	4	23	0	0	0	14	0	0	0	0	3	0	14	0	0	7	1	20	16	0	0	0	25	0	2	208
Shanzu	0	0	6	18	0	1	12	18	75	7	0	0	0	116	0	104	14	12	2	0	99	268	460	3	3	251	1	7	2,224
Siakago	0	5	1	0	25	0	1	26	36	11	2	0	0	21	1	110	42	12	0	2	15	70	68	7	0	29	0	2	856
Siaya	0	1	1	0	0	0	3	4	26	12	0	0	0	9	0	0	36	0	2	3	20	46	20	14	0	0	4	3	575
Sirisia	0	0	1	0	0	2	0	4	22	0	0	0	2	3	0	9	7	0	1	0	5	15	7	1	0	16	0	1	250
Sotik	0	5	1	0	0	0	1	0	7	4	9	0	0	0	0	53	24	0	0	0	0	30	7	0	0	31	0	0	594
Tamu	0	0	4	0	1	0	0	2	7	5	0	0	0	7	1	18	1	0	0	4	23	0	11	0	0	0	0	1	133

Taveta	0	1	0	1	10	1	0	10	0	0	0	0	0	7	0	1	1	0	0	6	2	15	25	0	0	14	1	9	182
Tawa	0	0	0	0	17	0	0	0	12	1	0	0	0	7	0	15	6	3	0	0	1	19	28	5	0	7	0	1	162
Thika	0	22	19	53	0	10	1	18	34	7	13	0	1	168	0	36	21	0	0	0	87	144	334	21	0	16	6	4	1,472
Tigania	0	6	3	2	0	0	2	2	139	3	3	0	11	33	0	86	36	3	7	13	39	66	147	61	0	49	0	25	2,279
Tononoka	0	39	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	0	0	0	0	7	3	0	0	0	0	0	531
Ukwala	0	0	0	1	0	0	0	3	3	11	0	0	0	4	2	14	14	0	1	0	18	34	6	3	0	8	0	1	336
Vihiga	0	0	0	0	31	0	0	1	0	0	0	0	0	1	0	8	0	0	0	1	14	0	0	0	0	108	0	0	191
Voi	0	0	2	0	15	0	0	10	4	2	0	0	1	2	0	15	7	2	21	3	9	25	32	0	0	103	0	38	416
Wajir	0	0	0	0	34	14	0	1	8	2	0	0	0	3	0	60	8	0	0	1	6	23	12	1	6	13	0	1	265
Wanguru	0	7	4	4	0	0	3	16	25	1	0	0	0	10	0	1	12	1	0	5	8	23	55	0	0	39	0	5	435
Webuye	0	2	0	3	0	0	5	73	16	1	0	0	1	28	0	72	0	2	2	5	27	139	66	14	0	0	0	3	757
Winam	0	2	4	54	0	0	3	8	22	3	2	0	2	37	0	45	20	0	14	10	9	105	163	5	0	53	3	2	1,208
Wundanyi	0	1	0	0	4	1	1	0	1	3	0	0	2	5	0	24	14	0	0	0	2	11	11	4	0	0	1	1	113
All Courts	11	563	1,758	2,043	3,412	673	399	1,960	4,277	538	366	30	460	5,074	696	9,647	3801	1,124	571	893	3,369	11,180	16,354	1,182	157	41,851	214	1,429	168,400

