

PREFACE

Exactly one year ago, I presented to the nation the *Progress Report on the First 120 Days* of my tenure as Chief Justice of the Republic of Kenya. In it, I gave a transparent account of the reality we found, highlighting the successes and failures of diverse reform initiatives carried out over the previous two decades.

The Progress Report further provided a foretaste of the strategies the Judiciary would adopt in order to deliver on its constitutional mandate. These directional intentions were subsequently coded in the Judiciary Transformation Framework (2012-2016), which is our overarching blueprint for reclaiming, reforming and repositioning the Judiciary as an effective and independent arm of government.

This is the Inaugural Report of the State of the Judiciary and the Administration of Justice. It is being given in fulfillment of the provisions of Section 5 (2) (b) of the Judicial Service Act, which states, inter alia, that "... [T]he Chief Justice shall give an annual report to the nation on the state of the Judiciary and the administration of justice; and cause the report to be published in the Gazette, and a copy thereof sent, under the hand of the Chief Justice, to each of the two Clerks of the two Houses of Parliament for it to be placed before the respective Houses for debate and adoption".

This Report draws attention to the initiatives undertaken since June 2011. It specifically cites the strides the Judiciary has made towards becoming an institution internally capable of managing its affairs, and externally competent and confident to engage other agencies in the administration of justice. It further chronicles the journey of its organizational and managerial reorientation, and features the movement towards public engagement and service delivery.

It must be pointed out that, due to the poor data collection and management culture in the Judiciary, it has taken considerable effort to prepare this Report. We have, nevertheless, done our best to provide data that is indicative of the state of our institution. And whereas the reporting period is for July 2011 – June 2012, we have reported on significant transformation milestones that have taken place between June and October, 2012, as we project into the future.

The Report is divided into eight chapters. Chapter One is the Introduction and Overview. Chapter Two focuses on the Court Structure and Case Load while Chapter Three examines Access to Justice. In Chapter Four, the Report maps out the Physical Infrastructure, reflecting the condition of the institution; Chapter Five surveys the Governance and Management dimensions of the Judiciary while Chapter Six presents its Finance and Resource situation. Chapter Seven exhibits the functioning of the assembly line of justice through the National Council on the Administration of Justice (NCAJ) while Chapter Eight gives an account of the work and performance of the National Council for Law Reporting (NCLR).



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The administration of justice will only succeed if the principles of coordination, cooperation, and complementarity guide inter-agency relations. The entire assembly line of justice must operate efficiently and effectively, and the work that has already begun at the NCAJ must be strengthened and institutionalized.

Overall, I am happy to state, as will be evident in the pages of this Report, that the Judiciary has done extremely well over the past year. However, the ruinous nature in which we found it leaves no doubt in my mind that a lot more still needs to be done in order to meet the aspirations of the people of Kenya, in whose service we labour. It is a matter of fact that considerable financial, political and professional investment still needs to be made to enable the Judiciary to realise its objectives and play its role in the fulfillment of the rich promise of democracy.

The Judiciary takes this opportunity to express its appreciation to the people of Kenya for the support and confidence they have extended to the institution and its leadership. We would also like to acknowledge the two other arms of Government -- the Legislature and the Executive -- for their strong support in the past one year. In the coming year, we look forward to furthering our productive collaboration in the execution of our constitutional mandates for the benefit of the Kenyan people. I would also like to express my immense gratitude to the Judicial Service Commission (JSC) for its diligence and extremely hard work in the past year, and to the staff of the Judiciary for its dedication in achieving these results, the uncertainties and challenges of transition notwithstanding.

The Judiciary remains committed to delivering on its constitutional mission in the interest and service of the people of Kenya. The transformation of the Judiciary has only just begun -- and it is an enduring, long-term undertaking. I would like to invite the people of Kenya, the Legislature, the Executive and other stakeholders to consider what we have accomplished in the first year as the initial returns on their investment.

Thank you.

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Acknowledgements

This inaugural State of the Judiciary and Administration Justice Report provides the first complete picture of the current status of the Judiciary. It is the product of concerted and collaborative effort by many members of the Judiciary.

Given that the Judiciary as an institution had not incorporated data collection in its processes, I wish to acknowledge the exceptional input by members of staff involved in the mining and compilation of data. I thank all members of staff of the Judiciary who worked round the clock in collecting the information that went into this Report. The data is reasonably indicative of the situation in the Judiciary, and it will form the basis of building and re-engineering our statistical data collection and management mechanisms in the years ahead, to aid in the production of even a more robust Report.

The input of the Heads of Stations and Heads of Divisions who provided the raw data from their stations has been extremely invaluable. I thank the Registrars and Directors who synthesised the data and provided highly detailed reports.

I thank the Judiciary Working Committee whose leadership and professionalism has played a vital role in putting this Report together. In particular I would like to express my sincere gratitude to Duncan Okello, Katra Sambili, Lynette Mwangi, Sam Ngure, Mbugua Kabiro, Dennis Kabaara, Kwamchetsi Makokha, Muthoni Njunge, Anne Nyokabi, Nicholas Okemwa, Martha Mueni and John Muriuki. The Judiciary will forever remain indebted to you for the creativity and energy demonstrated in the production of this seminal report.

Mrs Gladys B. Shollei

Chief Registrar of the Judiciary



Mrs Gladys B. Shollei
Chief Registrar of the Judiciary

LIST OF TABLES AND FIGURES

LIST OF TABLES

Table 2.1 Cases Summary across all Courts July 2011-June 2012

Table 2.2 Case Load Data for Court of Appeal Divisions.

Table 2.3 Case Load Data for Court of Appeal Registries/Sub-Registries

Table 2.4 Case Load Statistics for the High Court for July 2011 to June 2012

Table 2.5 Case Load of Industrial Matters

Table 2.6 Changes in Pecuniary Jurisdiction for Magistrates

Table 2.7 Case Load Data for Magistrates' Courts

Table 3.1 Most Prevalent Complaints at the Office of the Judiciary Ombudsperson

Table 4.1 On-going Court Construction Projects

Table 4.2 Summary of Developments in ICT between 2011-2012

Table 5.1 Human Resources Staff Advisory Committee Finalized Cases: July 2011- September 2012

Table 5.2 Judiciary Service Commission Summary of meetings January 2011-June 2011

Table 6.1 The Judiciary: Summary Recurrent & Development Expenditure Against Approval Estimates for the 2011/2012 Financial Year

Table 6.2 The Judiciary: Comparative Year-on-year Review of Budget and Actual Expenditure

Table 6.3 The Judiciary: Comparative Year-on-year Review of Revenue Collections (2010/11 versus 2011/12)

Table 6.4 Summary Statement on Deposits held in Trust

Table 7.1 Summary of the Achievement Challenges and Recommendations of NCAJ Agencies

LIST OF FIGURES

Figure 2.1 Case initiated, resolved and unresolved in the Kadhis Courts

Figure 3.1 How Cases at Office of the Judiciary Ombudsperson were handled

Figure 5.1 Indicative Staff Establishment July 2011

Figure 5.2 The Judiciary – Analysis of Start Year and End Year Staffing, Plus In-year Appointments, by Gender

Figure 5.3 End Year Distributions of Judicial Officers & Staff, by Gender

Figure 5.4 Judiciary Staff analysis Highest Education Level Attained

Figure 6.1 The Judiciary: Budget Trends 2006/2007 to 2011/2012

Figure 6.2 The Judiciary: Trend in Proportional Share of the National Budget 2006/2007 to 2011/2012

Figure 6.3 The Judiciary: Absorption of Funds (Previous Years)

Figure 6.4 The Judiciary: Institution Snapshot of Budget Versus Actual Expenditure 2011/2012 Highlighting Headquarters Under Spending

Figure 6.5 The judiciary: Budget Outlook 2013/2014 to 2015/2016

Figure 6.6 The Judiciary: Past, Current and Projected Trend in Proportional Share of the National Budget 2006/07 to 2015/2016

Contents

CHAPTER ONE:

| | |
|--|----|
| 1.0 Introduction And Overview | 9 |
| 1.1 The Constitution of Kenya | 9 |
| 1.2 The Judiciary Transformation Framework (2012-2016) | 9 |
| 1.3 Devolution..... | 17 |

CHAPTER TWO: 18

| | |
|--|----|
| 2.0 Court Structure And Caseload..... | 18 |
| 2.1 Structure of the Judiciary..... | 18 |
| 2.1.1 Supreme Court | 19 |
| 2.1.2 Court of Appeal..... | 19 |
| 2.1.3 High Court..... | 21 |
| 2.1.4 Industrial Court | 23 |
| 2.1.5 Land and Environment Court | 24 |
| 2.6 Subordinate Courts | 25 |
| 2.6.1 The Magistrates Courts | 25 |
| 2.6.2 The Kadhis Courts | 26 |
| 2.6.3 Courts Martial | 27 |
| 2.6.4 Tribunals | 27 |

CHAPTER THREE:..... 29

| | |
|--|----|
| 3.0 Access To Justice | 29 |
| 3.1 Simplifying Court Procedures | 31 |
| 3.2 Office of the Judiciary Ombudsperson | 33 |
| 3.3 Public Engagement | 35 |
| 3.4 Pauper Briefs/Legal Aid..... | 36 |

CHAPTER FOUR:..... 38

| | |
|--|----|
| 4.0 Physical Infrastructure..... | 38 |
| 4.1 Court Construction..... | 39 |
| 4.2 Harnessing ICT As An Enabler Of Judiciary..... | 40 |

CHAPTER FIVE:..... 45

| | |
|--|----|
| 5.0 Governance And Management Review..... | 45 |
| 5.1 Overall Context Leading into 2011/12..... | 45 |
| 5.2 Medium-Term Agenda for Change | 49 |
| 5.3 Governance and Management: Progress Report for 2011/12 | 49 |
| 5.4 Governance and Management: Outlook for 2012/13..... | 61 |

CHAPTER SIX:..... 62

| | |
|--|----|
| 6.1 Historical Backdrop..... | 62 |
| 6.2 Overall Context Leading into 2011/12..... | 62 |
| 6.3 Medium-Term Agenda for Change | 65 |
| 6.4 Finance & Resource Development – 2011/12 | |
| Financial Review | 66 |
| 6.5 Finance and Resource Development – 2011/12 Management Initiatives..... | 70 |
| 6.5 Finance and Resource Development – Outlook for 2012/13 | 72 |

CHAPTER SEVEN:..... 76

| | |
|--|----|
| 7.0 National Council for The Administration Of Justice | 76 |
| 7.1 Background | 76 |
| 7.2 Roles and Membership of the NCAJ..... | 76 |
| 7.3. Achievements..... | 76 |

| | |
|---|----|
| 7.4 Challenges and Recommendations..... | 77 |
|---|----|

CHAPTER EIGHT:.....91

| | |
|---|----|
| 8.0 National Council for Law Reporting..... | 91 |
| 8.1. Overview..... | 91 |
| 8.2 Achievements and Awards..... | 91 |
| 8.3 Way Forward..... | 93 |

ANNEXES 93

| | |
|--|-----|
| ANNEX 1: JUDICIARY SELECTED MILESTONES..... | 93 |
| ANNEX 2: LIST OF COURT STATIONS..... | 101 |
| ANNEX 3: LIST OF JUDGES | 105 |
| ANNEX 4: LIST OF MAGISTRATES..... | 116 |
| ANNEX 5: LIST OF ONGOING COURTS CONSTRUCTIONS..... | 149 |
| ANNEX 6: LIST OF TRIBUNALS..... | 153 |
| ANNEX 7: LIST OF JTI TRAININGS..... | 153 |
| ANNEX 8: GOVERNANCE AND MANAGEMENT DATA..... | 161 |
| ANNEX 9: FINANCE DATA | 164 |
| ANNEX 10: LIST OF COMMISSIONS /TRIBUNALS SWORN IN 2010.. | 177 |

Chapter 1

INTRODUCTION AND OVERVIEW

The Judiciary is one of the three State organs to which the sovereign power of the people of Kenya has been delegated. The Judiciary is bound by the national values and principles of governance in Article 10 of the Constitution, which include patriotism, national unity, sharing and devolution of power, participation of the people, social justice, transparency and accountability, among others.

Its main role is to deliver justice as well as interpret the law and the Constitution.

The Judicial Service Act, 2011, governs the administration of the Judiciary as well as its functioning. It requires the Chief Justice in Section 5 (2) (b), to give an annual report to the nation on the State of the Judiciary and the administration of justice.

This inaugural State of the Judiciary Report takes stock of accomplishments in the past year just as it acknowledges challenges in delivering on this institution's constitutional and statutory mandate.

1.1 The Constitution of Kenya

The Constitution lays the basis for the exercise of judicial authority: Article 159 states that "judicial authority is derived from the people and vests in, and shall be exercised by, the courts and tribunals established by or under this Constitution." The Judiciary is required to deliver justice, without delay, to all irrespective of status, administer justice without undue regard to procedural technicalities, promote alternative forms of dispute resolutions including reconciliation, mediation, including traditional dispute resolution mechanism, while promoting and protecting the purpose and principles of the Constitution.

The Judiciary's purpose is focused on a higher end -- the cause of justice. The Preamble to the Constitution recognises the aspirations of all Kenyans for a government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law. In interpreting the law, the Judiciary is required to always reckon with the imperative to deliver justice.

1.2 The Judiciary Transformation Framework (2012-2016)

Over the past year, and in seeking to fulfil its constitutional mandate, the Judiciary has embarked on a comprehensive, four-year transformation programme. The Judiciary Transformation Framework 2012 – 2016 (JTF), which was launched on May 31, 2012, is the blueprint for the institution's turnaround to make it a fit-for-purpose State organ as envisaged by the Constitution. The JTF is the product of extensive internal and external stakeholder consultations. It culls ideas from many previous reports that identified the shortcomings in the Judiciary as well as ideas on how to address them.

The transformation of the Judiciary targets to achieve at least three objectives: first, to reset the relationship between the Judiciary and other arms of government. The Judiciary seeks to reposition itself -- based on the principle of robust independence and constructive interdependence -- as a strong, effective and equal independent arm of government, while engaging other agencies in the administration of justice within the acceptable confines of the Constitution.

Second, is to change the Judiciary's organisational culture and tailor it to prevailing social realities, while modernising its institutional design and leadership style. Third, is to emerge as a service institution that focuses on the people.

The JTF is the basis of engagement internally, within the institution, as well as externally, with various constituencies. A country-wide series of culture change workshops for all staff in all stations commenced in July 2012. Over 30 per cent of all staff in the Judiciary have already been introduced to the JTF, which is the primary tool for launching culture change, and the rest are expected to be covered within the year.

1.2.1 Access to Justice and Public Accountability

Since the Judiciary is mandated to provide access to justice for all, the centre-piece of the JTF is 'equitable access to and expeditious delivery of justice'. All the measures undertaken in the reporting period – from increasing the number of judicial officers, training staff, professionalising the administrative cadre, expanding court infrastructure, improving and reducing the caseload, to inter-agency collaboration and public outreach

initiatives – have been driven by the need to ensure equitable access to justice, and its expeditious delivery.

In the last one year, cases that are of great public interest have been fast tracked. In this regard, a 5-judge bench was constituted to hear and determine 136 cases on Electoral and Administrative Boundaries which was concluded on 9th July 2012. Similarly, the case on the election date was fast tracked both in the High Court and Court of Appeal. This had the effect of stabilizing the political environment and giving a definitive judicial settlement to two important national issues.

In order to prepare the Judiciary for the elections, the Chief Justice constituted the *Judiciary Working Committee on Election Preparedness* which has laid an elaborate training programme for Judges and Judicial staff and proposed a raft of amendments to the election law now before Parliament for consideration.

1.2.2 Inter-branch Relations

The Constitution envisions a Government where all State organs work in consonance for the benefit of the citizens. Though functionally independent, the Judiciary is subject to the people of Kenya and to the Constitution. In the past year, the Judiciary has enjoyed cordial relations with the other arms of Government. The Chief Justice has participated in several activities organised by the Legislature and the Executive not only as a goodwill gesture to foster a productive relationship between the three arms of Government in the discharge of their constitutional mandates., but also as part of his constitutional duty.

A culture of continuous and open consultations between the Executive, the Legislature and the Judiciary is beginning to take root. In the past year, such consultations have eased the way for critical legislative and administrative measures that support national goals and objectives. This has been evident in the enactment of the Judicial Service Act; amendments to the Magistrates' Court Act to increase their pecuniary jurisdiction; amendments the Judicature Act to increase the number of judges; amendments to the Elections Act and the approval of the Judiciary's budget estimates of Ksh15.9 billion

The creation of the National Council for the Administration of Justice (NCAJ) and its inauguration in August 2011 has provided a forum for various actors in the administration of justice to meet and exchange ideas. The council has held six full meetings as required by law, developed a Strategic Plan and guidelines for the Court Users Committee (CUCs).

Weaknesses in law enforcement, especially where court orders are issued but not enforced, persist partly due to a continuing culture of impunity, and they remain on the agenda of the NCAJ. To this end the council has reviewed and considered the Contempt of Court Bill, as well as six other Bills.

In the performance of his ceremonial roles, the Chief Justice has presided over the swearing-in of 15 constitutional and statutory commissions and 951 advocates in the past year. The full list of the commissions sworn into office is to be found in Annex 10.

1.2.3 Enhanced Capacity Building

The Judiciary has historically faced severe capacity gaps in its infrastructure and human resource. In the past year, the Judiciary has invested heavily in tackling this problem by growing technological, organisational, institutional and human resource capabilities.

The Judicial Service Act requires the presence of a High Court in every county. By June 2011, the Judiciary had 16 High Court stations. Since then, four new High Court stations have been established and gazetted for Homa Bay, Garissa, Kerugoya and Murang'a, bringing the total establishment to 20 and leaving a statutory shortfall of 27. The Judiciary also has 113 court stations across the country, up from 111 in June 2011, and aims to construct a magistrate's court in each of the 285 districts. There is, therefore, a shortfall of 172 magistrates' courts. With the support of Parliament and sufficient budgetary support, the Judiciary's infrastructure development plan will see it meet the statutory obligation to build a High Court in every county in the next 10 years.

As a medium term strategy, the Judiciary is building 11

prefabricated courts as it continues with the scheduled construction of courts (see Annex 5).

Court buildings across the stations are not standardised, thus creating utilisation challenges. Some of the existing courts were dilapidated and are now being refurbished, while those that were unaccounted for are being brought into a national Judiciary asset register. Even newly constructed courts were high on visibility and low on utility. For instance, a new court building would be completed without provision being made for Internet facilities or access ramps and designated parking for persons with disabilities. In an effort to standardise physical facilities, the Judiciary invited public participation in the design of a prototype court. The design competition attracted entries from artists, architects, designers and members of the public, who also sent suggestions on changes they would like to see in the design of the courts. Emerging from the competition and public participation activities, guidelines for designing court facilities were developed. Some of these include separate washroom facilities for men and women, separate cells for men, women and children.

The Judiciary was grossly understaffed and operated at 47 per cent of the established staff capacity. In the past year, the Judicial Service Commission (JSC) has hired 251 senior staff. These include a Chief Justice, Deputy Chief Justice, 5 Supreme Court Judges, seven Judges of the Court of Appeal, 36 Judges of the High Court, the Chief Registrar of the Judiciary and the Deputy Chief Registrar, seven Directors, five Registrars, 109 Resident Magistrates, and 63 Legal Researchers, among others. It has also recruited 12 judges of Industrial Court, 15 judges for Environment and Land Court and 23 Kadhis.

Most of the directorates required to support the administration of justice were grossly understaffed. For example, the Information, Communication Technology directorate was operating at 19 per cent of established staff capacity, while the directorate of Public Affairs and Communication did not exist. None of the existing directorates, such as finance and procurement, had substantive heads.

Leadership in the Judiciary is shared. There is a representative Leadership and Management Committee at the headquarters that brings together the managers as well as representatives of staff at all levels, with similar units at each court station across the country. A staff recognition and reward scheme is in being developed, just as prompt disciplinary processes are being entrenched. Because of career stagnation going as far back as 10 years, the Judicial Service Commission promoted 278 magistrates en masse, upgraded all the Judicial Staff and made it clear that future progression would be based on merit and performance.

Members of staff interact regularly through monthly family teas held at each court.

1.2.5 Funding

The Constitution has secured not only the operational independence of the Judiciary, but also its financial autonomy. The establishment of the Judiciary Fund to cover administrative expenses and other purposes necessary for the discharge of institutional functions, was operationalised when Parliament allocated Ksh15.9 billion in the current financial year.

The Judiciary is emerging from a culture of chronic underfunding. Its ambitious development plans are unlikely to entirely fit in the National Budget. It is for this reason that the Judiciary continues to receive support for some of its activities from development partners who are keen to support the institution's rapid transformation. In this regard, the World Bank has committed to support the Judiciary with \$120 million for the construction of courts over the next six years. In the future, however, the Judiciary envisages a situation where its funding comes entirely from the National Budget. Not only would this secure the independence of the institution, but also promote accountability.

1.2.6 Case Management

Case backlogs and delays have been one of the main indictments against the Judiciary. Failure to hire the statutory number of judges and magistrates had created an artificial backlog because of staff shortages. Although the law allowed for 70 judges of the High Court and 14 in the Court of Appeal, these courts were not operating at full capacity. As at June 2011,

there were 42 Judges of the High Court and 11 Judges of Appeal. The numbers in the magistracy stood at 330.

Besides court work, judicial officers were routinely saddled with administrative work that ran the gamut of functions from procurement to supervising construction. Judges and Magistrates were over-stretched by the number of cases before them, and many had stagnated in their careers for years. On the downside, some judicial officers reported to work late, sat for very short periods and casually adjourned cases because of a tenuous accountability culture. Deadlines for writing judgments were observed more in the breach than in practice.

Transfers were sudden, disruptive and punitive, often requiring judicial officers to leave their work stations without adequate notice to complete pending work.

Inappropriate case and information management, and forbidding rules of procedure erected further barriers in the pathway of those who sought justice.

One of the challenges confronting the Judiciary in the past year has been agreeing on an operative definition of backlog. It is a continuing conversation that will bring clarity to how cases in the Judiciary are classified and dealt with.

Administrative and judicial processes have been initiated over the past year to conclude cases that have been in the system for years. An initial analysis of the case backlog found that two thirds of it consisted of traffic-related matters whose prosecution the police had abandoned. Four Chief Magistrates were posted to conclude these cases by closing files, asking the police to withdraw them for want of prosecution or sending them to trial.

In response to the shortage of judicial staff, the Judicial Service Commission embarked on an aggressive recruitment programme. In the past year, the Judiciary has recruited 109 new Magistrates and promoted another 278 as well as 12 Kadhis who were already in service. Further, it has hired 36 judges of the High Court, 12 Judges of the Industrial Court and 15 Judges of the Land and Environment Court. These 64 new Judges brought the strength of the High Court to 112. Seven High Court Judges were promoted to the Court of Appeal. An amendment to the Judicature Act has raised the

threshold for High Court Judges from 70 to 150 and for the Court of Appeal from 14 to 30. The recruitment will be concluded by the end of the year.

Judges and Magistrates are progressively being freed from administrative duties to enable them to concentrate on their judicial functions. In order to eliminate the problem of part-heard cases, transfers are communicated in advance. In order to deal with this issue in its entirety, a transfer policy is under development. A total of 1,600 hand written proceedings, some of which were holding up criminal cases at the High Court, were typed by National Youth Service cadre seconded to the Judiciary through a partnership agreement. The Court of Appeal Rules have been revised to allow parties before it to file written submissions as a time-saving measure, and to place greater emphasis on quality and efficiency. Parties with cases going as far back as 2004 took hearing dates to enable the court to dispose of their matters. By accepting written submissions, the Court of Appeal reduced the old pending cases filed since 2004 from 88 to 76. The case backlog in the Court of Appeal was reduced by 451 cases in 100 days.

The vetting of Judges and Magistrates is an important constitutional mechanism for restoring public confidence in the Judiciary by auditing the efficiency, integrity, competence and effectiveness of judicial officers serving before the promulgation of the Constitution on August 27, 2010. After the Judges and Magistrates Vetting Board found four Court of Appeal judges unsuitable to serve, some 109 judgments in cases that had been concluded could not be delivered. Some 47 judgments in cases already concluded where only one of the affected judges sat, will still be delivered. The Court of Appeal Rules allow that if one judge leaves the Bench, the decision of two judges is still valid. Hearings have had to start afresh in some 32 appeal cases where two of judges that heard them were found unsuitable. The Acting President of the Court of Appeal reconstituted panels to deal with the 234 cases scheduled to be heard at the Court of Appeal, significantly scaling down the effort to clear the case backlog.

In the High Court, an initial audit of the case backlog revealed

that many files recorded as pending were no longer active and could be closed. Although the backlog in the Environment and Land Division was 5,000, a baseline survey established that 16,907 new cases had been filed between the year 2000 and 2011. Within 100 days, the backlog had been reduced by 3,419 cases. In the Commercial and Admiralty Division, where a baseline survey surfaced 29,000 cases, some 27,000 cases were removed from the backlog. There were similar initiatives in the Constitutional, Human Rights and Judicial Review, the Criminal and the Family divisions. Out of the 58,800 cases captured as backlog in these courts, 31,260 were disposed of in just 100 days. In the Constitutional and Human Rights Division, a baseline survey surfaced 6,000 files and within 100 days a total of 590 case had been cleared.

The Judiciary is initiating a policy requiring that once proceedings begin, cases are heard back-to-back on a first filed, first heard basis. The office of the Chief Justice is enforcing deadlines on the writing of judgments and the hearing of cases. An electronic-based system will be used to track and monitor overdue judgments and rulings.

1.3 Devolution

Devolution and sharing of power is one of the national values and principles binding all State organs. Even though the constitutional architecture of the state places the Judiciary's functions within the national government, the obligation to devolve is implied in these national values and principles. The Judiciary has innovated mechanisms -- through internal institutional organisation, recruitment, and delivery of services -- that allow communities across the country to be part of decision making and to facilitate more efficient delivery of services. Representation in the Court Users Committees is robust, and the recruitment of junior cadre staff has been devolved to the station level. Firms and community organisations are increasingly being encouraged to bid to provide supplies and services such as cleaning and security at the court station level.

Over the past year, the Judiciary has coalesced court stations into 17 administrative regions for efficient and effective administration (see Annex 2).

Chapter 2

COURT STRUCTURE AND CASELOAD

2.1 Structure of the Judiciary

Courts and tribunals, which exercise judicial authority and constitute the Judiciary, consist of judges, magistrates, Kadhis and administrative staff.

The hierarchy in the Judiciary comprises the Supreme Court, the Court of Appeal, the High Court, the Industrial Court, the Environment and Land Court, and the Subordinate Courts (Magistrates Courts, Kadhis' Courts, Courts Martial and Tribunals). The Judiciary continues to strive for the reconstruction of accurate records by asking the public to record pending cases. The institution has a poor data collection and management culture leading to serious deficiencies in the quality of our statistics.

In the past year, July 2011 to June 2012, a total of **428, 827** cases were filed across the courts in Kenya. In the same period, a total of **421,134** cases were finalised – an average of **1,685 cases** concluded every working day.

Table 2.1: Cases summary across all courts, July 2011 – June 2012

| Court | Cases lodged | Cases finalised | Cases pending |
|---------------------|----------------|-----------------|----------------|
| Magistrates' Courts | 390,023 | 368,700 | 496,382 |
| High Court | 37,954 | 51,604 | 299,472 |
| Court of Appeal | 833 | 822 | 6,707 |
| Supreme Court | 17 | 8 | 9 |
| TOTALS | 428,827 | 421,134 | 802,570 |

Source: Judiciary

2.1 Supreme Court

Established under Article 163 of the Constitution, the Supreme Court comprises the Chief Justice, who is the President of the court, the Deputy Chief Justice, who is the Vice-President of the court, and five judges.

The Supreme Court conducted an induction for its judges in December 2011. In order to support the court's research capacity, seven Legal Researchers have been hired and interviews for a further 16 Law Clerks concluded, with nine of them being ultimately appointed.

The Supreme Court hears petitions arising from presidential elections. It also hears appeals on decisions from the Court of Appeal in any case involving the interpretation or application of the Constitution, or in any other case that the Supreme Court, or the Court of Appeal, certifies as being of general public importance. The Supreme Court may also give an advisory opinion at the request of the national government, any State organ, or any county government with respect to any matter concerning county government.

The Supreme Court was launched on October 26, 2011 and held its inaugural session on November 15, 2011 and has since received 17 cases. Of these, four have been requests for Advisory Opinions, six Applications, and seven Petitions. The Supreme Court's central mandate is the development of a progressive jurisprudence.

2.2 Court of Appeal

Article 164 of the Constitution establishes the Court of Appeal. Before the promulgation of the Constitution, this was the highest court in Kenya. It consisted of 14 judges. In 2012, the Judicature Act was amended to increase the number of judges to a maximum of 30. Judges of the Court of Appeal elect a President from among their number¹.

The Court of Appeal hears appeals from the High Court and any other court or tribunal as prescribed by an Act of Parliament.

¹ Between June 2011 and October 2012, the Court of Appeal has had two Presidents, Hon. Mr. Justice R.S.C Omollo and Hon. Mr. Justice E. Githinji

The Supreme Court was launched on October 26, 2011 and held its inaugural session on November 15, 2011

In the period under review, **833** cases were filed while **822** cases were finalised. A total of **6,707** cases are pending. Of these, **4,150** are criminal appeals, followed by civil appeals at **1,914** cases and civil applications at **643**. The highest filing and disposal rate was noted in civil applications while criminal appeals had the lowest.

Table 2.2: Caseload Data for Court of Appeal Divisions

| No. | Division | Cases Filed | Cases Determined | Pending Cases |
|-----|--------------------|-------------|------------------|---------------|
| 1. | Civil Appeals | 326 | 282 | 1914 |
| 3. | Criminal Appeals | 151 | 172 | 4150 |
| 4. | Civil Applications | 356 | 368 | 643 |
| | Total | 833 | 822 | 6707 |

Source: Judiciary

In the period under review, the central registry in Nairobi received the highest number of civil appeals and civil applications. Nakuru had the lowest number of civil appeals, while Mombasa had the lowest number of civil applications. Kisumu had the highest number of criminal appeals while Nairobi had the highest number of cases pending.

Below are summaries of case data for each division and registry/sub-registry of the Court of Appeal.

Table 2.3: Caseload Data for Court of Appeal Registries/Sub-Registries

| Civil Appeal | | | |
|--------------|------------------------|-----------------------------------|-------------------------------|
| No. | Registry/ Sub Registry | Cases Filed July 2011 – June 2012 | Pending Cases as at June 2012 |
| 1. | Nairobi | 154 | 1194 |
| 2. | Nyeri | 41 | 221 |

| 3. | Nakuru | 23 | 132 |
|---------------------------|------------------------|-----------------------------------|-------------------------------|
| 4. | Kisumu | 52 | 174 |
| 5. | Eldoret | 28 | 88 |
| 6. | Mombasa | 28 | 105 |
| | TOTAL | 326 | 1914 |
| Criminal Appeal | | | |
| No. | Registry/ Sub Registry | Cases Filed July 2011 – June 2012 | Pending Cases as at June 2012 |
| 1. | Nairobi | 27 | 909 |
| 2. | Nyeri | 28 | 447 |
| 3. | Nakuru | 24 | 818 |
| 4. | Kisumu | 34 | 903 |
| 5. | Eldoret | 13 | 268 |
| 6. | Mombasa | 25 | 805 |
| | TOTAL | 151 | 4150 |
| Civil Applications | | | |
| No. | Registry/ Sub Registry | Cases Filed July 2011 – June 2012 | Pending Cases as at June 2012 |
| 1. | Nairobi | 235 | 474 |
| 2. | Nyeri | 27 | 56 |
| 3. | Nakuru | 19 | 49 |
| 4. | Kisumu | 35 | 28 |
| 5. | Eldoret | 23 | 23 |
| 6. | Mombasa | 17 | 13 |
| | TOTAL | 356 | 643 |

Source: Judiciary

The Court of Appeal currently has 11 judges, seven of whom were appointed in 2012. With 6,707 cases pending in court, each of the 11 judges has a burden of 609 cases if they were to be divided up between them. Court of Appeal cases are, however, heard by a bench of three judges at a time. The recruitment of another 15 judges is under way, and will be concluded before the end of the year as part of the response to the case backlog. Additionally, the Court of Appeal will be decentralised to Nyeri and Kisumu, where the highest number of cases has been filed.

2.3 High Court

Article 165 of the Constitution establishes the High Court and gives it original jurisdiction in all criminal and civil matters, and in interpreting the Bill of Rights. The High Court has appellate jurisdiction over the

decisions of a tribunal appointed under the Constitution as well as any has supervisory jurisdiction over the Subordinate Courts and over any person, body or authority exercising a judicial or quasi-judicial function outside the superior courts.

Although the Judicature Act allowed for 70 judges of the High Court, the number stood at 42 for many years. It was amended in 2012 to raise the ceiling on the number of judges to of 150. The High Court judges elect a Principal Judge from among themselves.

Besides being overwhelmed by the heavy caseload, judges were also allocated administrative duties that took them away from their core duties of hearing and determining cases. The absence of a transfer policy meant that postings to new stations were poorly planned and often disruptive to the delivery of justice.

Deadlines for writing judgments, which had been set based on the conclusion of hearings, were rarely met.

After the recruitment of 36 judges, the Bench strength in the High Court stands at 70. Of these, 29 judges are stationed in Milimani Law Courts in Nairobi while the rest have been posted in stations throughout the country (See Annex 3). Between June 2011 and July 2012, a total of **37,954** cases were filed and **51,604** finalised at the High Court. The pending case load at the High Court stood at **299,472²**. With the current number of cases filed in the year at current establishment levels, every judge has an estimated burden of 542 new matters annually.

Table 2.4: **Caseload Statistics for the High Court for July 2011 to June 2012**

| TYPE OF CASES | CASES FILED | PENDING CASES | DECIDED CASES |
|---------------------------|-------------|---------------|---------------|
| Criminal Misc Application | 2,280 | 65,646 | 1566 |
| Murder | 968 | 4,945 | 691 |

² These figures exclude the Industrial Court, which was only established as part of the Judiciary in 2011, and judges appointed in the second half of 2012.

| TYPE OF CASES | CASES FILED | PENDING CASES | DECIDED CASES |
|-------------------------------|---------------|----------------|---------------|
| Ordinary Criminal Appeals | 2,905 | 17,145 | 2470 |
| Capital Criminal Appeals | 536 | 4,105 | 842 |
| Criminal Revision | 7,789 | 4,289 | 5963 |
| Judicial Review | 508 | 793 | 2403 |
| Constitutional & Human Rights | 574 | 544 | 529 |
| P & A / Succession | 8,749 | 44,825 | 7791 |
| Civil Appeals | 2,131 | 22,884 | 3061 |
| Bankruptcy | 394 | 1,970 | 256 |
| Winding up | 578 | 2,486 | 661 |
| Civil Cases | 10,542 | 129,840 | 25,371 |
| TOTAL | 37,954 | 299,472 | 51,604 |

Source: Judiciary

During the reporting period, the specialised divisions of the High Court in Nairobi and Mombasa were reorganised to facilitate the easier administration of justice. The current High Court divisions are Constitution and Human Rights; Judicial Review; Family; Commercial and Admiralty; Land and Environment. Various divisions undertook initiatives to operate more efficiently in 2012 and to clear case backlogs, registering significant results.

