***SPECIAL ISSUE***



# THE KENYA GAZETTE

**Published by Authority of the Republic of Kenya**

(Registered as a Newspaper at the G.P.O.)

**Vol. CXXIII—No. 234** **NAIROBI, 17th November, 2021** **Price Sh. 60**



GAZETTE NOTICE NO. 12385

THE JUDICIAL SERVICE ACT, 2011

STATE OF THE JUDICIARY AND THE ADMINISTRATION OF JUSTICE ANNUAL REPORT 2020/2021

IN ACCORDANCE with the requirement under section 5 (2) (b) of the Judicial Service Act, 2011, the chief Justice of the Republic of Kenya, publishes the State of the Judiciary and the Administration of Justice Annual Report 2020–2021.

**FOREWORD FROM THE CHIEF JUSTICE**

The State of the Judiciary and the Administration of Justice Report (SOJAR) is a constitutional and statutory requirement drawn from Article 159 of the Constitution which assigns judicial authority and its exercise. The principles outlined in the Constitution guide judicial operations to do justice to all irrespective of status, to administer justice without undue delay, to explore alternative forms of dispute resolution, to administer justice without undue regard to procedural technicalities and to protect the purpose and principles of the Constitution.

This 10th Edition of the State of the Judiciary and the Administration of Justice Report presents the outcomes of judicial operations during the 2020/2021 Financial Year, notably the pandemic period. It highlights technological and other innovations employed by the Judiciary to uphold the mandate bestowed by the Constitution to administer justice in every respect. This period was navigated under the stewardship of Hon. Chief Justice David Maraga, emeritus, whose leadership during a tough global period sustained judiciary transformation, especially the use of technology and ICT related interventions as a tool of access to justice. The pandemic altered the modalities of work throughout the world and forced us to rethink governance, the workplace, and approaches to leadership.

During this period, the Judiciary transitioned from the traditional face to face proceedings to online court processes supported by internet technology. This presented an opportunity to bring to fruition previous efforts to automate the Judiciary's processes and accelerated passage to virtual workspaces.

The pandemic placed exceptional strain upon the justice sector. However, as the report reveals, the Kenyan Judiciary and sector in general demonstrated admirable resilience and agility. Jointly, we reviewed bail and bond terms, prison decongestion measures, remand arrangements, registry access and other collaborative ventures that kept the sector ashore.

144,000 cases were heard through the virtual courts, 356,997 new cases were filed, 295, 837 cases were heard and determined. Notably, 1,359,768 cases were processed through the Case Tracking System (CTS). In some instances, the sector experienced a surge in workload while others reported a reduction in demand. Criminal cases rose while civil cases declined signalling the effect of the pandemic on our communities and the economy.

The ICT complement of the Judiciary continues to grow as demonstrated by the development of the Case Tracking System (CTS), Judiciary Finance Management Information System (JFMIS) and the Court Recording and Transcription System (CRTS) which are now being used to file cases, manage our fee collection, and provide transcription services thus ensuring that courts are digitised. We are committed to enhance our services by maximising the use of technology to support e-justice.

As we continue to discharge our mandate, we are also clear that the dispensation of justice ought to serve the wider societal objectives of ensuring that every person is given an opportunity to realise their full potential. This means that the avenues of accessing justice should be open to all citizens wherever they may be in the Republic of Kenya. The geographical spread of our courts continues to increase. We are committed to have a High Court in every County and a Magistrate's Court in every sub-County. The completion of 28 courts during this reporting period is testament to this commitment.

We also recognise that the doorways of justice should be expanded beyond the formal court systems. The Constitution guides that alternative forms of dispute resolution including reconciliation, mediation, arbitration, and traditional dispute resolution mechanisms ought to be promoted. The Judiciary has prioritised alternative forms of dispute resolution bearing in mind that most Kenyans may not be able to submit their disputes to the

4. ICT & Integrated Case Management Systems Committee (ICMS)
5. Buildings, Infrastructure & Facilities Development Committee (BIDC)
6. Public Affairs and Communication Committee (PAC)

Each committee is required to hold a meeting and prepare a report to the JMT at least once every quarter. The Standing Committees, in reporting to the Chief Justice through the JMT and JLT, provide the Hon. Chief Justice with a holistic, comprehensive, contextual and current status across the institution. They are designed to work within their mandate and not to displace or detract from specific statutory, regulatory and administrative committees such as those established by the Chief Registrar in the execution of the constitutional and statutory mandate of that office. They do however provide oversight, prevent overlap, enhance coordination and ensure that decision-making is well informed and that action areas are monitored and duly accomplished.

### 1.3 Awards and Recognitions

**International Awards**

**Certificate of Commendation – United Nations Office in Nairobi**

Hon. Justice Martha Koome, EBS was awarded the runner-up, United Nations Person of the Year Award (2020)

**Jurist of the Year Award - The Center for International Human Rights**

Hon. Justice Grace Mumbi Ngugi was honoured with the Fifth Annual Global Jurist of the Year Award on18th Feb 2021. Justice Ngugi is a long-time advocate of human rights in Kenya and a leading architect of its emerging human rights jurisprudence.

**National Honours**

Over the years, Judges, Judicial Officers and Staff who offer exemplary service have received national honours conferred by His Excellency the President in terms of Article 132(4)(c) of the Constitution. Pursuant to the provisions of the National Honours Act, 2013, the Judiciary Honours Advisory Committee transmitted its nominees to the National Honours Secretariat for consideration. The following 18 persons were honoured:

**Chief of the Order of the Burning Spear (CBS)**

Hon. Mr. Justice William Ouko
Hon. Mr. Justice Patrick Kiage

**Elder of the Order of the Burning Spear (EBS)**

Hon. Mr. Justice Ole Sankale Kantai
Hon. Lady Justice Maureen Odero Akinyi
Hon. Mr. Justice Kimaru Luka Kiplagat
Hon. Lady Justice Aroni Abida Ali
Hon. Lady Justice Muchemi Florence Nyaguthii
Hon. Lady Justice (Rtd.) Sitati Ruth Nekoye
Hon. Mr. Justice Karanja Joseph Raphael
Hon. Mr. Justice Sergon Joseph Kiplagat

**Moran of the Order of the Burning Spear (MBS)**

Hon. Justice Angote Oscar Amugo
Hon. Were Joseph Maloba

**Order of the Grand Warrior of Kenya (OGW)**

Hon. Andayi Francis Weche
Hon. Kihara James Muriithi
Mr. Kinuthia Benjamin James

**Head of State Commendation (HSC) Civilian Division**

Ms. Gacheri Harriet
Mrs. Omari Irene Moraa
Mr. Kanegeni Stephen Kariuki

### 1.4 Guiding Strategies and Plans

**The Sustaining Judiciary Transformation: A Service Delivery Agenda (2017-2021)** (SJT) blueprint has guided service delivery and the administration of justice in the Judiciary since it was launched by Hon. Chief Justice Emeritus David Maraga in January 2017. The thrust of the SJT was to build on the gains of the previous blueprint, the Judiciary Transformation Framework (2012-2016) (JTF) that was spearheaded by Hon. Chief Justice Emeritus Dr. Willy Mutunga, by accelerating service delivery using the initial structures and systems that were put in place during the JTF phase.

The **Judiciary Strategic Plan 2019-2023** guides institutional strategies and provides annual targets for implementation. The Strategic Plan carefully identified and evaluated the Judiciary's priorities, internal and external environment, as well as the risks and threats to the performance of its core mandate. An evaluation of the previous Strategic Plan revealed that the Judiciary had an overall success rate of 50 per cent on all the targets that had been set in 2014. The Strategic Plan identified eight areas of emphasis and targeted strategic activities for the Judiciary until 2023. These areas are:

- Enhancing access to justice
- Expeditious delivery of justice
- Growth of jurisprudence and knowledge management
- Improved governance and transformational leadership
- Improved human capital management and organisational performance
- Modernised registry operations for operational efficiency
- Enhanced public confidence and awareness and image of the Judiciary
- Resource mobilisation and utilisation and stakeholder engagement.

These core areas of focus have been cascaded down to the courts and delivery units in the Judiciary and implemented through the policies formulated and incorporated in the annual work plans.

### 1.5 Legal and Policy Framework

The Judiciary has embraced the use of empirical evidence to inform policy and administrative decisions for better carrying out of its mandate. During the period under review, a research paper titled 'Effect of COVID-19 Pandemic on Resolution of Cases in Courts' was undertaken and the final paper published and disseminated. The paper provided numerous policy actions and recommendations to guide increased resolution of cases and an access to justice, during and post COVID-19 pandemic period. The policy actions and recommendations are at diverse stages of implementation.

### 1.6 Impact of COVID-19 Pandemic on the Judiciary

After the first case of COVID-19 in Kenya was announced on 13th March, 2020, a special session of the NCAJ was called and the justice sector collectively decided to scale down operations for the safety of the public and personnel. The Judiciary took a number of measures to curb the spread of the virus. These include:

- All non-essential staff were directed to work from home or take leave.
- All staff above 58 years were also directed to work from home.
- Use of non-contact media to serve clients was prioritised. These included e-filing and enhanced use of virtual courts.

More importantly and in order to entrench and institutionalise adaptability in the event of such cases in future, the Judiciary commenced the development of a Business Continuity and Disaster Recovery Plan (BCDRP). The policy will guide the Judiciary on measures necessary to sustain operations during emergencies and pandemics such as COVID-19.

### 1.7 Leadership Transition

Upon the retirement of the Chief Justice Emeritus, Justice David K. Maraga on 12th January 2021, the Deputy Chief Justice, Hon. Lady Justice Philomena Mbete Mwilu, assumed the Office of Chief Justice in an acting capacity pending the recruitment and appointment of a new Chief Justice.

Established leadership and institutional structures within the institution ensured that the transition was seamless and that litigants and the public continued to access judicial services uninterrupted.

As an illustration of this continuity, Deputy Chief Justice, Hon. Lady Justice Philomena Mbete Mwilu presided over the admission of 428 lawyers to the Roll of Advocates during the period she served as Acting Chief Justice. She also opened sub-registries of the High Court and the Environment and Land Court at Kilgoris Law Courts on 21st January 2021, and launched the first Small Claims Courts (SCC) at Milimani Law Courts on 26th April 2021. The SCC in Milimani is the first court established under Section 4 (1) of the Small Claims Act 2016 as a subordinate court pursuant to Article 169 (1) (d) of the Constitution. These courts have significant potential to enhance access to justice as the statutory turn around for the cases filed is 60 days from the date of filing. The Nairobi SCC started its operations immediately. An Acting Registrar of the Court was appointed and an implementation committee chaired by the Hon Justice Alfred Mabeya, Presiding Judge, Commercial & Tax Division was also established.

The Acting Chief Justice also administered the oath of office to the Chairperson and member of the Teacher's Service Commission on 3rd May 2021, and members of the Selection Panel for Commissioners of the Independent Electoral and Boundaries Commission on 28th April 2021. The swearing in of 27 chairs and members of various tribunals facilitated the hearing and determination of 2,700 pending cases.

The Acting Chief Justice also attended the East Africa Community Chief Justices Forum (EACJF) and the inaugural Joint Conference of Chief Justices and the East African Judicial Education Committee, held from the 10th to 12th May 2021 in Kigali, Rwanda during which the Judiciary of Kenya took over as the chair of the regional forum.