Annex 2.13 Pending Civil Cases per Court by Type

Court Name	Adoption	CBA's	Custody Maintenance	Divorce Separation	ELC	Election Petition	ELRC	Guardianship	Income Tax	Libel	Misc Civil	Other Civil	Running Down	Succession	Workman Compensation	Total Civil
Baricho	0	0	0	1	0	0	0	0	0	4	3	81	181	542	6	818
Bomet	0	16	177	15	0	0	5	0	0	0	9	122	169	10	4	527
Bondo	0	0	3	3	0	0	0	0	0	1	0	0	131	352	12	502
Bungoma	0	4	51	51	0	0	0	0	0	0	3	870	479	5	26	1,489
Busia	0	0	1	0	0	7	0	0	3	9	0	272	51	0	0	343
Butali	0	8	65	0	0	1	0	0	0	0	0	128	120	27	270	619
Butere	0	0	4	1	0	0	0	0	0	0	0	85	395	131	38	654
Chuka	0	0	38	39	0	0	2	0	0	10	34	146	187	455	0	911
Eldama Ravine	0	0	29	3	0	0	1	0	0	0	0	30	162	112	0	337
Eldoret	0	0	39	60	0	0	0	0	0	1	1	1,019	1,295	239	133	2,787
Embu	1	0	195	45	0	1	3	0	3	3	83	356	144	425	0	1,259
Engineer	0	0	2	2	0	0	0	0	0	0	1	99	0	207	0	311
Garissa	0	0	22	1	0	0	1	0	1	0	0	12	52	17	0	106
Garsen	0	0	0	0	0	1	0	0	0	0	0	0	28	0	0	29
Gatundu	0	1	0	9	24	0	4	0	0	0	0	20	378	423	160	1,019
Gichugu	0	1	2	2	0	0	0	0	0	0	0	67	3	443	0	518
Githongo	0	0	1	3	0	0	0	0	0	0	0	15	12	9	0	40
Githunguri	0	0	0	10	0	0	0	0	0	0	6	156	145	356	31	704
Hamisi	0	0	6	1	0	0	1	0	0	0	0	10	24	1	0	43
Hola	0	0	11	0	0	0	0	0	0	0	0	1	10	1	0	23
Homabay	0	0	4	12	0	0	0	0	0	0	0	30	172	91	10	319
Isiolo	0	0	25	11	0	0	1	0	0	0	7	131	44	8	0	227
Iten	0	0	74	0	0	0	0	0	0	2	0	165	34	81	5	361
JKIA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kabarnet	0	0	29	1	0	0	1	0	0	1	1	7	0	0	0	40
Kajiado	0	0	4	8	0	0	16	0	0	0	48	853	449	227	686	2,291
Kakamega	0	0	147	50	0	0	0	0	1	14	0	410	530	175	178	1,505
Kakuma	0	0	8	0	0	0	0	0	0	1	0	2	0	0	0	11
Kaloleni	0	0	1	0	0	0	0	0	0	0	0	11	214	45	118	389
Kandara	0	0	4	2	0	0	0	0	0	0	6	3	291	66	217	589
Kangema	0	0	13	3	0	0	0	0	0	0	6	24	5	58	0	109



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Annex 2.14: Backlog for Magistrate courts as at 30th June 2017