As shown in the table above

2.4 Industrial Court

The Industrial Court is established under Article 162 (2) (a) of the Constitution and the Industrial Court Act, 2011. It enjoys the status of a High Court and deals with employment and labour relations. This court took over from its predecessor, created under the Labour Institutions Act, and which was not on the same keel as the High Court. Neither was it under the Judicial Service Commission.

The law sets the number of judges of the Industrial Court at a maximum of 15. In August 2012, the Judicial Service Commission recruited 12 judges, who were subsequently sworn in and have since been posted to various stations across the country, in Nairobi, Kisumu, Nyeri, Mombasa and Nakuru as part of the Judiciary's decentralisation strategy.

There were **4,033** cases pending before the Industrial Court as at September 2012. This works out to 336 cases for every judge. It is daunting, but not impossible.

Table 2.5: Caseload of industrial matters

| COURT | NO. OF PENDING CASES BEFORE THE INDUSTRIAL COURT | NO. OF PARTLY HEARD CASES | TOTAL |
|--------------------------|--|---------------------------|-------------|
| INDUSTRIAL COURT NAIROBI | <i>TRADE DISPUTES – 2966</i> | 652 | 3618 |
| | <i>CONSTITUTIONAL/IR PETITIONS – 20</i> | - | 20 |
| | <i>MISC APPLICATIONS – 16</i> | - | 16 |
| | <i>APPEALS – 8</i> | - | 8 |
| | | | 3662 |
| MOMBASA HIGH COURT | 164 | 14 | 178 |
| ELDORET HIGH COURT | 67 | 3 | 70 |
| KISUMU HIGH COURT | 60 | 4 | 64 |
| THIKA LAW COURTS | 59 | 0 | 59 |
| | TOTAL | 3360 | 673 |
| | | | 4033 |

2.5 Land and Environment Court

The Land and Environment Court is established under Article 162 (2) b of the Constitution and the Land and Environment Court Act, 2011. It deals with matters with respect to the environment and the use and occupation of, and title to, land. It enjoys the same status as the High Court. The law provides for a maximum of 30 judges in this court. The Judicial Service Commission recently recruited 15 judges of the Land and Environment Court.

The Chief Justice has published practice directions with regard to proceedings relating to the environment and land cases. Those cases that are pending judgment or are part-heard in the Court of Appeal, High Court and magistrates' courts shall continue

in those courts until their conclusion. Subsequently, all new cases relating to the environment and the use and occupation of, and title to, land shall be filed in the nearest Land and Environment Court.

2.6 Subordinate Courts

The Subordinate Courts provided for under Article 169 of the Constitution are the Magistrates Courts, the Kadhis Courts, the Courts Martial, and Tribunals.

2.6.1 The Magistrates Courts

The Magistrates Courts, provided for under Article 169 (1) (a) and the Magistrates Court Act, hear the bulk of cases brought to the Judiciary. There are 113 magistrates' court stations across the country, staffed with 436 magistrates. (See court locator at www.judiciary.go.ke and Annex 4)

Between June 2011 and July 2012 a total of 387,811 cases were filed in the magistrates' courts, with 363,137 cases being finalised during the year. The number of pending cases at June 2012 stood at 493,370. To keep with inflationary trends and economic realities, and to enhance access to justice, the pecuniary jurisdiction was enhanced for all magistrates.

Table 2.6: Changes in pecuniary jurisdiction for magistrates

| Rank | Previous limit | Current limit |
|--------------------------|----------------|---------------|
| Chief Magistrate | Sh3 million | Sh7 million |
| Snr Principal Magistrate | Sh2 million | Sh5 million |
| Principal Magistrate | Sh1 million | Sh4 million |
| Snr Resident Magistrate | Sh800,000 | Sh3 million |
| Resident Magistrate | Sh500,000 | Sh2 million |

The posts of 53 legal researchers and 93 resident magistrates have been advertised. Across the board, magistrates will be promoted to fill vacancies across the country.

| Case type | Initiated cases | Resolved cases | Pending cases |
|--------------------|-----------------|----------------|----------------|
| Criminal | 174,878 | 158,161 | 111,340 |
| Traffic | 135,323 | 141,316 | 127,408 |
| Land | 1,639 | 2,247 | 3,499 |
| Succession | 7,923 | 6,040 | 11,991 |
| Affiliation | 254 | 174 | 273 |
| Others | 29,954 | 27,895 | 32,125 |
| Civil | 37,840 | 27,304 | 206,734 |
| Grand Total | 387,811 | 363,137 | 493,370 |

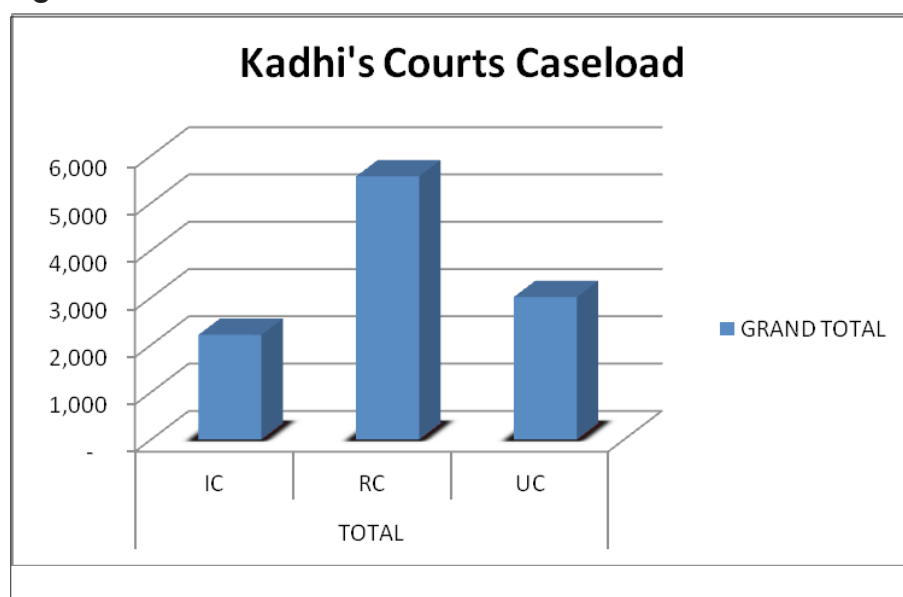
2.6.2 The Kadhis Courts

The Kadhis Court is comprised of a Chief Kadhi and such number, being not fewer than three, other Kadhis as may be prescribed under law.

Figure 2.1: Cases initiated, resolved and unresolved in the Kadhis courts

The jurisdiction of the Kadhis' court is limited to the determination of questions of Muslim law relating to personal status, marriage, divorce or inheritance in proceedings in which all the parties profess the Muslim religion and submit to the jurisdiction of the Kadhis courts. In the year under review, **2,212** new cases were filed in the Kadhis courts countrywide. Some **5,563** cases were resolved in the same year, leaving the number of pending cases at **3,012**. There are 15 Kadhis in office, and the Judicial Service Commission has concluded interviews for another 24, to bring the total capacity to 39. Based on the available data, it appears that the Kadhis courts are the most efficient. Even so, there is an access question that seems to restrict the number of cases being filed.

Figure 2.1



2.6.3 Courts Martial

The Constitution and the Kenya Defence Forces Act give a court martial power to try any person subject to the Act for any offence the court martial has jurisdiction over, and to award any punishment provided by law for it.

2..6.4 Tribunals

The Constitution, under Article 169 (1) (d), moved responsibility for all tribunals that were previously under the Executive to the supervision of the Judiciary. There are at least 17 Tribunals (See Annex 6). In the past year, the Judiciary has taken over the Co-operatives Tribunal and the Political Parties Dispute Resolution Tribunal. The Judiciary will progressively assume responsibility of the other Tribunals in the future.



The Bar and the Bench during the IEBC Boundaries Delimitation Case

Chapter 3

3.0 ACCESS TO JUSTICE

The Judiciary's core mandate is to ensure access to justice for all irrespective of status. This implies both an obligation to remove barriers to access to justice a positive mandate to take effective steps to ensure that the Judiciary is open, transparent and available to all who seek its help. Historically, access to justice for ordinary citizens has been hampered by lack of physical access to courts for many people due to the long distances; functional inaccessibility due to complex and unfriendly procedures; lack of information and court processes and procedures; delays in determination of cases; and alienation of the ordinary person from the justice system.

The first responses to the challenges the Judiciary faced in delivering access to justice sought to confront integrity deficits, plug staffing gaps, improve physical infrastructure and eradicate case backlog.

In response to the shortage of judicial staff, the Judicial Service Commission embarked on an aggressive recruitment programme. In the past year, the Judiciary has recruited 109 magistrates and promoted 278 others as well as 12 Kadhis who were already in service. Further, it has hired 36 judges of the High Court, 12 judges of the Industrial Court and 15 judges of the Land and Environment Court. These 63 new judges brought the strength of the superior courts to 96. Seven High Court judges were elevated to the Court of Appeal after successful interviews by the JSC. As provided by section 7 of the Judicial Service Act, 83 Legal Researchers were appointed to provide judicial support. However, only 63 took up their appointment. A further 85 researchers are expected to be hired before the end of the year.

Judges and magistrates are progressively being freed from administrative duties to enable them to concentrate on their judicial functions. In order to eliminate the problem of part-heard cases, transfers are communicated in advance. As a long term intervention, a transfer policy is under development.

A deliberate, innovative approach was adopted to tackle the case backlog and deliver the quickest benefits for the Kenyan public. In adopting the rapid results approach, the Judiciary used the Court

The Judiciary's core mandate is to ensure access to justice for all irrespective of status.

of Appeal as well as in five divisions of the High Court as sites of experimentation.

A total of 1,600 hand written proceedings, some of which were holding up criminal cases at the High Court, were typed by court staff as well as by National Youth Service cadre seconded to the Judiciary through a partnership agreement. The Court of Appeal Rules have been revised to allow those before it to file written submissions as a time-saving measure, and to place greater emphasis on efficiency. Parties with cases going as far back as 2004 were asked to take dates so that their matters could be disposed of. By accepting written submissions, the Court of Appeal reduced the old pending cases filed since 2004 from 88 to 76. The case backlog in the Court of Appeal was reduced by 451 cases in 100 days.

Even as the Court of Appeal fast-tracked cases pending before it, the Judges and Magistrates Vetting Board found four judges serving in court to be unsuitable to continue in service. As a result of the Vetting Board's decision, some 109 Court of Appeal judgments in cases that had been concluded could not been delivered. Some 47 judgments in cases already concluded where only one of the affected judges sat, were still delivered because the Court of Appeal rules allow that if one judge leaves the Bench, the decision of two judges is still valid. Hearings have had to start afresh in some 32 appeal cases where two of judges that heard them were suspended.

The Acting President of the Court of Appeal reconstituted panels to deal with the 234 cases scheduled to be heard at the Court of Appeal, significantly scaling down the effort to clear the case backlog.

In the High Court, an initial audit of the case backlog revealed that many files recorded as pending were no longer active and could be closed. Although the backlog in the Environment and Land Division was estimated at 5,000, a baseline survey established that 16,907 new cases had been filed between the year 2000 and 2011. Within 100 days, this backlog had been

reduced by 3,419 cases. In the Commercial and Admiralty division, where a baseline survey surfaced 29,000 cases, 27,000 cases were removed from the backlog. There were similar initiatives in the Constitutional, Human Rights and Judicial Review, the Criminal and the Family divisions. Out of the 58,800 cases captured as backlog in these courts, 31,260 were disposed of in just 100 days. In the Constitutional and Human Rights Division, a baseline survey surfaced 6,000 files and within 100 days a total of 590 case had been cleared.

The Office of the Judiciary Ombudsperson was set up to receive and investigate complaints against judicial officers by the public, and by the staff against each other or against their employer. This measure was complemented by the statutory vetting of judicial officers, which was initiated as an activity independent of the Judiciary.

In the last one year, cases that are of great public interest have been fast tracked. In this regard, a 5-judge bench was constituted to hear and determine 136 cases on Electoral and Administrative Boundaries which was concluded on 9th July 2012. Similarly, the case on the election date was fast tracked both in the High Court and Court of Appeal. This had the effect of stabilizing the political environment and giving a definitive judicial settlement to two important national issues.

In May 2012, in order to prepare the Judiciary for the elections, the Chief Justice constituted the *Judiciary Working Committee on Election Preparedness* which has laid an elaborate training programme for Judges and Judicial staff and proposed a important amendments to the election law now before Parliament for consideration.

A systematised approach to delivering access to justice has been codified in the Judiciary Transformation Framework, the blueprint for bringing the Judiciary into line with the demands of the Constitution. The Judiciary Transformation Framework recognises the importance of access to justice and makes its expeditious delivery one of its key pillars.

3.1 Simplifying Court Procedures

Court procedures are steps taken in presenting a claim, either by an

A systematised approach to delivering access to justice has been codified in the Judiciary Transformation Framework, the blueprint for bringing the Judiciary into line with the demands of the Constitution.

accused in a criminal case or as a defendant or plaintiff in a civil matter. These procedures are contained in rules of the particular court and include provisions for the format and timelines to file documents.

The Judiciary, through the Rules Committee, is currently simplifying various procedures for approaching the court that are contained in different pieces of legislation. These include rules under Article 22 of the Constitution, the Supreme Court Presidential Election Petitions Rules, the Supreme Court Rules, the Sexual Offences Rules, the Court of Appeal Rules, the Civil Procedure Rules, the Criminal Procedure Code, and the Children Adoption Rules.

Through the Judicial Training Institute, the Judiciary is developing a sentencing and bail handbook that will be made available to all judicial officers. Studies and consultations have started on the development and implementation of alternative dispute resolution mechanisms as envisaged in Article 159 (2) c of the Constitution. In addition, draft Court User Committees Guidelines have been developed and are under discussion with stakeholders. This year, the Judiciary, in partnership with a mobile money transfer service provider, launched a traffic court fines payment system, "*Faini Chap Chap*" in order to facilitate the payment of fines by the public.

Key among the strategies to achieve access to justice is the establishment of a comprehensive case and record management system which captures real cases data. The creation of a countrywide case data base is expected to facilitate easier tracking of cases and prioritise hearings for older cases.

Court diaries will henceforth be efficiently managed to ensure there is sufficient time allocated for each case, as well as for writing judgments. Case managers will be appointed in line with the provisions of the Civil Procedure Rules.

The Judiciary's policy is that once proceedings begin, cases will be heard back-to-back on a first filed, first heard basis. The office of the Chief Justice is strictly enforcing deadlines on writing of judgments and the hearing of cases. An electronic-based

system will be used to track and monitor overdue judgments and rulings. As a mechanism for enhancing performance and capacity to monitor and evaluate, performance management has been instituted under a fully-fledged directorate and a Director appointed.

3.2 Office of the Judiciary Ombudsperson

Established as an accelerated grievance management mechanism in the Office of the Chief Justice, the Office of the Judiciary Ombudsperson receives and investigate complaints against judicial officers by the public, and by the staff against each other or against their employer. Since its establishment in August, 2012, the Office of the Judiciary Ombudsperson has received and processed 9, 776 complaints. An analysis of the complaints filed provides a reality check for the effectiveness of Judiciary services. Nearly 50 per cent of the complaints are in connection with an inadequate quality of service where Kenyans are unhappy with speed, etiquette and client service. Judiciary staff's inability to find and deliver case files when required to one of the largest specific source of public complaints. The Office of the Judiciary Ombudsperson has a successful closure rate of 54 per cent (5,256 files) on all complaints. Some 2,227 files are still open and being processed.

The office has expanded to all court stations in the country, with an officer assigned to receive, process and forward complaints. Further, the office can be accessed through the Internet and the short text message platform using the code 5834. The complaints received in the Office of the Judiciary Ombudsperson continue to inform engagements with stakeholders in the justice chain.

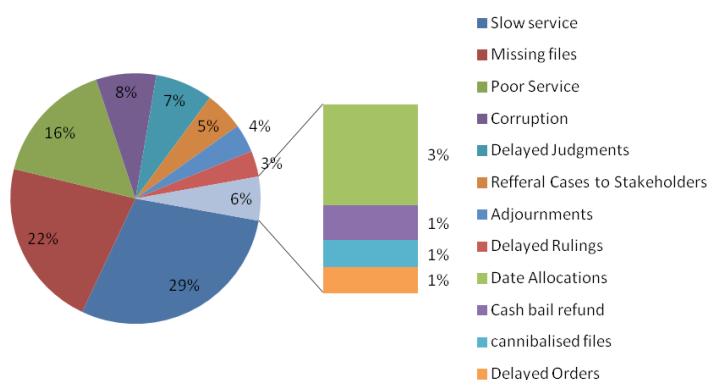
Table 3.1: Most prevalent complaints at the Office of the Judiciary Ombudsperson

PREVALENT COMPLAINTS

| | | | | |
|---|-------------------|------|--|--|
| 1 | Slow service | 2331 | | |
| 2 | Missing files | 1740 | | |
| 3 | Poor Service | 1286 | | |
| 4 | Corruption | 621 | | |
| 5 | Delayed Judgments | 595 | | |

| | | | | |
|----|--------------------------------|--------------|--|--|
| 6 | Cases referred to Stakeholders | 404 | | |
| 7 | Adjournments | 293 | | |
| 8 | Delayed Rulings | 267 | | |
| 9 | Date Allocations | 242 | | |
| 10 | Cash bail refund | 86 | | |
| 11 | Cannibalised files | 66 | | |
| 12 | Delayed Orders | 61 | | |
| 13 | Deposits | 36 | | |
| 14 | Nepotism | 30 | | |
| 15 | Etiquette | 10 | | |
| 16 | Securities Refunds | 10 | | |
| 17 | Lost Exhibits | 5 | | |
| 18 | Damaged Exhibits | 5 | | |
| | Others | 1,693 | | |
| | | 9,776 | | |

PREVALENT COMPLAINTS



COMPLAINTS HANDLED

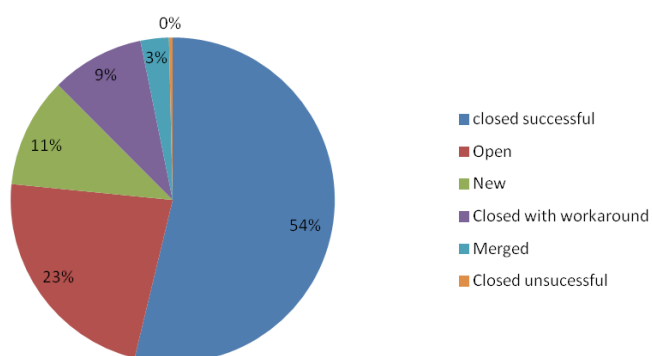


Figure 3.1: How cases at the Office of the Judiciary Ombudsperson were handled

COMPLAINTS HANDLED

| | |
|--|--------------|
| closed successful- Issues resolved | 5,256 |
| Open- matters still being handled | 2,227 |
| New – complaints received | 1,069 |
| Closed with workaround- complaints awaiting further intervention | 909 |
| Merged – complaints follow up on initial complaint | 277 |
| Closed unsuccessful- complaints resolved however complainant unsatisfied | 38 |
| | 9,776 |

3.3 Public Engagement

The Judiciary has historically appeared distant and remote from the public. This posture has affected its operations and undermined public confidence in it. As a consequence, the notions of service, accessibility, and accountability have been lost. Article 10 of the Constitution requires State organs and officers to uphold and promote the values of public participation, transparency and accountability.

In the past year, the Judiciary has undertaken a wide range of measures to promote public engagement by its judicial and administrative branches. This has been informed by the provisions of Article 159 of the Constitution, which states that judicial authority is derived from the people.

Administratively, the Directorate of Public Affairs and Communication (DPAC) has been established as one of the new service delivery units in the Judiciary. DPAC is responsible for a range of institutional strategic priorities. Its work relates to broad aspects of internal and external relations in the Judiciary. The Office of the Chief Justice has been highly visible and continues to robustly engage with the public by explaining ongoing reform activities and communicating policy.

During the reporting period, the Judiciary launched several public engagement initiatives. These included Judicial Marches that were held in all court stations throughout the country as a national outreach programme to inform the public on how the institution works, and receive feedback. Others included public lectures at institutions of higher learning by judges; student and public visits to courts; the establishment of customer care desks in all courts, media engagement by Chief Justice, Chief Registrar of the Judiciary, judges, and magistrates; media summaries of major court rulings; media engagement, production of publications, television documentaries and radio programmes, and the restructuring and modernisation of the Judiciary Website.

In the coming year, the Judiciary's public engagement initiatives will be institutionalised and expanded to respond to the requirements of the Constitution in line with the JTF. Judicial Marches will be annual events. Judicial officers will make public appearances and give public lectures; the Office of the Judiciary Ombudsperson will be expanded and strengthened; the Judiciary Media Service will be established and a Judiciary magazine published. A Media Centre will be built at Milimani and major court stations will make provision for similar facilities. A service charter will be developed and disseminated and Judiciary-wide branding and signage undertaken. Plans to establish a Judiciary Museum are at an advanced stage.

3.4 Pauper Briefs/Legal Aid

Article 50 (2) h obliges the State to provide an accused person with an advocate at State expense if substantial injustice would otherwise result if the person did not have one. This has been interpreted to include cases where the complexity of the matter in issue and the gravity of the offence are of a serious degree, such as for offences punishable by a death sentence. The budgetary allocation for Pauper Briefs and Legal Representation has been increased from Ksh68 million in the 2011-2012 budget to Ksh114 million in the current budget, representing a 67 per cent increase. The Judiciary continues to liaise with stakeholders through the National Council for the Administration of Justice (NCAJ) to develop a legal aid policy

to mainstream this area in legal practice in Kenya. Discussions on the rates payable on Pauper Briefs and Legal Representation are also ongoing.

The Judiciary Transformation Framework recognises the need to establish Small Claims Court under the critical pillar of improving access to justice. The Small Claims Court Bill (2007) is still awaiting debate, amendment and passage by Parliament.

As a medium-term intervention, the Judiciary has launched a mobile courts initiative to increase access to justice for underserved areas of the country. High Court stations, which have supervisory authority over subordinate courts, have been charged with overseeing and guiding the dispersal of mobile court services. Magistrates, Kadhis and other judicial staff will be supplied with tents to enable them to hold court in Daadab, Wajir, Mandera and Garissa. Similarly, the High Court in Kitale will be the nerve centre of mobile court services for Kapenguria, Turkana and Lokichoggio while Malindi will introduce mobile courts in Mpeketoni and Hindi islands.

The High Court in Busia has been tasked with delivering mobile court services to Budalang'i while the High Court in Homa Bay will serve Mbita and Rusinga Island. The High Court in Machakos will also be required to provide mobile court services to Kitui and Mwingi. In order to facilitate mobility, all court stations have now been supplied with a Land Rover to enable them to deliver services, an improvement on the 80 stations that had Land Rovers in the previous year. In the case of Homa Bay, the purchase of a boat will enable judicial officers to reach people living on islands.

Chapter 4

4.0 PHYSICAL INFRASTRUCTURE

Almost all the 111 court stations in the country were in a poor state of repair and in need of massive rehabilitation because of the many years of underfunding and neglect. Many court buildings had been condemned as unfit for human occupation. Many others had been constructed using poor quality materials and workmanship, and often did not respond to the needs of the court staff or its users. A comprehensive rehabilitation programme is leveraging budgetary allocations from the Government of Kenya as well as funding from the World Bank.

In response to the constitutional and statutory commands to the Judiciary to establish a presence in every county, new courts must be built. By June 2011, there were 16 High Court stations and 111 magistrates' courts, meaning that additional 31 High Court stations needed to be built to meet the statutory requirement of 47. In the past year, four more High Court stations have been established in Garissa, Kerugoya, Muranga and Homa Bay, bringing the total to 20. In the past one year, two additional magistrates' courts have been established bringing the total to 113. In order to cover all the 285 districts an additional 172 magistrates' court will be required to be built.

With the budgetary allocation from the Government in the current financial year, the Judiciary will construct a further three High Courts, raising the number to 23, with priority given to marginal areas. Subsequently it is anticipated that ongoing negotiations with the World Bank will yield resources to finance the construction of 10 High Courts in the next six years. Sufficient budgetary support from the Government in the next few years would go a long way in covering the deficit of 14 to enable every county to have a High Court.

Property and asset management has been a major challenge for the Judiciary for a long period of time. Officers have not exhibited sufficient professionalism as custodians of Judiciary property.

For example, land belonging to Judiciary in Garissa, Kerugoya, Kisumu, Eldoret and Mombasa had fallen into private hands. Some of the titles have since been revoked, and efforts to reclaim



The dangerously cracked walls of Makueni Law Courts.

them are ongoing.

Heads of court stations around the country are under firm instructions to secure the station and its property. The ongoing cooperation between the Ministry of Lands and the Judiciary has facilitated the repossession of land that had been allocated to private developers in Mombasa and Eldoret.

4.1 Court Construction

Construction work for eight court stations, valued at over Sh1.5 billion had stalled. In the past year, the High Courts in Busia and Sirisia have been completed and handed over. Gatundu and Naivasha will be ready for handover by the end of this year. The Malindi court will be handed over early next year, while the Kisumu one is expected to be handed over later in the year. Construction work on the Narok court is expected to commence in February next year.

Table 4.1: Ongoing court construction projects

| Court | Status | Completion date |
|---------------------|-------------------------------|--------------------------|
| Kisumu High Court | Contract for Phase II awarded | October 2013 |
| Naivasha Law Courts | 92% complete | November 2012 |
| Busia High Court | Completed | Ready for occupation |
| Migori Law Courts | Contract for Phase II awarded | October 2013 |
| Gatundu Law Courts | Complete | Awaiting handover |
| Narok Law Courts | 78% complete | Retendering October 2012 |

Source: Judiciary

The Judiciary has embarked on the massive construction of prefabricated courts. This step is being taken to decongest courts in the face of rising public demand for services as well as to provide space for an increasing number of staff. The Judiciary has entered contracts with the Prisons Service to furnish new courts as well as those that were rehabilitated.



The modern structure of the Kisumu Law Courts

The Judiciary has embarked on the massive construction of prefabricated courts.

Bids for the construction of 11 prefabricated courts have been published, and it is expected that work will commence in the next four to five months. Subsequently, the Judiciary projects that it should be able to construct a further 30 prefabricated courts in the next six years using finances being negotiated from the World Bank.

Some of the construction work carried out in recent years was substandard, requiring a customisation of guidelines. The Judiciary has now developed Court Construction Guidelines developed by architects on the basis of a robust public participation initiative. In order to standardise court facilities, the Judiciary ran an architectural competition involving artists, architects, designers and members of the public to submit their entries detailing the ideal facilities the court should have. The competition generated ideas for court guidelines on how to construct facilities that are responsive to public needs such as having separate holding cells for children, men and women, separate washrooms for the different sexes, and access ramps for persons with disabilities.

4.2 Harnessing ICT as an Enabler of Justice

The Judiciary is emerging from an era of poor use of information communication technology. So severe was the institution's technological condition that few staff members had an email address. The procurement of goods and materials did not match institutional needs and capacity.

Aware that ICT plays a major role in facilitating access to justice, the Judiciary has completed a strategy that seeks to deploy information communication technology to reduce distances to court, accelerate service delivery and create a virtual 24-hour Judiciary. With the creation of a directorate to manage ICT, the Judiciary has embarked on a two-pronged strategy to build the infrastructure and impart skills to staff.

The building of infrastructure seeks to facilitate effective ICT service delivery. This will cover all the High Court stations around the country, the Judiciary Training Institute, and the magistrates'

courts in Nairobi. This infrastructure will facilitate the provision of email facilities and Internet connectivity, document transmission and sharing of data, voice communications, clean power and security surveillance in the courts.

Members of staff are receiving ICT skills training to prepare them for eventual use of new technologies. The training includes basic computer skills, Internet and email use, starting with all officers in the High Court stations is expected to be completed by the close of the financial year.

The Judiciary has experimented with various case management systems in different courts, most recently in Eldoret, Machakos and the Court of Appeal in Nairobi. Lessons from these stations are currently being analysed, with a view to deploying an upgraded case management system in these three stations by the end of the year, besides installing it at the Mombasa and Kericho court stations. The system will also be deployed in all court stations where a revamped ICT infrastructure has been completed – specifically the High Court stations.

Magistrates' courts will be brought on board in phases spread over three years while all new courts will be expected to be ICT ready from the first day.

Some of the more accessible uses of ICT in the delivery of justice include the launch of the short code number, 5834, for lodging complaints with the Office of the Judiciary Ombudsperson, and the unveiling of the mobile phone money transfer payment system in use for traffic fines, "Faini Chap" Chap. The mobile money transfer payment systems at the Kibera and Milimani Law Courts for traffic fines will be expanded to other types of fines and eventually rolled out across the country. There are ongoing negotiations with other mobile phone money service providers to bring them on board. The Judiciary is also looking into the possibility of using debit and credit cards to collect fines and other monies.

In order to serve people better and eliminate opportunities for corruption, the Judiciary has developed a Court Fees Calculator, which is being tested. Once ready, it will be available online so

that litigants and lawyers no longer have to visit the courts to calculate how much fees they need to pay. This innovation will save time and minimise avenues for corruption, eliminate instances of overcharging, standardise fees in every court station, and reduce congestion in the registries.

A data centre to keep a centralised case management system will be constructed and made accessible (subject to authorisation rules) to judicial staff throughout the country. Until land is acquired and

| | STATUS BEFORE JUNE 2011 | CURRENT STATUS |
|--------------------------|---|--|
| ICT Human Resource | Small department often manned by a single person | ICT Directorate established- Increase in staff -- 44 staff, and expect to have 84 by close of the financial year |
| IT Capacity in Judiciary | Low IT knowledge capacity among staff | Mandatory training undertaken in all court stations |
| Equipment | Equipment given on grants or donations by donors, resulting in old equipment; Low IT knowledge resulted in misuse or complete lack of use by staff in some cases | Latest equipment bought All judges supplied with i-Pads Magistrates and Legal Researchers supplied with laptops Upgrade of software and hardware on existing machines |
| Internet | No Local Area Network (LAN) cabling in most court stations No Wide Area Network (WAN) established to link court stations | LAN cabling in all High Court stations currently being revamped WAN installation planned on pilot basis and in collaboration with existing government WAN |
| Website | Limited content Lack of continuous administration Un-audited security (traffic) | Website upgrade Website regularly updated Traffic now audited |
| Email | Judiciary email existing but not in use | Re-sensitising staff on use of official email |

construction carried out, a container data centre will be deployed at the Supreme Court to act as the data centre.

In order to save on huge capital and recurrent expenses associated with printing and photocopying, the ICT directorate is in the final stages of making arrangements to outsource printing and photocopying services. This will ensure more effective use of resources while freeing ICT staff from the maintenance of printers and photocopiers.

Table 4.2: Summary of developments in ICT between 2011-2012

| | | |
|--|--|---|
| Case Management Systems | Manual except for pilot project in Eldoret and Kapsabet | Pilot extended to Court of Appeal |
| Service Desk System- Office of the Ombudsperson | Non-existent | Designed and under trial |
| Mobile-based Solutions | Non-existent | Faini Chap Chap for payment of fines fully operational in Kibera and Milimani 5834 SMS short code for Office of the Judiciary Ombudsperson fully operational |
| Recording of court proceedings | Digital only in pilot projects, some with no ownership by Judiciary, e.g., Industrial Court | Judiciary owned pilot projects established Fully operational system in Supreme Court with proceedings available on DVD |
| Standard form court documents | Not available online Long queues in registries to get forms, especially in Probate and Administration | Probate and Administration forms made available online |
| Queue Management Systems | Non-existent leading to long queues in registries | Pilot project in Milimani Law Courts |
| Locating of Court Stations | Reliance on human informants- no mapping undertaken | Mapping on Google maps® for all court stations |
| Job Applications | Manual Slow application retrieval, transfer and follow up Encouraged corruption | Online applications commenced Storage of applicants' information online with remote backups |

ICT continues to play a critical role in changing the culture of the Judiciary by introducing new ways of communicating and working.

Challenges regarding changing stakeholder perceptions of what ICT can do for them are being overcome daily. The Judiciary also faces challenges with regard to the provision of infrastructural services to assist in court administration and case management – telecommunications and clean, constant power supply being the main constraints.

The Judiciary is in the final phases of introducing a pilot audio-visual court case recording system at the Supreme Court, Court of Appeal and selected High Courts. It is hoped that this test will revolutionise the way court sessions are captured, and ultimately reduce the amount of time taken to conclude matters. After the pilot, the Judiciary plans to cascade the project to 300 courtrooms across the country over the next three years.

Chapter 5

5.0 GOVERNANCE AND MANAGEMENT REVIEW

5.1 Overall Context Leading into 2011/12

Chapter 10 of the Constitution, 2010, radically transformed the policy, legal and institutional context for the Judiciary, by emphasising, from a governance and management perspective, the critical values of integrity, efficiency, transparency, accountability and effectiveness in service (and in the case of the Judiciary, justice) delivery. The Constitution further created and fortified the independence of the Judiciary, including through the establishment of the Judiciary Fund – which has now been operationalised – and the dispersal of power.

The period under review began as the launch pad for many initiatives to actualise the constitutional architecture of the Judiciary envisaged in numerous proposals and reports to improve its performance.

Since its establishment as a law and order institution during the colonial era, the Judiciary has only operated – on paper - as an independent arm of Government for less than 20 years. It had been de-linked from the civil service as recently as 1993 at the beginning of the multi-parties political era. Since then, several studies have been conducted and recommendations made, by internal committees, on ways in which the Judiciary can be transformed to meet the ever changing needs and expectations of Kenyans.

Each time these studies proposed clear and practical recommendations for performance improvement. Some implementation success was achieved at the institutional level, including the creation of specialised courts (and court divisions) and the establishment of the National Council for Law Reporting and Judiciary Training Institute. However, these isolated reforms were insufficient to bring the change needed to transform the Judiciary into a strong and independent institution that is properly governed and managed.

The Judicial Service Commission, which was responsible for policy and oversight, was and its composition excluded important voices

in the administration of justice. It was hardly independent in its operation, and largely secretive in its processes and procedures. The managerial structure and culture was highly concentrated and centralised, with weak internal and public accountability mechanisms.

Early successes under the new constitutional dispensation included the constitution of an expanded Judicial Service Commission, the transparent appointment of a new Chief Justice, Deputy Chief Justice, judges of the Supreme Court, and Chief Registrar of the Judiciary, as well as a refreshed Court of Appeal and High Court and – all through open and competitive processes. Preparations for a constitutionally-mandated process of vetting of sitting judges and magistrates got under way during the year.

Despite these positive initial developments, it rapidly emerged that several governance and management challenges would need to be addressed in the Judiciary. These challenges – a statement of the Judiciary's long and difficult history - reflected a ponderous state of institutional neglect that conflated the Executive's authoritarian pre and post-colonial past with an unhappy era of isolation of the Judiciary that followed its de-linking from the Civil Service. Indeed, the overall institutional state of play at the beginning of 2011/12 was characterised by three challenges, outlined here:

5.1.1 Fragile institutional philosophy and inappropriate organisational culture

The Judiciary's philosophical and cultural orientation reflected a history of dominance, power, elitism and remoteness that was far removed from the people's expectation of service and equality in treatment. Institutional rules, norms, rituals and even dress codes were embedded in the past - failing to reflect social reality or contemporary institutional management policy and practice. To the public, the Judiciary was alien and insensitive.