#### 1.7.1 Recruitment of the Chief Justice

The vacancy of the Office of the Chief Justice was declared on January 18, 2021 vide notice No 386. On January 20, 2021, the Commission advertised in the local dailies the position of Chief Justice and Judge of the Supreme Court. The advertisement was further posted on the website and circulated to lawyers' professional Bodies. Upon closure of the application period which lasted for 21 days, the Commission received thirteen applications for the position of the Chief Justice and shortlisted ten candidates who met the minimum requirement for appointment of a Chief Justice. The recruitment process was broadcast by all media houses and also on the Judiciary's social media handles. Upon completion of the interview process the Commission nominated Lady Justice Martha Karambu Koome for the position of the Chief Justice on 27th April 2021. Upon receipt of the nominee's name, H.E the President of the Republic of Kenya transmitted it to Parliament who vetted and approved the nominee on 18th May 2021. Lady Justice Martha Karambu Koome was appointed by the President and sworn in as the 15th Chief Justice of the Republic of Kenya on 21st May, 2021.

#### 1.7.2 Recruitment of Supreme Court Judge

The position of Supreme Court Judge was advertised on January 20, 2021. Upon closure of the application period the JSC shortlisted nine candidates who met the minimum requirement for appointment and commenced the interview process. Hon. Justice William Ouko was nominated by JSC as Supreme Court Judge on 5th May, 2021 and subsequently appointed by the President to the Position on 19th March, 2021. The appointment ensured that the Supreme Court was fully constituted and operating at 100 per cent of its constitutional establishment. Hon Justice Ouko was replaced as President of the Court of Appeal by the Hon. Mr. Justice Daniel K. Musinga who took office on 11th June 2021.

## CHAPTER 2 ACCESS TO JUSTICE

## STRATEGIC INITIATIVES FOR ENHANCING ACCESS TO JUSTICE

### 2.1 Introduction

The right of a citizen to access justice is guaranteed under Article 48 of the Constitution and the Judiciary undertook various initiatives, as provided under its mandate, to actualize this right. Primarily, access to justice is rendered through the exercise of judicial authority by courts. The authority, guaranteed under Article 159 of the Constitution, is exercised in a manner that underpins non-discrimination in service delivery, and which strives to minimize delay and procedural technicalities by courts while resolving disputes.

This Chapter, which has been organized into four sections, provides the milestones realized by the Judiciary on enhancement of access to justice. The first section highlights the strategic initiatives for enhancing access to justice while the second section provides the achievements on dispute resolution by courts as the core of access to justice. The third section provides progress on entrenchment of Alternative Dispute Resolution (ADR) mechanisms as envisaged in Article 159 (2) (c) of the Constitution. Lastly, the Chapter accentuates the strides made on improvement of the Judiciary infrastructure as a strategy for strengthening physical access to justice.

### 2.2 Strategic Initiatives for Enhancing Access to Justice

The strategic initiatives for enhancing access to justice draws inspiration from the Judiciary policy documents namely, Sustaining Judiciary Transformation (SJT) (2017-2021) blueprint and the Strategic Plan (SP) (2019-2023). These initiatives include: operationalisation of Small Claims

Court; digitisation of judicial functions; recruitment and retention of adequate and quality workforce; establishment and construction of courts; undertaking of research to inform policy and administrative decisions; entrenchment of ADR mechanisms for expeditiousresolution of disputes; and collaborative engagement with other players in the justice sector.The milestones realised in the FY 2020/21 for each of the strategic initiative are expounded inthe following subsections.

**Institutionalisation of Small Claims Court:** A Small Claims Court (SCC) is a subordinate court with jurisdiction to determine cases that involve claims of small amounts of money through a process characterized by procedural simplicity, efficiency and expeditiousness in delivery of decisions. In Kenya, the SCC is established under Section 4 (1) of the SCC Act No. 2 of 2016 as asubordinate court in the structure of courts provided for under Article 169 (1) of the Constitution.In the conduct of its operations, the court is guided by provisions of Article 159 (2) that requirethat justice shall not be delayed. The SCC was operationalised on 26th April, 2021 vide gazette notice No. 3791, with the first station located at Milimani commercial court premises. At the end of the FY 2020/21, the court had five adjudicators, 14 staff and a Registrar in an acting capacity. To entrench the SCC and its strategic expansion, the Judiciary plans to devolve the court to other parts of the country.

The establishment and operationalisation of SCC has been earmarked as having a huge potential to entrench timeous resolution of disputes and consequent enhancement of accessto justice. As per Section 12 (1) of the SCC Act No. 2 of 2016, the court has a jurisdiction to determine civil claims with a monetary value not exceeding KSh1,000,000 (One million). The jurisdiction further relates to: contracts for sale and supply of goods or services; contracts relating to money held or received; liability in tort and in respect of loss or damage causedto any property, or for delivery or recovery of movable property; compensation for personal injuries and set off; and counterclaim under any contract.

The Court is expected to contribute to the reduction of overall case backlog in mainstream courts. This is because the statutory lead time for resolution of disputes in SCC is pegged at amaximum of 60 days from the date of filing of a case. Further, the SCC is expected to reduce thecost and time for hearing and determination of commercial disputes and consequently supportthe ease of doing business in Kenya. This would be achieved through freeing-up of investment funds and other capital resources otherwise rendered inactive through court injunctions. The timely recirculation of these funds into the economy will bolster economic transactions by optimising limited resources thereby creating a favourable environment for economic growth.

In the FY 2020/21, a total of 1,023 cases were filed in the SCC. The high number of casesfiled within a short period of time suggests increasing awareness of SCC services by both advocates and the public. Out of the total filed matters, 637 cases were resolved translating toa Case Clearance Rate (CCR) of 62 per cent. At the end of FY 2020/21, there were 386 matters that were pending before the court. The following activities were undertaken to support the operationalisation of the SCC:

(a) Identification and documentation of registry processes and setting of standards for

(b) effective case management.

(c) Induction training for the adjudicators and staff covering rules and procedures amongother training modules.

(d) Extensive stakeholders' engagement on social media platforms, radio show and CUCmeeting with the LSK Nairobi Chapter.

(e) Submission of decisions to NCLR to enhance accessibility of judicial decisions to thepublic and legal practitioners.

**Entrenchment of Alternative Dispute Resolution Mechanisms:** Article 159 (2) of the Constitutionrequires the Judiciary to administer justice in such a manner that entails, inter alia, the use of Alternative Dispute Resolutions (ADR) mechanisms. To entrench ADR within the Judiciary and consequently enhance access to justice, Court Annexed Mediation (CAM) was instituted in theyear 2016 as a strategic initiative.

In the FY 2020/21, diverse achievements were realized through CAM. A total of 767 matters were settled successfully. From the settled matters, KSh382 million was released back into the economy. This led to the cumulative value of matters with settlement agreements since inception of CAM to stand at KSh11.9 billion at the end of the FY 2020/21 up from at KSh11.5 billon

that was recorded at the end of the FY 2019/20. To enhance the capacity of CAM, Mediation Accreditation Committee (MAC) accredited 126 new mediators yielding a cumulative total of 829 mediators at the end of June 2021. The guidelines for virtual mediation were developed and mediators sensitized. Further, Judiciary initiated the development of the Strategic Plan for CAM.

**Collaborative Engagement with Other Players in the Justice Sector:** Article 6 (2) of the Constitution recognizes the need for collaboration and cooperation amongst state agencies in service delivery to the citizens. Further, Article 10 (2), underscores the relevance of good governance as a national value. The Judicial Service Act, 2011 establishes NCAJ to spearheadthe inter-agency coordination in the justice sector institutions on service delivery. At the court level, the CUCs that mimic the NCAJ at national level reinforce the spirit of cooperationon expeditious service delivery at the grass-root level. In the FY 2020/21, two NCAJ council meetings were held. The meetings focused on enhancement of access to justice during the COVID-19 pandemic.

**Digitization of Judicial Functions:** The use of Information Communication Technology (ICT)to reinforce judicial functions is critical for enhancing efficiency of case processing and determination, and the overall access to justice. The key technological initiatives adopted and operationalised by the Judiciary were: e-filing, Court Recording and Transcription Services (CRTS), Case Tracking System (CTS), Enterprise Resource Planning (ERP), and continued provision of ICT hardware and Internet.

During the period under review, e-filing was commenced in all courts within Nairobi. A total of8,314 accounts had been created on the e-filing portal at the end of the FY 2020/21. The accounts comprised 4,826 individual's accounts, 3,085 firm's accounts, 333 organization's accounts and70 accounts for state organizations. Through the e-filing portal, 67,299 matters were filed including an additional 16,980 matters under certificate of urgency. A total of KSh939,975,091 comprising court fees, fines and deposits was collected using the portal. 1,359,297 cases had been captured into the CTS. Further, 26 court rooms were installed with the CRTS equipment,internet was upgraded from 1.326 Gigabytes per second (Gbps) to 4.215 Gbps, and an audit of ICT systems was undertaken to enhance robustness and security of the systems deployed in the Judiciary.

*Recruitment and Retention of Adequate and Quality Workforce:* Judges and Judicial Officers are charged with issuing of final judicial decisions in courts. They are assisted by Judicial staff who play the supportive and administrative functions. It therefore follows that, having and maintaining optimal quantity of Judges, Judicial Officers and Staff, is a fundamental ingredient for timely delivery and access to judicial services.

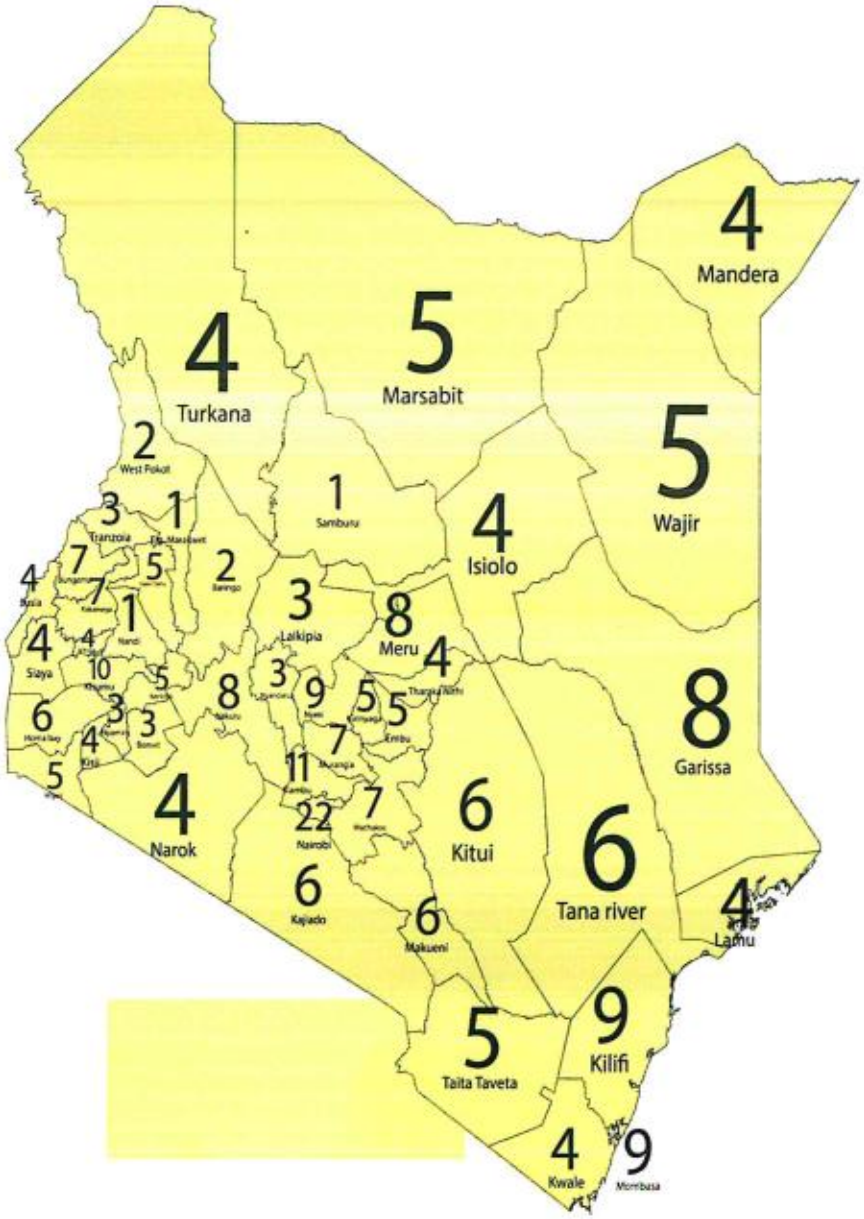
In the FY 2020/21, His Excellency Uhuru Kenyatta, the President of the Republic of Kenya appointed seven COA Judges, 18 ELC Judges and nine ELRC Judges bringing the total numberof Judges to 20 in the COA, 21 in the ELRC and 51 in the ELC respectively. The total number of judges in the Supreme Court stood at seven. Further, 191 staff were recruited during the reviewperiod.