Court Name	1-2 Yrs	2 - 5 Yrs	5 - 10 Yrs	Over 10 Yrs	All Backlog
Baricho Magistrate Court	140	73	0	0	213
Bomet Magistrate Court	26	22	20	0	68
Bondo Magistrate Court	20	6	0	0	26
Bungoma Magistrate Court	650	836	381	0	1,867
Busia Magistrate Court	990	891	77	5	1,963
Butali Magistrate Court	108	165	45	0	318
Butere Magistrate Court	64	316	0	0	380
Chuka Magistrate Court	220	154	338	77	789
Eldama Ravine Magistrate Court	189	144	27	10	370
Eldoret Magistrate Court	977	1,101	397	91	2,566
Embu Magistrate Court	262	335	306	0	903
Engineer Magistrate Court	337	218	2	0	557
Garissa Magistrate Court	204	105	3	0	312
Garsen Magistrate Court	61	16	1	0	78
Gatundu Magistrate Court	286	468	46	0	800
Gichugu Magistrate Court	7	12	6	0	25
Githongo Magistrate Court	11	1	0	0	12
Githunguri Magistrate Court	254	284	128	28	694
Hamisi Magistrate Court	445	148	8	0	601
Hola Magistrate Court	17	7	3	0	27
Homabay Magistrate Court	307	135	8	0	450
Isiolo Magistrate Court	171	119	25	2	317
Iten Magistrate Court	137	76	25	0	238
JKIA Magistrate Court	0	0	0	0	0
Kabarnet Magistrate Court	117	1	0	0	118
Kajiado Magistrate Court	908	827	777	0	2,512
Kakamega Magistrate Court	774	928	161	0	1,863
Kakuma Magistrate Court	75	9	0	0	84
Kaloleni Magistrate Court	21	8	0	0	29
Kandara Magistrate Court	152	239	72	0	463
Kangema Magistrate Court	13	2	12	0	27
Kangundo Magistrate Court	183	64	16	2	265
Kapenguria Magistrate Court	72	18	4	0	94
Kapsabet Magistrate Court	486	648	164	36	1,334
Karatina Magistrate Court	227	271	124	141	763
Kehancha Magistrate Court	135	0	0	0	135
Kericho Magistrate Court	524	853	522	0	1,899
Keroka Magistrate Court	241	282	35	0	558
Kerugoya Magistrate Court	50	112	0	0	162
Kiambu Magistrate Court	639	402	269	639	1,949
Kibera Magistrate Court	3,834	1,175	136	0	5,145
Kigumo Magistrate Court	846	1,099	60	0	2,005
Kikuyu Magistrate Court	701	587	150	0	1,438
Kilgoris Magistrate Court	476	278	7	1	762
Kilifi Magistrate Court	401	264	22	0	687
Kilungu Nunguni Magistrate Court	7	0	0	0	7
Kimilili Magistrate Court	254	310	68	44	676
Kisii Magistrate Court	406	739	60	0	1,205
Kisumu Magistrate Court	587	548	53	0	1,188
Kitale Magistrate Court	934	644	324	0	1,902
Kithimani Magistrate Court	2	119	0	0	121
Kitui Magistrate Court	1,158	1,254	955	1,102	4,469

Kwale Magistrate Court	438	515	192	0	1,145
Kyuso Magistrate Court	96	134	17	0	247
Lamu Magistrate Court	36	0	0	0	36
Limuru Magistrate Court	351	531	203	0	1,085
Lodwar Magistrate Court	3	6	1	0	10
Loitoktok Magistrate Court	10	0	0	0	10
Machakos Magistrate Court	260	974	762	985	2,981
Makadara Magistrate Court	1,403	2,246	438	0	4,087
Makindu Magistrate Court	1,102	893	336	32	2,363
Makueni Magistrate Court	285	395	99	0	779
Malindi Magistrate Court	490	793	262	0	1,545
Mandera Magistrate Court	12	7	0	0	19
Maralal Magistrate Court	34	0	1	0	35
Mariakani Magistrate Court	270	44	0	0	314
Marimanti Magistrate Court	15	0	0	0	15
Marsabit Magistrate Court	7	7	0	1	15
Maseno Magistrate Court	332	512	174	25	1,043
Maua Magistrate Court	114	492	444	249	1,299
Mavoko Magistrate Court	1,365	94	0	0	1,459
Mbita Magistrate Court	159	55	0	0	214
Meru Magistrate Court	809	1,579	1,488	1,664	5,540
Migori Magistrate Court	1,333	262	24	0	1,619
Milimani Anticorruption Court	25	30	27	0	82
Milimani Children's Court	1,594	4,868	3,273	1,014	10,749
Milimani Commercial Magistrate	4,946	11,872	9,315	2,675	28,808
Milimani Magistrate Court	2,566	805	226	0	3,597
Molo Magistrate Court	636	691	283	115	1,725
Mombasa Magistrate Court	2,904	7,252	6,313	10,746	27,215
Moyale Magistrate Court	9	0	0	0	9
Mpeketoni Magistrate Court	0	0	0	0	0
Mukurwe-ini Magistrate Court	10	0	0	0	10
Mumias Magistrate Court	164	455	0	0	619
Muranga Magistrate Court	584	646	369	239	1,838
Mutumo Magistrate Court	14	55	16	0	85
Mwingi Magistrate Court	257	230	191	145	823
Nairobi City Court	120	379	163	7	669
Naivasha Magistrate Court	1,480	1,700	1,075	34	4,289
Nakuru Magistrate Court	2,267	3,659	5,770	9,953	21,649
Nanyuki Magistrate Court	324	311	93	32	760
Narok Magistrate Court	631	513	201	62	1,407
Ndhiwa Magistrate Court	106	50	0	0	156
Ngong Magistrate Court	0	0	0	0	0
Nkubu Magistrate Court	170	223	111	34	538
Nyahururu Magistrate Court	792	1,342	739	303	3,176
Nyamira Magistrate Court	150	242	12	2	406
Nyando Magistrate Court	424	583	619	451	2,077
Nyeri Magistrate Court	428	81	169	0	678
Ogembo Magistrate Court	560	972	257	8	1,797
Othaya Magistrate Court	17	0	0	0	17
Oyugis Magistrate Court	31	49	0	0	80
Rongo Magistrate Court	574	221	0	0	795
Runyenjes Magistrate Court	0	0	5	0	5
Shanzu Magistrate Court	581	313	0	0	894
Siakago Magistrate Court	274	188	229	164	855
Siaya Magistrate Court	37	79	0	0	116