Past reform efforts had borne limited fruit, focusing on structural and technical change at the expense of attitude and culture (i.e. people) change. A code of conduct and ethics existed only on paper, while shared values around issues such as professionalism,

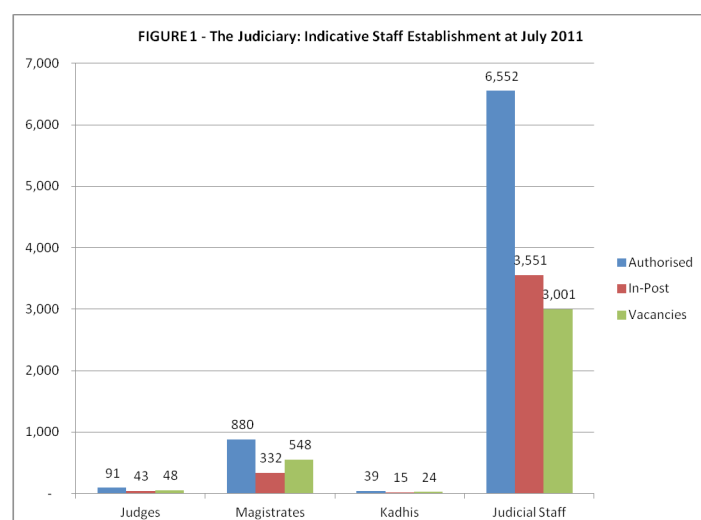
efficiency, effectiveness, transparency and accountability were barely existent. The Judiciary was widely perceived as corrupt, inefficient, dilatory and decrepit in image and deed. A silo mentality, with every unit working in isolation, was the norm, while the notions of performance and results were actively resisted.

5.1.2 Under-capacity at leadership and management level and outdated policies and practices

The Judiciary was characterised by chronic under-capacity in leadership and management offices, excessive centralisation and personalisation of leadership spaces, widespread nepotism, tribalism and clientelism within a highly patriarchal and paternalistic work environment. There were significant imbalances between judicial and administrative staff within a largely artificial context of overall under-staffing -- given existing judicial workloads and service delivery levels (see Figure 5.1).

The quality of professional support to judicial officers was far from adequate, with many cadres within the administration function lacking both professional training and skills – a feature that was especially pronounced at the point of justice/service delivery – the (devolved) court station level. Human resource management and development policies were outdated, even in comparison to the rest of the public service, training and career development was haphazard, and remuneration was poor and unequal.

Figure 5.1: Indicative staff establishment at July 2011



5.1.3 Opaque and ineffective reporting and accountability in a convoluted organisational structure

From a reporting and accountability perspective, the Judiciary's organisational structure was highly-centralised at the national level, and convoluted at the station level. Individual court stations each had their own internal organizational structures. Links between the centre and the station level were haphazard and lacked an appreciation of matrix or network reporting. There was, thus, lent weak vertical and horizontal accountability. Job descriptions were largely non-existent, so it was impossible to objectively and systematically assign institutional objectives and targets to individuals. The natural consequence of this was, as earlier noted, an ineffectual focus on performance and results for Kenyans.

5.1.4 Haphazard, unstructured training, episodic research and a dearth of progressive jurisprudence

The establishment of the Judiciary Training Institute (JTI) in 2008 was a welcome development that followed a long history of haphazard and unstructured training that was highly selective and focused mainly on judicial officers. With the advent of the JTI, training was expanded to include both new topics (such as environmental law) and new participants (judicial staff). This began to attract funding from local and international development partners.

However, this training remained unstructured, despite work done on the development of a judicial training curriculum. Whatever research done was often spontaneous and episodic. Funding was opportunistic, while the JTI lacked a framework to encourage peer learning, knowledge exchanges and internal/external mentoring. At a more general level, the scope (and structures) to encourage the development of judicial practice, and, significantly, the accumulation of knowledge in order to progressively develop the law, was non-existent.

Instructively, training opportunities, especially for judicial staff, largely benefitted staff at the headquarters, and it was common to find staff at station level who had not attended any form of

training for their entire careers in the Judiciary (including those who had worked in the institution for over 30 years).

The beginning of 2011/12 presented a mixed context for the Judiciary from a governance and management perspective. On the one hand, initial encouraging steps had been made in establishing a new top-level leadership. On the other, the Judiciary's long and difficult history meant that a significant array of challenges still needed to be confronted.

5.2 Medium-Term Agenda for Change

In the medium-term, improved governance and management within the Judiciary is being instituted under the Judiciary Transformation Framework, 2012—2016, to encompass transformative leadership, organisational culture and professional, motivated staff. A new philosophy and culture is being created in the Judiciary by promoting and enhancing good governance, and embracing change in accordance with institution's transformed mandate. A new leadership and management ethos is being constructed by establishing leadership and management frameworks that support the transformation on a day-to-day basis. Performance management and accountability are being institutionalised even as the human resource is optimised and staffing strengthened. Overall, an organisational structure is being developed that clearly delineates judicial functions from administrative ones, supports the effective devolution of the Judiciary, defines the roles, mandates, responsibilities and accountabilities of different organisational units at different levels and cascades these roles to individuals through job descriptions.

The growth of jurisprudence and judicial practice is being pursued through the establishment of an overall framework for training, research, benchmarking, continuous learning, mentoring and peer review programmes. The Supreme Court aims to be iconic in its leadership in creating a progressive jurisprudence.

5.3 Governance and Management: Progress Report for 2011/12

In 2011/12, the governance and management agenda was focused on a range of strategic initiatives aimed at laying a firm foundation for full implementation of the JTF. This is highlighted in

the progress report that follows.

5.3.1 Cascading the JTF to Court Stations

Recognising that the JTF would need to be cascaded to the stations where the majority of Kenyans interact with the Judiciary, the Office of the Chief Registrar assembled a team of staff and consultants to develop a programme for strategic and operational planning workshops for all stations (113 court stations, 17 regions and six divisions of the High Court, Kadhis Courts, Court of Appeal and the Supreme Court).

Heralding a new culture of planning within the Judiciary, court stations were for the first time ever involved and integrated into the strategic planning process. The result is that every court station in Kenya now has a strategic plan unique to its environment and context. A real sense of ownership of these plans, and the JTF overall, has emerged.

Three key lessons have emerged from this cascading process. First, there has been a significant improvement in the acceptance of change and transformation within stations. Second, this process has highlighted the urgent need to strengthen technical and managerial capacity at station level. Third, technical and managerial capacity is not uniformly distributed between and within regions, and, unless these “capacity inequalities” are addressed, the JTF runs the risk of being implemented unevenly. Targeted responses to these lessons will be a priority focus in the 2012/13 financial year.

5.3.2 Using the JTF as an Instrument for Culture Change

While the Judiciary Transformation Framework has been used to cascade planning to court stations, an equally important process, involving “all-staff” inductions has kicked off. This process, which is being effected through a country-side series of culture change workshops involving all staff in every station, commenced in early July 2012, building on the successful “Maanzoni” model piloted by the Lower Eastern region. An estimated 30 per cent of all staff in the Judiciary have been introduced to the workings of the JTF, which is the primary tool being employed to introduce culture change.

5.3.3 Other Initiatives focused on Organisational Philosophy and Culture

During the year, initial steps to promote good governance in the Judiciary have included the launch of an online wealth declaration portal for all judicial officers and staff. Monitoring of compliance rates for submission of these wealth declarations is ongoing. In addition, the development of a specific Judiciary Values and Ethics framework is under way, alongside steps to update the Judiciary Code of Ethics and Conduct to reflect key tenets of the Constitution.

5.3.4 Establishing New Leadership and Management Structures

Significant progress has been made in strengthening and improving leadership and management structures in the Judiciary. This begun with the reconstituted and revamped Judicial Service Commission which, in accordance with Section 14 of the Judicial Service Act, 2011, has delegated some of its functions to its subcommittees.

Standing sub-committees now exist for Human Resource Management, Legal and Technical matters and Finance and Administration, while ad-hoc committees are constituted on a needs basis. While the Human Resource Management and Finance and Administration sub-committees have focused on a large workload relating to their subject-matter areas, the Legal and Technical sub-committee has developed Regulations under Section 47 of the Judicial Service Act, as well as amended proposals to the Environment and Land Court Act No. 19 of 2011 and the Industrial Court Act No. 20 of 2011 to enhance their operational efficacy.

Within the Judiciary, the multi-stakeholder Leadership and Management Committee is now firmly established, while at devolved level, these committees exist in all High Court stations. In addition, executive offices/secretariats are currently being established and strengthened for the Chief Justice, Deputy Chief Justice, Chief Registrar, the President of the Court of Appeal, the Presiding Judge of the High Court, the Heads of High Court Divisions and Heads of Stations.

A particular highlight of the year has been the splitting of the Office of the Chief Registrar vertically (between five registrars)

and horizontally (between seven directorates, each headed by a director). All 12 new position holders are now in place, playing a crucial role in leading the Judiciary's transformation. A professional Judiciary Transformation Secretariat, headed by a Judge, has also been established to coordinate the overall transformation.

5.3.5 Initial Streamlining of the Organisation Structure

Beyond the establishment of leadership and management structures, work on organisational restructuring has focused on basic streamlining as part of the culture change towards a more collaborative, and less directive approach to guiding the work of the Judiciary. This has occurred at two levels – first, within the judicial staff cadre; and second, within the High Court and Magistrate Court stations with a view to launching the Judiciary's overall strategy for devolution. These initial, building-block processes will lead to the finalisation and rollout of a comprehensive national and model devolved level organisational structure in 2012/13.

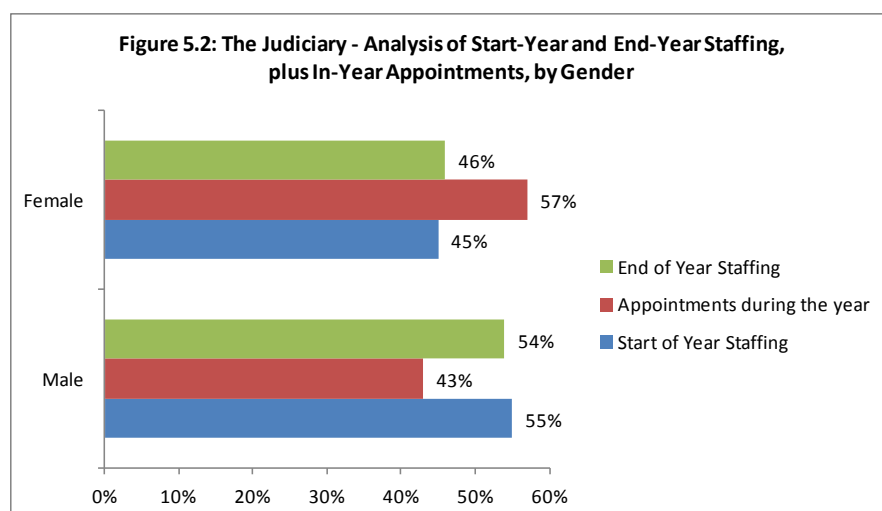
5.3.6 Institutionalising Performance Management

For the first time ever, performance management is being institutionalised in the Judiciary. A Performance Management Directorate has now been established, and a Director for Performance Management, who reports directly to the Chief Justice, has been competitively recruited. Further, the draft Integrated Performance Management and Accountability Framework (IPMAF) and System (IPMAS) are at an advanced stage and will be piloted in the 2012/13 year.

5.3.7 Human Resources Management and Development - Recruitment and Appointment

The recruitment and appointment of judicial officers and staff, beginning with the Chief Justice, and focusing largely on senior staff levels, is another key highlight of the year. In 2011/12 251 new staff were appointed by the Judicial Service Commission, with a significant number (143, or 57%) being female. The Judiciary recognises that gender balance is a key feature of its recruitment and appointment processes. Overall staff numbers by the end of the year stood at 4,192. (See Annex 8)

The appointment processes in 2011/12 improved the Judiciary's staffing proportions – which are already constitutionally compliant – between genders as illustrated in Figure 5.2.



The overall year-end gender proportion of 54:46 across the entire Judiciary is broadly mirrored by that for judicial staff, although a wider gap still exists with regard to judicial officers, as Figure 5.3 illustrates.

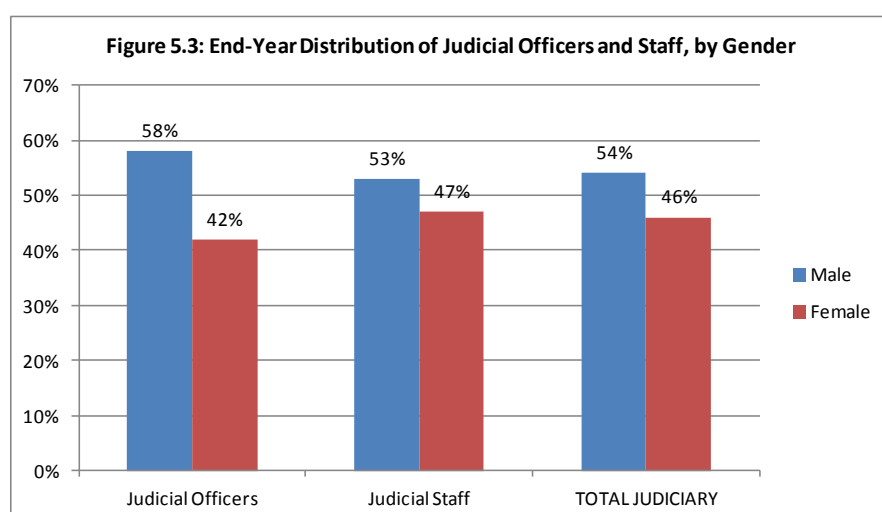


Figure 5.3: Distribution of judicial staff by gender

5.3.8 Human Resource Management and Development - Promotions

For the first time, the Judicial Service Commission processed the promotion of magistrates through public participation. In October, 2011, the names of 203 magistrates who were being considered for promotion were published in the daily newspapers.

The public was invited to submit in writing any information of interest in relation to any of the judicial officers. Several responses were received, which the Commission took into consideration in processing the promotions.

During the year, all professional District Magistrates II were upgraded to Resident Magistrate in an effort to enhance their jurisdiction. Kadhis too were elevated for the same reason. Article 171(1) b (ii) stipulates that the Judicial Service Commission shall review and make recommendations on the conditions of service of staff of the Judiciary. In recognition of the fact that a well motivated and skilled manpower is essential for the achievement of reforms, the Judicial Service Commission approved the upgrading of all judicial staff (i.e. paralegal staff) by one job group, effective December 1, 2011.

5.3.9 Human Resource Management and Development – Training and Capacity Building

During the fiscal year, the Judicial Service Commission undertook several capacity building activities to facilitate its work -- including an Inaugural Benchmarking Study Tour to Singapore and Hong Kong in March and April 2012. This tour was particularly useful in providing benchmark case studies on how Singapore and Hong Kong have adopted and made use of technology in their day-to-day judicial processes in order to more efficiently deliver justice. The tour also provided lessons on strategic planning for reform initiatives to be undertaken in the Judiciary.

A scholarship programme – titled the Chief Justice's Legal Scholarship Initiative -- was inaugurated in July 2012. Under it, two magistrates were competitively selected to pursue Masters degree courses in the United States. Two judges have also been granted leave to pursue similar qualifications.

Induction training programmes for all newly appointed Judges

of the Supreme Court, High Court, Industrial Court, Environment and Land Court, the Magistrates and the Legal Researchers, were launched during the year. In addition, specialised training has been carried out for magistrates in the areas of refugee law, sexual offences, gender-based violence and the Children Act.

Finally, the Judiciary Training Institute has, together with local partners, trained senior 24 judges from South Sudan, a collaborative model that will be expanded in the Eastern and South African region. In future, the Institute will have a regular training calendar, and is currently developing curricula and other materials for this purpose. Going forward, the Institute will ensure that the training programmes cater for all cadres of Judiciary staff.

5.3.10 Human Resource Management and Development – Pay and Benefits

Recognising that low pay and benefit levels are a disincentive to performance in the Judiciary, several initiatives have been pursued in the 2011/12 year. A comprehensive remuneration review for all judicial officers and staff was completed, fully costed and approved for fairness and affordability by the Judicial Service Commission in early 2012.

This proposal has been submitted to the Salaries and Remuneration Commission for approval as required by the Constitution. A comprehensive, subsidised mortgage scheme is now in place for all judicial officers and staff, while a staff car loan scheme will be introduced in early 2013.

5.3.11 Human Resource Management and Development – Discipline

To support the JSC in its oversight of human resource management and development in the Judiciary, especially with regard to the fast-tracking of promotion, discipline, welfare, grievance and other staff matters, an internal Human Resources Staff Advisory Committee has been established. During the year, this committee handled a total of 424 staff matters relating to promotions, upgrading, complaints and staff deployments.

The committee also finalised 63 cases during the year, as tabulated in the summary.

Table 5.1: Human resources staff advisory committee
Finalised cases: July 2011 – September 2012

| Case Subject | No. of cases (% of total) |
|--------------------------------------|---------------------------|
| Dismissal | 3 (4.76%) |
| Interdiction | 13 (20.63%) |
| Suspension | 3 (4.76%) |
| Medical | 3 (4.76%) |
| Termination of Temporary Appointment | 5 (7.94%) |
| Warning | 36 (57.14%) |
| TOTAL | 63 (100%) |

Source: Judiciary

5.3.12 Human Resource Management and Development –JSC Meetings during the year

As the institution responsible for overall human resource management and development as regards judicial officers and staff, the Judicial Service Commission and its sub-committees were tasked with a heavy agenda, as tabulated in the summary.

Table 5.2: JSC summary of meetings

| Commission/Committee | No. of meetings |
|--|-----------------|
| Judicial Service Commission (full JSC) (interviews, special meetings, general meetings) | 109 |
| JSC HRM Sub-Committee | 54 |
| JSC Legal and Technical Sub-Committee | 8 |
| JSC Financial and Administration Sub-Committee | 17 |
| Committee investigating allegations against Hon. Deputy Chief Justice | 3 |
| Committee on vetting of Judges and Magistrates | 3 |
| TOTAL | 194 |

Source: Judiciary

5.3.13 Human Resource Management and Development – Comprehensive Review of Existing Policies

As noted earlier, existing policies on human resource management and development are generally outdated, but they are also located in a disparate set of multiple documents. Bearing this in mind, a comprehensive review and update of existing policies is presently under way. It is expected to be completed before December 2012.

This review and update includes, but is not limited to these aspects: HR planning, recruitment and selection, induction, placement, deployment and transfers, training and development, pay, benefits and welfare, performance management, career planning and development, maintenance, safety and health, industrial relations, grievance handling and discipline and exist/separation. It also covers general policies relating to issues of human rights, gender and diversity.

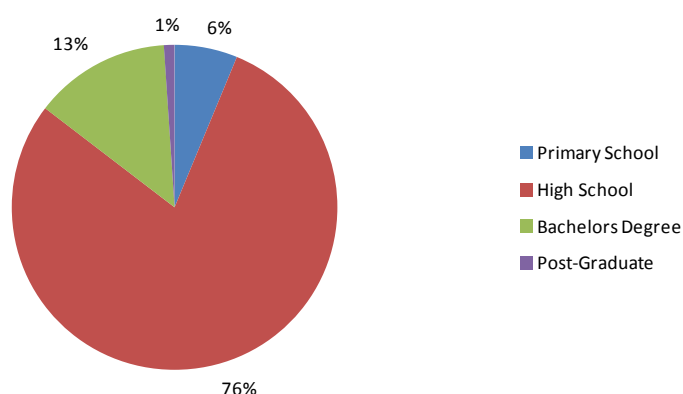
All policies will be aligned with existing legal and regulatory frameworks (*including the Constitution and the Judicial Services Act*) and good practices in human resource management.

5.3.14 Human Resource Management and Development - Comprehensive Human Resource Inventory and Knowledge/ Skills Appraisal in support of Staff Optimisation in the Judiciary

As noted earlier, the existing human resource complement in the Judiciary, while under-staffed on paper, is skewed towards a preponderance of judicial support staff over judicial officers, with particularly high staffing levels in general clerical and support positions (*See Annex 8*).

The quantum of staffing presents one of two challenges facing the Judiciary – a second one relates to knowledge and skill levels. An initial assessment of educational qualifications across the Judiciary shows that the current knowledge base is less than optimal, as Figure 5.4 illustrates.

**Figure 5.4: Judiciary Staff Analysis
Highest Education Level Attained**



In order to support staff optimisation, a more comprehensive HR inventory and knowledge/skills appraisal is under way and will be completed by December 2012. This will provide important information for HR planning and related decisions based on the refined organisational structure.

5.3.15 Human Resource Management and Development - Capacity Support from other Public Sector Agencies

The launch of the JTF has created a new demand for high calibre human resources, much of which was absent in the Judiciary. In order to deal with these capacity gaps, especially at management level, the Judiciary has sought and received human capacity support from several public sector agencies, including the Directorate of Personnel Management, Ministry of Finance/Treasury, Ministry of Planning, National Development and Vision 2030, the Directorate of Public Procurement, the Ethics and Anti-Corruption Commission and the Ministry of Public Works, among others.

5.3.16 Human Resource Management and Development - Capacity Support through External Technical Assistance

The new demand for high caliber human resource also relates to short-term assistance required for the completion of specific tasks. For this, the Judiciary has turned to development partner support, filling existing capacity gaps have been filled through short-term, output-oriented consultancies in the areas of justice sector policy and legal expertise, strategy and strategic management, planning, budgeting, public financial

management, institutional development, organisational and human resources management, Information & communications technology (ICT) and media and communication.

5.3.17 Jurisprudence and Judicial Practice: Repositioning the Judiciary Training Institute

The importance of judicial education and learning cannot be gainsaid. Without a culture of continuous learning, judicial dialogue and peer review, there can be no genuine judicial transformation. In the past year, various steps have been taken to reposition the Judiciary Training Institute as a centre for excellence in judicial education and research. It has held a total of 46 training workshops and seminars in the last one year.

JTI now has a five-year strategic plan, which provides a framework for nurturing it into a centre for robust intellectual exchange, a vibrant think tank, and a space for judicial thought on the intersection between law and other disciplines. In 2012/13, a Bill will be prepared to entrench the Institute firmly in legislation. With the attendant autonomy that would follow, it is envisaged that the Institute will ultimately offer accredited graduate degree programmes.

5.3.18 Jurisprudence and Judicial Practice: Catalysing Judicial Dialogue on Constitutional Implementation

The judicial education interventions of the Institute will neither be perfunctory nor ritualistic. In order to ensure that its programmes are multi-disciplinary and relevant to Kenya's constitutional development needs, the JTI will continue focusing on generating judicial dialogue and knowledge on the practical issues that confront us today. In the past three months alone, the Institute has successfully conducted training for judges, magistrates and legal researchers on social and economic rights, social context and public interest litigation. These training programmes will be expanded to enable the Judiciary to build itself into an institution that is up to its task of implementing the Constitution. The Institute will also establish further mechanisms for public engagement, building upon the experience of the open-day and the Judicial Marches Week conducted in August 2012. (See Annex on JTI training schedules)

5.3.19 Jurisprudence and Judicial Practice: Promoting

Knowledge Generation and Transfer through Partnerships

The Judiciary is fully committed to a culture of learning and inquiry as a means of developing a progressive and indigenous jurisprudence. In order to harvest the collective intelligence and intellectual commons, JTI will establish a portfolio to lead multidisciplinary research on frontier and emerging issues in jurisprudence and on other wide range of legal, policy and judicial issues.

Going forward, we will nurture an interface between the Bench and legal academia by providing space for thought on a variety of legal issues that remain untested by the judicial optics. JTI will also strengthen further collaboration with other justice sector institutions, and other judiciaries in the region and globally.

5.3.20 Jurisprudence and Judicial Practice: Policy Development, Research and Advisory Initiatives

The Institute is commissioning multidisciplinary research on various aspects of the judicial process, such as sentencing and bail, with a view to developing policy guidelines. These policies will provide guidance and ensure that the exercise of discretion is judicious meets the highest standards of professionalism.

Another key achievement is the development of a draft Code of Conduct for judicial officers before enactment in accordance with the law. Going forward, the JTI will also commission the publication and regular review of judicial bench-books, toolkits or handbooks for judges, judicial officers, staff, other court users and the public. In the coming year, the Institute will establish a resource centre with a library, communications facility, and online educational platform.

5.4 Governance and Management: Outlook for 2012/13

While this progress report presents a fairly comprehensive menu of actions undertaken and completed in 2011/12, the ambitious JTF agenda will demand even greater efforts to strengthen governance and management in 2012/13.

The Judiciary Values and Ethics Framework, and the Code of Ethics and Conduct will be finalised. Ongoing culture change workshops will be completed by early 2013, and immediately translated into action and results-oriented culture change programmes for the centre and every court station and accountability centre in the Judiciary.

A new human resource management and development (HRM&D) policy will be launched, while initial piloting of the Integrated Performance Management and Accountability System will be completed, evaluated and fine-tuned in readiness for full launch and rollout across the Judiciary in the 2013/14 year.

In 2012/13, the complete design of the national and devolved organisational structures will be finalised and launched, supported by clear devolved roles and individual job descriptions. On the concomitant human resource side, a comprehensive job evaluation and grading will have been completed and linked to IPMAS and the new job descriptions.

From the perspective of jurisprudence and judicial practice, a comprehensive framework for training, research, benchmarking, continuous learning, peer review and mentoring – involving partnering between JTI, the Supreme Court and regional and international peers and partners – will be firmly in place.

Though challenging, particularly in the context of the 2013 election year, the governance and management outlook for the Judiciary in 2012/13 remains positive overall.

Chapter 6

6.0 FINANCE AND RESOURCE DEVELOPMENT

6.1 Historical Backdrop

Prior to its delinking from the Executive, the Judiciary's budget was developed and implemented as a departmental financial statement falling under the vote of the Office of the Attorney-General. Since then, this budget, while institutionally separate from other Executive agencies, has been treated in large part as akin to a "ministerial" budget, while retaining the term "Judicial Department" as its vote name. This continued to be the case with the advent of the Medium-Term Expenditure Framework (MTEF), and the introduction of MTEF Sectors at the turn of the millennium. In this latter period, the Judiciary was placed under the Public Safety, Law and Order MTEF Sector, which was then reconfigured, following the launch of Vision 2030, into the Governance, Justice, Law and Order (GJLOS) MTEF sector.

In terms of financial management and value for money, the backdrop is largely informed by the 2007 *Report of the Task Force on Ethics and Governance in the Judiciary*. This report found a corruption-prone, error-riddled, inefficient and largely manual system in place and made recommendations – which continue to be relevant - to revamp budget preparation and control, expenditure and payments, revenue collection and deposits, payroll management, procurement and capital development, accounting, audit and reporting.

In 2009, the *Report of the Task Force on Judicial Reforms* aptly noted that "*the question of the independence of the Judiciary has arisen particularly with regard to the funding of its operations*" and went on to recommend that "...*the financial independence of the Judiciary (must) be underpinned by legislation....*". These observations have historically been a constant feature of the numerous Task Force and other studies that the Judiciary has undertaken since de-linking from the Civil Service in 1993.

6.2 Overall Context Leading into 2011/12

Chapter 10 of the Constitution radically transformed the policy, legal and institutional context for the Judiciary. In public financial

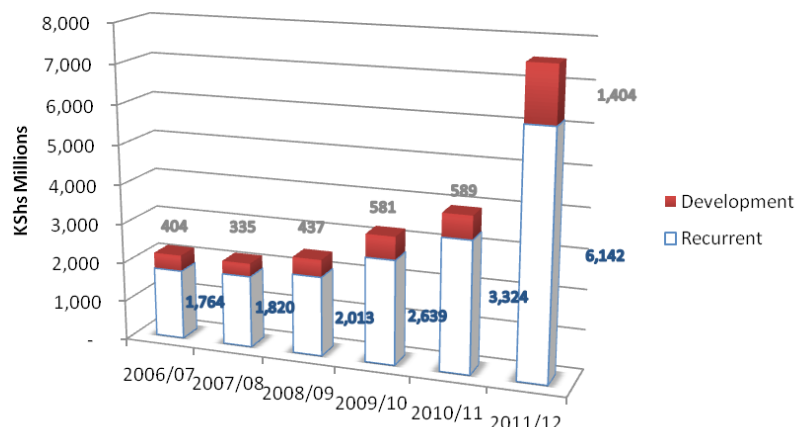
management terms, two important changes are pertinent. First, the Judiciary, as a “separate but co-equal” arm of Government, now presents its annual budget estimates directly to Parliament. Second, a Judiciary Fund is created to cater for “*administration and other necessary purposes*”. The effect of these two articles in the Constitution is to secure, for all time, the Judiciary’s financial independence. These two articles are now firmly embedded in statute through the Judicial Service Act, 2011. This was the broad context leading into 2011/12, which was also informed by two key challenges from the past: resourcing and financing the Judiciary, and improving Judiciary public financial management. These are described further below.

6.2.1 Dealing with a historically low resource envelope for the Judiciary

As recently as 2006/07, the Judiciary’s overall budget was KSh2.1 billion, or approximately 0.5 per cent of the overall National Budget. More recently, the Task Force on Judicial Reforms noted that “*in the 2009/2010 National Budget, the Executive was allocated 98.2 per cent of the Budget, the National Assembly 1.3 per cent while the Judiciary was allocated only 0.5 per cent of the budget... This demonstrates that the Judiciary is grossly underfunded and under prioritised despite the fact that it is a substantial revenue earner to the Exchequer*”.

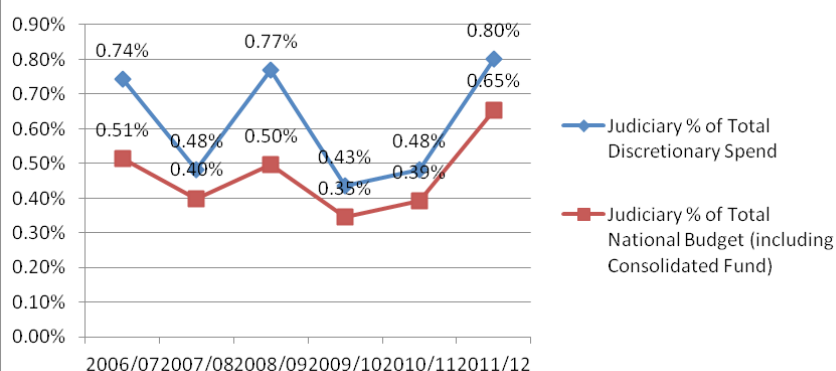
This traditionally low funding level for the Judiciary represents a key catalyst of the continued search for independence; but more importantly, called for a re-prioritisation of where the Judiciary lies in Kenya’s overall national development planning and annual budgeting framework. Figures 6.1 and 6.2 highlight the absolute and relative funding levels secured by the Judiciary going into the 2011/12 financial year.

Figure 6.1 - The Judiciary: Budget Trends 2006/07 to 2011/12

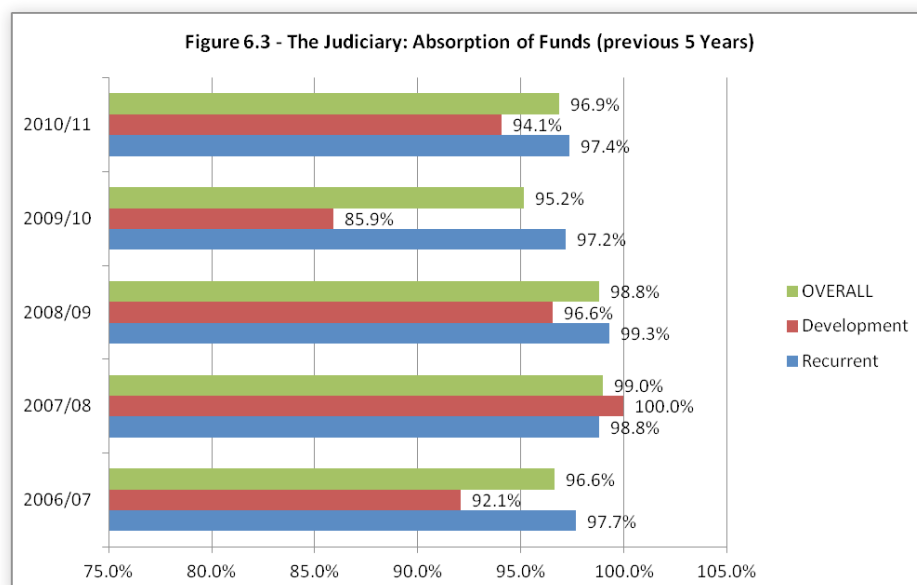


The 2011/12 financial year represented the first budget year following passage of the constitution in August 2010. By acting proactively at the onset, the Judiciary was able to secure an increased budget from a total of KSh3.9 billion in 2010/11 to KSh9.8 billion in 2011/12 (a 150 per cent increase) which reduced to 7.5 billion (still a 93 per cent increase) during the revised estimates. As a share of the national budget, the overall allocation showed a rise from historical averages, as Figure 6.2 illustrates.

Figure 6.2 - The Judiciary: Trend in proportional share of the National Budget 2006/07 to 2011/12



Finally, from a funds absorption perspective, the Judiciary entered 2011/12 with a solid spending record, as Figure 6.3 below duly illustrates:



6.2.2 Establishing the Judiciary Fund and Improving Public Financial Management and Overall Value for Money

The second key challenge facing the Judiciary going into the 2011/12 year was two-fold: first, to operationalise the Judiciary Fund, and second, to strengthen its overall public financial management (PFM) system along the lines of the recommendations contained in the earlier-mentioned *Report of the Task Force on Judicial Ethics and Governance*, but equally reflective of the Judiciary's new constitutionally and publicly mandated transformation context.

6.2.3 The Year 2011/12 Context in Summary

As with many other facets of the Judiciary's work, 2011/12 began within a mixed context of opportunity, and great challenges that needed to be settled.

6.3 Medium-Term Agenda for Change

In the medium-term, improved finance and resource development within the Judiciary is envisaged under the Judiciary Transformation Framework 2012-2016 to encompass the strategic agenda secure adequate infrastructure and sufficient resourcing. The key result areas for this are obtaining resources and value for money by establishing a sound and robust Judiciary Public Financial Management framework built around the Judiciary Fund. It also requires mobilising internal and external resources for the successful implementation of the JTF and ensuring the achievement of value-for-money in the use of all its resources.

6.4 Finance & Resource Development – 2011/12 Financial Review

6.4.1 Overall Financial Review

Overall spending against budget is shown in Table 6.1. On the recurrent account, spending levels were at 99.9 per cent across the Judiciary. On the development account, however, under-spending in the amount of KSh371 million was observed.