**Establishment and Construction of Courts:** The establishment of new courts and the consequent construction of new court buildings serves as an important access to justice initiative that aims at reducing the distance travelled by litigants, and the associated costs, when accessing courts. This also serves to decongest the existing courts enabling them to serve court users expeditiously. The construction and refurbishment of existing courts furthersupports the work environment for Judiciary employees.

During the review period, 24 courts were gazetted for establishment. This includes establishment of two High Court stations at Vihiga and Kwale and 22 Magistrates' Courts stations at: Ol-Kalou, Etago, Madiany, Zombe, Port Victoria, Borabu, Kendu Bay, Wamunyu, Malaba, Matiliku, Usigu, Kasarani, Masinga, Manga, Tinderet, Kenol, Rumuruti, Garbatulla, Kabiyet, Marigat, Kikima and Kaptumo. Further, five sub-registries for the COA were established at Busia, Meru, Garissa, Kakamega and Kisii. Four High Court Sub-registries were established at Isiolo, Kapsabet, Eldama Ravine and Kilgoris. Additionally, three ELC sub-registries were established at Kilgoris, Isiolo and Vihiga while four ELRC sub-registries were established at Kitui, Kisii, Naivasha and Thika. In the Magistrates' Courts, six mobile Magistrates' Court stations were established at Nambale, Butula, Mutuati, Endau, Komoin and Sercolipi.

In the FY 2020/21 construction of 11 court projects was completed. The completed projects were six High court buildings at Nanyuki, Isiolo, Kakamega, Siaya, Kajiado, Nakuru. Further, four Magistrates' Courts buildings were completed at Oyugis, Iten, Shanzu and Kahawa. There was an overall improvement of seven per cent in completion of Judicial Performance Improvement Projects from an average of 77 per cent reported at the end of FY 2019/20, to 84 per cent at the end of the FY 2020/21. The completion rate of GOK projects grew by 5.6 per cent from 63.8 percent that was realized at the end of FY 2019/20 to settle at 69.4 per cent.

**ACCESS TO JUSTICE: DISPUTE RESOLUTION THROUGH COURTS**




## 2.3 Summary of Caseload Statistics for all Courts

In this section, detailed statistical information on disputes resolution as a key aspect of access to justice is presented. Data on caseload is collected in courtrooms and registries using Daily Courts Returns Template (DCRT), an excel output that is either generated from the Case Tracking System (CTS), or directly populated by court assistants under the supervision of Judges and Judicial Officers. Upon collection, data is transmitted to the Research and Statistics Division (RSD) of the Directorate of Planning and Organizational Performance (DPOP) for analysis, inferences and reporting.

Caseload statistics presented in this section primarily cover filed, resolved and pending cases.The pending cases are further disaggregated into case backlog. Additionally, select court performance statistics are provided. A new distinct section for the Small Claims Court has been incorporated. Further, a new section on caseload statistics organized by counties has been provided

### 2.3.1 Filed and Resolved Cases

Filed cases (FC) are the cases registered or initiated in a court of law by diverse parties requiringtheir disputes to be resolved. They therefore depict the demand for court services. Once thesecases are filed in courts, Judges and Judicial Officers are obligated to determine them. Their actions therefore yield Resolved Cases (RC), a reflection that justice has been delivered by courts, and therefore accessed by citizens. In the FY 2020/21, 356,997 cases were filed in all courts. These comprised 242,457 criminal cases and 114,540 civil cases. In the same period, 294,837 cases were resolved. Among the resolved cases, 207,255 were criminal in nature while87,582 were civil cases. The filed cases in the Kenyan Judiciary over time is presented in Figure2.1.

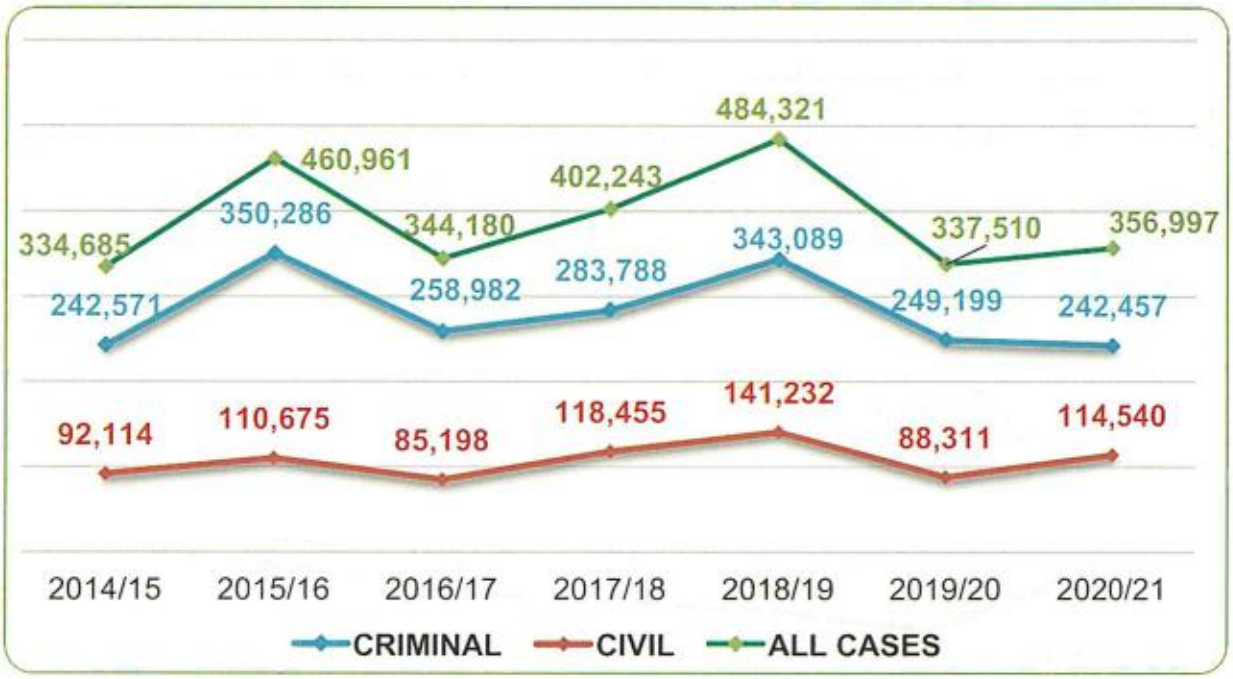



**Figure 2.1: Trends of filed criminal and civil cases, All Courts**

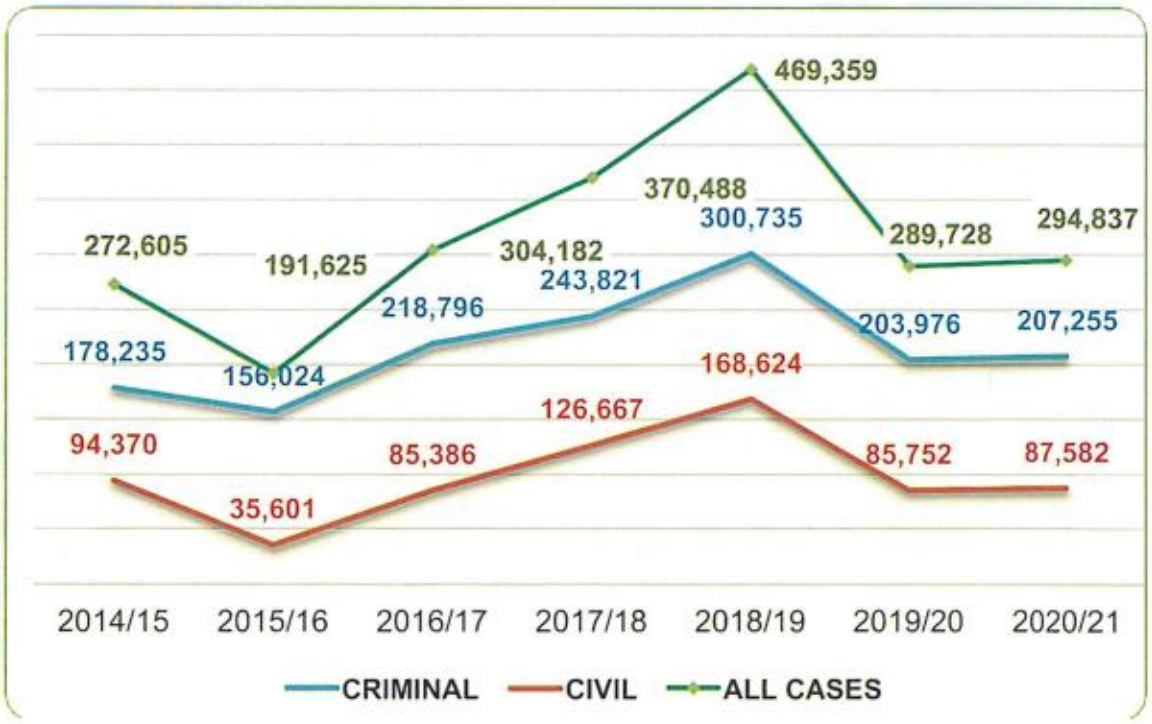



**Figure 2.2: Trends of resolved criminal and civil cases, All Courts**

The overall filed cases increased from 337,510 that were recorded in the previous period to 356,997 during the period under review. The trend of the resolved cases is shown in Figure 2.2. The bulk of the resolved cases over time are criminal in nature. From the FY 2015/16, there has been a general increase of the resolved cases. Nonetheless, there was a drop in the FY 2019/20, which was attributed to the adverse effects of COVID-19 pandemic. This was followed by a marginal increase in the FY 2020/21, an indication of slight recovery from the initial pandemic shock. Table 2.1 presents filed and resolved cases by court and case type during the period under review.