Sirisia Magistrate Court	13	5	2	0	20
Sotik Magistrate Court	198	341	5	10	554
Tamu Magistrate Court	17	28	9	0	54
Taveta Magistrate Court	33	54	3	0	90
Tawa Magistrate Court	23	33	0	0	56
Thika Magistrate Court	1,750	2,491	1,827	255	6,323
Tigania Magistrate Court	690	931	252	26	1,899
Tononoka Magistrate Court	384	261	52	0	697
Ukwala Magistrate Court	94	47	0	0	141
Vihiga Magistrate Court	60	170	51	78	359
Voi Magistrate Court	121	135	85	20	361
Wajir Magistrate Court	8	2	1	0	11
Wanguru Magistrate Court	30	172	0	0	202
Webuye Magistrate Court	265	391	132	0	788
Winam Magistrate Court	362	338	0	0	700
Wundanyi Magistrate Court	58	5	0	0	63
All courts	55,811	70,065	42,153	31,507	199,536

Annex 2.15 Filed and Resolved Cases for Kadhi Courts

KADHI COURT	Filed Cases	Resolved Cases
Balambala Kadhi Court	51	47
Bungoma Kadhi Court	39	41
Busia Kadhi Court	25	12
Bute Kadhi Court	45	78
Dadaab Kadhi Court	106	51
Eldas Kadhi Court	38	6
Eldoret Kadhi Court	60	51
Elwak Kadhi Court	173	158
Faza Kadhi Court	237	229
Garbatula Kadhi Court	46	32
Garissa Kadhi Court	231	277
Garsen Kadhi Court	85	79
Habaswein Kadhi Court	40	6
Hamisi Kadhi Court	57	12
Hola Kadhi Court	65	86
Homabay Kadhi Court	17	2
Ijara Kadhi Court	124	172
Isiolo Kadhi Court	147	295
Kajiado Kadhi Court	50	40
Kakamega Kadhi Court	107	12
Kericho Kadhi Court	83	72
Kibera Kadhi Court	29	41
Kilifi Kadhi Court	50	63
Kisumu Kadhi Court	88	41
Kitui Kadhi Court	28	20
Kwale Kadhi Court	407	355
Lamu Kadhi Court	172	326
Lodwar Kadhi Court	92	63
Machakos Kadhi Court	17	24
Malindi Kadhi Court	46	92
Mandera Kadhi Court	173	180
Mariakani Kadhi Court	105	102
Marsabit Kadhi Court	122	111
Maua Kadhi Court	16	14
Merti Kadhi Court	122	119
Migori Kadhi Court	7	6
Mombasa Kadhi Court	536	507
Moyale Kadhi Court	95	57
Mpeketoni Kadhi Court	18	14
Msambweni Kadhi Court	99	69
Murang'a Kadhi Court	14	5
Mwingi Kadhi Court	12	4
Nairobi Kadhi Court	803	585
Nakuru Kadhi Court	136	25
Nyeri Kadhi Court	58	70
Takaba Kadhi Court	181	61
Thika Kadhi Court	8	13
Voi Kadhi Court	52	47
Wajir Kadhi Court	192	61
TOTALS	5,504	4,833