TABLE 6.1 - THE JUDICIARY: SUMMARY RECURRENT AND DEVELOPMENT EXPENDITURE AGAINST APPROVED ESTIMATES FOR THE 2011/12 FINANCIAL YEAR

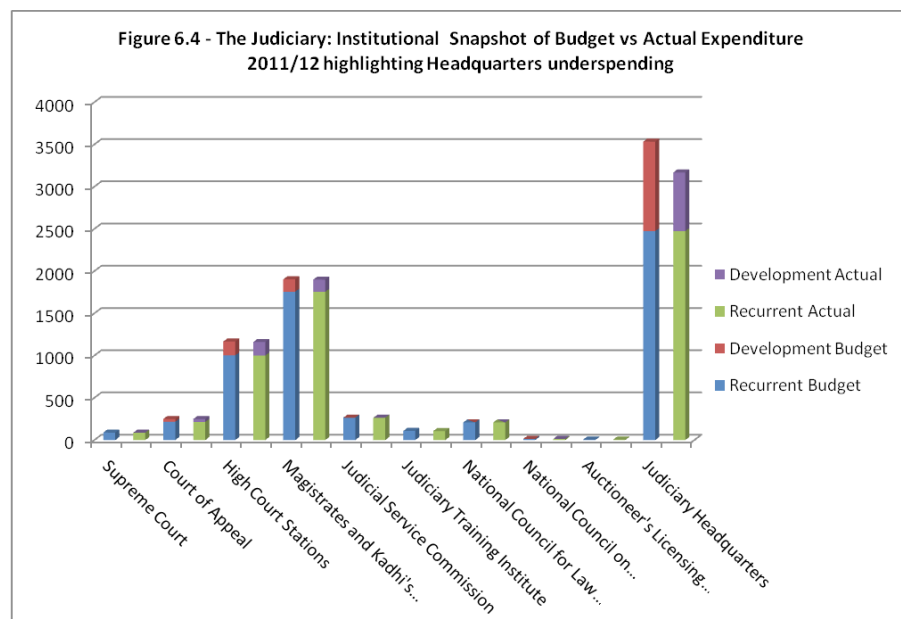
| <i>(All figures in KSh millions)</i> | Approved Estimates | Actual | Variance |
|--------------------------------------|--------------------|--------------|--------------|
| Recurrent | 6,142 | 6,137 | (5) |
| Development | 1,404 | 1,033 | (371) |
| TOTAL | 7,546 | 7,170 | (376) |

A great proportion of this under-spending (KSh307 million) relates to the suspension of an ongoing court digitisation project, pending its review and realignment with the Judiciary Transformation Framework.

A further KSh58 million in under-spending was occasioned by delays in procuring consultants to support the Judiciary through external development partner funding.

This under-spending fell under the Judiciary Headquarters, signifying that, at court station level, all spending was on target. This is illustrated in Figure 6.4.

Figure 6.4 - The Judiciary: Institutional Snapshot of Budget vs Actual Expenditure 2011/12 highlighting Headquarters underspending



6.4.2 Comparative Year-on-Year Financial Review

In comparison to 2010/11, both budget allocations and expenditure outturns were significantly higher. The recurrent expenditure allocation increased by 85 per cent over the previous year, mainly to cater for the judicial staff support and operations and maintenance costs associated with the coming on board on new judicial officers in the Supreme Court, Court of Appeal and High Court, as well as new costs associated with the operations of the revamped Judicial Service Commission, Tribunals and the newly established National Council on the Administration of Justice.

The development expenditure allocation increased 138 per cent between 2010/11 and 2011/12, a far more significant increase than the 1.4 per cent received in the previous year. A key focus of this allocation was expanded work in new court stations, rehabilitation of existing court stations and significant investments in information and communications technology (ICT). As noted earlier, however, a key project on the digitisation of court records was suspended pending its realignment with the Judiciary's refocused needs in light of the JTF. Table 6.2 highlights the relevant year-on-year budget and expenditure comparison.

TABLE 6.2 – THE JUDICIARY: COMPARATIVE YEAR ON YEAR REVIEW OF BUDGET AND ACTUAL EXPENDITURE (2010/11 vs 2011/12)

| <i>All figures are in KSh million</i> | 2010/11 | | 2011/12 | |
|---|--------------------|--------|--------------------|--------|
| | Approved Estimates | Actual | Approved Estimates | Actual |
| Recurrent | 3,324 | 3,236 | 6,142 | 6,137 |
| Development | 589 | 554 | 1,404 | 1,033 |
| TOTAL | 3,913 | 3,790 | 7,546 | 7,170 |
| ANALYSIS | | | | |
| Year-on-year growth in recurrent budget | | | 85% | |
| Year-on-year growth in recurrent actual | | | | 90% |
| Year-on-year growth in development budget | | | 138% | |
| Year-on-year growth in development actual | | | | 86% |
| Year-on-year growth in total budget | | | 93% | |
| Year-on-year growth in total actual | | | | 80% |

6.4.3 Review of Revenue Performance

Judiciary revenues comprise court fees, fines, forfeitures and other charges. Traditionally, court fees have been treated as Appropriations-in-Aid while other revenues are paid straight into Treasury accounts as revenue.

A comparison of revenue collections between 2010/11 and 2011/12 is shown in Table 6.3.

TABLE 6.3 – THE JUDICIARY: COMPARATIVE YEAR-YEAR REVIEW OF REVENUE COLLECTIONS (2010/11 vs 2011/12)

| <i>All figures are in KSh million</i> | 2010/11 | | 2011/12 | |
|---------------------------------------|-----------|--------|-----------|--------|
| | Estimates | Actual | Estimates | Actual |
| Total revenues | 223 | 289 | 1,032 | 1,078 |

The dramatic growth in revenues is explained in two parts. First, through a resolution dated April 14, 2010, Parliament directed that all court fees and other appropriations-in-aid received by the Judiciary should be transferred straight into amended accounting treatment for 2011/12 which shows all revenue generated by the Judiciary even though it is not available for its immediate use (the comparative figure for 2010/11 represents prior revenues generated by the Judiciary excluding court fees).

Allowing for this accounting adjustment, there is sufficient evidence to suggest that faster disposal of cases and improved collection control measures have contributed to the large increase in revenues. On this basis, therefore, the Judiciary has projected total revenue collections in 2012/13 at KSh1.4 billion.

6.4.4 Deposits and Funds held in Trust

As noted in the *Report of the Taskforce on Judicial Ethics and Governance*, deposits have been a major financial management concern in the past, and this continues to be the case. A summary of the end-year deposit situation – which covers courts across the country – is presented in Table 6.4.

| | Prior Years | 2012 |
|---------------------------|-------------|-------------|
| | KSh million | KSh million |
| ASSETS | | |
| Paymaster General Account | 784 | 975 |
| District Account | 46 | 35 |
| Total Assets | 830 | 1010 |
| LIABILITIES | | |
| General Deposits | 740 | 928 |
| Retention Account | 90 | 82 |
| Total Liabilities | 830 | 1010 |

Streamlining the management of these deposits and funds held in trust is core to the Judiciary's transparency and accountability agenda, and arrangements are already in place to ensure that a robust and efficient deposit management system is quickly established across the country.

6.5 Finance and Resource Development – 2011/12 Management Initiatives

In 2011/12, the finance and resource development agenda was limited to a number of foundation-building initiatives that were focused on the wider, medium-term JTF agenda. Five major initiatives are highlighted in this section of the report.

6.5.1 Initial Steps to Operationalise the Judiciary Fund within a modern PFM Framework for the Judiciary

With the passing of the Judicial Service Act in early 2011 in line with the Constitution, the Judiciary Fund is now legally in force. The year 2011/12 was devoted to the development of regulations to guide the operations and administration of the Fund. These regulations have now been gazetted and are now in force. Supporting this effort, a series of consultancies have been undertaken, and are ongoing, to establish a modern PFM framework for the Judiciary based on the recommendations of past reports, and the present imperative of transformation. This has included the exploration of potential ICT solutions that will support the integration of court and case work with court registries, human resource management and end-to-end public financial management functions from planning and budgeting to accounting, reporting, audit and evaluation.

6.5.2 Enhanced Planning, Budgeting and Resource Mobilisation

Recognising the enormous investment needs of the Judiciary Transformation Framework, significant effort was made to secure an improved budget for the Judiciary for 2012/13, involving a mix of technical and political efforts, and reflecting the “science” and “art” of budgeting. A record KSh15.9 billion budget for the Judiciary was eventually secured in June 2012 and is currently under implementation.

In addition, the outline of a comprehensive Programming-Planning-Budgeting-Results (PPBR) framework for the Judiciary; one that links policy, programming and planning, to budgeting, execution and results; is beginning to emerge. This framework is currently helping to guide the Judiciary's work in 2013/14 budget preparations as well as reporting and accountability on

performance in 2011/12 and 2012/13.

6.5.3 Cascaded Strategic Planning, Work Planning and Budgeting

With the Judiciary now much more visible as an actor in the national budget dialogue, concomitant effort is required to ensure that any increased resources raised are taken to where they are most needed – in court stations where justice is delivered. Bearing this in mind, a process is ongoing to develop strategic plans at devolved level (see Chapter 5 for details), and then translate these into annual work plans and budgets.

Through this inclusive, participatory and (for the Judiciary) innovative process, strategic plans are being finalised for all court stations in Kenya, while work plans for the current 2012/12 financial year, and the forthcoming 2013/14 financial year have already been developed.

By the end of this cascading process, all court stations, as well as directorates, executive and registrar offices, and envisaged regional structures will all possess medium-term and short-term plans as a vital tool for implementing the Judiciary Transformation Framework, while planning and budgeting capacity will have been developed across the country.

6.5.4 Partnership with the World Bank on the Judicial Performance Improvement Project

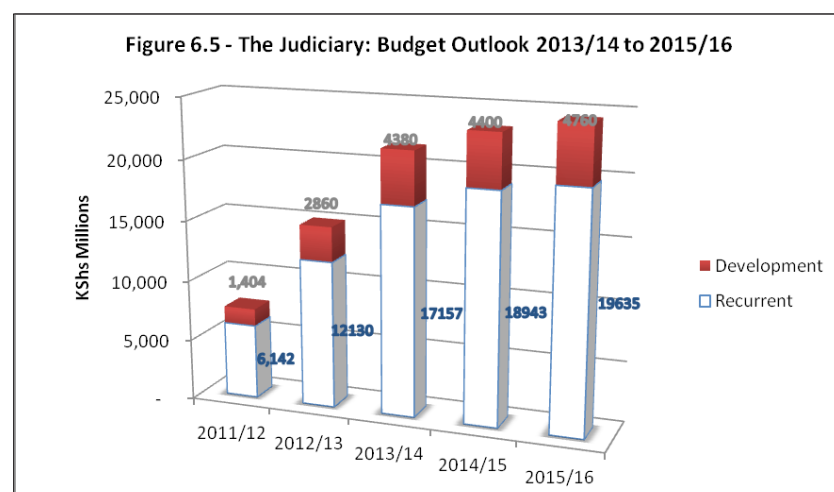
This project was initially launched in 2007 but did not make any substantial progress due to variety of circumstances. Since February 2012, significant Judiciary time has been spent preparing a new JPIP project, which will provide the support in court administration and case management, training and staff development, and project management to the tune of US\$120 million. Final negotiations on the project were completed at the end of September 2012, and the project is expected to formally commence in early 2013.

6.5.5 Partnership with the United Nations Development Programme (UNDP) on Establishment of a Multi-Donor Basket Fund to support the Judiciary Transformation Framework

In line with the principles of the Paris, Accra and Busan declarations on aid effectiveness, discussions are well advanced with the UNDP and bilateral development partners to establish a Basket Fund through which all support to the Judiciary would be channeled.

Additionally, the Judiciary is also providing leadership in discussions on a second basket fund through which funding to non-state actors and civil society organisations who wish to work with the Judiciary will be channeled.

However, the mobilization of funds from development partners is considered a short to medium term measure. The financing of the Judiciary should in the long term should be entirely borne by the Kenyan taxpayer.



6.6 Finance and Resource Development – Outlook for 2012/13

6.6.1 Medium-Term and 2013/14 Budget Outlook

In order for the Judiciary to implement its mandate as stipulated in the Constitution and detailed in the Judiciary Transformation Framework, significant resource increases will be required even as the Judiciary continues to increase its share of the National Budget. Figure 6.5 presents an overall perspective on current and future resource requirements.

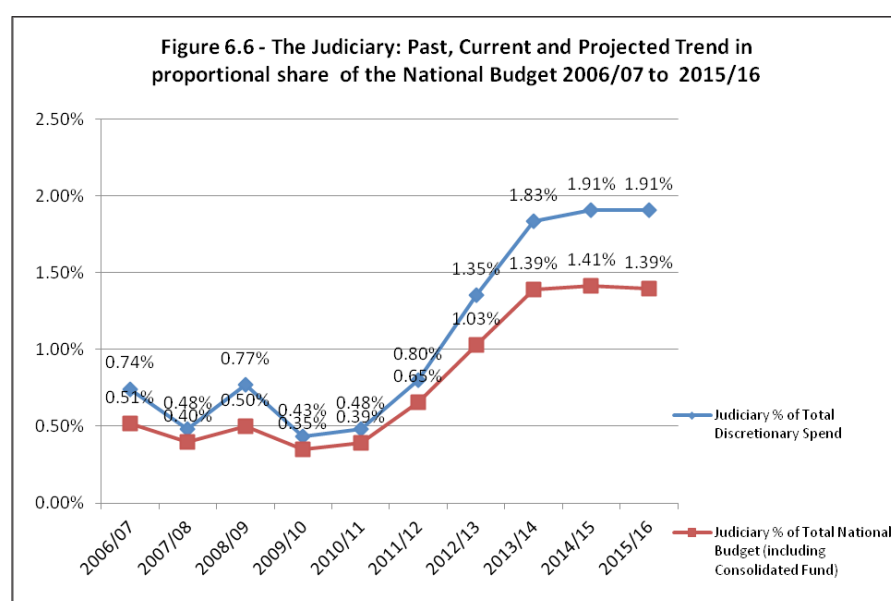
For 2013/14, the Judiciary is seeking an overall increase of 37 per

cent of financial resources in FY 2013/14. The additional resources will mainly be directed towards constructing new court stations, expanding existing court stations to accommodate more judicial officers, rehabilitation of some of the existing courts, automation of case management, networking of court stations, remuneration of new staff, and associated costs as a result of hiring more judicial officers.

6.6.2 A National Perspective on Resourcing the Judiciary

A key focus of the Judiciary's resourcing and financing strategy will involve securing a greater proportion of the national budget over time. The current (2012/13) budget level represents 1.3 per cent of total discretionary expenditure, a vast improvement on the past but still significantly below the international benchmark of 2.5 per cent of the national budget.

Recognising, however, the other calls on the public purse, the Judiciary intends to progressively, and not immediately, achieve the 2.5 per cent financing target. Indeed, over the next three years, and even with the ambitious financing targets laid out in the medium-term outlook, it is expected that the Judiciary's share of the budget will still be closer to 2 per cent than it is to 2.5 per cent by 2016, as Figure 6.6 illustrates.



6.6.3 Finance and Resource Development – Priority Initiatives for 2013/14

Target initiatives in 2013/14 will fall into three main categories; those relating to strengthening of PFM and the Judiciary Fund; those relating to the mobilisation and development of resources; and those that create a value for money culture across the Judiciary.

In terms of PFM/Judiciary Fund strengthening, attention will be focused on comprehensive systems reviews and needs assessments within the context of an Integrated Judiciary Management Information System that links judicial, court and case management processes with judicial administration and general administration (accounts, finance, human resources, procurement) processes.

Options for securing and/or installing systems that can be interfaced with Government's Integrated Financial Management Information System (IFMIS) and Integrated Personnel and Payroll Database (IPPD) will be vigorously pursued. However, an equal focus must be placed on systems that are "Judiciary-fit-for-purpose".

The mobilisation and development of resources is an ongoing process. The Judiciary will continue to actively participate in Government's MTEF process. Ongoing discussions with regard to support from local and international development partners will continue.

Technical discussions will need to be held with Parliament on aspects such as the Judiciary's resource ceiling, and its revenue retention capability, especially with the coming into place of the Judiciary Fund.

Finally, in the coming year, a Judiciary Values and Ethics Framework will be established, while revisions to the Judiciary Code of Ethics and Conduct will be finalised.

From a PFM perspective, attention will be focused on the uses of innovative tools and techniques (e.g., unit/standard cost databases to guide buying/procurement, ICT tools to manage the

use of expensive assets and other resources, and to accelerate on-line reporting; the introduction of regular technical/narrative and financial reporting against work plans by stations).

The year 2012/13 represents a challenging year ahead for the Judiciary, and Kenya, in general. The progress made in 2011/12, however, suggests that great progress will be made in the area of finance and resource development in the coming year.

Chapter 7

NATIONAL COUNCIL FOR THE ADMINISTRATION OF JUSTICE

7.1 Background

The successful administration of justice requires all actors in the justice chain to perform corresponding and complementary roles. For a long time, the administration of justice in Kenya had been hindered by institutional dissonance and a silo mentality. The absence of a legal framework and financial, human, infrastructural and organizational capacity gaps only exacerbated the situation. The enactment of the Judicial Service Act, 2011, paved the way for the National Council on the Administration of Justice (NCAJ), which was launched in August 2011.

The Council opened up a forum for candid consultations and vigorous debate between the various actors who had themselves been commanded by the Constitution to undertake significant institutional transformation. NCAJ is mandated to ensure a coordinated, efficient, effective and consultative approach in the administration of justice as part of the transformation of the justice system. The Council has held six meetings, one each quarter as required by statute and these regular consultations have not only rejuvenated the relations between justice sector players but also provided a platform for deliberation and resolution of hurdles in the pursuit of NCAJ's mandate.

7.2 Roles and Membership of the NCAJ

NCAJ seeks to establish a unified justice sector that serves the people while upholding the values of collective responsibility, interdependence, service, constitutionalism and mutual accountability. Section 35 of the Judicial Service Act, 2011, empowers the Council to formulate policies relating to the administration of justice; implement, monitor, evaluate and review strategies for the administration of justice; facilitate the establishment of Court Users Committees (CUCs) at the county level; and mobilise resources for purposes of the efficient administration of justice.

7.3. Achievements

Under the leadership of the Chief Justice, the Council established a Special Committee on Reforms that reviewed legislation on the Kenya Police Service and advised on amendments to align

it with Article 49 (1) (h) of the Constitution. The Committee also discussed amendments to the Evidence Act and finalised the Contempt of Court Bill, 2012, the Office of the Director of Public Prosecutions Bill, 2012, The Office of the Attorney General Bill, 2012, The Transfer of Prisoners Bill, 2012, and The National Coroner Service Bill, 2012.

At its third meeting, the Council established a Technical Committee to develop and implement its programme of work. The Technical Committee, which comprises statutory and co-opted NCAJ agency nominees, operates through Special Working Groups that have since delivered the NCAJ Strategic Plan, Policy Framework and CUCs Guidelines.

The Strategic Plan and Policy Framework specify that in order to successfully strengthen justice sector stakeholder engagement and institute a functional conveyor of services for Kenyans, NCAJ must continuously review the sectors' legal and policy frameworks, as well as strengthen and integrate the operational frameworks of all its agencies. It needs to, uphold the principle of constructive inter-dependence by mobilising and lobbying for resources as a sector, coordinate an ongoing monitoring, evaluation and reporting of all NCAJ strategies, and operationalise CUCs at the station level.

7.4 Challenges and Recommendations

Over the past year, NCAJ has achieved a common understanding of its policy and strategic direction. The implementation of its plans is ongoing, as summarised in the activities of its Annual Work Plan 2012/13. The primary challenge facing NCAJ is the inequitable allocation of resources to its members, resulting in varying capacities to respond to Kenyans seeking justice. Without adequate resources, the agencies linked in the administration of justice remain unable to respond with the speed they desire.

Below is table summarizing the main achievements and challenges of NCAJ agencies as well as recommendations which, if implemented, would further augment ongoing initiatives in the administration of justice.

Table 7.1: Summary of the Achievements, Challenges and Recommendations of NCAJ Agencies

| AGENCY | ACHIEVEMENTS | CHALLENGES | RECOMMENDATIONS |
|---|--|--|---|
| STATE LAW OFFICE | <p>Ongoing implementation of the Constitution as Principal Legal Advisor to the Government</p> <p>Effectively represented government in court on matters of national interest</p> <p>Defined new areas of the implementation of the Constitution including the delineation of boundaries, the election date practices of the Supreme Court and the enforcement of the Bill of Rights</p> <p>Participated in establishing CUCs</p> | <p>Limited capacity to address the volume and complexity of constitutional litigation</p> <p>Potential constitutional challenges to legislation and effect of its outcomes on government functions</p> <p>Office caught between ensuring compliance with court pronouncements and accommodating realities in the operational environment</p> <p>Balancing public policy and public interest considerations; individual and collective rights requires the progressive development of the law</p> <p>Staff attrition and low retention rates for experienced staff</p> <p>Slow pace of decentralisation to the counties has not matched that of the Judiciary owing to limited human and financial resources.</p> | <p>NCAJ to ensure the justice sector forges ahead in a unified and structured manner.</p> <p>Respond to the need for a sector-wide approach in capacity-building, staff policy and resource allocation to assure quality and synergy in service delivery.</p> <p>Wider discussions on reform initiatives which map the respective agency mandates</p> <p>Recruitment of additional staff for all the counties</p> |
| OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS | <p>Established institutional independence as the prosecutorial authority following the promulgation of the Constitution</p> <p>Operationalised Article 157 of the Constitution thus conferring ODPP the requisite operational, financial & administrative autonomy</p> <p>Refurbished 16 county offices and began establishing nine more</p> <p>Finalised the ODPP Strategic Plan (2011-2015) The ODPP Bill 2012 is at the final stages of legislation</p> | <p>Inadequate resource and budgetary allocation thus affecting the following:</p> <p>The quality of human resources;</p> <p>The quality of the work environment; ODPP's capacity to retain and attract highly qualified and experienced Staff due to poor terms of service</p> <p>Limited prosecutorial capacity to respond to the emergence of new & complex forms of criminality</p> | <p>Bolster NCAJ as it provides the operational framework for all actors responsible for the administration of justice</p> <p>Develop the executive capacity of the ODPP</p> <p>Recruit more prosecutors</p> |

| | | | |
|-----------------------|---|--|--|
| KENYA PRISONS SERVICE | <p>Enhanced collaboration among stakeholders in the criminal justice sector (Police, Prisons, Judiciary, Probation, Prosecutions).</p> <p>Collaboration in the optimal use of available resources.</p> <p>Remarkable reduction in pre-trial detention cases through enhanced access to justice.</p> <p>Formulation of rules of engagement on the functions of the Court Users Committee (CUS) which has helped to reduce backlog of cases and the number of remandees.</p> <p>Judges visiting prisons has helped address congestion and reduce backlog of cases.</p> <p>Provision of free legal aid to inmates by pro bono advocates has increased levels of awareness among prisoners and staff has raised observance of human rights.</p> <p>The posting of judicial officers in every county has reduced cases of petty offenders being held in custody.</p> <p>Prisons working with Probation Department to ensure timely submission of probation reports necessary for release of petty offenders to serve on Community Service Orders</p> | <p>Inadequate transport to ensure timely production of remandees in courts countrywide.</p> <p>Lack of funding to acquire modern equipment in light of the changing crime trends and insecurity challenges. Low number of legal officers in the Service compared to the prisons population</p> | <p>Closer collaboration among stakeholders to address overcrowding in custody and related challenges.</p> <p>Allocation of adequate resources to the corrections sector.</p> |
|-----------------------|---|--|--|

| | | | |
|----------------------|--|--|--|
| KENYA POLICE SERVICE | <p>Reviewed the police procedures in line with the provisions of the Constitution. Article 49 (1) h relating to the Right to Bail seeks to balance the rights of the accused and those of victims of crime</p> <p>Reviewed the National Police Service Charter, promotion policy and training courses for the Police College to ensure that the Bill of Rights and the gender equality provisions are reflected</p> <p>Reviewed and distributed 45,000 copies of the Police Service Code of Conduct to all officers</p> <p>Operationalised the National Police Service Act and the Independent Police Oversight Authority</p> <p>Mainstreamed Article 244 (d) and the Bill of Rights into the new curriculum of recruits. Extended the training period for recruits and cadets to 6 months and 21 months respectively</p> <p>Delinked from the ODPP through the second-ment of police prosecutors</p> <p>Drafted Policies in line with the Articles 244 (a) (b) and (e) of the Constitution</p> <p>A joint Kenya Police and Administration Police Community Policing pilot project is under way in Kikuyu Police Station's jurisdiction</p> <p>The Internal accountability mechanism Unit is currently recruiting personnel and procuring premises</p> | <p>Delayed appointment of Inspector General of Police and Deputies</p> <p>Inadequate resource and budgetary allocation</p> <p>Limited capacity to realise operational commitments and engagements</p> <p>Lack of basic infrastructure and the resultant incapacity to uphold the provisions of the Constitution</p> <p>The long distances between courts and prisons in many parts of the country affects the timely delivery and processing of suspects</p> | <p>Collaborate with Kenya Law Reform Commission to audit all laws and procedures related to criminal investigation for harmonisation with the Constitution</p> <p>Review and amend the: Public Order Act (Cap 56. Laws of Kenya)</p> <p>Penal Code</p> <p>Criminal Procedure Code</p> <p>Evidence Act</p> <p>Partner with the NCAJ to accelerate the establishment of Criminal Justice Complexes. The geographical proximity of the police, prosecutions, magistrates' courts & remand facilities will significantly reduce the transactional costs of delivering justice and will also not affect the independence of the institutions</p> <p>NCAJ should accelerate the implementation of sector wide resource allocation strategies</p> <p>Establish a fund to facilitate the payment for medical examination fees for victims of crime and the professional examinations and per diem for costs incurred in travelling to present evidence</p> <p>Recruit Police doctors in every station- There is currently only one police doctor in the country</p> <p>Overhaul the operations of all Police Stations by bolstering human resource capacity to include legal officers in all stations; refurbish police station buildings and set up forensic laboratories for the collection, preservation & analysis of preliminary evidence</p> |
|----------------------|--|--|--|

| | | | |
|--|--|--|--|
| <p>NATIONAL COMMUNITY SERVICE ORDERS PROGRAMME</p> | <p>Trained 133 magistrates on the Community Services Orders Programme in Mombasa, Nakuru, Embu and Kisumu over a period of four months Issued Community Service Orders for 1,850 Offenders in three weeks in June 2012, thus easing congestion in prison Collaborated with the United Nations African Institute (UNAFRI) to evaluate the drug addiction treatment of offenders The National Community Service Orders Committee appointed by Vice President and sworn In by Chief Justice</p> | <p>Resource constraints leading to limited training opportunities for the stakeholders and limited application of Community Service Orders as an alternative to imprisonment</p> | <p>Strengthen penal transformation and alternatives to imprisonment in line with international best practice Increase resource allocation for the proper administration and management of community service</p> |
| <p>MINISTRY OF ENVIRONMENT & MINERAL RESOURCES</p> | <p>Enactment of the Environment and Land Court Act. Reviewed the Mineral Act 1948 in line with the provisions of the Constitution Drafted the Mining Policy as well as the Geology, Minerals and Mining Bill which have been forwarded to Cabinet for approval Reviewed the Environmental Management Coordination Act (EMCA) 1999 in line with the provisions of the Constitution Increased penalties under EMCA</p> | <p>Lack of stakeholder collaboration between justice sector agencies & municipal and city councils for the implementation of Articles 42 and 69 of the Constitution</p> | <p>Promote public awareness on environment protection & conservation Legally institute monthly clean up days Adopt an integrated approach to waste management and the enforcement of environment violation penalties</p> |

| | | | |
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| MINISTRY OF LABOUR | <p>The Industrial Relations Department has conducted 36,679 workplace inspections and prosecuted over 400 cases</p> <p>Promoted industrial peace through resolution of labour disputes</p> <p>Upheld International Labour Standards through timely submission of ILO reports</p> <p>Established the National Labour Board and Wages Council</p> <p>Drafted the Child Labour, Wages and Income and Social Protection Policies</p> | <p>Limited resources allocation resulted in inadequate human resources, low capacity (95 labour officers against authorized capacity of 279) to conduct workplace inspections and resolutions of disputes</p> <p>Failure to fully process pending workmen's compensation</p> <p>Inadequate physical infrastructure and working tools</p> <p>Inadequate policy, legal and institutional framework</p> <p>Limited public awareness strategies</p> <p>Untimely conversion of ISO Standards</p> <p>The ISO Standard was changed from ISO 9001:2000 to ISO 9001:2008 forcing the Ministry to restart the process</p> | <p>Implement joint NCAJ resource mobilisation and budgeting strategies to enable the recruitment of more staff and procurement of physical infrastructure and working tools</p> <p>Implement legal and institutional reforms such as the enactment of the Micro and Small Enterprises Bill</p> <p>Create a comprehensive database and information management system on Micro and Small Enterprises</p> |
| OFFICE OF THE VICE PRESIDENT, MINISTRY OF HOME AFFAIRS PROBATION & AFTERCARE SERVICES DEPARTMENT | <p>Developed a web-based integrated offender information management system to ease data capture, storage, sharing and retrieval</p> <p>Collaborated with the Kenya Law Reform Commission & other stakeholders to:</p> <p>Address victims' concerns about pre-trial detention</p> <p>Draft bills and policies including the Victims of Offences Bill & the Bail Information & Supervision</p> <p>Collaborated with the National Community Service Orders Programme to promote prisons decongestion by the reviewing of the sentences of 6422 convicted prisoners between August 2011 and June 2012</p> <p>Expanded and modernised Probation Offices countrywide</p> <p>Established new stations in Mbita Suba, Mpeketoni, Kyuso, Tana Delta and Kakuma</p> | <p>Anachronistic statutes and policies</p> <p>Limited application of alternatives to imprisonment due to</p> <p>Low referrals of cases by the Courts for Probation Service intervention and the courts declining nearly 13,000 offenders the option of Community Service Orders</p> <p>Poor resource allocation has resulted in limited; limited recurrent budgets for the operation of non-custodial options</p> <p>Lack of transport to facilitate court inquiries & offender supervision</p> <p>Lack of training for community supervisors & volunteer probation officers</p> <p>Hindrances to compliance with court orders</p> | <p>Enact the Victims of Offences Act & the Bail Information and Supervision Act</p> <p>Amend the Probation of Offenders Act, and the Community Service Orders Act</p> <p>Enhance collaboration between the Judiciary, National Community Service Orders Programme and Kenya Prisons Service</p> <p>Implement joint NCAJ resource mobilisation and budgeting strategies</p> <p>Exercise strategic interventions in resources sharing</p> <p>Allocate resources for the recruitment of probation officers in tandem with the number of magistrates and courts</p> <p>Organise training of probation officers & other community supervisors to instill confidence in the effectiveness of non-custodial sentences</p> |

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| <p>MINISTRY OF GENDER, CHILDREN & SOCIAL DEVELOPMENT</p> | <p>Partnered with various ministries, civil society and development partners for the provision of child welfare service through management and supervision of Statutory children rehabilitation schools, rescue institutions and children remand homes</p> <p>Collaborated with the National Community Service Orders Programme and the Probation and Aftercare Services Department for the rehabilitation and reintegration of child offenders into the community</p> <p>Implemented the cash transfer programme for Orphans and Vulnerable Children</p> <p>Developed the National Affirmative Action Policy for women to guide the implementation of the gender equity provisions of the Constitution</p> <p>Developed the National Social Protection Policy to provide or the establishment of a Consolidated Social Protection Fund</p> <p>Collaborated with the National Council for Persons With Disability to advance rights of Persons with Disability to employment, health, education, a barrier free and friendly environment, legal services and sign language in public meetings</p> | <p>Limited resources allocation resulting in inadequate funding of child and social protection programmes and a child unresponsive justice system resulting in Congestion of Children Penal Institutions</p> <p>Absence of children's Officers in Court</p> <p>Lack of data on children's data</p> <p>Limited training opportunities for stakeholders on Children's rights</p> | <p>Establish children's courts countrywide</p> <p>Train judicial officers on the Children Act</p> <p>Decongest penal institutions and remand homes by the expeditious disposal of children's matters</p> <p>Hire sign language interpreters in all courts and ensure that the structures are physically accessible to persons with disabilities</p> <p>Encourage supported participation rather than substituted representation of persons with disability</p> <p>Develop a comprehensive database on all adoption cases</p> <p>Collaborate with JTI to develop a curriculum on persons with disability for judges, magistrates, paralegals, lawyers, prosecutors, probation officers and prisons workers</p> <p>Encourage traditional dispute resolution strategies and alternative dispute resolution mechanism especially where persons with disability are concerned</p> |
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| <p>MINISTRY OF JUSTICE, NATIONAL COHESION & CONSTITUTIONAL AFFAIRS</p> | <p>Oversaw reforms identified under the Kenya National Dialogue and Reconciliation process including work by the Truth Justice and Reconciliation Commission (TJRC); National Cohesion and Integration Commission (NCIC), and the defunct Interim Constitutional Dispute Resolution Court (ICDRC)</p> <p>Developed the National Values and Principles of Governance Policy; National Cohesion and Integration Policy; Policy on Human Rights, and the GJLOS overarching sector policy has been finalised and approved by cabinet for implementation</p> <p>Facilitated the enactment of over 30 laws to implement the Constitution</p> <p>Developed civic education programmes for the civil service and general public and contracted 36 multi-sectoral organisations for implementation in collaboration with Kenya National Integrated Civic Education Programme</p> <p>Collaborated with the Kenya National Commission on Human Rights to develop the National Policy and Action Plan on Human Rights in Kenya</p> <p>Developed Legal Aid Awareness pilot schemes at the Nairobi High Court Family Division; the Nairobi Children's Court; the Mombasa Capital Offences; Kisumu-Paralegal Advise Office; the Nakuru Children's; and the Moi University Law Clinic (Eldoret)</p> <p>Continued implementation of the GJLOS Policy for justice sector reform</p> | <p>Inadequate resource allocation to justice sector institutions resulting in limited human, technical and financial capacity to implement reforms as well as poor retention and attraction of highly qualified personnel due to unfavourable Terms of Service</p> <p>New and emerging crimes for which there are no resources to recourse, such as money laundering; cyber crime; human trafficking & piracy</p> | <p>Increase resource allocation to improve terms of service for justice sector agencies</p> <p>NCAJ to accelerate the enactment of the following:</p> <p>Office of the Attorney General Bill, 2012; The Officer of the Director of Public Prosecution Bill; The Kenya Law Reform Commission Bill; The National Coroners Service Bill, 2012 and the Private Security Industry Regulation Bill</p> <p>Operationalise the Ethics and Anti-corruption Commission</p> |
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| FEDERATION OF WOMEN LAWYERS KENYA | <p>Appointed to the National Council on the Administration of Justice</p> <p>FIDA Kenya actively participates in the Nairobi, Kisumu and Mombasa CUCs</p> <p>Participated in the Judicial Marches 2012 and increased public awareness of judicial processes, mechanisms and access to legal services</p> <p>Partnered with the Judiciary Training Institute to organise sensitisation training workshops for judicial officers across the country</p> | <p>Lack of sufficient personnel to deal with Persons with Disabilities.</p> <p>There is a shortage of court staff trained in Sign Language</p> | <p>Enact the rules on mediation</p> <p>Undertake the standardisation, regulation and appointment of informal justice system and paralegals to ensure uniformity and accountability in the two avenues of seeking justice</p> |
| WITNESS PROTECTION AGENCY | <p>Implementation of the Witness Protection Act (Cap. 79 Laws of Kenya) and the formal establishment of the Agency in November 2011</p> <p>Development of the Witness Protection Agency Strategic Plan 2011-2013</p> <p>Establishment of a framework and procedures for providing special protection to potential witnesses at risk</p> <p>Implementation of the Witness Protection Programme- highlights include:</p> <p>88 processed applications for witness protection</p> <p>19 placed witnesses & 56 related persons under protection</p> <p>31 interventions made as appropriate</p> <p>4 court orders obtained for witness protection</p> <p>3187 persons including senior public officers sensitised on the Witness Protection Act through workshops</p> <p>Established 18 inter-agency linkages & collaboration mechanisms to facilitate relocation of witnesses for safety & capacity building</p> | <p>Red tape has hindered implementation of the witness protection programme especially the recruitment of staff</p> <p>Lack of a public awareness strategy</p> <p>Delays in judicial processes significantly increases costs of maintaining witnesses & their dependants in the programme</p> <p>The absence of a formal mechanism for judicial protection endangers witnesses. Institute measures such as: protection boxes, screens & holding rooms for protected witnesses waiting to testify</p> | <p>Enhance collaboration and sector wide relations through NCAJ</p> <p>Forge partnerships with other Witness Protection Agencies for continuous benchmarking on evolving best practices in witness protection and judicial protective measures</p> <p>Propose appropriate amendments to legislations impacting on witness protection</p> <p>Increase awareness of the mandate of the Witness Protection Agency across the justice sector</p> <p>Advocate an attractive staff and remuneration package to enable the agency recruit competent officers and implement an effective witness protection programme</p> |
| THE CRADLE | <p>Drafting Bills and lobbying legislation of the: Sexual Offences Bill</p> <p>Counter Trafficking in Persons Bill</p> <p>Participated in the Kenya Working Group on the 3rd Optional Protocol to the CRC, now adopted by the HRC</p> <p>Training of pro bono lawyers countrywide</p> | <p>Filling of P3 Forms by government doctors and clinicians who insist on payment to facilitate court appearance</p> <p>Weaknesses in the juvenile justice system resulting in children in need of protection being held with children in conflict with the law in the same facilities</p> <p>Lack of courts in various parts of the country</p> | <p>Enhance collaboration with judicial officers making periodic visits to children remand homes</p> <p>Secure the nationwide jurisdiction of Children's Court Magistrates as opposed to station jurisdiction that is lost upon transfer</p> <p>Establish (mobile) courts</p> |