**Table 2.1: Criminal and Civil Cases Filed and Resolved, FY 2020/21**

| Court Type | Filed cases FY 2020/21 | | | Resolved cases FY 2020/21 | | |
|---|---|---|---|---|---|---|
| | CR | CC | ALL | CR | CC | ALL |
| Supreme Court | N/A | 47 | 47 | N/A | 62 | 62 |
| Court of Appeal | 355 | 2,150 | 2,505 | 271 | 969 | 1,240 |
| High Court | 8,784 | 17,440 | 26,224 | 6,522 | 17,692 | 24,214 |
| ELRC | N/A | 2,918 | 2,918 | N/A | 2,434 | 2,434 |
| ELC | N/A | 4,856 | 4,856 | N/A | 5,748 | 5,748 |
| Magistrates' Courts | 233,318 | 77,152 | 310,470 | 200,462 | 52,810 | 253,272 |
| Kadhis' Courts | N/A | 8,954 | 8,954 | N/A | 7,230 | 7,230 |
| Small Claims Court | N/A | 1,023 | 1,023 | N/A | 637 | 637 |
| All Courts | 242,457 | 114,540 | 356,997 | 207,255 | 87,582 | 294,837 |

**From Table 2.1, the highest number of filed and resolved cases were in the Magistrates' Courts** totalling 310,470 and 253,272 cases respectively. Further, the least filed and resolved cases were recorded in the Supreme Court at 47 and 62 respectively. The filed and resolved criminal matters were more than the civil matters in courts that handle both criminal and civil cases.

### 2.3.2 Pending Cases

Ordinarily, not all cases are resolved at the end of a given period. The unresolved cases are referred to as pending cases. By the end of the FY 2020/21, there were 649,112 pending cases in the Judiciary comprising 293,605 criminal cases and 355,507 civil cases. Figure 2.3 illustrates the trend of pending cases over time by broad case type.

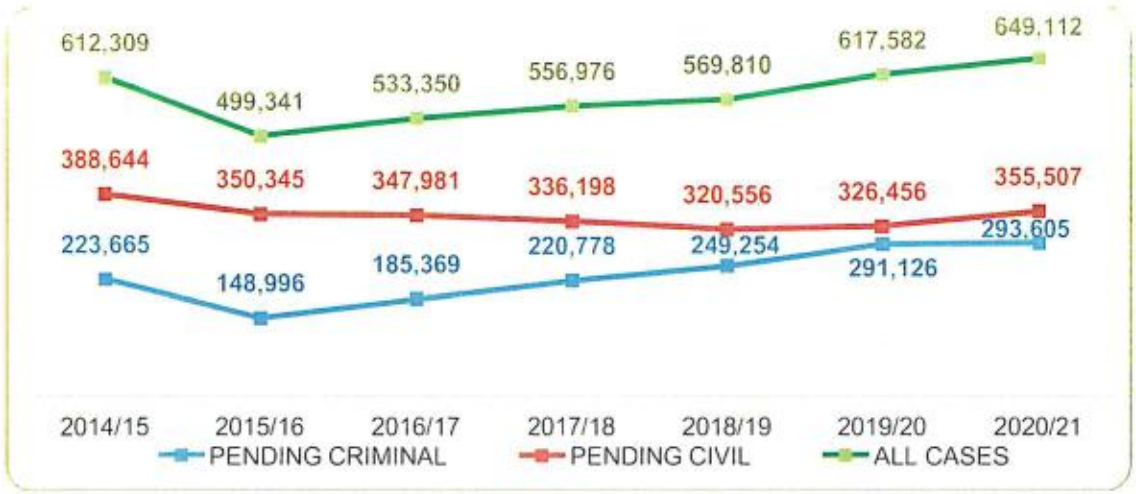



**Figure 2.3: Trends of Pending Criminal and Civil Cases, All Courts**

As depicted in Figure 2.3, the overall pending cases in the Judiciary has been rising over time. This growth has on average, revolved between five and ten per cent over time. While criminal cases have been on a gradual rise, civil cases steadily but mildly declined over time. Statistics on pending cases by court and case type are elaborated in Table 2.2.

**Table 2.2: Pending cases by Court and Case Type, FY 2019/20 & FY 2020/21**

| Court Type | Pending cases, 30th June 2020 | | | Pending cases, 30th June 2021 | | | % change in pendency |
|---|---|---|---|---|---|---|---|
| | CR | CC | ALL | CR | CC | ALL | |
| Supreme Court | N/A | 89 | 89 | N/A | 74 | 74 | -17% |
| Court of Appeal | 2,069 | 5,529 | 7,598 | 2,153 | 6,637 | 8,790 | 16% |
| High Court | 22,458 | 66,957 | 89,415 | 24,307 | 66,594 | 90,901 | 2% |
| ELRC | N/A | 12,907 | 12,907 | N/A | 14,040 | 14,040 | 9% |
| ELC | N/A | 15,892 | 15,892 | N/A | 14,405 | 14,405 | -9% |
| Magistrates' Courts | 266,599 | 217,265 | 483,864 | 267,145 | 245,309 | 512,454 | 6% |
| Kadhis' Courts | N/A | 7,817 | 7,817 | N/A | 8,062 | 8,062 | 3% |
| Small Claims Court | N/A | N/A | N/A | N/A | 386 | 386 | N/A |
| All Courts | **291,126** | **326,456** | **617,582** | **293,605** | **355,507** | **649,112** | **5%** |

Table 2.2 shows that pending cases rose by five per cent from 617,582 cases at the end of FY 2019/20 to 649,112 cases at the end of FY 2020/21. The bulk of pending cases were in Magistrates' Courts at 512,454 cases, followed by High Court with 90,901 cases. The least pending cases were recorded at Supreme Court with 74 cases. The percentage distribution of pending casesby court type is presented in Figure 2.4.

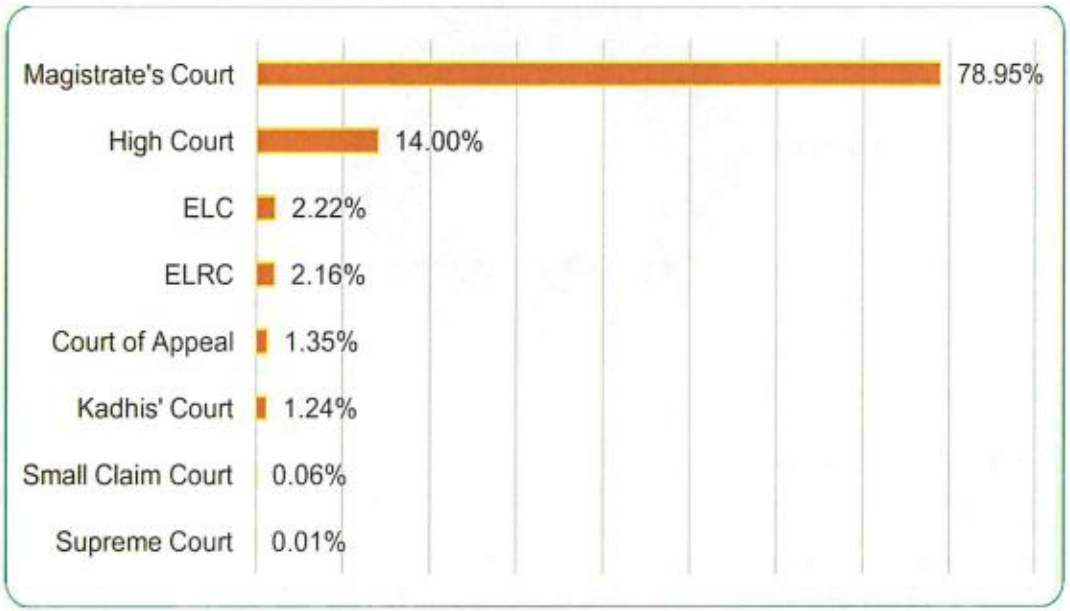



**Figure 2.4: Percentage Pending Cases by Court Type**

Figure 2.4 shows that the highest percentage of pending cases was in the Magistrates' Courtsat 78.95 per cent followed by High Court at 14 per cent. The least pendency was in the SupremeCourt at 0.01 per cent.

### 2.3.3 Case Backlog

Article 159 (2) (b) of the Constitution envisages that justice shall be rendered expeditiously. Delayed justice is manifested through accumulation of unresolved cases that surpasses the minimum set timeline for their conclusion. In the Kenyan Judiciary, the desirable timelinefor determination of most case types is pegged at a maximum of 1 year from their date of filing. Consequently, any case that has surpassed 1 year from the date of filing is classified as backlog. At the end of the FY 2020/21, the case backlog in all courts stood at 375,671 cases. The percentage distribution of case backlog by court type is presented in Figure 2.5.

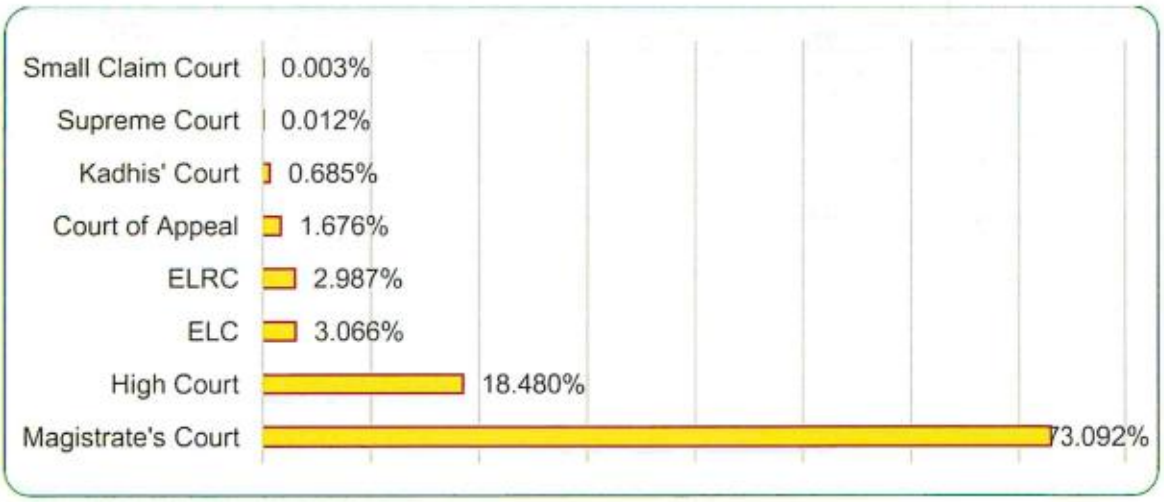



**Figure 2.5: Percentage distribution of case backlog by court type**

Out of the 375,671 cases, the highest proportion was in the Magistrates' Courts at 73 per cent followed by High Court at 18 per cent. The lowest case backlog was recorded in the Supreme Court and Small Claims Court at 0.012 and 0.003 per cent respectively. The percentage distribution of case backlog by age is shown in Figure 2.6.