Table 2.16: Trend in Filed and Resolved Cases at the Kadhi Courts

KADHI COURT	2013/14		2014/15		2015/16		2016/17	
	IC	RC	IC	RC	IC	RC	IC	RC
Balambala	-	-	-	-	-	-	51	47
Bungoma	88	72	53	56	37	6	39	41
Busia	-	-	-	-	-	-	25	12
Bute	-	-	-	-	32	0	45	78
Dadaab	-	-	-	-	129	13	106	51
Eldas	-	-	-	-	9	0	38	6
Eldoret	32	46	4	7	40	9	60	51
Elwak	-	-	-	-	-	0	173	158
Faza	-	-	-	-	-	-	237	229
Garbatula	-	-	-	-	-	0	46	32
Garissa	278	442	68	74	264	32	231	277
Garsen	35	31	66	57	72	21	85	79
Habaswein	-	-	-	-	47	19	40	6
Hamisi	-	-	-	-	-	-	57	12
Hola	56	45	101	79	65	19	65	86
Homabay	-	-	-	-	0	0	17	2
Ijara	-	-	-	-	20	0	124	172
Isiolo	42	13	0	0	10	8	147	295
Kajiado	6	2	0	0	24	4	50	40
Kakamega	185	195	0	0	153	20	107	12
Kericho	-	-	-	-	27	1	83	72
Kibera	-	-	0	0	15	3	29	41
Kilifi	44	26	15	11	30	8	50	63
Kisumu	35	47	23	68	140	33	88	41
Kitale	6	2	10	9	11	0	-	-
Kitui	-	-	56	49	12	1	28	20
Kwale	440	321	169	47	244	159	407	355
Lamu	47	41	81	70	115	34	172	326
Lodwar	-	-	0	0	462	18	92	63
Machakos	8	5	56	49	11	0	17	24
Makindu	-	-	456	135	-	0	-	-
Malindi	68	43	14	17	127	44	46	92
Mandera	241	227	105	100	109	9	173	180
Mariakani	-	-	-	-	9	0	105	102
Marsabit	80	71	0	0	128	51	122	111
Maua	-	-	-	-	-	-	16	14
Merti	-	-	-	-	-	-	122	119
Migori	-	-	28	16	14	7	7	6
Mombasa	528	320	210	350	255	202	536	507
Moyale	40	28	0	0	8	19	95	57
Mpeketoni	-	-	-	-	-	-	18	14
Msambweni	-	-	-	-	-	0	99	69
Murang'a	9	8	0	0	3	2	14	5
Mwingi	-	-	-	-	0	0	12	4
Nairobi	329	275	328	294	462	389	803	585
Nakuru	-	-	-	-	121	30	136	25
Nyeri	31	25	0	0	42	13	58	70
Takaba	-	-	-	-	-	0	181	61
Thika	57	53	24	23	8	3	8	13
Voi	227	222	11	5	67	0	52	47
Wajir	407	403	0	0	413	30	192	61

TOTALS	3,319	2,963	1,878	1,516	3,735	1,207	5,504	4,833
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Annex 2.17: Trend in Pending Cases in Kadhi Courts for the Period 2013/14 – 2016/17