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| INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION | <p>Formulated and developed legal instruments to guide IEBC in the management of the elections</p> <p>Electoral laws; Electoral Petition Dispute Resolution Rules and Regulations and the Campaign Finance Law awaiting parliamentary debate</p> <p>Developed a collaboration framework with the DPP and National Police Service to manage electoral malpractices</p> <p>Dispensed with all petitions against the delimitation of boundaries</p> <p>Procured a total 15,000 BVR kits through a Government- to- Government arrangement</p> <p>The fresh registration of voters targets an estimated 20 million Kenyans for the 2013 general elections</p> <p>Established the Political Parties Liaison Committees and Rules and Guidelines</p> <p>Finalised the Voter Education Curriculum</p> | <p>Delay in enactment of the campaign finance law affects the establishment of structures to regulate the amount of money that may be spent by or on behalf of a candidate or party in respect of any election.</p> <p>Absence of provisions for an Elections Court in law</p> <p>Uneven understanding of electoral laws and the roles different agencies will perform in the management of electoral malpractice</p> <p>Public resistance to courts' rulings affects ensuing delimitation of boundaries processes</p> <p>The Commission has been served with 11 appeals following court rulings</p> <p>Limited appreciation of the legal framework on voter registration and the tight timelines may pose potential challenges</p> <p>Delay in the appointment of the Registrar of Political Parties</p> <p>Irregular amendment of Bills by the Executive and the Legislature negatively affects dissemination of literature already developed.</p> | <p>Lobby Parliament on Adoption of Campaign Finance Bill</p> <p>Review Elections Act and CJ to establish the Election Court. Enhance collaboration with and ensure sensitisation of all stakeholders through NCAJ</p> <p>Judiciary should develop a mechanism to expedite resolution of the boundaries appeals</p> <p>Fast track the appointment of the Registrar of Political Parties</p> <p>Promote the development of policies prior to legislation and ensure public participation in the development of all laws</p> |
| KENYA PRIVATE SECTOR ALLIANCE | <p>Establishment of the Judiciary Private Sector Forum</p> <p>Increased confidence in the Judiciary has enhanced foreign and domestic direct investment</p> <p>The expeditious resolution of commercial and industrial disputes has resulted in reduced transactional costs.</p> | <p>Limited public awareness of the justice sector's operations by SMEs</p> <p>Protracted court injunctions that hinder dispute resolution result in reduced investment</p> | <p>Promote the application of Alternative Dispute Resolution mechanisms to alleviate case backlog and encourage investors</p> <p>Enhance public awareness of and outreach by the justice sector</p> <p>Review the judicial operation of the City Court for the advancement and protection of the rights of small-scale traders</p> |

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| KENYA HUMAN RIGHTS COMMISSION | <p>Established a system for collating public information and testimony for transmission to the Judges and Magistrates Vetting Board</p> <p>Established the Elections Processes and Monitoring Centre (EPMC), with standing elections monitors around the country.</p> <p>Launched the KHRC publication, "Lest We Forget: The Faces of Impunity in Kenya", documenting past cases of official malpractice and recommended sanctions, as reported in key tribunals, Parliamentary Committees and commissions of enquiry.</p> <p>Conducted fact-finding missions to Tana River to inform interventions towards restoring lasting peace and calm in Tana River and beyond</p> <p>Trained Human Rights networks on the provisions of the Constitution relating to Justice Sector Reforms to inform their participation in CUCs across the country.</p> | <p>Negative impact of silo mentality and practices hindering the flow of information</p> <p>The absence of a common NCAJ work-plan has resulted in a haphazard approach to addressing issues in the Justice Sector.</p> <p>The phased approach to Justice Sector reforms, with judicial reforms preceding comprehensive reforms in other compatriot agencies (most notably, reform of the Kenya Police Service) has had a disruptive, effect on ongoing sector-wide reforms.</p> <p>The tendency by government to present many Bills simultaneously - often, under intense pressure of beating constitutionally prescribed legislation deadlines - has hampered the adequate scrutiny by stakeholders. This has led to poorly drafted laws, fatally flawed or inoperable provisions. The Power of Mercy Act (Act Number 21 of 2011), which was never subjected to comprehensive stakeholder participation, is among laws that cannot serve their intended purpose.</p> <p>Lack of a harmonised interpretation of the Bill of Rights. Areas of concern are: Rules of bail and bond; Sentencing, more so where there is a statutory imposition of the death penalty; the interpretation of life imprisonment and the legal prescriptions for alternatives to incarceration.</p> | <p>Establish robust information sharing for the justice sector</p> <p>Conduct a comprehensive audit of the correctional, penal and holding facilities for purposes of de-contaminating different cadres of offenders</p> <p>Build a joint Justice Sector Strategy on the 2013 Elections</p> <p>Amend the unworkable provisions of the Power of Mercy Act to enable the Power of Mercy Committee execute its mandate of recommending presidential pardons, hence, decongesting prisons.</p> <p>The Attorney General and agencies (CIC and line ministries) to ensure Bills are processed in a timely fashion; stakeholders are adequately involved in debate.</p> <p>The Justice Sector should apply the experience from the Judicial Transformation programme as an illustrative template for rolling out reforms in the other sector agencies, including the legal profession. Transitional justice principles, namely, vetting and lustration, as well as new doctrines, including, public participation, should be advanced across the board as a means towards transforming the sector.</p> <p>The NCAJ should lead the process of establishing guidelines and rules on various aspects of administration of justice, including bail, sentencing and alternative dispute resolution.</p> |
| NATIONAL COUNCIL FOR LAW REPORTING | <p>Facilitated the development of a robust, indigenous, progressive and patriotic jurisprudence</p> <p>Enhanced the financial, infrastructural and human resources of the Council</p> <p>Compiled a specialised set of legal reference materials on the law and jurisprudence of elections as well as emerging jurisprudence on the interpretation of the constitution particularly on the Bill of Rights, leadership and integrity</p> | <p>Lack of adequate resources to effectively fulfil NCLR's mandate</p> <p>Legal risks and liabilities associated with publishing and dissemination of information</p> <p>Dynamic changes in technology for which NCLR has limited resources to pace</p> | <p>Increase financial, human and infrastructural resources allocation to the Council to enable it meet the demands of the transformed Judiciary and the expectations of Kenyans under the new Constitution</p> <p>Democratise access to public legal information through the use of national language</p> <p>Leverage on partnerships with the Judiciary Training Institute, Kenya School of Law and other stakeholders in improving the quality and quantity of legal resource materials</p> |

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| <p>COMMISSION FOR THE IMPLEMENTATION OF THE CONSTITUTION</p> | <p>Ongoing collaboration with the Attorney General, Kenya Law Reform Commission, the Judiciary and various ministries to deliver on legislative implementation</p> <p>Developed the CIC Strategic Plan (2012-2015) in compliance with the Constitutional timelines for:</p> <p>Enhanced public participation in the Constitution implementation process by engaging in and organising consultative forums workshops, conferences, print and web media</p> <p>Partnered with constitutional commissions and independent offices for the effective discharge of their respective constitutional and statutory mandate</p> <p>Sought judicial intervention through legal proceedings in cases of real or perceived misinterpretation or misapplication of the Constitution</p> <p>Reviewed and facilitated laws dealing with devolution</p> <p>Consulted and sensitised local authorities to ensure partnership and ownership of the transition to devolved government</p> | <p>Irregular amendment of bills by the Executive and the Legislature</p> <p>Attempts to mislead the public on some constitutional issues</p> <p>Delay in operationalising some constitutional offices</p> <p>Disregard of the constitutional implementation process and mandate of the CIC</p> <p>Late submission of Bills</p> <p>Failure to develop policies prior to preparation of Bills</p> <p>Non-compliant regulations and administrative procedures</p> <p>Lack of legislation on national government</p> <p>The role of the Attorney-General's office in the new dispensation</p> <p>Unconstitutional provisions in the enacted laws and disregard of due process</p> <p>Limited civic awareness on the Constitution</p> <p>Resistance to change and the continuing culture of impunity</p> | <p>CIC should review all draft Bills to ensure public participation in the review, and development of all legislation, policies and administrative procedures.</p> <p>Conduct Civic Education to increase awareness at the grassroots of the opportunities, procedures and the rights relating to participation in legislative policy and other processes</p> <p>Ensure a responsible political leadership that promotes constitutionalism and rule of law, uphold national values and live by the Constitution.</p> <p>Development of Policies prior to preparation of Bills, Regulations and Administrative Procedures</p> |
| <p>COMMISSION ON ADMINISTRATIVE JUSTICE</p> | <p>Active participation in the drafting of key Constitutional Bills.</p> <p>Issued advisories on matters of public interest and gave proposals on improvement of Public Administration e.g., advisory on draft policy on national values, advisory on the appointment of county commissioners.</p> <p>Reviewed the guidelines for public complaints indicator in performance contracting and issued certificates to compliant government departments and agencies and trained officials</p> <p>Created partnerships and linkages with foreign Ombudsman offices including the Finnish, Rwandese and Ghanaian Ombudsman offices.</p> <p>Litigation and <i>amicus</i> briefs -the Commission is a party to several suits that the subject matter is of public interest with a direct effect to public administration.</p> <p>The Commission spearheaded the establishment of the Integrated Public Complaints Referral Mechanisms (ICRM) -- (an electronic system of referring complaints between various institutions).</p> <p>Recruited staff, and finalizing strategic plan. Is financially independent and in the process of establishing three regional offices.</p> <p>Conducted county visits and spot checks in various government offices to monitor the delivery of public services including Garissa ,Nyeri & Eldoret etc</p> | <p>Resistance from public institutions that are yet to understand the oversight role of an Ombudsman's office.</p> <p>The Commission challenged in reaching people in rural areas.</p> <p>Inadequate financial & human capital.</p> <p>Inadequate appreciation by service consumers and Government Departments of the need to utilize information technology in handling of public complaints.</p> | <p>Strengthening of partnerships between all the players in the Administration of Justice chain.</p> <p>The pace of reforms needs to be maintained to realise the objectives of the NCAJ.</p> <p>Constitutional Commissions and Independent offices need to provide an oversight on each other so as to improve public confidence.</p> <p>NCAJ needs to create public awareness on alternative dispute resolution mechanisms so as to lessen the burden on the judiciary.</p> |

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| THE LEGAL RESOURCES FOUNDATION | <p>Enhanced collaboration with the Judiciary especially at the magistrates' level resulting in strengthening of CUCs</p> <p>Increased information dissemination among actors in the administration of justice especially the National Police Service</p> <p>Prisons Paralegals have assisted in the prioritisation of pretrial and special needs offenders</p> <p>Bolstering of Customer Care desks for paralegal officers in Kisii, Meru, Embu & Makadara Law Courts</p> <p>Collaborated with JTI to train 28 judges on the Civil Procedure Rules, Traditional Dispute Resolution Mechanism, Electoral Law, Political Parties Act, Judicial Code of Conduct and activism and the Litigants Charter</p> <p>Developed draft guidelines on Traditional Dispute Resolution Mechanisms (TRDM)</p> <p>Finalised a Sentencing Research Report</p> | <p>Asymmetry in the number of prosecutors and magistrates has resulted in slow case management. Appeal cases for capital offenders who have no appeal numbers, hearing dates, uncertain mention dates, un-typed proceedings and no state representation</p> <p>Inaccessible Registries due to the technical processes of file tracking and retrieval as well as unfriendly staff and corruption</p> <p>Absence of legal aid systems for deserving litigants (both accused and complainants)</p> | <p>Institute morning waiting sessions in court to ensure that a judicial officer (customer care) or paralegal provides an overview of basic legal information to court users</p> <p>Train Magistrates in the Civil Procedure Rules and application of Alternative Dispute Resolution Mechanisms</p> <p>Submit a special register and monthly returns of all courts in jurisdictions that apply traditional dispute resolution. Enhance the inter-face between TDRM and the formal court systems to mainstream practice to protect the rights of the indigent</p> <p>Conduct a judicial review of cases of offences committed in prison</p> <p>Organise periodic visits by the Hon. Chief Justice and members of NCAJ to all 47 Counties</p> <p>Hold bi-monthly briefs by the Chief Registrar with each County as a public engagement strategy via SMS, local radio, TV to further inform the Hon. Chief Justice's State of Judiciary Address</p> |
| KENYA NATIONAL COMMISSION FOR HUMAN RIGHTS | <p>Participated in the Taskforce on Judicial Reforms which recommended the establishment of NCAJ</p> <p>Drafted the vetting tool and score card adopted by the Judges and Magistrates Vetting Board</p> <p>Ongoing establishment of new and bolstering the operations of existing CUCs in court stations</p> <p>Trained judges and magistrates on human rights leading to the decongestion of prisons through the execution of mentions and releases and the issuance of alternative sentences</p> | <p>Absence of guidelines on the maximum number of people permitted to join cases as amicus</p> <p>Delayed implementation of the rules on Public Interest Litigation has hindered admittance of PIL cases by subordinate courts</p> <p>Lack of guidelines on offenders with mental and learning disabilities has hindered access to justice</p> <p>The Absence of a legal aid scheme and case management strategies have delayed the expeditious disposal of cases</p> <p>Inaccessibility of courts, registries</p> | <p>Mandate the JTI to conduct training of judges, prosecutors, advocates, court clerks, prisons officials and other stakeholders in the justice sector.</p> <p>Establish an advisory committee on case management to standardise operations in all Court Stations and to consider the needs of witnesses, victims, and offenders.</p> <p>Construct a permanent court in Mpeketoni</p> <p>Amend the Criminal Procedures Code to expedite the decongestion of prisons.</p> <p>Institute mechanisms to vet all employees of the Judiciary</p> <p>Establish a Special Court or Tribunal to handle cases involving offenders with mental disabilities. The Chief Justice to issue rules and guidelines to Courts that handle witnesses, victims and offenders with mental disabilities</p> |
| KENYA LAW REFORM COMMISSION | <p>Collaborated with the AG and CIC to prepare legislation resulting in the delivery of 40 new pieces of legislation towards the implementation of the constitution</p> <p>Ongoing review of all legislation antedating the Constitution for consistence and compliance.</p> <p>Drafted a new Companies Bill, 2012 and a new Insolvency Bill, 2012 to modernise the legal framework for doing business in Kenya</p> | <p>Absence of an operational framework for institutional independence --KLRC operates as a department under the Ministry of Justice and seeks autonomy</p> <p>Poor resource allocation resulting in poor coordination of law reform initiatives and human resource incapacity</p> | <p>Fast-track the KLRC Bill, 2012 to address these challenges and enable the Commission to fully execute its mandate in the implementation of the Constitution and the revision of all existing legislation for consistency and compliance</p> |

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| LAW SOCIETY OF KENYA | Developed a strategic plan 2012-2016 Promote and ensure high standards of legal practice in Kenya based on international best practice and Continuing Legal Education of lawyers Collaboration with justice sector agencies for the promotion of the rule of law | | |
| OFFICE OF THE PRESIDENT, THE PRESIDENCY AND CABINET AFFAIRS OFFICE | | | |
| MINISTRY OF LANDS | | | |
| MINISTRY OF DEFENCE | | | |

Chapter 8

NATIONAL COUNCIL FOR LAW REPORTING

8.1. Overview

The National Council for Law Reporting Act, 1994 established the Council and mandated it to publish the Kenya Law Reports and related publications; to revise, consolidate and publish the Laws of Kenya and to perform such other functions as may be conferred by statute.

Emerging from decades of a culture of not reporting legal decisions, the National Council for Law Reporting (NCLR) has made great strides in recording and publishing existing and emerging jurisprudence.

The Constitution requires the Judiciary to develop jurisprudence in order to assert its authority and command the respect and legitimacy of the public and its peers. Without the timeous reporting of judgments, rulings and decisions of the courts, it is arduous to build jurisprudence.

With the support and advice of its leadership and membership NCLR continues to adopt strategies to re-engineer its editorial approach to ensure that it “extracts the essence of juristic thought and to lay it out as one of the beacons for the legal path for conflict resolution in the advancement of civilized society”.

Over the years, the Council has bolstered its financial, human and infrastructural resources and developed a specialized set of legal reference materials highlighting emerging jurisprudence on the interpretation of the Constitution particularly on the Elections, Bill of Rights and Leadership and Integrity.

8.2 Achievements and Awards

NCLR keeps abreast of technological advances and regularly generates new and innovative services such as the ‘KLR Case Updates’, which provide a weekly synopsis of Kenyan jurisprudence, ‘CaseBack’, a service that informs a judicial officer once his or her decision has been considered on appeal, review or otherwise by another court; and *Wakilishare*, an open

online forum for public discourse with and feedback from the Judiciary community. In securing Kenya's judicial heritage, the Council has engaged a consultant to support the reclaiming of 'lost jurisprudence' – past judicial opinions of great value in the development and heritage of law but which have been omitted from previous reports.

As a leader in the provision of public legal information, the Council has democratized access to historical and current records of the *Kenya Gazette* and Parliamentary Proceedings dating as far back as 1901. It has also generated the first and most comprehensive online database of Treaties and International Instruments applicable to Kenya; and an online database of the Laws of Kenya.

NCLR's work has and continues to receive recognition around the world. Notable awards bestowed upon it include:

1. The Technology in Government in Africa Award 2011: In 2011, NCLR received this award at the Second Meeting of the Committee on Development Information, Science and Technology (CODIST-II), a committee of the United Nation's Economic Commission of Africa (UN-ECA). This award, co-sponsored by the UN-ECA and the Government of Finland, recognises African governments' effective use of ICTs for public service delivery. The public service category of the award recognizes outstanding achievements by organisations or teams in developing and implementing innovative projects to improve online government service delivery with a specific focus on citizens or businesses as clients of government.

2. International Association of Law Libraries (IALL) 2011 Website Award: NCLR received this award during the 30th Annual Course on International Law Librarianship in Kuala Lumpur (Malaysia) on December 12, 2011. The International Association of Law Libraries (IALL) is a worldwide, cooperative non-profit organisation of librarians, libraries, and other persons and institutions concerned with the acquisition, dissemination and use of legal information from sources other than their own jurisdiction. The IALL Website Award recognises and promotes free legal information websites that are authoritative, comprehensive, up-to-date, useful, and

user-friendly. Websites considered for the award have included those designed specifically for researchers, information professionals and librarians, in both a national and international context.

8.3 Way Forward

The Council is developing a five-year strategic plan aligned to the letter and spirit of the Constitution, the Pillars and Key Result Areas of the Judiciary Transformation Framework and the aspirations of Kenyans insofar as the monitoring and reporting of the development of jurisprudence is concerned. NCLR understands that Kenyans require information that is accessible, simple and intelligible and it therefore prides itself in transforming legal information into public knowledge as it has done with the gratis pocket-sized version of the Constitution.

NCLR remains keen to grow a healthy and robust public, legal and academic discourse on Kenyan jurisprudence and to preserve and present it for national and international enlightenment

ANNEX 1: JUDICIARY SELECTED MILESTONES, JUNE 2011-2012

| | MILESTONE | DATE |
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| | Swearing-in of the Chief Justice and the Deputy Chief Justice. | 20 June, 2011 |
| | Establishment of the Office of the Judiciary Ombudsperson | August 2011 |
| | Launch of the National Council on Administration of Justice | 11 August 2011 |
| | Swearing-in of the Chief Registrar | 22 August 2011 |

| | MILESTONE | DATE |
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| 1. | Swearing-in of the Chief Justice and the Deputy Chief Justice. | 20 June, 2011 |
| 2. | Establishment of the Office of the Judiciary Ombudsperson | August 2011 |
| 3. | Launch of the National Council on Administration of Justice | 11 August 2011 |
| 4. | Swearing-in of the Chief Registrar | 22 August 2011 |
| 5. | Swearing-in of the Supreme Court Judges | 26 August 2011 |
| 6. | Recruitment of 36 High Court Judges | 28 August 2011 and 16 August 2012 |
| 7. | Supreme Court Induction | 12 to 17 December, 2011 |
| 8. | Gazettement of the Supreme Court Rules | 10 October 2011 |
| 9. | Chief Justice's Prison Visit - Industrial Area Prisons, Nairobi | 18 October 2011 |
| 10. | Chief Justice's <i>Progress Report on the Transformation of the Judiciary: The First 120 Days</i> | 19 October 2011 |
| 11. | <p>Fundraising: USD 120 million commitment from World Bank for the following projects;</p> <ul style="list-style-type: none"> ➤ Infrastructure Development ➤ Court Administration and Case Management ➤ Training and Staff Development ➤ Establishment of the Project Implementation Unit structure | 28 September, 2012 |

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| 12. | Launch of the Rapid Results Initiative (RRI's) in the Court of Appeal. 451 cases cleared in a 100 days. | 24 th October 2011 |
| 13. | 281 Magistrates promoted | September to November 2011 |
| 14. | Inauguration of the Supreme Court | 26 October 2011 |
| 15. | Launch of the Rapid Results Initiative (RRI's) at Milimani Law Courts, Nairobi. 30, 219 cases cleared in a 100 days | 7 November 2011 |
| 16. | Senior Counsel/LSK Courtesy call with the Chief Justice | 8 November 2011 |
| 17. | First Hearing of the Supreme Court | 15 November 2011 |
| 18. | Up-grading of all Judiciary Staff | December 2011 |
| 19. | Appointment of the Deputy Chief Registrar | 21 December 2011 |
| 20. | Launch of the Competition for the Court Prototype | 22 February 2012 |
| 21. | Completion of the Kenya Judiciary Staff Association Strategic Plan | 2 March 2012 |
| 22. | Machakos High Court Transformation Pilot Programme | 3 March 2012 |

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| 23. | <p>Typing Pool launched at Milimani Law Courts, Nairobi to clear delayed proceedings at Milimani, Makadara and Machakos Law Courts.</p> <p>1,600 proceedings cleared in 2 months.</p> | 16 April 2012 |
| 24. | <p>Rolling out of the Judiciary Service Desk (Ombudsperson)</p> <p>servicedesk@judiciary.go.ke</p> | 24 April 2012 |
| 25. | <p>Launch of the National Sexual Offenders Register and Presentation of the Draft Rules under the Sexual Offences Act 2006.</p> | 24 April 2012 |
| 26. | <p>Launch of the On-line Wealth Declaration Portal</p> | 30 th April, 2012 |
| 27. | <p>Recruitment of 7 Directors:</p> <p>Finance; Performance Management; Human Resource & Administration; Supply Chain Management Services; ICT; Public Relations & Corporate Affairs; and the Chief Accountant Controller</p> | May 2012 |

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| 28. | Recruitment of 5 Registrars: Registrar Court of Appeal; High Court; Subordinate Courts Judicial Service Commission; and the Assistant Registrar Court of Appeal | May 2012 |
| 29. | Launch of the <i>Judiciary Working Committee on Elections Preparedness</i> | 10 May 2012 |
| 30. | Judiciary Transformation Framework: <i>1st Workshop On Consultative Assessment, Visioning And Action Planning For All Court Stations In Kenya</i> | 28 May 2012 |
| 31. | Launch of The Judiciary Transformation Framework, 2012-2016 | 31 May 2012 |
| 32. | Launch of the Judiciary Service Desk SMS Short Code - 5834 | 31 May 2012 |
| 33. | Chief Justice's Lecture to Judges on <i>Elements of Progressive Jurisprudence in Kenya</i> | 31 May 2012 |
| 34. | 451 cases disposed in the Court of Appeal | June 2011- June 2012 |
| 35. | 51,604 cases disposed in the High Court | June 2011 – June 2012 |
| 36. | 363, 095 cases disposed in the Magistrates' Courts | June 2011 – June 2012 |
| 37. | Fundraising: Kshs. 15.9 billion budget from GoK approved by | 14 June 2012 |

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| 39. | Official Opening of Mavoko Law Courts (Weigh-Bridge) | 29 June 2012 |
| 40. | 109 Magistrates hired | July 2012 |
| 41. | 63 Legal Researchers hired | July 2012 |
| 42. | The Queue Management System at Milimani Law Courts initiated. | July 2012 |
| 43. | Development of the Court Design Guidelines | July 2012 |
| 44. | Determination on the Delimitation of the 136 Electoral and Administrative Boundaries Case made. | 9 July 2012 |
| 45. | Inaugural Chief Justice's Legal Scholarship Initiative Launch, 2 Magistrates Awarded | 9 July 2012 |
| 46. | Appointment and posting of 12 Industrial Court Judges to Nairobi, Kisumu, Mombasa, Nyeri and Nakuru. | 12 July 2012 |
| 47. | Launch of the <i>Judiciary Transformation Framework; Localized Transformation Visions Workshops</i> - Mombasa High Court | 12 July 2012 |
| 48. | Induction of Directors & Registrars | 16 July 2012 |
| 49. | Official opening of Shanzu Law Courts Mombasa | 17 July 2012 |
| 50. | Chief Justice's Prison visit – Shimo | 17 July 2012 |

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| | La Tewa Prison, Mombasa. | |
| 51. | Determination of the General Election Date Case. | 31 July, 2012 |
| 52. | Design and development of the On-line Court Fees Calculator | August 2012 |
| 53. | Chief Justice's Prison visit – Kodiaga Prison, Kisumu. | 2August 2012 |
| 54. | Judicial Marches held in all stations countrywide | 21to-25August 2012 |
| 55. | Launch of <i>Faini Chap Chap</i> for Traffic Fines | 20 September, 2012 |
| 56. | Handing over of Busia High Court | 20September 2012 |
| 57. | 5,256 complaints successfully disposed by Office of the Judiciary Ombudsperson | October 2012 |
| 58. | Appointment and posting of 15Land and Environment Court Judges to Nairobi, Mombasa, Kisumu, Eldoret, Nakuru, Nyeri, Bungoma, Malindi, Kakamega, Busia, Kitale, Kerogoya and Kisii. | 1October 2012 |
| 59. | New High Court stations opened in: Garissa Kerugoya Homabay | 1October 2011 1October 2012 1October 2012 |

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| 60. | Completion of the National Council for Administration of Justice Strategic Plan | 5 October 2012 |
| 61. | Mobile Court Initiative launched for Lodwar, Kapenguria, Isiolo, Marsabit, Moyale, Kitui, Mwingi, Lamu, Mpeketoni and the Islands Of Lake Victoria (Mbita, Mfangamano, Rusinga). | 10 October 2012 |
| 62. | New High Court sub-registries in Kitui and Migori | Earmarked for opening |
| 63. | 46 Trainings by the Judiciary Training Institute | Various Dates |
| 64. | Admission of 951 Advocates | Various Dates |
| 65. | Operationalization of the Judiciary Fund and the Gazettement of the Judiciary Fund Regulations | 14 May, 2012 |

ANNEX 2: LIST OF COURT STATIONS

| REGION | COUNTY | COURT |
|-----------------------|-------------------|----------------------------|
| | | |
| NAIROBI | NAIROBI | SUPREME COURT |
| | | MILIMANI LAW COURTS |
| | | CITY COURT |
| | | MILIMANI COMMERCIAL COURTS |
| | | MAKADARA LAW COURTS |
| | | KIBERA LAW COURTS |
| NYANZA CENTRAL | KISUMU | KISUMU LAW COURTS |
| | | KISUMU KADHI COURTS |
| | | WINAM LAW COURTS |
| | | KISUMU HIGH COURTS |
| | | MASENO LAW COURTS |
| | | NYANDO LAW COURTS |
| | | TAMU LAW COURTS |
| | SIAYA | SIAYA LAW COURTS |
| | | BONDO LAW COURTS |
| | | UKWALA LAW COURTS |
| | HOMA - BAY | HOMA-BAY LAW COURTS |
| | | OYUGIS LAW COURTS |
| | | NDHIWA LAW COURTS |
| | | |
| SOUTH NYANZA | MIGORI | MIGORI LAW COURTS |
| | | RONGO LAW COURTS |
| | | KEHANCHA LAW COURTS |
| | KISII | KISII LAW COURTS |
| | | KISII HIGH COURTS |
| | | KEROKA LAW COURTS |
| | | OGEMBO LAW COURTS |
| | NYAMIRA | NYAMIRA LAW COURTS |

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| | | KILGORIS COURTS |
| | | |
| KAKAMEGA | KAKAMEGA | KAKAMEGA LAW COURTS |
| | | KAKAMEGA HIGH COURTS |
| | | MUMIAS LAW COURTS |
| | | BUTERE LAW COURTS |
| | | BUTALI LAW COURTS |
| | VIHIGA | VIHIGA LAW COURTS |
| | | HAMISI LAW COURTS |
| | | |
| BUNGOMA | BUNGOMA | BUNGOMA LAW COURTS |
| | | BUNGOMA HIGH COURTS |
| | | BUNGOMA KADHI COURTS |
| | | WEBUYE LAW COURTS |
| | | KIMILILI LAW COURTS |
| | | SIRISIA LAW COURTS |
| | BUSIA | BUSIA LAW COURTS |
| | | BUSIA HIGH COURTS |
| CENTRAL RIFT | NAKURU | NAKURU LAW COURTS |
| | | NAKURU HIGH COURTS |
| | | NAKURU KADHI COURTS |
| | | MOLO LAW COURTS |
| | | ELDAMA-RAVINE LAW COURTS |
| | | NAIVASHA LAW COURTS |
| | BARINGO | KABARNET LAW COURTS |
| | SAMBURU | MARALAL LAW COURTS |
| | LAIKIPIA | NANYUKI LAW COURTS |
| | | NYAHURURU LAW COURTS |
| | | |
| SOUTH RIFT | KERICHO | KERICHO LAW COURTS |
| | | KERICHO HIGH COURTS |
| | BOMET | SOTIK LAW COURTS |
| | | BOMET LAW COURTS |

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| | NAROK | NAROK LAW COURTS |
| | KAJIADO | KAJIADO LAW COURTS |
| | | |
| NORTH RIFT | TURKANA | LODWAR LAW COURTS |
| | WEST POKOT | KAPENGURIA LAW COURTS |
| | UASIN GISHU | ELDORET LAW COURTS |
| | | ELDORET HIGH COURTS |
| | | ELDORET KADHI COURTS |
| | NANDI | KAPSABET LAW COURTS |
| | TRANS NZOIA | KITALE LAW COURTS |
| | | KITALE HIGH COURTS |
| | ELGEYO MARAKWET | ITEN LAW COURTS |
| | | |
| NYERI | NYERI | NYERI LAW COURTS |
| | | NYERI HIGH COURTS |
| | | NYERI KADHI COURTS |
| | | OTHAYA LAW COURTS |
| | | KARATINA LAW COURTS |
| | | MUKURWEINI LAW COURTS |
| | KIRINYAGA | KERUGOYA LAW COURTS |
| | | BARICHO LAW COURTS |
| | | GICHUGU LAW COURTS |
| | | WANG'URU LAW COURTS |
| | | |
| THIKA | MURANGA | MURANG'A LAW COURTS |
| | | KANGEMA LAW COURTS |
| | | KIGUMO LAW COURTS |
| | | KANDARA LAW COURTS |
| | KIAMBU | THIKA LAW COURTS |
| | | GATUNDU LAW COURTS |
| | | KIAMBU LAW COURTS |
| | | GITHUNGURI LAW COURTS |
| | | KIKUYU LAW COURTS |

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| | | LIMURU LAW COURTS |
| | | |
| CENTRAL EASTERN | EMBU | EMBU LAW COURTS |
| | | EMBU HIGH COURTS |
| | | RUNYENJES LAW COURTS |
| | | SIAKAGO LAW COURTS |
| | MERU | MERU LAW COURTS |
| | | MERU HIGH COURTS |
| | | NKUBU LAW COURTS |
| | | MAUA LAW COURTS |
| | | TIGANIA LAW COURTS |
| | THARAKA - NITHI | CHUKA LAW COURTS |
| | | MARIMANTI LAW COURTS |
| | | |
| LOWER EASTERN | MACHAKOS | MACHAKOS LAW COURTS |
| | | MACHAKOS HIGH COURTS |
| | | KITHIMANI LAW COURTS |
| | | KANGUNDO LAW COURTS |
| | MAKUENI | TAWA LAW COURTS |
| | | MAKUENI LAW COURTS |
| | | KILUNGU LAW COURTS |
| | | MAKINDU LAW COURTS |
| | KITUI | KITUI LAW COURTS |
| | | MUTOMO LAW COURTS |
| | | MWINGI LAW COURTS |
| | | KYUSO LAW COURTS |
| | | |
| UPPER EASTERN | MARSABIT | MARSABIT LAW COURTS |
| | | MARSABIT KADHI COURTS |
| | ISIOLO | ISIOLO LAW COURTS |
| | | ISIOLO KADHI COURTS |
| | | MOYALE LAW COURTS |
| | | MOYALE KADHI COURTS |