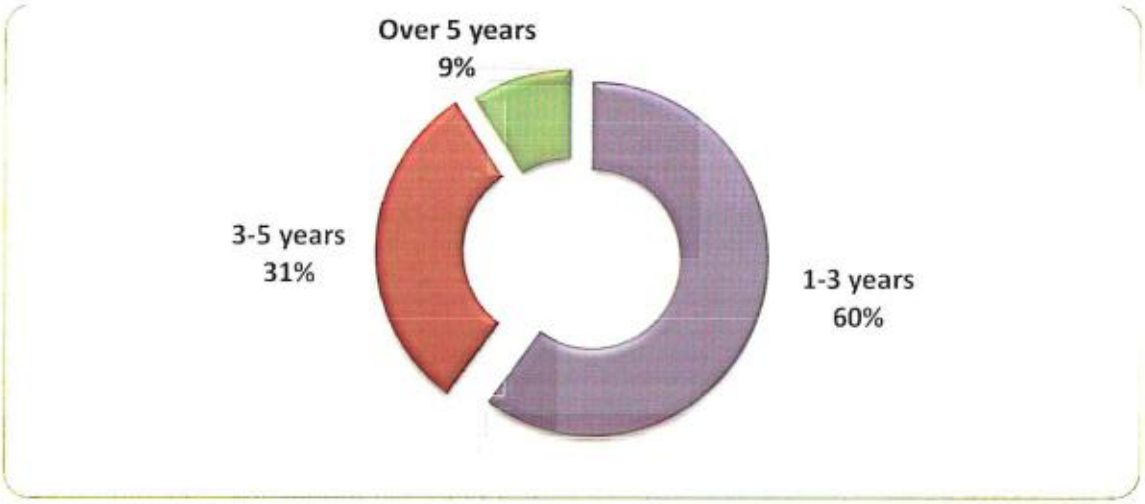



**Figure 2.6: Percentage Case Backlog by Age**

Out of the total case backlog, 60 per cent was aged between 1 and 3 years (225,422 cases), 31 per cent (115,601 cases) between 3 and 5 years and 9 per cent above 5 years (34,648 cases). Table 2.3 gives trend of case backlog by type of court.

**Table 2.3: Trend on case backlog, FYs 2019/20 & 2020/21**

| Court Type | Case backlog, 30th June 2020 | Case backlog by Age, 30th June 2021 | | | | Change in backlog |
|---|---|---|---|---|---|---|
| | | | | | | |
| Supreme Court | 37 | 35 | 9 | 2 | 46 | 24% |
| Court of Appeal | 4,982 | 3,675 | 2,449 | 171 | 6,295 | 26% |
| High Court | 69,184 | 39,099 | 22,589 | 7,735 | 69,423 | 0% |
| ELRC | 10,928 | 7,008 | 3,587 | 625 | 11,220 | 3% |
| ELC | 13,630 | 4,736 | 3,706 | 3,075 | 11,517 | -16% |
| Magistrates' Courts | 259,519 | 168,577 | 82,967 | 23,040 | 274,584 | 6% |
| Kadhis' Courts | 1,067 | 2,282 | 291 | 0 | 2,573 | 141% |
| Small Claims Court | 0 | 10 | 3 | 0 | 13 | N/A |
| All Courts | **359,347** | **225,422** | **115,601** | **34,648** | **375,671** | 5% |

The overall case backlog increased by 5 per cent. This is ascribed to the adverse effects of the pandemic which slowed down normal court business. The backlog increased for all courtsexcept in the ELC which reduced its backlog by 16 per cent.

The Supreme Court had two cases of 5 years and above in comparison to the single case that was recorded at the end of previous period. This was occasioned by recusal of Judges that ledto lack of quorum to finalize the cases in time. Although Table 2.3 shows the existence of casebacklog in SCC of 13 cases despite the court having commenced its operation in April 2021, thenumber depicts that old cases from other courts were transferred to the SCC.

### 2.3.4 SJT Implementation Status on Reduction of Case Backlog

At the onset of SJT in January 2017, there were 170,186 cases aged 5 years and above. These were the cases that the Judiciary set to clear. The progress made in clearing of these cases bythe end June 2021 is illustrated in Figure 2.7.

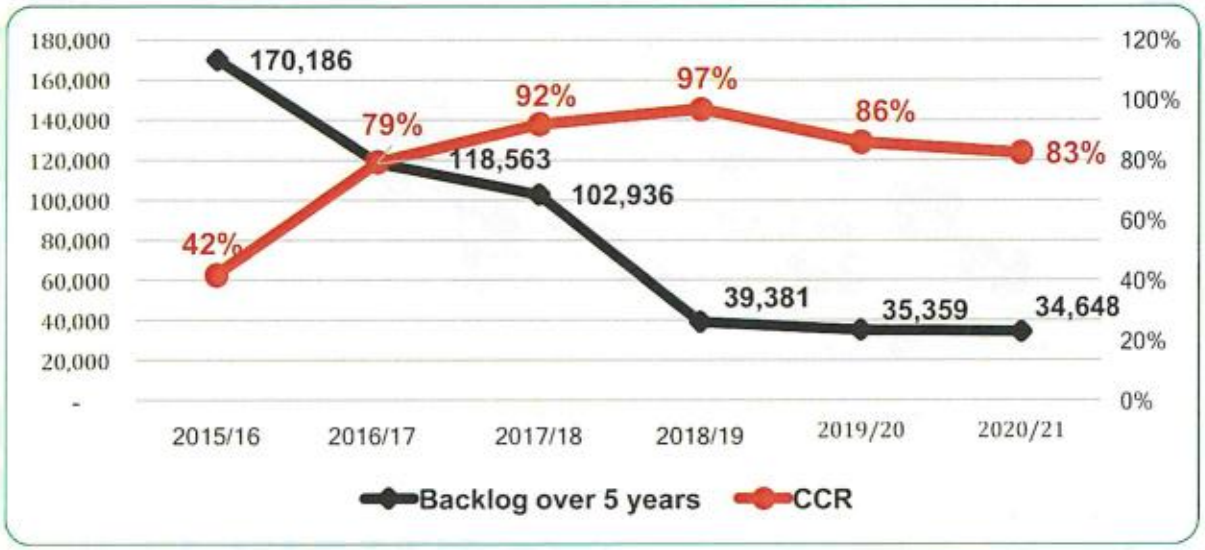



**Figure 2.7: Reduction of case backlog aged 5 years and above under SJT**

From the 170,186 backlog cases that were above five years in age at the beginning of SJT period,only 34,648 cases remained at the end of the period under reference. This marked a reduction of 80 per cent. This is consistent with a generally rising CCR illustrated in the Figure 2.7. The details on reduction of case backlog above 5 years for each court are highlighted in Table 2.4.

**Table 2.4: SJT implementation status on case backlog reduction by court, 30th June 2021**

| Court Type | SJT target on reduc-tion of case backlog older than 5 years, 1st Jan. 2017 | Resolved cases older than 5 years between 1st Jan. 2017 and 30th June 2021 | Case backlog older than 5 years, 30th June2021 | % change in case backlog older than 5 years between 1stJan. 2017 and 30th June 2021 |
|---|---|---|---|---|
| Supreme Court | 0 | 0 | 2 | 200% |
| Court of Appeal | 648 | 1,197 | 171 | -74% |
| High Court | 58,487 | 74,078 | 7,735 | -87% |
| ELRC | 771 | 3,537 | 625 | -19% |
| ELC | 4,146 | 12,671 | 3,075 | -26% |
| Magistrates' Courts | 106,134 | 125,535 | 23,040 | -78% |
| Kadhis' Courts | 0 | 0 | 0 | 0% |
| Small Claims Court | - | 0 | 0 | - |
| All Courts | 170,186 | 217,018 | 34,648 | -80% |

## 2.4 Supreme Court

The Supreme Court has exclusive original jurisdiction to hear and determine matters relating to the election of the President, and appellate jurisdiction to hear and determine appeals fromthe COA. The court also gives advisory opinions upon filing of the requests.

### 2.4.1 Filed and Resolved Cases in the Supreme Court

In the FY 2020/21, **47** cases were filed in the Supreme Court while **62** were resolved. Figure

2.8 illustrates the nature of filed and resolved cases in the Supreme Court.

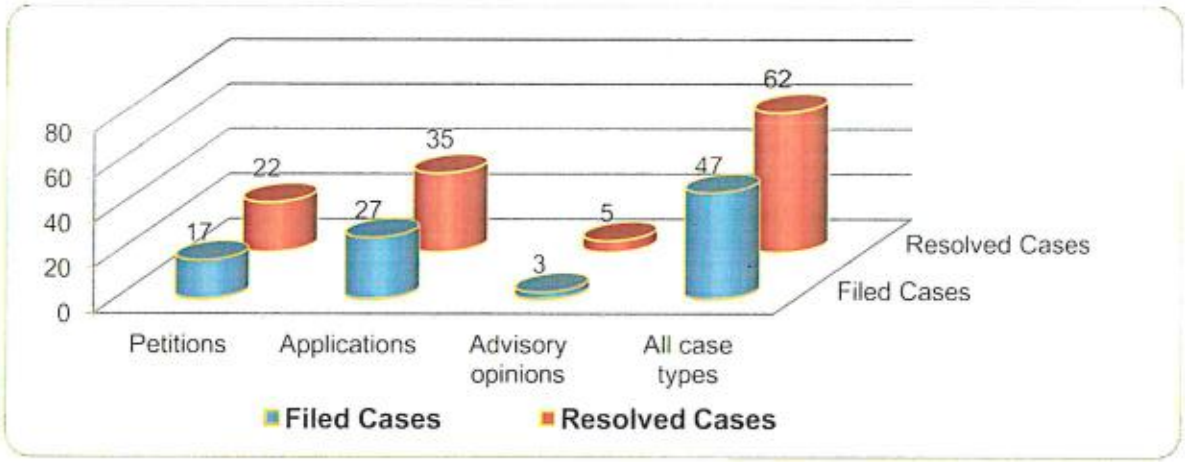



Figure 2.8: Filed and resolved cases in the Supreme Court by case type, FY 2020/21

Applications were the most filed and resolved cases followed by petitions. Advisory opinions were the least filed and resolved cases. The number of cases filed and resolved in the SupremeCourt in the FY 2020/21 are detailed in Table 2.5.

**Table 2.5: Filed and resolved cases in the Supreme Court by type, FY 2020/21**

| | Filed Cases | | | | Resolved Cases | | | |
|---|---|---|---|---|---|---|---|---|
| Month - Year | Petitions | Applica-tions | Advisory Opinions | All | Petitions | Applica-tions | Advisory Opinions | All |
| Jul-2020 | 3 | 4 | 0 | 7 | 0 | 3 | 0 | 3 |
| Aug-2020 | 3 | 5 | 0 | 8 | 5 | 2 | 2 | 9 |
| Sep-2020 | 1 | 4 | 0 | 5 | 9 | 13 | 0 | 22 |
| Oct-2020 | 1 | 3 | 0 | 4 | 1 | 2 | 0 | 3 |
| Nov-2020 | 0 | 1 | 2 | 3 | 0 | 1 | 0 | 1 |
| Dec-2020 | 3 | 2 | 1 | 6 | 3 | 2 | 0 | 5 |
| Jan-2021 | 2 | 1 | 0 | 3 | 1 | 0 | 0 | 1 |
| Feb-2021 | 2 | 3 | 0 | 5 | 0 | 0 | 0 | 0 |
| Mar-2021 | 1 | 2 | 0 | 3 | 3 | 12 | 3 | 18 |
| Apr-2021 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 |
| May-2021 | 0 | 0 | 0 | 0 | | | | 0 |
| Jun-2021 | 1 | 1 | 0 | 2 | 0 | 0 | 0 | 0 |
| Whole FY | 17 | 27 | 3 | 47 | 22 | 35 | 5 | 62 |

### 2.4.2 Pending Cases in the Supreme Court

By the end of the FY 2020/21, their were 74 cases pending in the Supreme Court. The trend ofpending cases in the Supreme Court is presented in Figure 2.9.