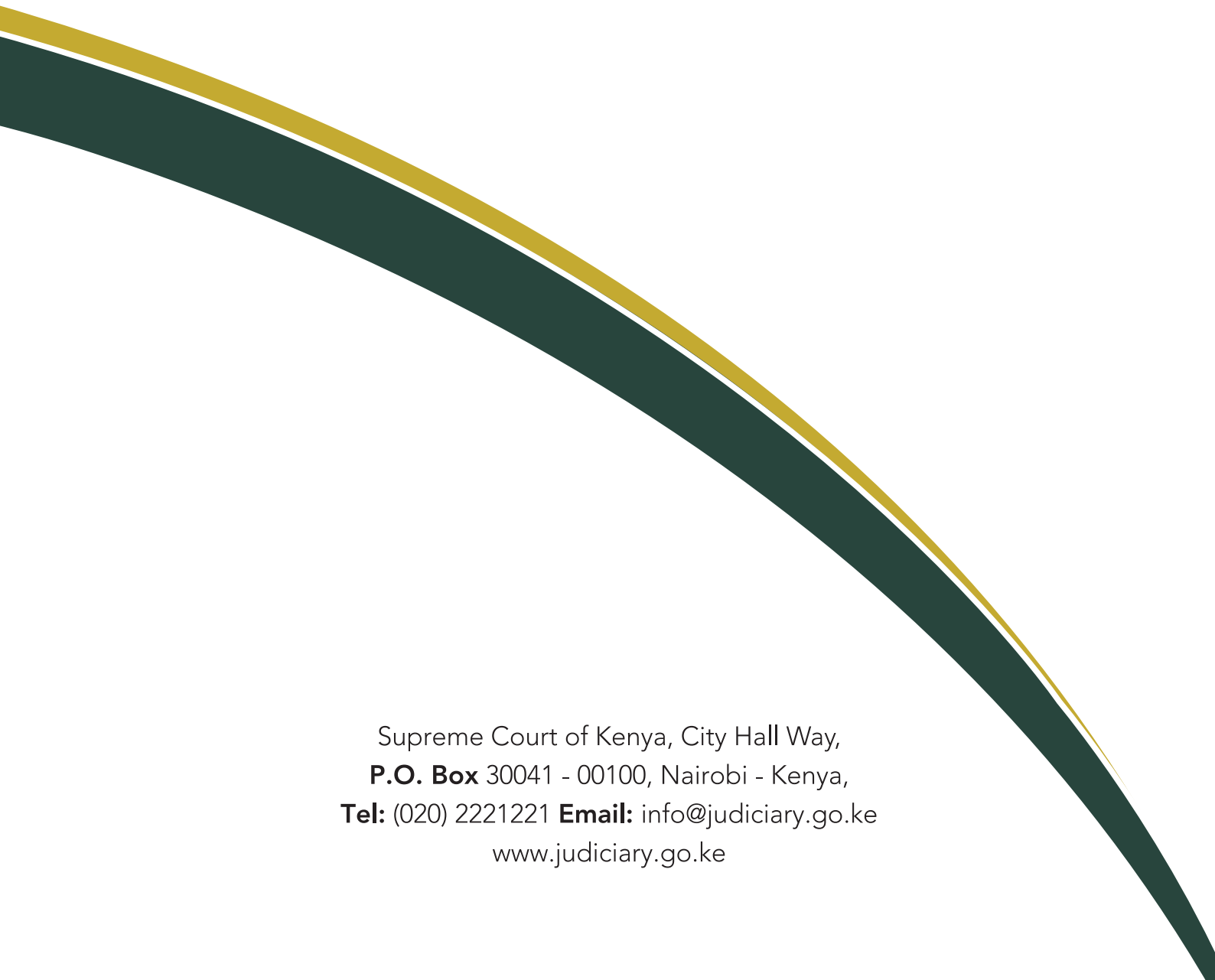
KADHI COURT	PENDING CASES 2013/14	PENDING CASES 2014/15	PENDING CASES 2015/16	PENDING CASES 2016/17
Balambala	-	-	-	4
Bungoma	28	25	38	3
Busia	-	-	-	13
Bute	-	-	32	1
Dadaab	-	-	102	157
Eldas	-	-	-	32
Eldoret	-	-	55	5
Elwak	-	-	-	15
Faza	-	-	-	8
Garbatulla	-	-	-	14
Garissa	-	-	252	206
Garsen	31	40	67	73
Habaswein	-	-	23	57
Hamisi	-	-	-	45
Hola	28	50	54	33
Homabay	-	-	28	43
Ijara	-	-	20	28
Isiolo	29	29	138	54
Kajiado	8	8	5	15
Kakamega	-	0	32	127
Kericho	-	-	26	11
Kibera	-	0	39	27
Kilifi	22	26	23	10
Kisumu	-	-	55	102
Kitale	12	13	2	-
Kitui	-	7	5	9
Kwale	312	434	154	52
Lamu	79	90	120	34
Lodwar	-	0	140	10
Machakos	3	10	14	7
Makindu	-	321	-	-
Malindi	107	104	126	80
Mandera	68	73	117	110
Mariakani	-	-	15	3
Marsabit	121	121	96	21
Maua	-	-	-	2
Merti	-	-	-	3
Migori	-	12	6	7
Mombasa	1,246	1,106	894	1,081
Moyale	61	61	48	86
Mpeketoni	-	-	-	4
Msambweni	-	-	-	30
Murang'a	1	1	6	15
Mwingi	-	-	-	8
Nairobi	185	219	192	410
Nakuru	-	-	41	152
Nyeri	20	20	25	9
Takaba	-	-	-	13
Thika	5	6	2	3
Voi	6	12	51	5