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| WAJIR | / | WAJIR | WAJIR LAW COURTS |
| MANDERA | | | WAJIR KADHI COURTS |
| | | MANDERA | MANDERA LAW COURTS |
| | | | |
| GARISSA | | GARISSA | GARISSA LAW COURTS |
| | | | GARISSA KADHI COURTS |
| SOUTH WEST | | MOMBASA | MOMBASA LAW COURTS |
| COAST | | | MOMBASA HIGH COURTS |
| | | | MOMBASA KADHI COURTS |
| | | TAITA TAVETA | VOI LAW COURTS |
| | | COUNTY | |
| | | | WUNDANYI LAW COURTS |
| | | | TAVETA LAW COURTS |
| | | KWALE | KWALE LAW COURTS |
| | | | |
| NORTH COAST | | KILIFI | KWALE KADHI COURTS |
| | | | MALINDI LAW COURTS |
| | | | MALINDI HIGH COURTS |
| | | | MALINDI KADHI COURTS |
| | | | MARIAKANI LAW COURTS |
| | | TANA RIVER | KALOLENI LAW COURTS |
| | | | KILIFI LAW COURTS |
| | | | GARSEN LAW COURTS |
| | | LAMU | HOLA LAW COURTS |
| | | | HOLA KADHI COURTS |
| | | | LAMU LAW COURTS |
| | | | LAMU KADHI COURTS |

ANNEX 3: LIST OF JUDGES

LIST OF JUDGES IN THE JUDICIARY – KENYA

CHIEF JUSTICE

| <u>Name</u> | <u>Station</u> |
|-----------------------------------|----------------|
| Hon. Justice Dr. Willy M. Mutunga | Nairobi |

DEPUTY CHIEF JUSTICE

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| Hon. Lady Justice Nancy Baraza | Nairobi |
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SUPREME COURT JUDGES

| | | |
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| 1. | Hon. Mr. Justice Philip K. Tunoi | Nairobi |
| 2. | Hon. Mr. Justice Jackton Boma Ojwang | Nairobi |
| 3. | Hon. Mr. Justice Mohammed K. Ibrahim | Nairobi |
| 4. | Hon. Mr. Justice SmokinWanjala | Nairobi |
| 5. | Hon. Lady Justice SusannaNjokiNdungu | Nairobi |

COURT OF APPEAL JUDGES:-

AG. PRESIDENT

| | | |
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| 1. | Hon. Mr. Justice Erastus M. Githinji | Nairobi |
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| 2. | Hon. Mr. Justice Philip NyamuWaki | Nairobi |
| 3. | Hon. Mr. Justice John Walter OnyangoOtieno | Nairobi |

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| 4. | Hon. Mr. Justice AlnashirRamazanaliMaganVisram | Nairobi |
| 5. | Hon. Lady Justice RoselyneNambuye | Nairobi |
| 6. | Hon. Lady Justice WanjiruKaranja | Nairobi |
| 7. | Hon. Lady Justice Martha KarambuKoome | Nairobi |
| 8. | Hon. Mr. Justice Paul KiharaKariuki | Nairobi |
| 9. | Hon. Lady Justice Hannah MagondiOkwengu | Nairobi |
| 10. | Hon. Lady Justice KalpanaHasmukhraiRawal | Nairobi |
| 11. | Hon. Mr. Justice David KenaniMaraga | Nairobi |

HIGH COURT JUDGES:-

PRINCIPAL JUDGE:

| <u>No.</u> | <u>Name</u> | <u>Station</u> |
|-------------------|--|-----------------------|
| 1. | Hon. Mr. Justice A. MbogholiMsagha | Nairobi (Criminal) |
| 2. | Hon. Mr. Justice John W. Mwera | Mombasa |
| 3. | Hon. Lady Justice Mary A. Ang'awa | Nairobi (Civil) |
| 4. | Hon. Mr. Justice Hatari Peter George Waweru | Nairobi (Civil) |
| 5. | Hon. Mr. Justice David Onyancha | Nairobi |
| 6. | Hon. Mr. Justice Nicholas RandaOwanoOmbija | Nairobi (Criminal) |

| <u>Name</u> | <u>Station</u> |
|-----------------------------------|----------------|
| Hon. Justice Dr. Willy M. Mutunga | Nairobi |

DEPUTY CHIEF JUSTICE

| | |
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| Hon. Lady Justice Nancy Baraza | Nairobi |
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SUPREME COURT JUDGES

| | | |
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| 1. | Hon. Mr. Justice Philip K. Tunoi | Nairobi |
| 2. | Hon. Mr. Justice Jackton Boma Ojwang | Nairobi |
| 3. | Hon. Mr. Justice Mohammed K. Ibrahim | Nairobi |
| 4. | Hon. Mr. Justice SmokinWanjala | Nairobi |
| 5. | Hon. Lady Justice SusannaNjokiNdungu | Nairobi |

COURT OF APPEAL JUDGES:-**AG. PRESIDENT**

| | | |
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| 1. | Hon. Mr. Justice Erastus M. Githinji | Nairobi |
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| 2. | Hon. Mr. Justice Philip NyamuWaki | Nairobi |
| 3. | Hon. Mr. Justice John Walter OnyangoOtieno | Nairobi |

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| 4. | Hon. Mr. Justice AlnashirRamazanaliMaganVisram | Nairobi |
| 5. | Hon. Lady Justice RoselyneNambuye | Nairobi |
| 6. | Hon. Lady Justice WanjiruKaranja | Nairobi |
| 7. | Hon. Lady Justice Martha KarambuKoome | Nairobi |
| 8. | Hon. Mr. Justice Paul KiharaKariuki | Nairobi |
| 9. | Hon. Lady Justice Hannah MagondiOkwengu | Nairobi |
| 10. | Hon. Lady Justice KalpanaHasmukhraiRawal | Nairobi |
| 11. | Hon. Mr. Justice David KenaniMaraga | Nairobi |

HIGH COURT JUDGES:-

PRINCIPAL JUDGE:

| <u>No.</u> | <u>Name</u> | <u>Station</u> |
|-------------------|--|-----------------------|
| 1. | Hon. Mr. Justice A. MbogholiMsagha | Nairobi (Criminal) |
| 2. | Hon. Mr. Justice John W. Mwera | Mombasa |
| 3. | Hon. Lady Justice Mary A. Ang'awa | Nairobi (Civil) |
| 4. | Hon. Mr. Justice Hatari Peter George Waweru | Nairobi (Civil) |
| 5. | Hon. Mr. Justice David Onyancha | Nairobi |
| 6. | Hon. Mr. Justice Nicholas RandaOwanoOmbija | Nairobi (Criminal) |

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| 7. | Hon. Mr. Justice MugaApondi | Meru |
| 8. | Hon. Lady Justice Jessie WanjikuLesiit | Meru |
| 9. | Hon. Mr. Justice Joseph KiplagatSergon | Nyeri |
| 10. | Hon. Lady Justice Joyce N. Khaminwa | Nairobi |
| 11. | Hon. Mr. Justice Leonard Njagi | Nairobi (Family) |
| 12. | Hon. Mr. Justice George B. M. Kariuki | Nairobi (Family) |
| 13. | Hon. Lady Justice Roseline P.V. Wendo | Nakuru |
| 14. | Mr. Justice George MatatiaAbalekaDulu | Machakos |
| 15. | Hon. Lady Justice Mary MuhanjiKasango | Mombasa |
| 16. | Hon.Mr. Justice Daniel KiioMusinga | Nairobi (Commercial) |
| 17. | Hon.Mr. Justice IsackLenaola | Nairobi (Constitutional) |
| 18. | Hon.Mr. Justice Mathew John Anyara Emukule | Nakuru |
| 19. | Hon.Mr. Justice Festus Azangalala | Eldoret |
| 20. | Hon. Lady Justice Murugi Geteria Mugo | Nairobi (Land &Env.) |
| 21. | Hon.Mr. Justice Fredrick AndagoOchieng | Nairobi (Criminal) |
| 22. | Hon.Mr. Justice Milton Stephen AsikeMakhandia | Machakos |
| 23. | Hon.Mr. Justice Luka Kiprotich Kimaru | Busia |

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| 24. | Hon.Mr. Justice Mohamed Abdulahi Warsame | Nairobi (Judicial Review) |
| 25. | Hon.Mr. Justice William Ouko | Nakuru |
| 26. | Hon. Lady Justice Ruth NekoyeSitati | Kisii |
| 27. | Hon. Mr. Justice Joseph R. Karanja | Kitale |
| 28. | Hon. Lady Justice Jeanne Wanjiku Gacheche | Kericho |
| 29. | Hon. Lady Justice Hellen A. Omondi | Nakuru |
| 30. | Hon. Lady Justice Philomena MbeteMwilu | Nairobi (Criminal) |
| 31. | Hon. Mr. Justice AggreyOtsyulaMuchelule | Bungoma |
| 32. | Hon. Lady Justice Florence NyaguthiiMuchemi | Nairobi (Criminal) |
| 33. | Hon. Lady Justice Maureen AkinyiOdero | Mombasa |
| 34. | Hon. Lady Justice Abida Ali - Aroni | Kisumu |
| 35. | Hon. Mr. Justice Said Juma Chitembwe | Kakamega |
| 36. | Hon. Mr. Justice Joel MwauraNgugi | Machakos/ Head of JTF Secretariat |

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| 37. | Hon. Lady Justice Grace MumbiNgugi | Nairobi (Constitutional) |
| 38. | Hon. Mr. Justice Joseph MbaluMutava | Nairobi (Commercial) |
| 39. | Hon. Mr. Justice Edward MuthogaMuriithi | Mombasa |
| 40. | Hon. Lady Justice Pauline Nyamweya | Nairobi (Land &Env.) |
| 41. | Hon. Mr. Justice George KanyiKimondo | Nairobi (Commercial) |
| 42. | Hon. Mr. Justice David AmilcarShikomeraMajanja | Nairobi (Constitutional) |
| 43. | Hon. Lady Justice Cecilia WathaiyaGithua | Nairobi (Judicial Review) |
| 44. | Hon. Lady Justice Beatrice NthioriThuranira Jaden | Kakamega |
| 45. | Hon. Mr. Justice Weldon KipyegonKorir | Nairobi (Judicial Review) |
| 46. | Hon. Lady Justice Grace LidembuNzioka | Mombasa |
| 47. | Hon. Lady Justice Christine WanjikuMeoli | Malindi |
| 48. | Hon. Lady Justice Hedwig ImbosaOng'undi | Embu |
| 49. | Hon. Lady Justice Stella NgaliMutuku | Garissa |

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| 50. | Hon. Mr. Justice James Wakiaga | Nyeri |
| 51. | Hon. Lady Justice Rose Edwina AtienoOugo | Nairobi (Land &Env.) |
| 52. | Hon. Mr. Justice Erick Kennedy OkumuOgola | Nairobi (Commercial) |
| 53. | Hon. Mr. Justice George Vincent Odunga | Nairobi (Commercial) |
| 54. | Hon. Mr. Justice Jonathan Bowen Havelock | Nairobi (Commercial) |
| 55. | Hon. Mr. Justice Hilary KiplagatChemitei | Kisumu |
| 56. | Hon. Mr. Justice James Aaron Makau | Meru |
| 57. | Hon. Mr. Justice Francis Tuiyot | Mombasa |
| 58. | Hon. Lady Justice RoselineCherotichLagatKorir | Kisii |
| 59. | Hon. Mr. Justice Richard MururuMwongo | Mombasa |
| 60. | Hon. Mr. Justice Alfred Mabeya | Nairobi (Commercial) |
| 61. | Hon. Lady Justice Lydia AwinoAchode | Nairobi (Criminal) |
| 62. | Hon. Lady Justice Abigail Mshila | Eldoret |
| 63. | Hon. Mr. Justice William MusyokaMuasya | Kerugoya |
| 64. | Hon. Lady Justice Nancy Jacqueline NjuhiKamau | Nairobi (Commercial) |

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| 65. | Hon. Mr. Justice NgaahJairus | Murang'a |
| 66. | Hon. Mr. Justice Francis MuthukuGikonyo | Bungoma |
| 67. | Hon. Mr. Justice Martin MatiMuya | Mombasa |
| 68. | Hon. Lady Justice Esther NyamburaMaina | Homa-bay |
| 69. | Hon. Lady Justice LilianNabwireMutende | Machakos |
| 70. | Hon. Lady Justice Grace WanguiNgenye | Eldoret |

INDUSTRIAL COURT JUDGES

PRINCIPAL JUDGE

| | | |
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| 1. | Hon. Mr. Justice Mathews NderiNduma | Nairobi |
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| 2. | Hon. Lady Justice Monica WanjiruMbaru | Nairobi |
| 3. | Hon. Mr. Justice MareteNjagi | Nairobi |
| 4. | Hon. Lady Justice Maureen AtienoOnyango | Nairobi |
| 5. | Hon. Mr. Justice Jorum Nelson Abuodha | Nyeri |
| 6. | Hon. Lady Justice HellenSeruyaWasilwa | Kisumu |
| 7. | Hon. Mr. Justice Stephen OkiyoRadido | Mombasa |
| 8. | Hon. Mr. Justice James Rika | Nairobi |
| 9. | Hon. Lady Justice Linnet NdoloNgume | Nairobi |

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| 10. | Hon. Mr. Justice Onesmus Ndumbuthi Makau | Mombasa |
| 11. | Hon. Mr. Justice Byram Ongaya | Nakuru |
| 12. | Hon. Mr. Justice Nzioki Wa Makau | Nairobi |

LAND & ENVIRONMENT COURT JUDGES

| | | |
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| 1. | Hon. Lady Justice Anne Abongo Omollo | Bungoma |
| 2. | Hon. Mr. Justice Oscar Amugo Angote | Malindi |
| 3. | Hon. Mr. Justice John M. Mutungi | Nairobi (Milimani) |
| 4. | Hon. Mr. Justice Nathan Boaz Olao | Kerugoya |
| 5. | Hon. Mr. Justice Antony Oteng'o Ombwayo | Nyeri |
| 6. | Hon. Mr. Justice Antony Kimani Kaniaru | Kisumu |
| 7. | Hon. Lady Justice Lucy Nyambura Gacheru | Nairobi (Milimani) |
| 8. | Hon. Lady Justice Lucy Njoki Waithaka | Nakuru |
| 9. | Hon. Mr. Justice Peter Muchoki Njoroge | Meru |
| 10. | Hon. Mr. Justice Stephen Murigi Kibunja | Busia |
| 11. | Hon. Mr. Justice Samuel Ndungu Mukunya | Mombasa |
| 12. | Hon. Mr. Justice Samson Odhiambo Okong'o | Kisii |

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| 13. | Hon. Mr. Justice Munyao Silas | Eldoret |
| 14. | Hon. Lady Justice Mary MuthoniGitumbi | Kakamega |
| 15. | Hon. Mr. Justice Elijah OgotiObaga | Kitale |

CHIEF REGISTRAR OF THE JUDICIARY

| <u>Name</u> | <u>Station</u> |
|------------------------|-----------------------|
| Mrs. Gladys B. Shollei | Nairobi |

DEPUTY CHIEF REGISTRAR OF THE JUDICIARY

| <u>Name</u> | <u>Station</u> |
|-----------------------------|-----------------------|
| Mr. Francis Kakai Kissinger | Nairobi |

ANNEX 4: LIST OF MAGISTRATES

| | |
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| NAIROBI REGION | |
| | |
| MILIMANI LAW COURTS | |
| 1. Jacob ole Kipury | Chief Magistrate |
| 3. Gilbert Mutembei | Chief Magistrate |
| 4. Reuben Nyakundi | Chief Magistrate |
| 5. Antony Ndungu | Chief Magistrate |

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|------------------------------|------------------------------|
| 6. Asenath Ongeri | Chief Magistrate |
| 6. Evans Makori | Senior Principal Magistrate |
| 7. Lucy Mutai | Senior Principal Magistrate |
| 8. Dominica Nyambu | Senior Principal Magistrate |
| 12. Joshua Kiarie | Senior Principal Magistrate |
| 13. Paul Biwott | Senior Principal Magistrate |
| 14. Alex Ithuku | Principal Magistrate |
| 14. Peter Ndwiga | Principal Magistrate |
| 15. Elena Gathoni Nderitu | Principal Magistrate |
| 16. Daniel Ole Keiwua | Principal Magistrate |
| 17. Carolyn Ocharo | Principal Magistrate |
| 18. Anthony K. Mwicigi | Senior Resident Magistrate |
| 19. Ase Meresia Opondo | Senior Resident Magistrate |
| 20. Esther Kimilu Kalunde | Senior Resident Magistrate |
| 21. Derrick Khaemba Kuto | Resident Magistrate Children |
| 24. Kiema Maxwell Katiwa | Resident Magistrate |
| 25. Agande Savai Eddah | Resident Magistrate |
| 26. Evans Ayiema Mbicha | Resident Magistrate |
| 27. Gilbert Omuyaku Shikwe | Resident Magistrate |
| 28. Ziporah Wawira Gichana | Resident Magistrate |
| 29. Eunice Cherotich Kimaiyo | Resident Magistrate |
| 30. Fatuma Mwanza Rashid | Resident Magistrate |
| 31. Jane Kemunto Ocharo | Resident Magistrate |
| 32. Isabel Nekesa Barasa | Resident Magistrate |

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| OMBUDSPERSON- CHIEF JUSTICE CHAMBERS | |
| | |
| 1. Kennedy Bidali | Ombudsperson |
| | |
| JUDICIAL SERVICE COMMISSION | |
| | |
| 1. Wilfrida Mokaya | Registrar |
| | |
| SUPREME COURT | |
| | |
| 1. Angela Njeri Thuku | Senior Resident Magistrate/Ag. Registrar |
| | |
| COURT OF APPEAL | |
| | |
| 1. Moses K. Serem | Registrar |
| 2. Paul K. Rotich | Assistant Registrar |
| | |
| HIGH COURT | |
| | |
| 1. Judith Ragot | Registrar |
| 1. Lucy M. Njora | Senior Principal Magistrate/Ag. Assistant Registrar |
| | |
| SUBORDINATE COURTS | |
| | |
| 1. Peter M. Mulwa | Registrar |
| 1. Kennedy L. Kandet | Principal Magistrate/Ag. Assistant Registrar |
| 2. Caroline Kabucho | Principal Magistrate/Ag. Assistant Registrar |

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| CITY COURT | |
| | |
| 1. Theresia Wairimu Murigi | Senior Principal Magistrate |
| 2. Omido Joe Mkutu | Senior Resident Magistrate |
| 3. Faith K. Munyi | Senior Resident Magistrate |
| 4. Karumbu Margaret Wangare | Resident Magistrate |
| 5. Muchege Gerald Gitonga | Resident Magistrate |
| | |
| MILIMANI COMMERCIAL COURT | |
| | |
| 1. Tripsisa Wamae | Chief Magistrate |
| 2. Roselyne Oganyo | Senior Principal Magistrate |
| 3. Charles Obulutsa | Senior Principal Magistrate |
| 4. Francis Andayi | Senior Principal Magistrate |
| 5. Abdulgadir Ramadhani | Principal Magistrate |
| 6. Peter Nditika | Principal Magistrate |
| 7. Stella Atambo | Principal Magistrate |
| 8. Daniel Ole Keiwa | Principal Magistrate |
| 9. Lilian Arika | Principal Magistrate |
| 10. Timothy Nchoe Sironka | Resident Magistrate |
| 11. Charity Cheruto Kipkorir | Resident Magistrate |
| 12. Leah Wandia Kabaria | Resident Magistrate |
| 13. Peter Wabomba Wasike | Resident Magistrate |
| 14. Moses Wanyonyi Wanjala | Resident Magistrate |
| 15. Sheikh A. Omar | Senior Kadhi |
| | |
| MAKADARA LAW COURTS | |

| | |
|----------------------------------|-----------------------------|
| 1. Joel K. Ng'eno | Chief Magistrate |
| 2. Timothy O. Okello | Senior Principal Magistrate |
| 3. Rose A. A. Otieno | Principal Magistrate |
| 4 Teresia M. Mwangi | Senior Resident Magistrate |
| 5. Dennis Abraham Kinaro | Senior Resident Magistrate |
| 6. John L. Tamar | Senior Resident Magistrate |
| 7. Nyongesa E. Nafula | Resident Magistrate |
| 8. Linda Chebichii Kosgei | Resident Magistrate |
| 9. Macharia Wambui Alice | Resident Magistrate |
| | |
| KIBERA LAW COURTS | |
| | |
| 1. Emily Ominde | Chief Magistrate |
| 2. Teresia M. Wekulo | Senior Principal Magistrate |
| 3. Anne Wanjiru Mwangi | Principal Magistrate |
| 4. Lucas O. Onyina | Principal Magistrate |
| 5. Letizia M. Wachira | Principal Magistrate |
| 6. Mwangi Anges Wahito | Resident Magistrate |
| 7. Opande Sammy Aswani | Resident Magistrate |
| 8. Tom Mark Olando | Resident Magistrate |
| 9. Ondiek Charles Nchore | Resident Magistrate |
| | |
| JUDICIAL TRAINING INSTITUTE | |
| | |
| 1. Julie Oseko | Principal Magistrate |
| | |
| COMMUNITY SERVICE COORDINATOR | |

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| COMMUNITY COORDINATOR | SERVICE | |
| | | |
| 1. Lawrence M. Nthiga | | Senior Principal Magistrate |
| | | |
| | | |
| NYANZA CENTRAL | | |
| | | |
| KISUMU LAW COURTS | | |
| | | |
| 1. Lucy Gitari | | Chief Magistrate |
| 2. Ezra O. Awino | | Senior Principal Magistrate |
| 3. Samuel Atonga | | Principal Magistrate |
| 4. Thomas Obutu Atanga | | Principal Magistrate |
| 5. Shinyanda Phylis Lusuah | | Senior Resident Magistrate |
| 6. Adika Harrison Musa Sajide | | Resident Magistrate |
| 7. Jared Owino Sala | | Resident Magistrate |
| 8. Sukyan Omar | | Senior Kadhi |
| | | |
| WINAM LAW COURTS | | |
| | | |
| 1. Victor W. Ndururu | | Principal Magistrate |
| 2. Calestous Sindani Nambafu | | Senior Resident Magistrate |
| | | |
| MASENO LAW COURTS | | |
| | | |
| 1. Rwito Angelo Kithinji | | Principal Magistrate |
| 2. Ongondo James Ongondo | | Resident Magistrate |

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| 3. Millicent Chepkurui Nyigei | Resident Magistrate |
| | |
| SIAYA LAW COURTS | |
| | |
| 1. Rachel B. Ngetich | Senior Principal Magistrate |
| 2. Sani Jared Nyangena | Resident Magistrate |
| 3. Simon Kimani Mburu | Resident Magistrate |
| | |
| BONDO LAW COURTS | |
| | |
| 1. Philip Mutua | Principle Magistrate |
| 2. Maiteri D. Wangeci | Resident Magistrate |
| 3. Makokha Margaret Nafula | Resident Magistrate |
| 4. Kipyegon Bernard Rugut | Resident Magistrate |
| | |
| UKWALA LAW COURTS | |
| | |
| 1. Robert M. Oanda | Senior Resident Magistrate |
| | |
| NYANDO LAW COURTS | |
| | |
| 1. Dorah Chepkwony | Senior Principal Magistrate |
| 2. Owiye Chrispine Otieno | Senior Resident Magistrate |
| 3. Paul Matanda Wechuli | Resident Magistrate |
| | |
| TAMU LAW COURTS | |
| | |
| 1. Kutwa Ariba Charles | Senior Resident Magistrate |
| 2. Maureen Cherono Nyigei | Resident Magistrate |

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| | |
| HOMA BAY LAW COURTS | |
| | |
| 1. Patricia Gichohi | Chief Magistrate |
| 2. Nicholas N. Njagi | Principal Magistrate |
| 2. Samson Onger Omwenga | Resident Magistrate |
| 3. Waigera Leah Njambi | Resident Magistrate |
| 4. Nelly Wangechi Kariuki | Resident Magistrate |
| | |
| NDHIWA LAW COURTS | |
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| | |
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| 1. Omwansa Obae Bernard | Senior Resident Magistrate |
| 2. Nelly Chepchirchir | Resident Magistrate |
| | |
| OYUGIS LAW COURTS | |
| | |
| 1. G.M.A. Ong'ondo | Senior Principal Magistrate |
| 2. Makila Symphie Nekesa | Resident Magistrate |
| 3. Lawrence Kyasya Mwendwa | Resident Magistrate |
| | |
| SOUTH NYANZA | |
| | |
| MIGORI LAW COURTS | |
| | |
| 1. David Kemei | Senior Principal Magistrate |
| 2. Edwin Nyaga Muriuki | Senior Resident Magistrate |
| 3. Kirugumi Grace Wangui | Resident Magistrate |
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| RONGO LAW COURTS | |
| | |
| 1. Joseph N. Nyakundi | Principal Magistrate |
| 2. Koskey Purity Chepkorir | Resident Magistrate |
| | |
| KISII LAW COURTS | |
| | |
| 1. Anne C. Onginjo | Chief Magistrate |
| 2. Samuel Kibet | Principal Magistrate |
| 3. Gilbert K. Too | Senior Resident Magistrate |
| 4. Ruth B. Nabwire Maloba | Senior Resident Magistrate |
| 5. Lucy Chebet Kaityany | Resident Magistrate |
| 6. Vincent Mugendi Nyaga | Resident Magistrate |
| | |
| NYAMIRA LAW COURTS | |
| | |
| 1. Judith N.N. Wanjala | Senior Principal Magistrate |
| 2. Joseph Were | Senior Resident Magistrate |
| 3. Nobert Obunde Okumu | Resident Magistrate |
| | |
| OGEMBO LAW COURTS | |
| | |
| 1. Daniel Ogola Ogembo | Senior Principal Magistrate |
| 2 Naomi Wairimu | Senior Resident Magistrate |
| 3. Charles Mwaniki Kamau | Resident Magistrate |
| 4. Caroline Rose Tabuche Ateya | Resident Magistrate |
| | |
| KEROKA LAW COURTS | |

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| | |
| 1. James Macharia Muriuki | Senior Resident Magistrate |
| 2. Kimeto Joselyn Rino | Resident Magistrate |
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| | |
| KEHANCHI LAW COURTS | |
| | |
| 1. Peter Ndege | Senior Resident Magistrate |
| 2. Temba A. Sitati | Resident Magistrate |
| | |
| KILGORIS LAW COURTS | |
| | |
| 1. Bernard O. Ochieng | Principal Magistrate |
| 2. Mokoross Amos Kiprop | Resident Magistrate |
| 3. Monica Nasiche Munyendo | Resident Magistrate |
| | |
| KAKAMEGA | |
| | |
| KAKAMEGA LAW COURTS | |
| | |
| 1. Susan M. Shitubi | Chief Magistrate |
| 2. Mary Immaculate Gwaro | Principal Magistrate |
| 3. Pamela Achieng | Senior Resident Magistrate |
| 4. Kendagor Jepyegen Caroline | Resident Magistrate |
| 5. Wesonga Joy Shiundu | Resident Magistrate |
| 6. Felix Makoyo Omweri | Resident Magistrate |
| 7. Dennis Onyango Ogal | Resident Magistrate |
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| | |
| MUMIAS LAW COURTS | |
| | |
| 1. Lily M. Nafula | Senior Principal Magistrate |
| 2. Hazel Wandere | Principal Magistrate |
| 3. Nasike G. Sitati | Resident Magistrate |
| 4. Geoffrey Ontita Kimang'a | Resident Magistrate |
| | |
| BUTERE LAW COURTS | |
| | |
| 1. Olwande Everlyne S.A. | Principal Magistrate |
| 2. Kiniale Lilian Nafula | Resident Magistrate |
| 3. Peter Bunde Miser | Resident Magistrate |
| | |
| BUTALI LAW COURTS | |
| | |
| 1. Abuya Nabwire Stella | Senior Resident Magistrate |
| 2. Maureen Lambisia Nabibya | Resident Magistrate |
| | |
| VIHIGA LAW COURTS | |
| | |
| 1. Grace Mmasi | Senior Resident Magistrate |
| 2. Benson N. Ireri | Senior Resident Magistrate |
| 3. Mwangi Susan Njeri | Resident Magistrate |
| | |
| HAMISI LAW COURTS | |
| | |
| 1. Julius K. Ng'arng'ar | Senior Principal Magistrate |
| 2. Muleka W.Evans | Resident Magistrate |

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| BUNGOMA | |
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| BUNGOMA LAW COURTS | |
| | |
| 1. Walter N. Nyarima | Chief Magistrate |
| 2. Margaret Wambani Onditi | Senior Principal Magistrate |
| 3. Benjamin A. Mitullah | Principal Magistrate |
| 4. Christopher L. Yalwala | Senior Resident Magistrate |
| 5. Peter Nyagaka Areri | Senior Resident Magistrate |
| 6. Martha Awidhi Agutu | Resident Magistrate |
| 7. Sebastian G.O. Ratori | Kadhi I |
| | |
| WEBUYE LAW COURTS | |
| | |
| 1. Enock Chirchir Cherono | Senior Principal Magistrate |
| 2. Boaz Maura Ombewa | Senior Resident Magistrate |
| | |
| KIMILILI LAW COURTS | |
| | |
| 1. George Rachemi Sagero | Senior Resident Magistrate |
| 2. Nanzushi Anyona Martha | Resident Magistrate |
| 3. Stephen Kalai Ngii | Resident Magistrate |
| | |
| SIRISIA LAW COURTS | |
| | |
| 1. Peter Oduor Ooko | Senior Resident Magistrate |
| 2. Nyagol Judith Achieng | Resident Magistrate |
| | |
| BUSIA LAW COURTS | |

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| BUSIA LAW COURTS | |
| | |
| 1. Kiarie W. Kiarie | Chief Magistrate |
| 2. Ms. Barbara Ojoo | Principal Magistrate |
| 3. Mildred Munyekenye | Senior Resident Magistrate |
| 4. Innocent Toyo Maisiba | Senior Resident Magistrate |
| 5. Josephine Nyatuga Maragia | Resident Magistrate |
| 6. Christabel Irene Agutu | Resident Magistrate |
| | |
| CENTRAL, NORTH & SOUTH RIFT | |
| | |
| NAKURU LAW COURTS | |
| | |
| 1. Samuel M. Mungai | Chief Magistrate |
| 2. Loise C. Komngoi | Senior Principal Magistrate |
| 3. John N. Muniu | Senior Principal Magistrate |
| 4. Felix Kombo | Principal Magistrate |
| 5. James N. Mwaniki | Principal Magistrate |
| 6. Mutiso Gerald Muuo | Senior Resident Magistrate |
| 7. Mayova Paul Mutia | Resident Magistrate |
| 8. Nthuku Judicaster Nthambi | Resident Magistrate |
| 9. Aganyo Rosaline Adhiambo | Resident Magistrate |
| 10. Amwayi Ritah Mukungu | Resident Magistrate |
| 11. Mary Anjao Otindo | Resident Magistrate |
| 12. Victoria Achieng Ochanda | Resident Magistrate |
| 13. Talib B. Mohammed | Kadhi I |
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| NAIVASHA LAW COURTS | |
| | |
| 1. Stephen M.Githinji | Chief Magistrate |
| 2. Esther Boke | Principal Magistrate |
| 3. Frankline K. Gitonga | Senior Resident Magistrate |
| 4. Selina Nelima Muchungi | Resident Magistrate |
| 5. Electer Akoth Riany | Resident Magistrate |
| | |
| MOLO LAW COURTS | |
| | |
| 1. Heston N. Nyaga | Senior Principal Magistrate |
| 2. Towett Chemosop Alice | Resident Magistrate |
| 3. Hannah Wamuyu Wanderi | Resident Magistrate |
| | |
| ELDORET LAW COURTS | |
| | |
| 1. Charles C. Mbogo | Chief Magistrate |
| 2. Dolphina A. A. Kayila | Principal Magistrate |
| 3. Francis N. Kyambia | Principal Magistrate |
| 4. Thomas Nzyoki | Principal Magistrate |
| 5. Elizabeth Chepkoech Tanui | Senior Resident Magistrate |
| 6. Obina Ezekiel Angaga | Senior Resident Magistrate |
| 7. Mary Wanja Njagi | Resident Magistrate |
| 8. Ireri David Muchangi | Resident Magistrate |
| 9. Caroline Mutenyo Watimmah | Resident Magistrate |
| 10. Bartoo Jerop Brenda | Resident Magistrate |
| 11. Zaharani Omar | Kadhi I |

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| | |
| KAPSABET LAW COURT COURTS | |
| | |
| 1. Beatrice M. Mosiria | Principal Magistrate |
| 2. Richard Kipkemoi Koech | Senior Resident Magistrate |
| 3. Adhiambo Gladys | Resident Magistrate |
| 4. Limo Byson Benjamin | Resident Magistrate |
| | |
| KITALE LAW COURTS | |
| | |
| 1. Maxwell Gicheru | Chief Magistrate |
| 2. Julius Makut Nangea | Senior Principal Magistrate |
| 3. Jacinta Atieno Orwa | Senior Resident Magistrate |
| 4. Solomon K. Ngetich | Resident Magistrate |
| 5. William Otieno Oketch | Resident Magistrate |
| 6. Kulecho Yiswa Phoebe | Resident Magistrate |
| | |
| KERICHO LAW COURTS | |
| | |
| 1. Patrick Wandera | Chief Magistrate |
| 2. Wilson Kaberia | Senior Resident Magistrate |
| 3. Joseph Ndururi | Senior Resident Magistrate |
| 4. Maureen Iberia Shimenga | Resident Magistrate |
| | |
| SOTIK LAW COURTS | |
| | |
| 1. Mathias Okuchi | Senior Resident Magistrate |

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| 1. Mathias Okuchi | Senior Resident Magistrate |
| 2. Kasam Juliet Atema | Resident Magistrate |
| 3. Nancy Nang'uni Barasa | Resident Magistrate |
| | |
| BOMET LAW COURTS | |
| | |
| 1. Jacinta Dibondo Kwena | Senior Principal Magistrate |
| 2. Karanja Virginia | Resident Magistrate |
| | |
| ITEN LAW COURTS | |
| | |
| 1. Mary G. Chepseba | Senior Principal Magistrate |
| 2. Ndombi Mugeni Rose | Resident Magistrate |
| 3. Nicodemus Nyamwega Moseti | Resident Magistrate |
| | |
| KABARNET LAW COURTS | |
| | |
| 1. Samuel Soita | Senior Principal Magistrate |
| 2. Bett Evanson | Resident Magistrate |
| | |
| ELDAMA | RAVINE LAW COURTS |
| | |
| 1. Margaret A. Kasera | Principal Magistrate |
| 2. Ochieng' Melanie Celestine Awino | Resident Magistrate |
| 3. Jackson Obuya Omwange | Resident Magistrate |
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| | |
| NAROK LAW COURTS | |
| | |
| 1. Wilkinson Nyaga Njage | Chief Magistrate |
| 2. Ms. Celesa Asis Okore | Senior Resident Magistrate |
| 3. Zainab Abdul Rahaman | Resident Magistrate |
| | |
| KAJIADO LAW COURTS | |
| | |
| 1. Patrick Olengo Adol | Principal Magistrate |
| 2. Samson. O. Temu | Senior Resident Magistrate |
| 3. Akala Mary Ashisero | Resident Magistrate |
| | |
| KAPENGURIA LAW COURTS | |
| | |
| 1. Simon R.Rotich | Principal Magistrate |
| 2. Ronaldine Mocho Washika | Senior Resident Magistrate |
| 3. Martin Maina Wachira | Resident Magistrate |
| | |
| | |
| MARALAL LAW COURTS | |
| | |
| 1. Charles N. Ndegwa | Principal Magistrate |
| 2. Khapoya Benson Sikuku | Resident Magistrate |
| | |
| LODWAR LAW COURTS | |
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| | |
| 1. Patrick Olengo Adol | Principal Magistrate |
| 2. Samson. O. Temu | Senior Resident Magistrate |
| 3. Akala Mary Ashisero | Resident Magistrate |
| | |
| KAPENGURIA LAW COURTS | |
| | |
| 1. Simon R.Rotich | Principal Magistrate |
| 2. Ronaldine Mocho Washika | Senior Resident Magistrate |
| 3. Martin Maina Wachira | Resident Magistrate |
| | |
| | |
| MARALAL LAW COURTS | |
| | |
| 1. Charles N. Ndegwa | Principal Magistrate |
| 2. Khapoya Benson Sikuku | Resident Magistrate |
| | |
| LODWAR LAW COURTS | |
| | |
| 2. Carolyn Kenda Obara | Senior Resident Magistrate |
| 3. Matata Kimutai Bethwel | Resident Magistrate |
| | |
| NYAHURURU LAW COURTS | |
| | |
| 1. Mr. William Chepseba | Senior principal Magistrate |
| 2. Denis Mikoyan | Principal Magistrate |
| 3. Alice Bitutu Miecha | Senior Resident Magistrate |