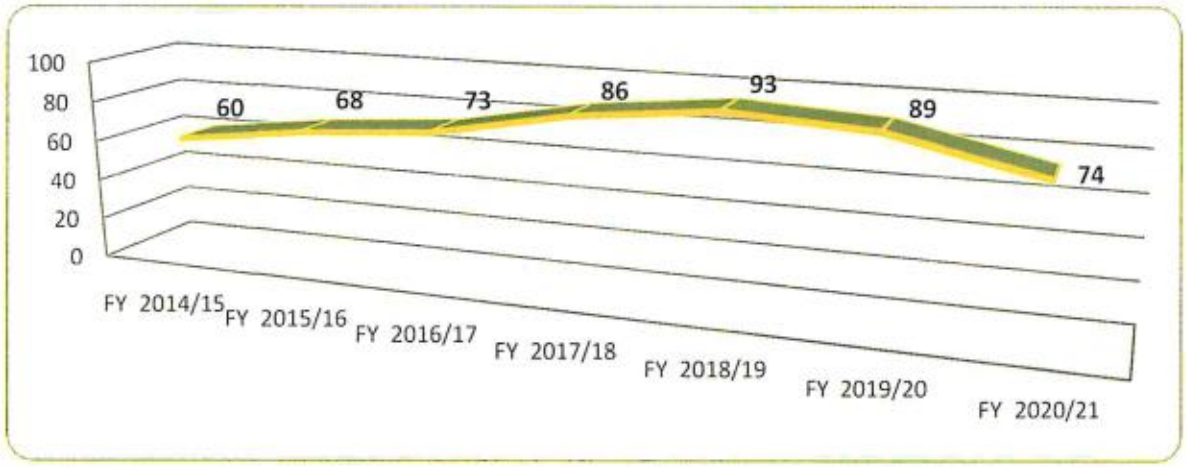



**Figure 2.9: Trend of pending Cases, Supreme Court**

From FY 2014/15, pending cases in the Supreme Court took an upward growth reaching a highof 93 cases in the FY 2018/19. This was followed by a decline to 89 cases in the FY 2019/20 and a further decline to 74 cases in 2020/21 FY. The types of pending cases over time in the Supreme Court are summarized in Table 2.6.

**Table 2.6: Pending cases by type in the Supreme Court**

| Case Type | FY 2014/15 | FY 2015/16 | FY 2016/17 | FY 2017/18 | FY 2018/19 | FY 2019/20 | FY 2020/21 |
|---|---|---|---|---|---|---|---|
| Petitions | 42 | 44 | 40 | 52 | 53 | 54 | 53 |
| Applications | 14 | 18 | 29 | 31 | 33 | 28 | 16 |
| Advisory opinions | 4 | 6 | 4 | 3 | 7 | 7 | 5 |
| All case types | 60 | 68 | 73 | 86 | 93 | 89 | 74 |

Petitions have comprised the most pending cases over time followed by applications. The advisory opinions have been the least pending cases over time.

### 2.4.3 Case Backlog in Supreme Court

Out of the 46 pending cases in the Supreme Court, 35 cases were backlog. The trend of case backlog in Supreme Court is elaborated in Table 2.7.

Table 2.7: Trend in case backlog by age, Supreme Court

| Age category of case backlog | 30th June 2020 | 30th June 2021 | Change in Backlog |
|---|---|---|---|
| 1 – 3 Years | 29 | 35 | 21% |
| 3 – 5 Years | 7 | 9 | 29% |
| Over 5 Years | 1 | 2 | 100% |
| All Backlog | 37 | 46 | 24% |

The case backlog aged between 1 and 3 years was 35 cases, representing 21 per cent increasein comparison to the number that was recorded at the end of the previous period. The case backlog aged between 3 and 5 years was nine cases. This was a 29 per cent increase from seven cases that were recorded at the end of the previous period.

2.4.4 SJT Implementation Status on Reduction of Case Backlog in Supreme Court

At the onset of SJT period in January 2017, the Supreme Court had no cases aged 5 yearsand above. By the end of the review period, two cases were aged 5 years and above. This was attributed to lack of quorum to handle the two cases after some judges recused themselves. The cases were to be finalized in the FY 2021/22 after the court was fully constituted towardsthe end of the period under review.

2.5 Court of Appeal

The COA had four stations namely Kisumu, Mombasa, Nairobi and Nyeri during the period underreview. However, Kisumu and Nyeri COA stations did not operate due to an insufficient numberof Judges in the Court. Their matters were handled at Nairobi COA.

2.5.1 Filed and Resolved Cases in Court of Appeal

During the period under review, 2,505 cases were filed in the COA which comprised 355 criminaland 2,150 civil cases. This was a 4 per cent reduction from the 2,620 cases that were filed in the previous period. Over the same period, 1,240 cases, comprising 271 criminal and 969 civil cases were resolved. This was in comparison to 1,074 cases that were resolved in the previousperiod. The change over time of filed cases in COA is illustrated in Figure 2.9.

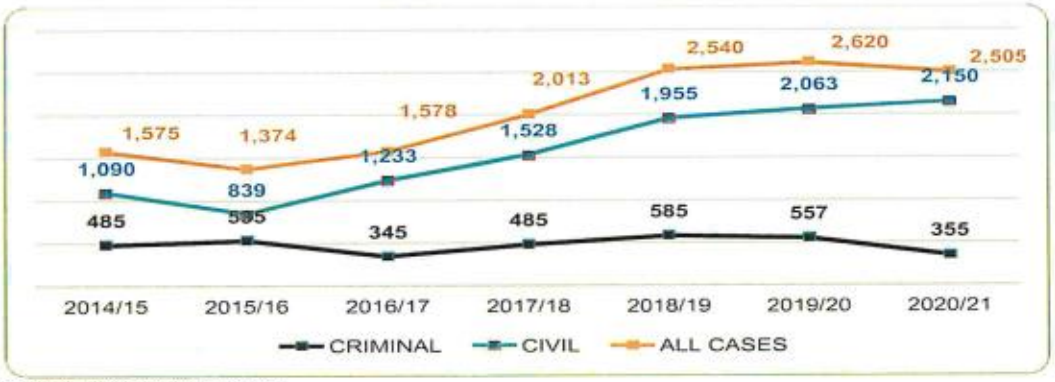



Figure 2.10: Trend in filed cases by type, COA

Figure 2.9 shows that the cases filed in COA have been increasing over time. However, the growth slowed down in the 2019/20 and 2020/21 FYs when the COVID-19 pandemic set-in. Thefiled cases by broad case type for all COA stations for the FY 2020/21 are given in Table 2.8.

Table 2.8: Filed cases by type and COA station, FY 2020/21

| Court of Appeal | Criminal Appeals | Criminal Applications | All Criminal Cases | Civil Appeals | Civil Applications | All Civil Cases | All Cases |
|---|---|---|---|---|---|---|---|
| Kisumu | 122 | 13 | 135 | 224 | 192 | 416 | 551 |
| Mombasa | 14 | 0 | 14 | 111 | 101 | 212 | 226 |
| Nairobi | 101 | 2 | 103 | 702 | 546 | 1,248 | 1,351 |
| Nyeri | 99 | 4 | 103 | 150 | 124 | 274 | 377 |
| All Courts | 336 | 19 | 355 | 1,187 | 963 | 2,150 | 2,505 |

Appeal cases were more than the applications for both criminal and civil cases that were filed.

The trend of resolved cases in the COA is shown in Figure 2.11.

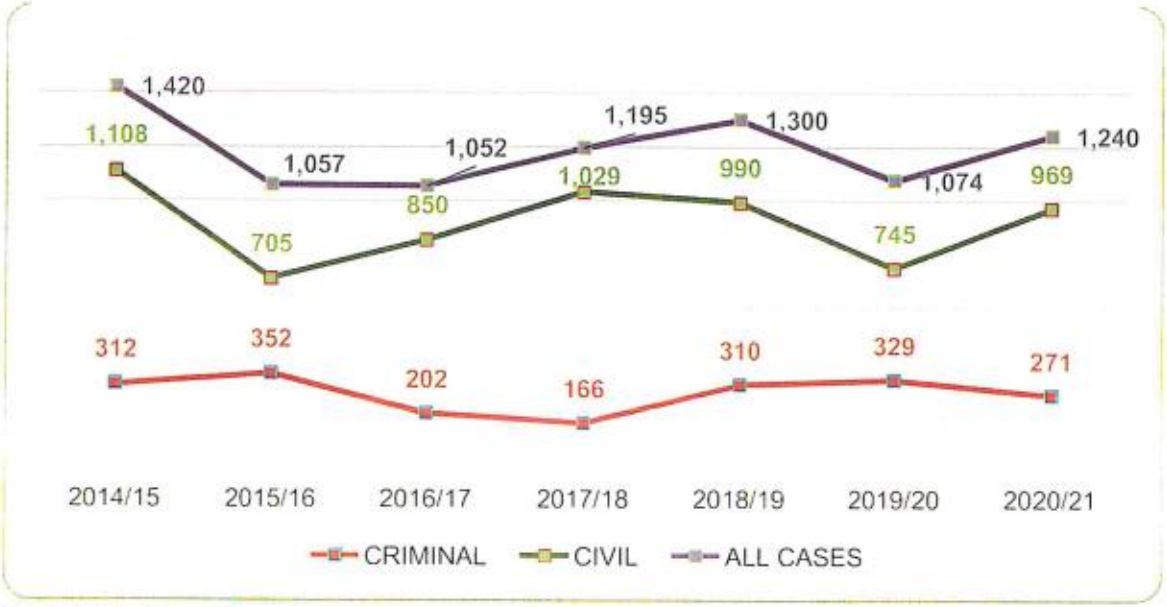



Figure 2.11: Trend in resolved cases by type, COA

Resolved cases increased between FY 2015/16 and 2018/19. This was followed by a reduction in the subsequent year due to adverse effects of the pandemic, followed by a slight increase to 1,240 cases in the FY 2020/21. Table 2.9 provides statistics on the type of cases that were resolved in the COA.

Table 2.9: Resolved cases by type and COA station, FY 2020/21

| Court of Appeal | Criminal Appeals | Criminal Applications | All Criminal Cases | Civil Appeals | Civil Applications | All Civil Cases | All Cases |
|---|---|---|---|---|---|---|---|
| Kisumu | 43 | 0 | 43 | 52 | 3 | 55 | 98 |
| Mombasa | 6 | 0 | 6 | 24 | 24 | 48 | 54 |
| Nairobi | 119 | 2 | 121 | 308 | 466 | 774 | 895 |
| Nyeri | 101 | 0 | 101 | 11 | 81 | 92 | 193 |
| All courts | 269 | 2 | 271 | 395 | 574 | 969 | 1,240 |

For both resolved criminal and civil cases, appeal cases were more than the applications.The COA had average time to disposition of 860 days from filing to conclusion of the cases. Specifically, Kisumu registered 1,169 days, Mombasa 679 days, Nyeri 1,127 days while Nairobi registered 663 days.

2.5.2 Pending Cases in Court of Appeal

At the end of the FY 2020/21, 8,790 cases comprising 2,153 criminal and 6,637 civil cases, werepending in the COA. The trend of pending cases over time in COA is presented in Figure 2.12.