Wajir	4	4	213	131
Total	2,376	2,792	3,256	3,368

Annex 2.18: Backlog in Kadhi Courts as at 30th June 2017

Court	1-2 Yrs	2 - 5 Yrs	5 - 10 Yrs	Over 10 Yrs	Total Backlog
Balambala	0	0	0	0	0
Bungoma	0	0	0	0	0
Busia	0	0	0	0	0
Bute	0	0	0	0	0
Dadaab	26	0	0	0	26
Eldas	0	0	0	0	0
Eldoret	0	0	0	0	0
Elwak	0	0	0	0	0
Faza	0	0	0	0	0
Garbatula	0	0	0	0	0
Garissa	14	0	0	0	14
Garsen	0	0	0	0	0
Habaswein	0	0	0	0	0
Hamisi	40	0	0	0	40
Hola	0	0	0	0	0
Homabay	0	0	0	0	0
Ijara	0	0	0	0	0
Isiolo	0	0	0	0	0
Kajiado	0	0	0	0	0
Kakamega	0	0	0	0	0
Kericho	0	0	0	0	0
Kibera	0	0	0	0	0
Kilifi	0	0	0	0	0
Kisumu	3	0	0	0	3
Kitale	-	0	0	0	0
Kitui	0	0	0	0	0
Kwale	30	0	0	0	30
Lamu	20	0	0	0	20
Lodwar	0	0	0	0	0
Machakos	0	0	0	0	0
Makindu	-	0	0	0	0
Malindi	20	0	0	0	20
Mandera	53	0	0	0	53
Mariakani	0	0	0	0	0
Marsabit	19	0	0	0	19
Maua	0	0	0	0	0
Merti	0	0	0	0	0
Migori	0	0	0	0	0
Mombasa	527	0	0	0	527
Moyale	22	0	0	0	22
Mpeketoni	0	0	0	0	0
Msambweni	0	0	0	0	0
Murang'a	2	0	0	0	2
Mwingi	0	0	0	0	0
Nairobi	218	0	0	0	218
Nakuru	2	0	0	0	2
Nyeri	12	0	0	0	12
Takaba	0	0	0	0	0
Thika	0	0	0	0	0
Voi	0	0	0	0	0

Wajir	o	o	o	o	o
TOTALS	1,008	o	o	o	1,008



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