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| 2. Carolyn Kenda Obara | Senior Resident Magistrate |
| 3. Matata Kimutai Bethwel | Resident Magistrate |
| | |
| NYAHURURU LAW COURTS | |
| | |
| 1. Mr. William Chepseba | Senior principal Magistrate |
| 2. Denis Mikoyan | Principal Magistrate |
| 3. Alice Bitutu Miecha | Senior Resident Magistrate |
| 4. Kiptoon Vincent Kibichi | Resident Magistrate |
| 5. Peter Omuyele Muholi | Resident Magistrate |
| | |
| NYERI | |
| | |
| NYERI LAW COURTS | |
| | |
| 1. Wilbrodha Juma | Chief Magistrate |
| 2. Shadrack Okato | Senior Principal Magistrate |
| 3. Evans Makori | Senior Principal Magistrate |
| 4. Joane N. Wambilyanga | Senior Resident Magistrate |
| 5. Mulongo Christine Wekesa | Resident Magistrate |
| 6. John Ochoe Aringo | Resident Magistrate |
| 7. Vincent Obondi Nyakundi | Resident Magistrate |
| 8. Kutwaa Mohammed Abdalla | Kadhi I |
| | |
| OTHAYA LAW COURTS | |
| | |
| 1. Macharia Florence Wangari | Principal Magistrate |

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| 2. Reymond Kibet Langat | Resident Magistrate |
| | |
| KARATINA LAW COURTS | |
| | |
| 1. Daniel M. Ngalu | Senior Resident Magistrate |
| 2. Onkwani Hellen | Resident Magistrate |
| | |
| MUKURWEINI LAW COURTS | |
| | |
| 1. Wendy K. Micheni | Principal Magistrate |
| 2. Murage Margaret Wanjeri | Resident Magistrate |
| KERUGOYA LAW COURTS | |
| | |
| 1. Teresia Ngugi | Senior Principal Magistrate |
| 2. Daniel Ochenja | Senior Principal Magistrate |
| 3. Susan N. Ndegwa | Principal Magistrate |
| 4. Cheruiyot Kenneth Kipkurui | Senior Resident Magistrate |
| 5. Muango Ettah Achieng | Resident Magistrate |
| | |
| BARICHO LAW COURTS | |
| | |
| 1. Evans Hezekiah Keago | Principal Magistrate |
| 2. Jalang'o Stephen Samuel Wadida | Resident Magistrate |
| | |
| GICHUGU LAW COURTS | |
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| 1. Mwangi Thomas Muraguri | Principal Magistrate |
| 2. Mogire Onkoba | Resident Magistrate |
| | |
| WANG'URU LAW COURTS | |
| | |
| 1. Ochoi Bernard Maina | Principal Magistrate |
| 2. Eunice Kagure Nyutu | Senior Resident Magistrate |
| | |
| THIKA | |
| | |
| MURANG'A LAW COURTS | |
| | |
| 1. Elizabeth Nyarangi Juma | Senior Resident Magistrate |
| 2. Kituyi Brenda Naswa | Senior Resident Magistrate |
| 3. Mukhwana Jackline Wekesa | Resident Magistrate |
| 4. James Jesse Masiga | Resident Magistrate |
| | |
| KANGEMA LAW COURTS | |
| | |
| 1. Jared O. Magori | Principal Magistrate |
| 2. Anne Wanjiku Nyoike | Resident Magistrate |
| | |
| KIGUMO LAW COURTS | |
| | |
| 1. Stephen N. Mbungi | Senior Principal Magistrate |
| 2. Khaemba Bryan Mandila | Resident Magistrate |
| 3. Christine Asuna Okello | Resident Magistrate |
| | |
| THIKA LAW COURTS | |

| | |
|-------------------------------|-----------------------------|
| 1. Doreen N.Mulekyo | Senior Principal Magistrate |
| 2. Martha W. Mutuku | Principal Magistrate |
| 3. Desderias Ambiro Orimba | Principal Magistrate |
| 4. Bernard N. Ndeda | Principal Magistrate |
| 5. Cheruiyot Willy Kipkoech | Resident Magistrate |
| 6. Stella Nekesa Telewa | Resident Magistrate |
| 7. Agneta Atieno Ndege Ogonda | Resident Magistrate |
| | |
| GATUNDU LAW COURTS | |
| | |
| 1. Theresa Bosibori Nyangena | Senior Resident Magistrate |
| 2. Kinyanjui Manuela Wanjiru | Resident Magistrate |
| 3. David Munyao Ndugi | Resident Magistrate |
| | |
| KANDARA LAW COURTS | |
| | |
| 1. Gesora Tito Maoga | Principal Magistrate |
| 2. Kithinji Cecilia Karimi | Resident Magistrate |
| | |
| KIAMBU LAW COURTS | |
| | |
| 1. Charity Mutai | Principal Magistrate |
| 2. Walter Onchuru | Senior Resident Magistrate |
| 3. Arome Simon Kaigongi | Resident Magistrate |
| 4. Lorraine Dinna Ogombe | Resident Magistrate |
| | |
| GITHUNGURI LAW COURTS | |

| | |
|----------------------------|-----------------------------|
| 1. Benson Musyoki Nzakyo | Senior Resident Magistrate |
| 2. Ngumi Wangeci | Resident Magistrate |
| 3. Eric Otieno Wambo | Resident Magistrate |
| | |
| KIKUYU LAW COURTS | |
| | |
| 1. Margaret Gitonga | Chief Magistrate |
| 2. Otieno Awuor Clarence | Senior Resident Magistrate |
| | |
| LIMURU LAW COURTS | |
| | |
| 1. Godfrey Oduor | Senior Principal Magistrate |
| 2. Anne Ruguru Ireri Maina | Senior Resident Magistrate |
| | |
| | |
| CENTRAL & LOWER EASTERN | |
| | |
| EMBU LAW COURTS | |
| | |
| 1. Margaret Wachira | Chief Magistrate |
| 2. Lucy Hiuhi N. Mbugua | Senior Principal Magistrate |
| 3. Robinson O. Oigara | Senior Resident Magistrate |
| 4. Ocharo Duke Atuti | Senior Resident Magistrate |
| 5. Daisy Jepkemboi Mosse | Resident Magistrate |
| | |
| RUNYENJES LAW COURTS | |

| | |
|----------------------------|-----------------------------|
| 1. Benson Musyoki Nzakyo | Senior Resident Magistrate |
| 2. Ngumi Wangeci | Resident Magistrate |
| 3. Eric Otieno Wambo | Resident Magistrate |
| | |
| KIKUYU LAW COURTS | |
| | |
| 1. Margaret Gitonga | Chief Magistrate |
| 2. Otieno Awuor Clarence | Senior Resident Magistrate |
| | |
| LIMURU LAW COURTS | |
| | |
| 1. Godfrey Oduor | Senior Principal Magistrate |
| 2. Anne Ruguru Ileri Maina | Senior Resident Magistrate |
| | |
| | |
| CENTRAL & LOWER EASTERN | |
| | |
| EMBU LAW COURTS | |
| | |
| 1. Margaret Wachira | Chief Magistrate |
| 2. Lucy Hiuhi N. Mbugua | Senior Principal Magistrate |
| 3. Robinson O. Oigara | Senior Resident Magistrate |
| 4. Ocharo Duke Atuti | Senior Resident Magistrate |
| 5. Daisy Jepkemboi Mosse | Resident Magistrate |
| | |
| RUNYENJES LAW COURTS | |

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|-----------------------------|-----------------------------|
| 1. Nandi John Paul | Resident Magistrate |
| | |
| SIAKAGO LAW COURTS | |
| | |
| 1. Samuel M. Mokua | Senior Principal Magistrate |
| 2. Makau Agnes Ndunge | Resident Magistrate |
| MERU LAW COURTS | |
| | |
| 1. Rosemary Kimingi | Chief Magistrate |
| 2. Dickson Odhiambo Onyango | Principal Magistrate |
| 3. Mburu David Wanjohi | Senior Resident Magistrate |
| 4. Mwinzi Shadrack Mwendwa | Resident Magistrate |
| 5. Eva Wanjiku Wambugu | Resident Magistrate |
| 6. Mercy Nasimiyu Wanyama | Resident Magistrate |
| | |
| CHUKA LAW COURTS | |
| | |
| 1. Richard K. Kirui | Senior Principal Magistrate |
| 2. Nicholas N. Murage | Senior Resident Magistrate |
| | |
| MARIMANTI LAW COURTS | |
| | |
| 1. Peter N. Kiama | Principal Magistrate |
| 2. Fredrick Mayaka Nyakundi | Resident Magistrate |
| | |
| NKUBU LAW COURTS | |

| | |
|-----------------------------------|-----------------------------|
| 1. Caroline Kerage | Senior Resident Magistrate |
| 2. Mayamba Charles Alberto Obonyo | Resident Magistrate |
| 3. David Njogu Kibui | Resident Magistrate |
| | |
| MAUA LAW COURTS | |
| | |
| 1. John G. King'ori | Chief Magistrate |
| 2. Dolphine Okundi | Senior Principal Magistrate |
| 3. Sarapai Lyna Nafuna | Resident Magistrate |
| 4. John Waweru Wang'ang'a | Resident Magistrate |
| 5. Caroline Kemei | Resident Magistrate |
| | |
| TIGANIA LAW COURTS | |
| | |
| 1. Bildad Ocheing | Senior Principal Magistrate |
| 2. Joseph Gathara Gathuku | Resident Magistrate |
| | |
| MACHAKOS LAW COURTS | |
| | |
| 1. Mary Anne Murage | Chief Magistrate |
| 2. Peter N. Gesora | Senior Principal Magistrate |
| 3. Makungu Rose Nyanunga | Principal Magistrate |
| 4 Mwangi K. Mwangi | Principal Magistrate |
| 5. Too Edward Kiprono | Resident Magistrate |
| 6. Simiyu Lester | Resident Magistrate |

| | |
|-------------------------------|----------------------------|
| 7. Miriam Mugure Peter | Resident Magistrate |
| 8. Angeline Achieng Ann Odawo | Resident Magistrate |
| | |
| MAVOKO LAW COURTS | |
| | |
| 1. Teresia A. Odera | Principal Magistrate |
| 2. Linda Akosa Mumassabba | Resident Magistrate |
| | |
| KITHIMANI LAW COURTS | |
| | |
| 1. Davis G. Karani | Principal Magistrate |
| 2. Opanga Martha Akoth | Resident Magistrate |
| | |
| KANGUNDO COURT | |
| | |
| 1. Monica Nyarango | Principal Magistrate |
| 2. Kahuya Irene Marcia | Resident Magistrate |
| 3. Japheth Cheruiyot Bii | Resident Magistrate |
| | |
| TAWA LAW COURTS | |
| | |
| 1. Gichimu Josphat Waititu | Senior Resident Magistrate |
| 2. Hosea Mwangi Nganga | Resident Magistrate |
| | |
| MAKUENI LAW COURTS | |
| | |
| 1. Karanja Joseph | Principal Magistrate |

| | |
|-----------------------------|-----------------------------|
| 2. Yator Rhoda | Resident Magistrate |
| | |
| KILUNGU LAW COURTS | |
| | |
| 1. Nyakweba Henry Nyabuto | Principal Magistrate |
| | |
| MAKINDU LAW COURTS | |
| | |
| 1. Michael Kizito Oduor | Senior Resident Magistrate |
| 2. Mwangi Patrick Wambugu | Resident Magistrate |
| 3. Elizabeth Murugi Muiru | Resident Magistrate |
| | |
| KITUI LAW COURTS | |
| | |
| 1. Alfred G. Kibiru | Senior Principal Magistrate |
| 2. Kimemia Beatrice Muthoni | Principal Magistrate |
| 3. Lesootia Alberty Satabau | Resident Magistrate |
| | |
| MUTOMO LAW COURTS | |
| | |
| 1. Mutai Samuel Kiprotich | Senior Resident Magistrate |
| 2. Sandra Achieng Ogot | Resident Magistrate |
| | |
| MWINGI LAW COURTS | |
| | |
| 1. Hezron Nyaberi Moibi | Principal Magistrate |
| 2. Awino V. Otieno | Resident Magistrate |

| | |
|---------------------------|-----------------------------|
| 3. Irene Wangui Gichobi | Resident Magistrate |
| | |
| KYUSO LAW COURTS | |
| | |
| 1. Ben Mararo | Principal Magistrate |
| 2. Erick Musyoka Mutunga | Resident Magistrate |
| | |
| UPPER EASTERN | |
| | |
| MARSABIT LAW COURTS | |
| | |
| 1. Stephen O. Mogute | Principal Magistrate |
| 2. Munene Andrew Githinji | Resident Magistrate |
| | |
| ISIOLO LAW COURTS | |
| | |
| 1. Rosemelle Mutoka | Chief Magistrate |
| 2. Maundu Cosmas Mutungwa | Senior Principal Magistrate |
| 3. Joan Irura | Senior Resident Magistrate |
| 4. Adet Vincent Okello | Resident Magistrate |
| 5. Robert Gitau Mundia | Resident Magistrate |
| 6. Juma Hussein | Kadhi I |
| | |
| MOYALE LAW COURTS | |
| | |
| 1. Sogomo Gathogo | Senior Resident Magistrate |
| 2. Adet Vincent Okello | Resident Magistrate |

| | |
|---|-----------------------------|
| 3. Abdullahi Mohammed | Kadhi I |
| | |
| SOUTH WEST & NORTH COAST | |
| | |
| MOMBASA LAW COURTS | |
| | |
| 1. Stephen Riechi | Chief Magistrate |
| 2. Joyce Mkambe Gadani | Senior Principal Magistrate |
| 3. Richard O. Odenyo | Principal Magistrate |
| 4. Samuel Kimunya Gacheru | Principal Magistrate |
| 5. James Omburah | Senior Resident Magistrate |
| 6. Timothy Ole Tanchu | Senior Resident Magistrate |
| 7. Elvis Michieka | Senior Resident Magistrate |
| 8. Ekhubi Ben Mark | Resident Magistrate |
| Civil, Commercial & Admiralty & Family Di | |
| 9. Betty Chepkemei Koech | Resident Magistrate |
| 10. Irene Ruguru Ngotho | Resident Magistrate |
| 11. Kitagwa Musimbi Renee | Resident Magistrate |
| 12. Everlyne Makungu Onzere | Resident Magistrate |
| 13. Vicky Adhiambo Kachuodho | Resident Magistrate |
| 14. Lilian Tsuma Lewa | Resident Magistrate |
| 15. AL Muhdhar A. Hussein | Chief Kadhi |
| 16. Athman Abduhalim Hussein | Senior Kadhi |
| | |
| MALINDI LAW COURTS | |
| | |

| | |
|----------------------------|-----------------------------|
| 1. Liz Lynne W. Gicheha | Senior Principal Magistrate |
| 2. Nathan Lutta | Principal Magistrate |
| 3. Shikanda Yusuf Abdalla | Resident Magistrate |
| 4. Caroline Muthoni Njage | Resident Magistrate |
| 5. Salim S. Mohammed | Kadhi I |
| | |
| GARSEN LAW COURTS | |
| | |
| 1. Justus Mulei Kituku | Senior Resident Magistrate |
| | |
| KALOLENI LAW COURTS | |
| | |
| 1. Sylvia R. Wewa | Principal Magistrate |
| | |
| KILIFI LAW COURTS | |
| | |
| 1. Mildred Abura | Principal Magistrate |
| 2. Kangoni Edgar Matsigulu | Resident Magistrate |
| | |
| VOI LAW COURTS | |
| | |
| 1. Samuel Wahome | Principal Magistrate |
| 2. Linus Nyakundi Mesa | Senior Resident Magistrate |
| 3. Eugene Melville Kadima | Resident Magistrate |
| | |
| MARIAKANI COURT | |

| | |
|-------------------------------|----------------------------|
| 1. Douglas M. Machage | Principal Magistrate |
| 2. Lewis Kamanga Gatheru | Resident Magistrate |
| | |
| WUNDANYI LAW COURTS | |
| | |
| 1. Orenge Isaac Karasi | Senior Resident Magistrate |
| 2. Chesang P. Maisy | Resident Magistrate |
| | |
| SHANZU LAW COURTS | |
| | |
| 1. Abraham Karugia Gachie | Resident Magistrate |
| | |
| TAVETA LAW COURTS | |
| | |
| 1. Robinson K. Ondieki | Senior Resident Magistrate |
| 2. Matutu D. Kiprono | Resident Magistrate |
| 3. Kitur Wilson Kipchumba | Resident Magistrate |
| | |
| KWALE LAW COURTS | |
| | |
| 1. Elizabeth Katiwa Usui | Principal Magistrate |
| 2. Aminga Abdurahaman Ondieki | Resident Magistrate |
| 3. Bedzenga Said Khamis | Kadhi I |
| | |
| LAMU LAW COURTS | |
| | |
| 1. Johnstone Munguti | Principal Magistrate |

| | |
|---------------------------|-----------------------------|
| 2. Bernard Kasavuli | Resident Magistrate |
| 3. Hamisi M. Mshali | Kadhi I |
| | |
| HOLA LAW COURTS | |
| | |
| 1. Moses Oyoko Obiero | Resident Magistrate |
| 2. Sheikh M.Hassan | Kadhi I |
| | |
| VOI LAW COURTS | |
| | |
| 1. Samuel Muthee Wahome | Principal Magistrate |
| 2. Linus Mesa Nyakundi | Senior Resident Magistrate |
| 3. Eugene Melville Kadima | Resident Magistrate |
| | |
| WAJIR/MANDERA | |
| | |
| GARISSA LAW COURTS | |
| | |
| 1. Hannah Njeri Ndungu | Chief Magistrate |
| 2. John N. Onyiego | Senior Principal Magistrate |
| 3. Viola Jepkorir Yator | Resident Magistrate |
| 4. Juma A. Abdalla | Kadhi I |
| | |
| WAJIR LAW COURTS | |
| | |
| 1. Linus Pogh'on Kassan | Senior Resident Magistrate |
| 2. Mutegi Martin Kinyua | Resident Magistrate |

| | |
|----------------------|----------------------|
| | |
| MANDERA LAW COURTS | |
| | |
| 1. Charles Soi Mutai | Principal Magistrate |

ANNEX 5: LIST OF ONGOING COURTS CONSTRUCTIONS
STATUS REPORT ON ONGOING INFRASTRUCTURE

Table A.

| No. | Court | Progress | Completion Date |
|-----|--------------------|----------------------------------|----------------------------------|
| 1. | Kisumu High Court | Just awarded contract – phase II | 3/10/2013 |
| 2. | Naivasha Law Court | 92% complete | 14/11/2012 |
| 3. | Busia High Court | Completed | Complete/ Ready for occupation |
| 4. | Migori Law Court | Just awarded contract – Phase II | 3/10/2013 |
| 5. | Gatundu Law Court | 100% complete | Awaiting Handing over |
| 6. | Narok Law Court | 78% complete | Retender to be done by 30/10/12. |

Table B.

High Courts (GOK) financial Year 2012 -2013

| No. | Court | Progress | Commencement date |
|-----|------------------|------------------|-------------------|
| 1. | Bomet High Court | Land identified, | Expected to |

| | | | |
|----|---|---|---|
| | (Bomet County) | Project Architects on board working on Architectural designs-JKUAT. | commence in December 2012 for construction. |
| 2. | Kapsowar High Court (Elgeyo Marakwet – County) | Land identified | |
| 3. | Kitui High Court (Kitui County) | Land identified | |

Table C.**Planned prefab construction during Financial year 2012-2013 (GOK)**

| No. | Court | Lot Allocation | Progress | Commencement date |
|-----|-------------------|----------------|---|---|
| 1. | Bomet | 1 | <ul style="list-style-type: none">Architectural designs done and agreed at management meeting-adopted.Project Architect for supervision and monitoring purposes identified and on board. | Construction shall be in three lots. Awarding three different contractors. All constructions running concurrently. Each contract to bid at least four clients per lot. Expected to begin in December, 2012. |
| 2 | Eldama Ravine | | | |
| 3. | Iten | | | |
| 4. | Nunguni (Kilungu) | | | |
| 5. | Homabay | | | |
| 1. | Tawa | 2 | | |
| 2. | Tamu | | | |
| 3. | Garsen | | | |
| 4. | Makueni | | | |
| 1. | Mavoko | 3 | | |
| 2. | Marimanti | | | |
| 3. | Othaya | | | |

| | | | | |
|----|-----------|--|--|--|
| 4. | Runyenjes | | | |
| 5. | Wanguru | | | |

Table D.

Construction of Courts under World Bank Judicial Performance Improvement Project (JPPI)

| No. | Court | Progress | Commencement date |
|-----|--|---|---------------------------------|
| 1. | Ngong/Rongai Law Court | <ul style="list-style-type: none"> Architectural designs on-going Bills of Quantities under preparation NEMA requirements under discussions. | Expected to start January 2013. |
| 2. | Nanyuki Law Court/ Laikipia | | |
| 3. | Garissa Law Court | | |
| 4. | Kasarani Law Court | | |
| 5. | Kakamega | | |
| 6. | Mombasa | | |
| 7. | Nakuru | | |
| 8. | Kabete (Children's Court) first one to be built) | | |
| 9. | Siaya | | |
| 10. | Samburu/ Marsabit | | |

Table E.

Prefabs under World Bank

| No. | Court | Progress | Commencement date |
|-----|--------|---|-------------------|
| 1. | Kigumo | <ul style="list-style-type: none"> Architectural | Expected to start |

| | | | |
|-----|-------------------------|--|---------------|
| 1. | Kigumo | <p>designs on-going</p> <ul style="list-style-type: none"> • Bills of Quantities under preparation • NEMA requirements under discussions | January 2013. |
| 2. | Hola | | |
| 3. | Lamu | | |
| 4. | Mpeketoni | | |
| 5. | Kabarnet | | |
| 6. | Kapsokwonyi (Mt. Elgon) | | |
| 7. | Budalangi | | |
| 8. | Lokichar | | |
| 9. | Archers Post | | |
| 10. | Lunga Lunga | | |
| 11. | Kisii | | |
| 12. | Kibera | | |
| 13. | Vihiga | | |
| 14. | Makindu | | |
| 15. | Nyando | | |
| 16. | Bondo | | |
| 17. | Molo | | |
| 18. | Nkubu | | |
| 19. | Karaba | | |
| 20. | Othaya | | |
| 21. | Webuye | | |
| 22. | Ukwala | | |
| 23. | Nyamira | | |
| 24. | Runyenjes | | |
| 25. | Makueni/ Wote | | |
| 26. | Mumias | | |
| 27. | Ndhiwa | | |

ANNEX 6: LIST OF TRIBUNALS

- i. Co-operatives Tribunals
- ii. Political Parties Dispute Resolution Tribunal
- iii. Business Premises Rent Tribunal
- iv. County Court Tribunal
- v. Water Appeals Tribunal
- vi. Energy Tribunal
- vii. National Environment Tribunal
- viii. State Corporations Appeal Tribunal
- ix. Restrictive Trade Practices Tribunal
- x. Intellectual Property Tribunal
- xi. Communications Affairs Tribunal
- xii. HIV/AIDS Tribunal

ANNEX 7: LIST OF JTI TRAININGS**KENYA JUDICIARY TRAINING INSTITUTE****TABLE OF TRAINING PROGRAMMES FOR THE PERIOD (JUNE 2011-OCT 2012)**

| S/NO. | NAME OF TRAINING | NO. OF PARTICIPANTS | VENUE AND STATUS | DATES AND STATUS |
|--------------|--|----------------------------|-------------------------|--|
| 1. | Induction for the Judges of the Environment and Land Court | 15 | Nairobi | 8 th – 12 th October, 2012 |
| 2. | CCPOs Practicum Supervision Visit | 1 | Kakamega/Kisumu | 30 th September – 6 th October, 2012 |

| | | | | |
|-----|---|-----|--------------|---|
| 3. | Sexual and Gender Based Violence-A Multi-Stakeholder Training for Magistrates | 4 | Kisumu | 24 th – 28 th September 2012 |
| 4. | Training Workshop for Magistrates on Community Service Orders | 80 | Embu& Kisumu | 23 rd – 25 th and 26 th – 27 th September, 2012 |
| 5. | Political Parties Public Forum | 100 | Nairobi | 27 th September, 2012 |
| 6. | Induction for the newly appointed Judges of the High Court | 8 | Nairobi | 17 th – 22 nd September, 2012 |
| 7. | Training of Judiciary Security Personnel in Basic Crime Prevention | 18 | Nairobi | 13 th August – 14 th September, 2012 |
| 8. | Induction for the newly appointed Judges of the Industrial Court | 11 | Nairobi | 5 th – 11 th August, 2012 |
| 9. | Induction for the newly employed Resident Magistrates | 103 | Nairobi | 29 th July – 11 th August, 2012 |
| 10. | Judicial Marches Week | - | Countrywide | 21 st – 23 rd August, 2012 |
| 11. | The International Association of Women Judges 2012-13 | 2 | USA | August 2012 – June 2013 |

| | | | | |
|-----|---|----|----------|--|
| | International Women Judges Graduate Fellowship Program | | | |
| 12. | | | | |
| 13. | International Academy for Judges and Magistrates | 3 | Israel | 14 th July - 6 th August, 2012 |
| 14. | Training of Magistrates on Sexual Offences Act, 2006 | 30 | Nairobi | 14 th - 17 th August, 2012 |
| 15. | Retreat for the Judiciary Working Committee on Election Preparations | 15 | Naivasha | 11 th - 13 th July 2012 |
| 16. | Judicial Seminar on Socio-Economic Rights | 12 | Nairobi | 10 th - 12 th July 2012 |
| 17. | Judiciary Transformation Framework - Heads of Stations - Change Management Workshop | | Machakos | 5 th - 7 th July 2012 |
| 18. | Directors and Registrars Induction Workshop | | Mombasa | 16 th - 17 th July 2012 |
| 19. | Induction for Judicial Legal | 96 | Nairobi | 25 th - 30 th June, 2012 |

| | | | | |
|-----|--|----|--|--|
| | Researchers | | | |
| 20. | Stakeholder consultative forums with FIDA clients | 48 | Machakos, Kakamega, Mombasa, Eldoret , Nyeri and Malindi | 29 th June, 22 nd June, 2012, 4 th May 28 th May, 20 th September and 28 th October 2011 |
| 21. | Validation Workshop on Social Context for Magistrates | 20 | Nairobi | 28 th June, 2012 |
| 22. | Sensitization Forum on Human Rights Instruments and Alternative Dispute Resolution Mechanisms (3 groups) | 90 | Nairobi, Kisumu, Mombasa, EldoretMachakos and Malindi | 22 nd June, 15 th June, 4 th May 27 th April 2012, 26 th , 27 th September, 2011 |
| 23. | Training of Magistrates on Sexual Offences Act, 2006 | 30 | Nairobi | 14 th – 17 th August, 2011 |
| 24. | Multi-Sectoral Forensic Training Workshop on the Prosecution of Sexual Violence | 6 | Nairobi | 11 th – 12 th June, 2012 |
| 25. | Workshop for Judicial Officers for Enforcement of the Forest Act, 2005 | 25 | Nanyuki | 6 th – 9 th June 2012 |
| 26. | Multi-Sectoral Forensic Training Workshop on the | 3 | Eldoret | 5 th – 8 th June, 2012 |

| | | | | |
|-----|---|----|------------|--|
| | Prosecution of Sexual Violence | | | |
| 27. | Designing and delivering Judicial Education programme to respond the contemporary needs | 1 | Seychelles | 24 th – 27 th May 2012 |
| 28. | Judiciary of South Sudan, Supreme Court, Court of Appeal and High Court Judges retreat (2 groups) | 24 | Mombasa | 6 th – 12 and 20 th – 26 th May, 2012 |
| 29. | Training of Child Care and Protection Officers | 5 | Nakuru | 1 st – 4 th May, 2012 |
| 30. | Judges' Symposium on Emerging Legal Issues in Commercial and Financial Law | 45 | Nairobi | 29 th – 31 st March, 12 th – 14 th April and 26 th – 28 th May, 2012 |
| 31. | Training on Juvenile Delinquency cases | 1 | Japan | 29 th February – 29 th March, 2012 |
| 32. | CCPO training for Judicial Officers on Child Protection | 5 | Kakamega | 29 th January to 10 th February 2012 |
| 33. | Training of Judges and Magistrates on | 54 | Mombasa | 18 th – 23 rd December, |

| | | | | |
|-----|---|----|--------------------|---|
| | Maritime Law | | | 2011 |
| 34. | Induction Training Course for the newly appointed Judges of the Supreme Court | 7 | Nanyuki | 12 th – 17 th December 2011 |
| 35. | Skills Improvement workshop for Secretaries | 52 | Nairobi | 30 th October – 5 th November, 2011 |
| 36. | Training for Clerical Officers on Amendments to the Law of Kenya Statutes | 30 | Nairobi | October, 2011 |
| 37. | Consultative Forum for Judicial Officers with FIDA Kenya clients | 16 | Kakamega, Machakos | October, 2011 |
| 38. | Induction Training Workshop for the newly appointed Judges of the High Court | 27 | Nairobi | October, 2011 |
| 39. | Workshop on Human Rights and ADR Mechanisms | 8 | Nairobi | October, 2011 |
| 40. | Training Workshop on Public Interest Litigation | 5 | Nairobi | October, 2011 |

| | | | | |
|-----|---|----|--------------------|---|
| | Maritime Law | | | 2011 |
| 34. | Induction Training Course for the newly appointed Judges of the Supreme Court | 7 | Nanyuki | 12 th - 17 th December 2011 |
| 35. | Skills Improvement workshop for Secretaries | 52 | Nairobi | 30 th October - 5 th November, 2011 |
| 36. | Training for Clerical Officers on Amendments to the Law of Kenya Statutes | 30 | Nairobi | October, 2011 |
| 37. | Consultative Forum for Judicial Officers with FIDA Kenya clients | 16 | Kakamega, Machakos | October, 2011 |
| 38. | Induction Training Workshop for the newly appointed Judges of the High Court | 27 | Nairobi | October, 2011 |
| 39. | Workshop on Human Rights and ADR Mechanisms | 8 | Nairobi | October, 2011 |
| 40. | Training Workshop on Public Interest Litigation | 5 | Nairobi | October, 2011 |

| | | | | |
|-----|--|----|----------|----------------|
| 41. | East African Magistrates and Judges Association (EAMJA) Annual Conference | | Uganda | October,2011 |
| 42. | EACJEC Workshop on Principles and Case Flow Management | 54 | Nairobi | September,2011 |
| 43. | Training of Judicial Officers on Jurisprudence Equality Programme (JEP) | - | Nairobi | September,2011 |
| 44. | Sensitization of Judicial Officers on International Law and Refugee Protection | | Slovenia | September,2011 |
| 45. | Annual Judges' Colloquium | 85 | Mombasa | August, 2011 |
| 46. | Sensitization of Judicial Officers on International Law and Refugee Protection | | Kisumu | June, 2011 |

ANNEX 8: GOVERNANCE AND MANAGEMENT DATA

GOVERNANCE AND MANAGEMENT REVIEW – DATA ANNEXES

| ANNEX | DETAILS |
|-------|---------|
|-------|---------|

- | | |
|---|---|
| 1 | The Judiciary: Indicative Establishment Snapshot at July 2011 |
| 2 | The Judiciary: Analysis of Net Start-Year and End-Year Staffing, plus In-Year Appointments, by Gender |
| 3 | The Judiciary: End-Year Staff Distribution within “Harmonised” Job Groups, analysed by Gender |
| 4 | The Judiciary: End-Year Staff Distribution by Job “Title/Cadre”, analysed by Gender |

THE JUDICIARY: INDICATIVE ESTABLISHMENT SNAPSHOT AT JULY 2011

| GENERAL DESIGNATION | Authorised Establishment | In-Post | Vacancies | Effective Capacity |
|--------------------------------|--------------------------|--------------|--------------|--------------------|
| Judges | 91 | 55 | 36 | 60% |
| Magistrates | 880 | 332 | 548 | 38% |
| Kadhis | 39 | 15 | 24 | 38% |
| JUDICIAL OFFICERS - sub-total | 1,010 | 402 | 608 | 40% |
| JUDICIAL STAFF - sub-total | 6,552 | 3,539 | 3,013 | 54% |
| GRAND TOTAL - JUDICIARY | 7,562 | 3,941 | 3,621 | 52% |

Source: Judiciary

Notes:

(1) Authorised establishment is shown prior to the development of the Judiciary Transformation Framework. This establishment will change once a comprehensive staffing norms and workload analysis has been completed in 2012/13. As such, the number of vacancies and effective capacity shown here is purely INDICATIVE of the “status quo” at the beginning of 2011/12.

(2) In-post numbers have been recalibrated from the actual net staffing position in January 2012, by adding back all appointments made between July 2011 and January 2012.

| THE JUDICIARY: ANALYSIS OF NET START-YEAR AND END-YEAR STAFFING, PLUS IN-YEAR APPOINTMENTS, BY GENDER | | | | | | |
|---|---------------------------|-------------|----------------------|-------------|-------------------------|-------------|
| | Position at start of Year | | Appointed in 2011/12 | | Position at end of Year | |
| CATEGORY | Net Staffing | % of Total | Total Hired | % of Total | Net Staffing | % of Total |
| Male | 2,158 | 55% | 108 | 43% | 2,266 | 54% |
| Female | 1,783 | 45% | 143 | 57% | 1,926 | 46% |
| GRAND TOTAL - JUDICIARY | 3,941 | 100% | 251 | 100% | 4,192 | 100% |

Source: Judiciary

| THE JUDICIARY: END-YEAR STAFF DISTRIBUTION WITHIN HARMONISED JOB GROUPS, ANALYSED BY GENDER | | | | | | |
|---|----------------------------------|--------------|--------------|------------|------------|-------------|
| | End of Year Analysis (2011/2012) | | | | | |
| JOB GROUP | Male | Female | Total | Male % | Female % | Total % |
| V | 5 | 2 | 7 | 71% | 29% | 100% |
| U | 10 | 6 | 16 | 63% | 38% | 100% |
| T | 59 | 35 | 94 | 63% | 37% | 100% |
| S | 2 | - | 2 | 100% | 0% | 100% |
| R | 18 | 15 | 33 | 55% | 45% | 100% |
| Q | 33 | 26 | 59 | 56% | 44% | 100% |
| P | 61 | 40 | 101 | 60% | 40% | 100% |
| N | 54 | 36 | 90 | 60% | 40% | 100% |
| M | 116 | 162 | 278 | 42% | 58% | 100% |
| L | 84 | 76 | 160 | 53% | 48% | 100% |
| K | 265 | 233 | 498 | 53% | 47% | 100% |
| J | 305 | 301 | 606 | 50% | 50% | 100% |
| H | 165 | 263 | 428 | 39% | 61% | 100% |
| G | 500 | 343 | 843 | 59% | 41% | 100% |
| F | 76 | 109 | 185 | 41% | 59% | 100% |
| E | 288 | 168 | 456 | 63% | 37% | 100% |
| D | 30 | 40 | 70 | 43% | 57% | 100% |
| C | 195 | 71 | 266 | 73% | 27% | 100% |
| GRAND TOTAL - JUDICIARY | 2,266 | 1,926 | 4,192 | 54% | 46% | 100% |

Source: Judiciary

Note: Specific job groups exist for judicial officers and judicial staff. This analysis is based on “harmonized” job groups and is presented in descending order of seniority (i.e. V is the highest job group, C is the lowest). There are no staff in job groups A/B following the upgrading of ALL judicial staff in 2011 by a minimum of one grade.