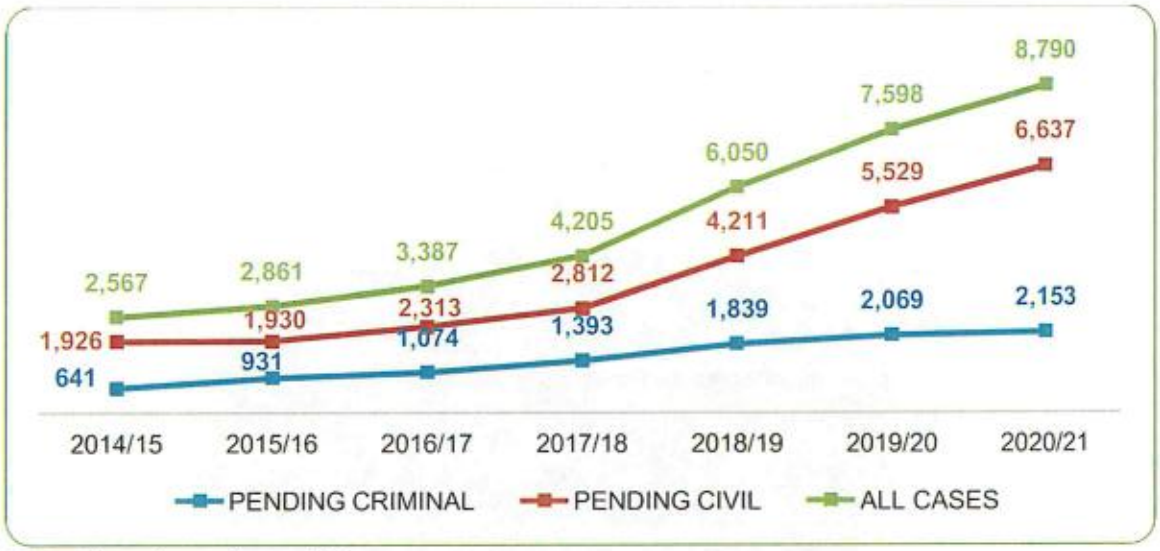



Figure 2.12: Trend in pending cases by type, COA

From the FY 2014/15, the pending criminal and civil cases has been steadily increasing. The increase was less steep between the FY 2014/15 to 2016/17, before becoming relatively steeperup to the end of FY 2020/21. This is attributed to the continued decline in the number of judgesin the court over time. Nonetheless, the COA has managed to avoid a huge increase of pendingcriminal cases as depicted by a flatter curve for criminal cases. Figure 2.13 gives the percentagedistribution of pending cases by COA stations at the end of the period under review.

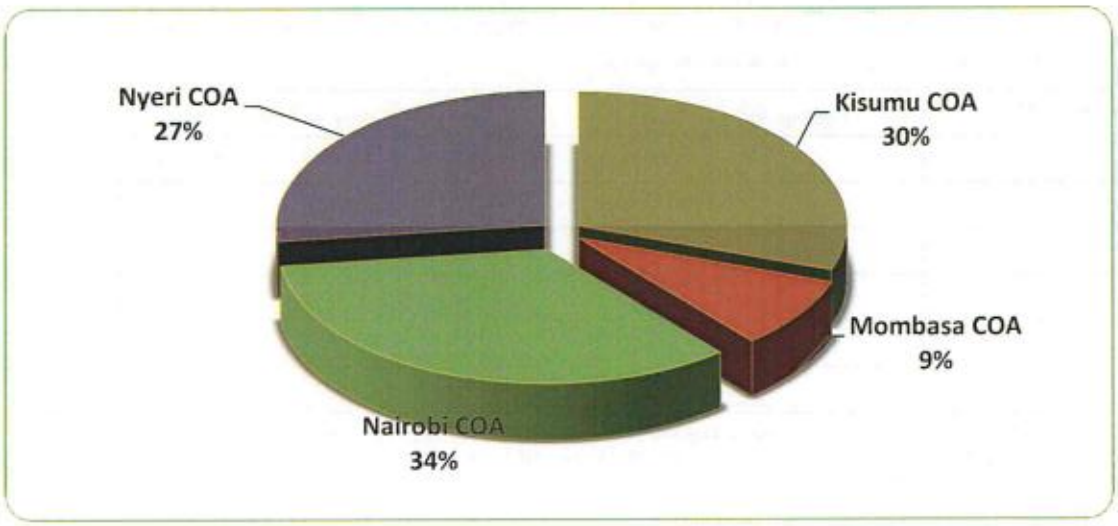



Figure 2.13: Percentage pending cases in COA

At the end of the FY 2020/21, Nairobi COA recorded the highest percentage of pending cases at 34 per cent, followed by Kisumu and Nyeri at 30 per cent and 27 per cent respectively. The least percentage of pending cases was recorded in Mombasa at 7 per cent. The pending casesby case type and COA station is shown in Table 2.10.

Table 2.10: Pending cases by type and COA station, 30th June 2021

| Court of Appeal | Criminal Appeals | Criminal Applications | All Criminal Cases | Civil Appeals | Civil Applications | All Civil Cases | All Cases |
|---|---|---|---|---|---|---|---|
| Kisumu | 1,290 | 84 | 1374 | 866 | 434 | 1300 | 2674 |
| Mombasa | 9 | 101 | 110 | 209 | 422 | 631 | 741 |
| Nairobi | 44 | 85 | 129 | 2150 | 731 | 2881 | 3010 |
| Nyeri | 531 | 9 | 540 | 1044 | 781 | 1825 | 2365 |
| All Courts | 1,874 | 279 | 2,153 | 4,269 | 2,368 | 6,637 | 8,790 |

A total of 1,874 criminal appeals and 4,269 civil appeals were pending in all COA stations. Further,279 criminal applications and 2,368 civil applications remained unresolved at the end of June 2021. This pointed to quite a sizeable workload for the court at the beginning of the FY 2021/22.

2.5.3 Case backlog in Court of Appeal

Out of the 8,790 pending cases in the COA, 6,295 cases had surpassed the set timeline of resolution within 360 days from the date of filing and consequently classified as backlog. Figure 2.14 gives the percentage case backlog by age in the COA.

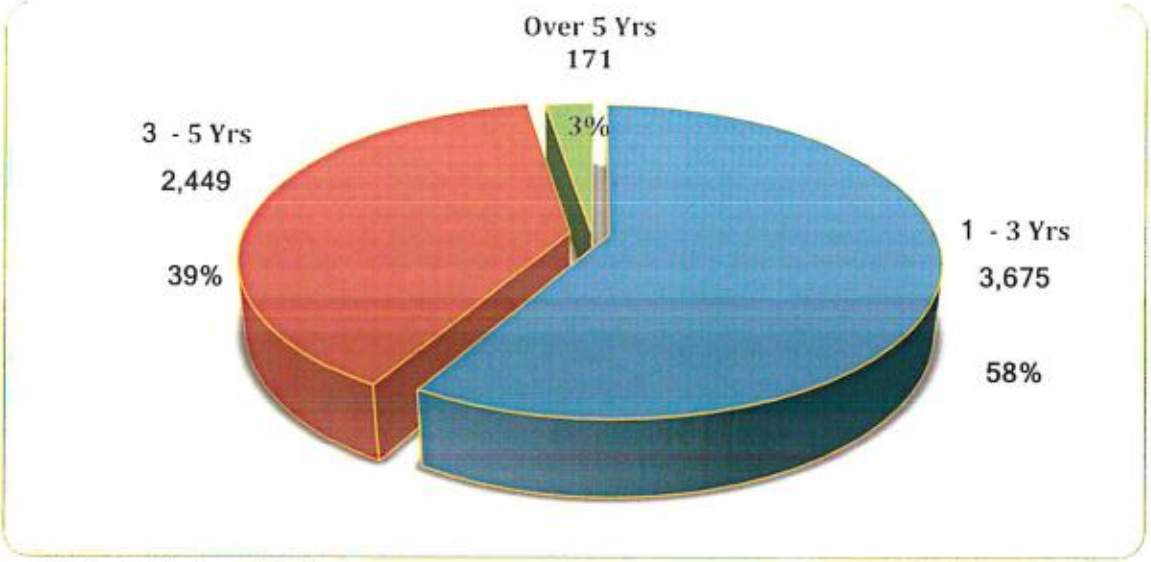



Figure 2.14: Case backlog by age in COA

The highest percentage of case backlog in the COA were cases aged 1-3 years at 58 per cent. The cases aged 3-5 years stood at 39 per cent while those aged above 5 years constituted 3 percent. The distribution of case backlog by age for the COA is highlighted in Table 2.11.

Table 2.11: Case backlog by age and COA station, 30th June 2021

| Court of Appeal | Backlog, 30th June 2020 | Backlog, 30th June, 2021 | | | |
|---|---|---|---|---|---|
| | All | 1 - 3 years | 3 - 5 years | Over 5 years | All Case Backlog |
| Kisumu | 1,373 | 1,277 | 844 | 4 | 2,125 |
| Mombasa | 333 | 376 | 131 | 11 | 518 |
| Nairobi | 1,694 | 946 | 649 | 65 | 1,660 |
| Nyeri | 1,582 | 1,076 | 825 | 91 | 1,992 |
| All Courts | 4,982 | 3,675 | 2,449 | 171 | 6,295 |

The Kisumu COA station had the highest case backlog at 2,125 cases up from 1,373 cases that were recorded at the end of the previous period. The least backlog was recorded in Mombasa COA at 518 cases up from 333 cases that were recorded at the end of the previous period. Thepercentage distribution of case backlog in COA is summarized in Figure 2.15.

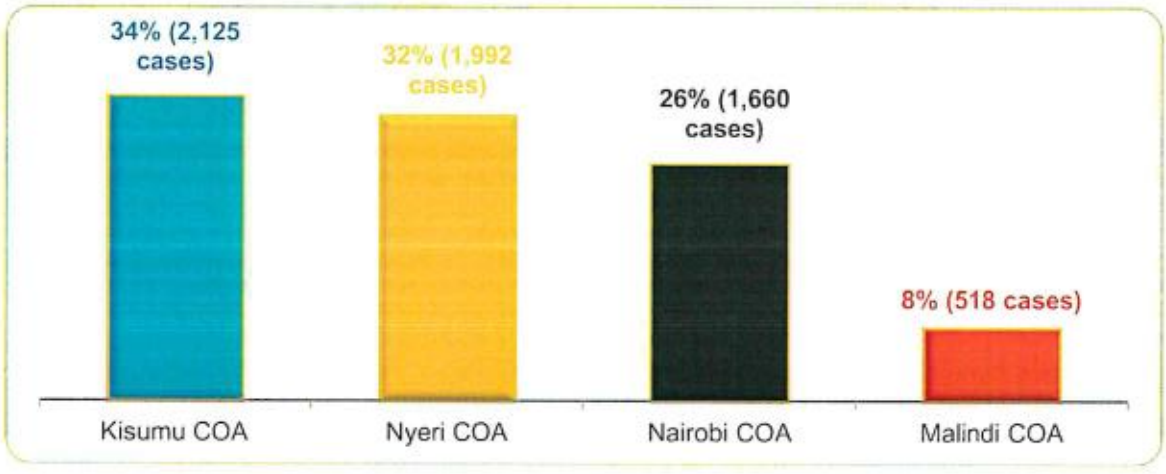



Figure 2.15: Percentage distribution of case backlog in COA stations, 30th June 2021

The highest case backlog at the end of the review period was in Kisumu COA which stood at 34per cent. This was followed by Nyeri COA at 32 per cent while the least was eight per cent at Malindi COA.

2.5.4 SJT Implementation Status on Reduction of Case Backlog in COA

At the onset of SJT in January 2017, the COA had 648 cases aged five years and above. At the endof June 2021, only 171 cases remained unresolved marking a 74 per cent reduction. Informationfor each of the COA station is elaborated in Table 2.12.