THE JUDICIARY: END-YEAR STAFF DISTRIBUTION BY JOB “TITLE/CADRE”, ANALYSED BY GENDER

| JOB TITLE/CADRE | End of Year Analysis (2011/2012) | | | | | |
|--------------------------------------|----------------------------------|--------------|--------------|------------|------------|-------------|
| | Male | Female | Total | Male % | Female % | Total % |
| Judge | 64 | 40 | 104 | 62% | 38% | 100% |
| Magistrate | 237 | 187 | 424 | 56% | 44% | 100% |
| Kadhi | 15 | - | 15 | 100% | 0% | 100% |
| JUDICIAL OFFICERS - sub-total | 316 | 227 | 543 | 58% | 42% | 100% |
| Chief Registrar | - | 1 | 1 | 0% | 100% | 100% |
| Deputy Chief Registrar | 1 | - | 1 | 100% | 0% | 100% |
| Registrar | 3 | 2 | 5 | 60% | 40% | 100% |
| Director | 7 | - | 7 | 100% | 0% | 100% |
| Assistant Director | 1 | 2 | 3 | 33% | 67% | 100% |
| Law Reporter/Legal Counsel | 1 | - | 1 | 100% | 0% | 100% |
| Legal Researcher | 18 | 44 | 62 | 29% | 71% | 100% |
| Performance Management Officer | 1 | - | 1 | 100% | 0% | 100% |
| Finance Officer | 3 | 2 | 5 | 60% | 40% | 100% |
| Accountant | 106 | 51 | 157 | 68% | 32% | 100% |
| HRM Officer | 14 | 14 | 28 | 50% | 50% | 100% |
| ICT Officer | 27 | 15 | 42 | 64% | 36% | 100% |
| Procurement/Supplies Officer | 6 | 2 | 8 | 75% | 25% | 100% |
| Public Communications Officer | 1 | 2 | 3 | 33% | 67% | 100% |
| Librarian | 19 | 24 | 43 | 44% | 56% | 100% |
| Archivist | 21 | 19 | 40 | 53% | 48% | 100% |
| Executive Secretary | 1 | 19 | 20 | 5% | 95% | 100% |
| Personal Secretary | 1 | 105 | 106 | 1% | 99% | 100% |
| Secretarial Assistant | 3 | 270 | 273 | 1% | 99% | 100% |
| Computer Operations Assistant | 1 | 1 | 2 | 50% | 50% | 100% |
| Telephone Switchboard Staff | 8 | 32 | 40 | 20% | 80% | 100% |
| Executive Officer | 220 | 91 | 311 | 71% | 29% | 100% |
| Storekeeper | 1 | 1 | 2 | 50% | 50% | 100% |
| Building Inspector | 1 | - | 1 | 100% | 0% | 100% |
| Court Bailiff | 6 | 5 | 11 | 55% | 45% | 100% |
| Process Server | 71 | 72 | 143 | 50% | 50% | 100% |
| Artisan | 2 | - | 2 | 100% | 0% | 100% |
| Clerical Officer | 795 | 541 | 1,336 | 60% | 40% | 100% |
| Driver | 97 | 7 | 104 | 93% | 7% | 100% |
| Support Staff | 298 | 361 | 659 | 45% | 55% | 100% |
| Security Staff | 216 | 16 | 232 | 93% | 7% | 100% |
| JUDICIAL STAFF - sub-total | 1,950 | 1,699 | 3,649 | 53% | 47% | 100% |
| GRAND TOTAL - JUDICIARY | 2,266 | 1,926 | 4,192 | 54% | 46% | 100% |

Source: Judiciary

Note: Totals for job titles/cadres include “Assistants” as well as “Senior”, “Principal” or “Chief” titles e.g. “Magistrate” includes all levels of Magistrate, Accountant includes Accounts Assistants etc

ANNEX 9: FINANCE DATA

FINANCE AND RESOURCE DEVELOPMENT – DATA ANNEXES

| ANNEX | DETAILS |
|-------|--|
| 1 | Vote R26 Judicial Department (The Judiciary) – Recurrent Appropriation Account for the Year ended 30 th June 2012 (unaudited) |
| 2 | Vote D26 Judicial Department (The Judiciary) – Development Appropriation Account for the Year ended 30 th June 2012 (unaudited) |
| 3 | The Judiciary: Institutional Analysis of Actual vs. Budget Expenditure in 2011/12 |
| 4 | The Judiciary: Economic Analysis of Actual vs. Budget Expenditure in 2011/12 |
| 5 | The Judiciary: Historical, Current and (draft) Projected Budget Trends |
| 6 | The Judiciary: Relative Share of the National Budget (Historical, Current and (draft) Projected) |
| 7 | The Judiciary: Recent Trends in the Absorption of Funds |

| VOTE R26 JUDICIAL DEPARTMENT (THE JUDICIARY) | | | | | | |
|--|---------|---|-----------------------|-----------------------|------------------|-------------------|
| RECURRENT APPROPRIATION ACCOUNT FOR THE YEAR ENDED 30 TH JUNE 2012 | | | | | | |
| HEAD | ITEM | TITLE AND DETAILS | Approved Estimates | Actual Expenditure | Over Spending | Under Spending |
| | | | KShs | KShs | KShs | KShs |
| 260101 | | HIGH COURT OF KENYA | | | | |
| | 2110100 | Basic Salaries - Permanent Employees | 230,157,549 | 230,157,549 | 0 | 0 |
| | 2110300 | Personal Allowances Paid as part of Salary | 167,819,643 | 167,819,643 | 0 | 0 |
| | 2110400 | Personal Allowances Paid as Reimbursement | 8,190,000 | 8,190,000 | 0 | 0 |
| | 2210100 | Utilities, Supplies and Services | 4,728,684 | 4,728,684 | 0 | 0 |
| | 2210200 | Communication, Supplies and Services | 4,830,003 | 4,830,003 | 0 | 0 |
| | 2210300 | Domestic Travel and Subsistence, and Other Transportation Costs | 27,593,622 | 27,593,622 | 0 | 0 |
| | 2210400 | Foreign Travel and Subsistence, and Other Transportation Costs | 1,725,184 | 1,725,184 | 0 | 0 |
| | 2210500 | Printing, Advertising and Information Supplies and Services | 4,379,400 | 4,379,400 | 0 | 0 |
| | 2210800 | Hospitality Supplies and Services | 1,334,000 | 1,334,000 | 0 | 0 |
| | 2211000 | Specialised Materials and Supplies | 9,750,000 | 9,750,000 | 0 | 0 |
| | 2211100 | Office and General Supplies and Services | 10,778,016 | 10,778,016 | 0 | 0 |
| | 2211200 | Fuel Oil and Lubricants | 4,100,000 | 4,100,000 | 0 | 0 |
| | 2211300 | Other Operating Expenses | 7,250,000 | 7,250,000 | 0 | 0 |
| | 2220100 | Routine Maintenance - Vehicles and Other Transport Equipment | 4,500,000 | 4,423,443 | 0 | 76,557 |
| | 2220200 | Routine Maintenance - Other Assets | 10,025,000 | 10,025,000 | 0 | 0 |
| | 3111000 | Purchase of Office Furn & General Eqpt | 6,800,000 | 6,800,000 | 0 | 0 |

| VOTE R26 JUDICIAL DEPARTMENT (THE JUDICIARY) | | | | | | |
|--|---------|---|-----------------------|-----------------------|------------------|-------------------|
| RECURRENT APPROPRIATION ACCOUNT FOR THE YEAR ENDED 30 TH JUNE 2012 | | | | | | |
| HEAD | ITEM | TITLE AND DETAILS | Approved Estimates | Actual Expenditure | Over Spending | Under Spending |
| | | | KShs | KShs | KShs | KShs |
| 260102 | | GROSS EXPENDITURE | | | | |
| | | KShs | | | | |
| | | Net Expenditure Head | | | | |
| | | 260101..... KShs | | | | |
| | | | 503,961,101 | 503,884,544 | 0 | 76,557 |
| | | | 503,961,101 | 503,884,544 | 0 | 76,557 |
| | | MAGISTRATES' AND KADHIS' COURTS | | | | |
| | 2110100 | Basic Salaries - Permanent Employees | 668,295,488 | 668,295,488 | 0 | 0 |
| | 2110300 | Personal Allowances Paid as part of Salary | 577,841,862 | 577,841,862 | 0 | 0 |
| | 2110400 | Personal Allowances Paid as Reimbursement | 37,600,000 | 37,600,000 | 0 | 0 |
| | 2210100 | Utilities, Supplies and Services | 4,138,650 | 4,138,650 | 0 | 0 |
| | 2210200 | Communication, Supplies and Services | 11,960,661 | 11,960,661 | 0 | 0 |
| | 2210300 | Domestic Travel and Subsistence, and Other Transportation Costs | 45,739,700 | 45,739,700 | 0 | 0 |
| | 2210500 | Printing, Advertising and Information Supplies and Services | 1,750,000 | 1,750,000 | 0 | 0 |
| | 2211000 | Specialised Materials and Supplies | 12,350,000 | 12,350,000 | 0 | 0 |
| | 2211100 | Office and General Supplies and Services | 53,545,000 | 53,545,000 | 0 | 0 |
| | 2211200 | Fuel Oil and Lubricants | 15,840,240 | 15,840,240 | 0 | 0 |
| | 2211300 | Other Operating Expenses | 14,720,000 | 14,149,063 | 0 | 570,937 |
| | 2220100 | Routine Maintenance - Vehicles and Other Transport Equipment | 5,400,000 | 5,545,036 | 145,036 | 0 |
| | 2220200 | Routine Maintenance - Other Assets | 39,241,586 | 39,241,586 | 0 | 0 |
| | 3111000 | Routine Maintenance - Vehicles and Other Transport Equipment | 268,500,000 | 268,500,000 | 0 | 0 |
| | | GROSS EXPENDITURE | 1,756,923,187 | | 145,036 | 570,937 |

| VOTE R26 JUDICIAL DEPARTMENT (THE JUDICIARY) | | | | | | |
|--|---------|---|-----------------------|-----------------------|------------------|-------------------|
| RECURRENT APPROPRIATION ACCOUNT FOR THE YEAR ENDED 30 TH JUNE 2012 | | | | | | |
| HEAD | ITEM | TITLE AND DETAILS | Approved Estimates | Actual Expenditure | Over Spending | Under Spending |
| | | | KShs | KShs | KShs | KShs |
| | | KShs | | 1,756,497,286 | | |
| | | Net Expenditure Head | | | | |
| | | 260102.....KShs | 1,756,923,187 | 1,756,497,286 | 145,036 | 570,937 |
| 260103 | | HIGH COURT STATIONS | | | | |
| | 2110100 | Basic Salaries - Permanent Employees | 134,000,548 | 134,000,548 | 0 | 0 |
| | 2110300 | Personal Allowances Paid as part of Salary | 168,380,200 | 168,380,200 | 0 | 0 |
| | 2110400 | Personal Allowances Paid as Reimbursement | 2,230,000 | 2,230,000 | 0 | 0 |
| | 2210100 | Utilities, Supplies and Services | 13,565,000 | 13,565,000 | 0 | 0 |
| | 2210200 | Communication, Supplies and Services | 13,199,770 | 13,199,770 | 0 | 0 |
| | 2210300 | Domestic Travel and Subsistence, and Other Transportation Costs | 32,210,461 | 32,210,461 | 0 | 0 |
| | 2210500 | Printing, Advertising and Information Supplies and Services | 10,270,000 | 10,270,000 | 0 | 0 |
| | 2210600 | Rentals of Produced Assets | 1,250,000 | 1,250,000 | 0 | 0 |
| | 2210800 | Hospitality Supplies and Services | 4,774,750 | 4,774,750 | 0 | 0 |
| | 2211000 | Specialised Materials and Supplies | 6,300,000 | 6,300,000 | 0 | 0 |
| | 2211100 | Office and General Supplies and Services | 30,672,000 | 30,672,000 | 0 | 0 |
| | 2211200 | Fuel Oil and Lubricants | 14,175,000 | 14,175,000 | 0 | 0 |
| | 2211300 | Other Operating Expenses | 31,400,350 | 31,400,350 | 0 | 0 |
| | 2220100 | Routine Maintenance - Vehicles and Other Transport Equipment | 6,186,467 | 6,186,467 | 0 | 0 |
| | 2220200 | Routine Maintenance - Other Assets | 27,225,102 | 27,225,102 | 0 | 0 |
| | | GROSS EXPENDITURE | | | 0 | 0 |

| VOTE R26 JUDICIAL DEPARTMENT (THE JUDICIARY) | | | | | | |
|--|---------|--|-----------------------|-----------------------|------------------|-------------------|
| RECURRENT APPROPRIATION ACCOUNT FOR THE YEAR ENDED 30 TH JUNE 2012 | | | | | | |
| HEAD | ITEM | TITLE AND DETAILS | Approved Estimates | Actual Expenditure | Over Spending | Under Spending |
| | | | KShs | KShs | KShs | KShs |
| | | KShs | 495,839,648 | 495,839,648 | | |
| | | Net Expenditure Head 260103..... KShs | 495,839,648 | 495,839,648 | 0 | 0 |
| 260104 | | HEADQUARTERS (GENERAL) | | | | |
| | 2110100 | Basic Salaries - Permanent Employees | 103,983,048 | 103,983,048 | 0 | 0 |
| | 2110300 | Personal Allowances Paid as part of Salary | 81,088,418 | 81,088,418 | 0 | 0 |
| | 2110400 | Personal Allowances Paid as Reimbursement | 5,743,307 | 5,743,307 | 0 | 0 |
| | 2120100 | Employer Contribution to Compulsory National Social Security Schemes | 304,000,000 | 304,000,000 | 0 | 0 |
| | 2120200 | employer Contribution to Compulsory Health Insurance Scheme | 202,000,000 | 202,000,000 | 0 | 0 |
| | 2210100 | Utilities, Supplies and Services | 30,464,130 | 30,464,130 | 0 | 0 |
| | 2210200 | Communication, Supplies and Services | 33,121,728 | 33,121,728 | 0 | 0 |
| | 2210300 | Domestic Travel and Subsistence, and Other Transportation Costs | 140,944,487 | 140,944,487 | 0 | 0 |
| | 2210400 | Foreign Travel and Subsistence, and Other Transportation Costs | 8,785,742 | 8,785,742 | 0 | 0 |
| | 2210500 | Printing, Advertising and Information Supplies and Services | 46,432,800 | 46,432,800 | 0 | 0 |
| | 2210600 | Rentals of Produced Assets | 20,285,640 | 20,285,640 | 0 | 0 |
| | 2210800 | Hospitality Supplies and Services | 181,433,276 | 181,651,379 | 218,103 | 0 |
| | 2210900 | Insurance Costs | 10,650,000 | 10,650,000 | 0 | 0 |
| | 2211000 | Specialised Materials and Supplies | 38,810,214 | 38,810,214 | 0 | 0 |

| VOTE R26 JUDICIAL DEPARTMENT (THE JUDICIARY) | | | | | | |
|--|---------|---|-----------------------|-----------------------|------------------|-------------------|
| RECURRENT APPROPRIATION ACCOUNT FOR THE YEAR ENDED 30 TH JUNE 2012 | | | | | | |
| HEAD | ITEM | TITLE AND DETAILS | Approved Estimates | Actual Expenditure | Over Spending | Under Spending |
| | | | KShs | KShs | KShs | KShs |
| | 2211100 | Office and General Supplies and Services | 103,751,496 | 103,751,496 | 0 | 0 |
| | 2211200 | Fuel Oil and Lubricants | 27,279,720 | 27,279,720 | 0 | 0 |
| | 2211300 | Other Operating Expenses | 48,037,980 | 48,037,980 | 0 | 0 |
| | 2220100 | Routine Maintenance - Vehicles and Other Transport Equipment | 44,519,160 | 44,519,160 | 0 | 0 |
| | 2220200 | Routine Maintenance - Other Assets | 74,402,960 | 74,402,960 | 0 | 0 |
| | 2630100 | Current Grants to Semi-Autonomous Govt. Agencies and Other Levels of Govt | - | - | 0 | 0 |
| | 2640400 | Other Current Transfers, Grants and Subsidies | 261,000 | 261,000 | 0 | 0 |
| | 3110700 | Purchase of Motor Vehicle and Other Transport Equipment | 500,000,000 | 500,000,000 | 0 | 0 |
| | 3111000 | Purchase of Office Furn. & General Equip | 37,817,469 | 37,817,469 | 0 | 0 |
| | 4110400 | Domestic loans to individuals and Households | 430,000,000 | 430,000,000 | 0 | 0 |
| | | GROSS EXPENDITURE KShs | 2,473,812,575 | 2,474,030,678 | 218,103 | 0 |
| | | Net Expenditure Head 260104..... KShs | 2,473,812,575 | 2,474,030,678 | 218,103 | 0 |
| 260105 | | COURT OF APPEAL | | | | |
| | 2110100 | Basic Salaries - Permanent Employees | 15,915,840 | 15,915,840 | 0 | 0 |
| | 2110300 | Personal Allowances Paid as part of Salary | 17,982,084 | 17,982,084 | 0 | 0 |
| | 2110400 | Personal Allowances Paid as Reimbursement | 930,000 | 930,000 | 0 | 0 |
| | 2210100 | Utilities, Supplies and Services | 4,950,000 | 4,950,000 | 0 | 0 |
| | 2210200 | Communication, Supplies | | | 0 | 0 |

| VOTE R26 JUDICIAL DEPARTMENT (THE JUDICIARY) | | | | | | |
|--|---------|---|-----------------------|-----------------------|------------------|-------------------|
| RECURRENT APPROPRIATION ACCOUNT FOR THE YEAR ENDED 30 TH JUNE 2012 | | | | | | |
| HEAD | ITEM | TITLE AND DETAILS | Approved Estimates | Actual Expenditure | Over Spending | Under Spending |
| | | | KShs | KShs | KShs | KShs |
| | | and Services | 2,937,600 | 2,937,600 | | |
| | 2210300 | Domestic Travel and Subsistence, and Other Transportation Costs | 59,170,800 | 59,170,800 | 0 | 0 |
| | 2210400 | Foreign Travel and Subsistence, and other Transport Costs | 7,920,000 | 7,920,000 | 0 | 0 |
| | 2210500 | Printing, Advertising and Information Supplies and Services | 2,430,000 | 2,430,000 | 0 | 0 |
| | 2210600 | Rentals of Produced Assets | 5,400,000 | 5,400,000 | 0 | 0 |
| | 2210800 | Hospitality Supplies and Services | 9,062,175 | 9,062,175 | 0 | 0 |
| | 2211000 | Specialised Materials and Supplies | 26,979,175 | 26,979,175 | 0 | 0 |
| | 2211100 | Office and General Supplies and Services | 18,100,000 | 18,100,000 | 0 | 0 |
| | 2211200 | Fuel Oil and Lubricants | 7,950,000 | 7,950,000 | 0 | 0 |
| | 2211300 | Other Operating Expenses | 7,605,000 | 7,605,000 | 0 | 0 |
| | 2220100 | Routine Maintenance - Vehicles and Other Transport Equipment | 3,750,000 | 3,750,000 | 0 | 0 |
| | 2220200 | Routine Maintenance - Other Assets | 6,600,000 | 6,600,000 | 0 | 0 |
| | 3111000 | Purchase of Office Furn. & General Equip | 17,100,000 | 17,100,000 | 0 | 0 |
| | | GROSS EXPENDITURE KShs | 214,782,674 | 214,782,674 | 0 | 0 |
| | | Net Expenditure Head 260105..... KShs | 214,782,674 | 214,782,674 | 0 | 0 |
| 260106 | | JUDICIAL TRAINING INSTITUTE (J.T.I) | | | | |
| | 2210100 | Utilities, Supplies and Services | 600,000 | 600,000 | 0 | 0 |

| VOTE R26 JUDICIAL DEPARTMENT (THE JUDICIARY) | | | | | | |
|--|---------|---|-----------------------|-----------------------|------------------|-------------------|
| RECURRENT APPROPRIATION ACCOUNT FOR THE YEAR ENDED 30 TH JUNE 2012 | | | | | | |
| HEAD | ITEM | TITLE AND DETAILS | Approved Estimates | Actual Expenditure | Over Spending | Under Spending |
| | | | KShs | KShs | KShs | KShs |
| | 2210200 | Communication, Supplies and Services | 2,388,000 | 2,388,000 | 0 | 0 |
| | 2210300 | Domestic Travel and Subsistence, and Other Transportation Costs | 26,137,890 | 26,137,890 | 0 | 0 |
| | 2210500 | Printing, Advertising and Information Supplies and Services | 2,000,000 | 1,999,542 | 0 | 458 |
| | 2210600 | Rentals of Produced Assets | 8,200,000 | 8,200,000 | 0 | 0 |
| | 2210700 | Training Expenses (including capacity building) | 29,440,000 | 29,413,697 | 0 | 26,303 |
| | 2210800 | Hospitality Supplies and Services | 22,312,500 | 22,312,500 | 0 | 0 |
| | 2211000 | Specialised Materials and Supplies | 2,650,000 | 2,650,000 | 0 | 0 |
| | 2211100 | Office and General Supplies and Services | 7,640,000 | 7,535,176 | 0 | 104,824 |
| | 2211300 | Other Operating Expenses | 4,000,000 | 4,000,000 | 0 | 0 |
| 260107 | 2220200 | Routine Maintenance - Other Assets | 1,500,000 | 1,500,000 | 0 | 0 |
| | | GROSS EXPENDITURE KShs | 106,868,390 | 106,736,805 | 0 | 131,585 |
| | | Net Expenditure Head 260106..... KShs | 106,868,390 | 106,736,805 | 0 | 131,585 |
| | | NATIONAL COUNCIL FOR LAW REPORTING | | | | |
| | 2630100 | Current Grants to Govt. Agencies and Other Levels of Govt | 208,571,700 | 208,571,700 | 0 | 0 |
| | | GROSS EXPENDITURE KShs | 208,571,700 | 208,571,700 | 0 | 0 |
| | | Net Expenditure Head 260107..... KShs | 208,571,700 | 208,571,700 | 0 | 0 |
| | | | | | | |
| 260108 | | JUDICIAL SERVICE | | | | |

| VOTE R26 JUDICIAL DEPARTMENT (THE JUDICIARY) | | | | | | |
|--|---------|---|-----------------------|-----------------------|------------------|-------------------|
| RECURRENT APPROPRIATION ACCOUNT FOR THE YEAR ENDED 30 TH JUNE 2012 | | | | | | |
| HEAD | ITEM | TITLE AND DETAILS | Approved Estimates | Actual Expenditure | Over Spending | Under Spending |
| | | | KShs | KShs | KShs | KShs |
| | | COMMISSION | | | | |
| | 2110100 | Basic Salaries - Permanent Employees | 40,910,258 | 40,910,258 | 0 | 0 |
| | 2110300 | Personal Allowances Paid as part of Salary | 29,646,880 | 29,646,880 | 0 | 0 |
| | 2110400 | Personal Allowances Paid as Reimbursement | 1,692,720 | 1,692,720 | 0 | 0 |
| | 2210100 | Utilities, Supplies and Services | 920,139 | 920,139 | 0 | 0 |
| | 2210200 | Communication, Supplies and Services | 1,450,400 | 1,450,400 | 0 | 0 |
| | 2210300 | Domestic Travel and Subsistence, and Other Transportation Costs | 13,802,450 | 13,802,450 | 0 | 0 |
| | 2210400 | Foreign Travel and Subsistence, and other Transport Costs | 24,572,000 | 24,572,000 | 0 | 0 |
| | 2210500 | Printing, Advertising and Information Supplies and Services | 2,579,000 | 2,579,000 | 0 | 0 |
| | 2210800 | Hospitality Supplies and Services | 131,428,400 | 131,428,400 | 0 | 0 |
| | 2211000 | Specialised Materials and Supplies | 2,651,000 | 2,651,000 | 0 | 0 |
| | 2211100 | Office and General Supplies and Services | 1,132,000 | 1,132,000 | 0 | 0 |
| | 2211200 | Fuel Oil and Lubricants | 850,000 | 850,000 | 0 | 0 |
| | 2211300 | Other Operating Expenses | 2,750,000 | 2,750,000 | 0 | 0 |
| | 2220100 | Routine Maintenance - Vehicles and Other Transport Equipment | 1,200,000 | 1,200,000 | 0 | 0 |
| | 2220200 | Routine Maintenance - Other Assets | 3,974,400 | 3,974,400 | 0 | 0 |
| | 3111000 | Purchase of Office Furn. & General Equip | 4,324,100 | 4,324,100 | 0 | 0 |
| | | GROSS EXPENDITURE KShs | 263,883,747 | 263,883,747 | 0 | 0 |

| VOTE R26 JUDICIAL DEPARTMENT (THE JUDICIARY) | | | | | | |
|--|---------|---|-----------------------|-----------------------|------------------|-------------------|
| RECURRENT APPROPRIATION ACCOUNT FOR THE YEAR ENDED 30 TH JUNE 2012 | | | | | | |
| HEAD | ITEM | TITLE AND DETAILS | Approved Estimates | Actual Expenditure | Over Spending | Under Spending |
| | | | KShs | KShs | KShs | KShs |
| 260109 | | Net Expenditure Head 260108..... KShs | 263,883,747 | 263,883,747 | 0 | 0 |
| | | SUPREME COURT | | | | |
| | 2110100 | Basic Salaries - Permanent Employees | 13,152,312 | 13,152,312 | 0 | 0 |
| | 2110300 | Personal Allowances Paid as part of Salary | 15,999,008 | 15,999,008 | 0 | 0 |
| | 2110400 | Personal Allowances Paid as Reimbursement | 1,440,835 | 1,440,835 | 0 | 0 |
| | 2210100 | Utilities, Supplies and Services | 2,060,000 | 2,060,000 | 0 | 0 |
| | 2210200 | Communication, Supplies and Services | 1,576,320 | 1,489,920 | 0 | 86,400 |
| | 2210300 | Domestic Travel and Subsistence, and Other Transportation Costs | 12,651,300 | 12,651,300 | 0 | 0 |
| | 2210400 | Foreign Travel and Subsistence, and other Transport Costs | 6,485,278 | 6,485,278 | 0 | 0 |
| | 2210800 | Hospitality Supplies and Services | 580,125 | 580,125 | 0 | 0 |
| | 2211000 | Specialised Materials and Supplies | 7,187,334 | 7,187,334 | 0 | 0 |
| | 2211100 | Office and General Supplies and Services | 4,800,000 | 4,800,000 | 0 | 0 |
| | 2211200 | Fuel Oil and Lubricants | 2,500,000 | 2,500,000 | 0 | 0 |
| | 2211300 | Other Operating Expenses | 1,700,000 | 1,700,000 | 0 | 0 |
| | 2220100 | Routine Maintenance - Vehicles and Other Transport Equipment | 2,369,900 | 2,369,900 | 0 | 0 |
| | 2220200 | Routine Maintenance - Other Assets | 11,038,798 | 11,038,798 | 0 | 0 |
| | 3111000 | Purchase of Office Furn. & General Equip | 5,180,000 | 5,180,000 | 0 | 0 |
| | | GROSS EXPENDITURE | | | 0 | 86,400 |

| VOTE R26 JUDICIAL DEPARTMENT (THE JUDICIARY) | | | | | | |
|--|---------|---|-----------------------|-----------------------|------------------|-------------------|
| RECURRENT APPROPRIATION ACCOUNT FOR THE YEAR ENDED 30 TH JUNE 2012 | | | | | | |
| HEAD | ITEM | TITLE AND DETAILS | Approved Estimates | Actual Expenditure | Over Spending | Under Spending |
| | | | KShs | KShs | KShs | KShs |
| 260110 | 2630100 | KShs | 88,721,210 | 88,634,810 | | |
| | | Net Expenditure Head 260109..... KShs | 88,721,210 | 88,634,810 | 0 | 86,400 |
| | | COUNCIL ON ADMINISTRATION OF JUSTICE | | | | |
| | | Current Grants to Govt. Agencies and Other Levels of Govt | 14,000,000 | 13,967,516 | 0 | 32,484 |
| 260111 | 2630100 | GROSS EXPENDITURE KShs | 14,000,000 | 13,967,516 | 0 | 32,484 |
| | | Net Expenditure Head 260110..... KShs | 14,000,000 | 13,967,516 | 0 | 32,484 |
| | | AUCTIONEERS LICENSING BOARD | | | | |
| | | Current Grants to Govt. Agencies and Other Levels of Govt | 14,145,300 | 14,145,300 | 0 | 0 |
| | | GROSS EXPENDITURE KShs | 14,145,300 | 14,145,300 | 0 | 0 |
| | | Net Expenditure Head 260111..... KShs | 14,145,300 | 14,145,300 | 0 | 0 |
| | | Net Expenditure Sub vote 2601..... KShs | 6,141,509,531 | 6,140,974,707 | 363,139 | 896,963 |
| | | Total Net Expenditure vote R26 KShs – The Judiciary | 6,141,509,531 | 6,140,974,707 | 363,139 | 896,963 |
| | | | | | | |

| VOTE D26 JUDICIAL DEPARTMENT (THE JUDICIARY) | | | | | | |
|--|---------|----------------------------------|-----------------------|-----------------------|------------------|-------------------|
| DEVELOPMENT APPROPRIATION ACCOUNT FOR THE YEAR ENDED 30 TH JUNE 2012 | | | | | | |
| HEAD | ITEM | TITLE AND DETAILS | Approved Estimates | Actual Expenditure | Over Spending | Under Spending |
| | | | KShs | KShs | KShs | KShs |
| 260101 | 3110300 | HIGH COURT OF KENYA | | | | |
| | | Refurbishment of Buildings | 3,500,000 | 3,542,955 | (42,955) | 0 |
| | | GROSS EXPENDITURE KShs | 3,500,000 | 3,542,955 | (42,955) | 0 |
| | | Net Expenditure Head 260101..... | | | | |
| 260102 | 3110200 | MAGISTRATES' AND KADHI'S COURTS | | | | |
| | | Construction of Building | 145,928,100 | 144,504,662 | 0 | 1,423,438 |
| | | GROSS EXPENDITURE KShs | 145,928,100 | 144,504,662 | 0 | 1,423,438 |
| | | Net Expenditure Head 260102..... | | | | |
| 260103 | 3110200 | HIGH COURT STATIONS | | | | |
| | | Construction of Building | 160,523,480 | 156,894,545 | 0 | 3,628,935 |
| | | GROSS EXPENDITURE KShs | 160,523,480 | 156,894,545 | 0 | 3,628,935 |
| | | Net Expenditure Head 260103..... | | | | |
| 260104 | | HEADQUARTERS (GENERAL) | | | | |
| | | | | | | |

| VOTE D26 JUDICIAL DEPARTMENT (THE JUDICIARY) | | | | | | |
|--|---------|---|-----------------------|-----------------------|------------------|--------------------|
| DEVELOPMENT APPROPRIATION ACCOUNT FOR THE YEAR ENDED 30 TH JUNE 2012 | | | | | | |
| HEAD | ITEM | TITLE AND DETAILS | Approved Estimates | Actual Expenditure | Over Spending | Under Spending |
| | | | KShs | KShs | KShs | KShs |
| | 2210700 | Training Expenses (Incl Capacity building) | 60,000,000 | 2,016,000 | | 57,984,000 |
| 260105 | 3110300 | Refurbishment of buildings | 300,000,000 | 300,249,171 | (249,171) | 0 |
| | 3111100 | Porch. Of Specialised Plant, Equipment & Machines | 700,000,000 | 392,494,006 | | 307,505,994 |
| | | GROSS EXPENDITURE KShs | 1,060,000,000 | | | |
| | | | 0 | 694,759,177 | (249,171) | 365,489,994 |
| | | Net Expenditure Head | | | | |
| | | 260104..... | 1,060,000,000 | | | |
| | |KShs | 0 | 694,759,177 | (249,171) | 365,489,994 |
| | | COURT OF APPEAL | | | | |
| | 3110200 | Construction of Building | 34,000,000 | 33,986,912 | 0 | 13,088 |
| | | GROSS EXPENDITURE KShs | 34,000,000 | 33,986,912 | 0 | 13,088 |
| | | Net Expenditure Head | | | | |
| | | 260105..... | 34,000,000 | 33,986,912 | 0 | 13,088 |
| | |KShs | | | | |
| | | Net Expenditure Sub vote 2601..... | 1,403,951,580 | 1,033,688,252 | (292,126) | 370,555,455 |
| | | KShs | | | | |
| | | Total Net Expenditure Vote D26..... | 1,403,951,580 | 1,033,688,252 | (292,126) | 370,555,455 |
| | | KShs – The Judiciary | | | | |

ANNEX 10: LIST OF COMMISSIONS /TRIBUNALS SWORN IN

| | COMMISSION | DATE |
|-----|---|-------------------|
| 1. | Independent Electoral & Boundaries Commission Selection Panel | 8 August 2011 |
| 2. | Industrial Property Tribunal | 21 September 2011 |
| 3. | Commission on Administrative Justice | 14 November 2011 |
| 4. | Independent Electoral & Boundaries Commission | 14 November 2011 |
| 5. | Judges and Magistrates Vetting Board | 9 December 2011 |
| 6. | Salaries and Remuneration Commission | 10 January 2012 |
| 7. | Tribunal to Investigate the Conduct of the Deputy Chief Justice & Vice-President of the Supreme Court | 1 February 2012 |
| 8. | Commission on National Gender & Equality Commission | 4 April 2012 |
| 9. | Independent Policing Oversight Authority Act | 4 June 2012 |
| 10. | Commission of Inquiry into the Causes and Circumstances surrounding and Leading to a Fatal Accident involving Aircraft Registration 5Y-CDT Type as 350 B3 | 2 July 2012 |

| | | |
|-----|--|-------------------|
| 11. | Transition Authority | 13 July 2012 |
| 12. | Commission of Inquiry into the Ethnic Violence in Tana Delta | 27 September 2012 |
| 13. | Ethics and Anti-Corruption Commission | 27 September |