Table 2.12: SJT Implementation status on reduction of case backlog in COA

| Court of Appeal | SJT target on reduction ofcase backlog older than 5 years, 1st Jan 2017 | Resolved backlog cases older than 5 years between 1st Jan 2017 and 30th June, 2021 | Case backlog older than 5years, 30th June, 2021 |
|---|---|---|---|
| Kisumu | 11 | 158 | 4 |
| Malindi | 12 | 47 | 11 |
| Nairobi | 619 | 824 | 65 |
| Nyeri | 6 | 168 | 91 |
| All stations | 648 | 1,197 | 171 |

From Table 2.12, the highest reduction was in the Nairobi COA at 89 per cent, followed by Kisumuat 64 per cent. Moreover, a total of 1,197 cases aged 5 years and above were cleared between January 2017 and June 2021. This was occasioned by resolution of cases that entered into the category of above 5 years during the SJT period.

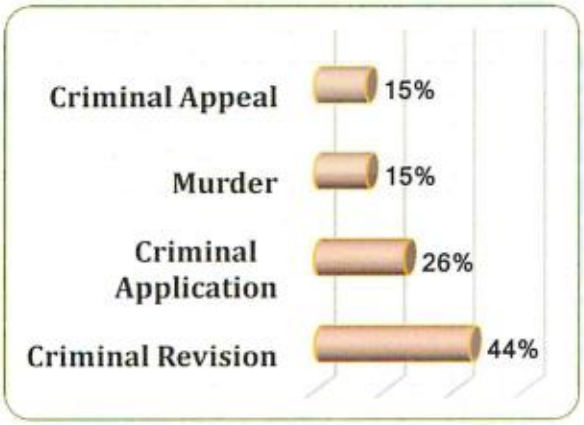
2.6 High Court

During the period under review, there were 40 High Court Stations. However, the presentation in this report captures caseload statistics for Milimani High Court distinctly by the existing seven divisions and not as a single station.

2.6.1 Filed and Resolved Cases in High Court

A total of 26,224 cases were filed in High Court stations during the FY 2020/21 which included8,784 criminal cases and 17,440 civil cases. In the same period, 24,214 cases were resolved. The resolved cases comprised 6,522 criminal cases and 17,692 civil cases. The disaggregationof the filed and resolved cases by case type is presented in Figures 2.16 & 2.17.

Filed Criminal Cases




Resolved Criminal Cases


Figure 2.16: Distribution of filed and resolved criminal cases in High Court, FY 2020/21

Criminal revisions were the most filed cases at 45 per cent while murder cases were the least at 15 per cent. Regarding the resolved cases, criminal revisions were the highest at 42 per centwhile the least were murder cases at 13 per cent.

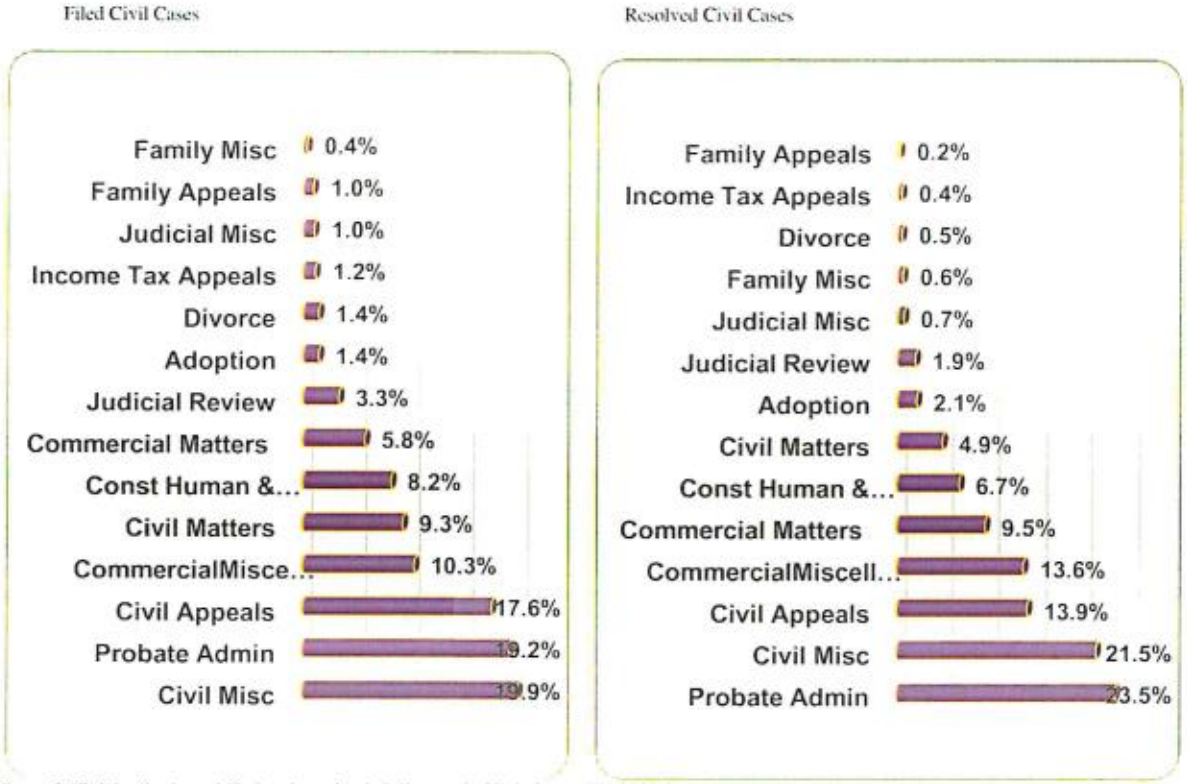



Figure 2.17: Distribution of filed and resolved civil cases in High Court, FY 2020/21

The highest proportion of filed civil cases at 19.9 per cent were ordinary civil matters followedby probate and administration cases at 19.2 per cent. The least filed cases were family miscellaneous cases at 0.4 per cent. Probate and administration cases were the highestresolved cases at 23.5 per cent while family appeals were the least at 0.2 per cent. The breakdown is as provided in Table 2.13.

Table 2.13: Filed and resolved cases by type in the High Court, FY 2020/21

| | *Filed* | | | *Resolved* | | |
|---|---|---|---|---|---|---|
| *High Court Station* | *Criminal* | *Civil* | *All* | *Criminal* | *Civil* | *All* |
| Bomet | 97 | 74 | 171 | 30 | 39 | 69 |
| Bungoma | 329 | 231 | 560 | 141 | 184 | 325 |
| Busia | 154 | 286 | 440 | 78 | 214 | 292 |
| Chuka | 137 | 67 | 204 | 115 | 103 | 218 |
| Eldoret | 207 | 163 | 370 | 315 | 471 | 786 |
| Embu | 217 | 180 | 397 | 256 | 328 | 584 |
| Garissa | 128 | 64 | 192 | 127 | 27 | 154 |
| Garsen | 110 | 23 | 133 | 93 | 15 | 108 |
| Homa Bay | 190 | 176 | 366 | 189 | 400 | 589 |
| Kabarnet | 131 | 48 | 179 | 84 | 66 | 150 |
| Kajiado | 110 | 229 | 339 | 103 | 172 | 275 |
| Kakamega | 174 | 451 | 625 | 94 | 223 | 317 |
| Kapenguria | 76 | 16 | 92 | 47 | 12 | 59 |
| Kericho | 177 | 216 | 393 | 108 | 104 | 212 |
| Kerugoya | 161 | 146 | 307 | 188 | 179 | 367 |
| Kiambu | 507 | 771 | 1,278 | 219 | 501 | 720 |
| Kisii | 66 | 131 | 197 | 135 | 249 | 384 |
| Kisumu | 214 | 575 | 789 | 155 | 775 | 930 |
| Kitale | 587 | 254 | 841 | 298 | 116 | 414 |
| Kitui | 197 | 176 | 373 | 208 | 155 | 363 |
| Lodwar | 7 | 8 | 15 | 11 | 1 | 12 |
| Machakos | 363 | 610 | 973 | 222 | 735 | 957 |
| Makueni | 261 | 180 | 441 | 232 | 78 | 310 |
| Malindi | 278 | 362 | 640 | 174 | 260 | 434 |
| Marsabit | 31 | 88 | 119 | 20 | 9 | 29 |
| Meru | 501 | 356 | 857 | 493 | 583 | 1,076 |

| | Filed | | | Resolved | | |
|---|---|---|---|---|---|---|
| *High Court Station* | *Criminal* | *Civil* | *All* | *Criminal* | *Civil* | *All* |
| Migori | 113 | 188 | 301 | 60 | 209 | 269 |
| Milimani Anti-corr.Div. | 0 | 62 | 62 | 9 | 66 | 75 |
| Milimani Civil Div. | 0 | 1,979 | 1,979 | 0 | 1,869 | 1,869 |
| Milimani C. & Tax Div. | 0 | 3,251 | 3,251 | 0 | 4,169 | 4,169 |
| Milimani Const. Div. | 0 | 454 | 454 | 0 | 407 | 407 |
| Milimani Criminal Div. | 918 | 0 | 918 | 397 | 0 | 397 |
| Milimani Family Div. | 0 | 2,621 | 2,621 | 0 | 1,556 | 1,556 |
| Milimani Jud. Rev.Div. | 0 | 342 | 342 | 0 | 276 | 276 |
| Mombasa | 221 | 836 | 1,057 | 136 | 883 | 1,019 |
| Muranga | 276 | 193 | 469 | 213 | 112 | 325 |
| Naivasha | 338 | 147 | 485 | 102 | 307 | 409 |
| Nakuru | 248 | 555 | 803 | 284 | 925 | 1,209 |
| Nanyuki | 83 | 49 | 132 | 54 | 37 | 91 |
| Narok | 176 | 52 | 228 | 211 | 75 | 286 |
| Nyamira | 93 | 113 | 206 | 90 | 136 | 226 |
| Nyandarua | 12 | 13 | 25 | 20 | 24 | 44 |
| Nyeri | 236 | 288 | 524 | 368 | 421 | 789 |
| Siaya | 255 | 153 | 408 | 308 | 139 | 447 |
| Vihiga | 131 | 191 | 322 | 18 | 38 | 56 |
| Voi | 274 | 72 | 346 | 117 | 44 | 161 |
| All courts | 8,784 | 17,440 | 26,224 | 6,522 | 17,692 | 24,214 |

The highest number of cases were filed at Milimani Commercial and Tax Division with 3,251 cases, followed by Milimani Family Division at 2,621 and Milimani Civil Division at 1,979 cases respectively. The least cases were filed at Lodwar with 15 cases. This was followed by Nyandaruaat 25 and Milimani Anti-Corruption Division where 62 cases were filed respectively. Milimani Commercial and Tax Division had the highest number of resolved cases at 4,169 cases followed by Milimani Civil Division with 1,869 cases and Milimani Family Division with 1,556 cases. The filed and resolved cases by specific case types for all the High Court stations are detailed in the appendices.

2.6.2 Pending Cases in the High Court

At the end of the FY 2020/21, a total of 90,901 cases were pending in the High Court. The casescomprised 24,307 criminal cases and 66,594 civil cases. This was an increase from the 22,458criminal cases and a decline from 66,957 civil cases that were recorded at the end of the previous period. The trend of pending cases is shown in Figure 2.18.


Figure 2.18: Trend of Pending Cases by Type in High Court

The overall pending cases in the High Court has been declining over time. The declining trend is also manifested in civil cases, an indication that there have been deliberate efforts targetingthe reduction of civil matters that had predominantly over-accumulated in the court. However,there has been minimal changes in criminal cases minimal change. This implies that the Courthas on average managed to react to the incoming demand for criminal matters by supplying an almost equivalent resolution rate. The percentage distribution of pending cases by type isshown in Figure 2.19.

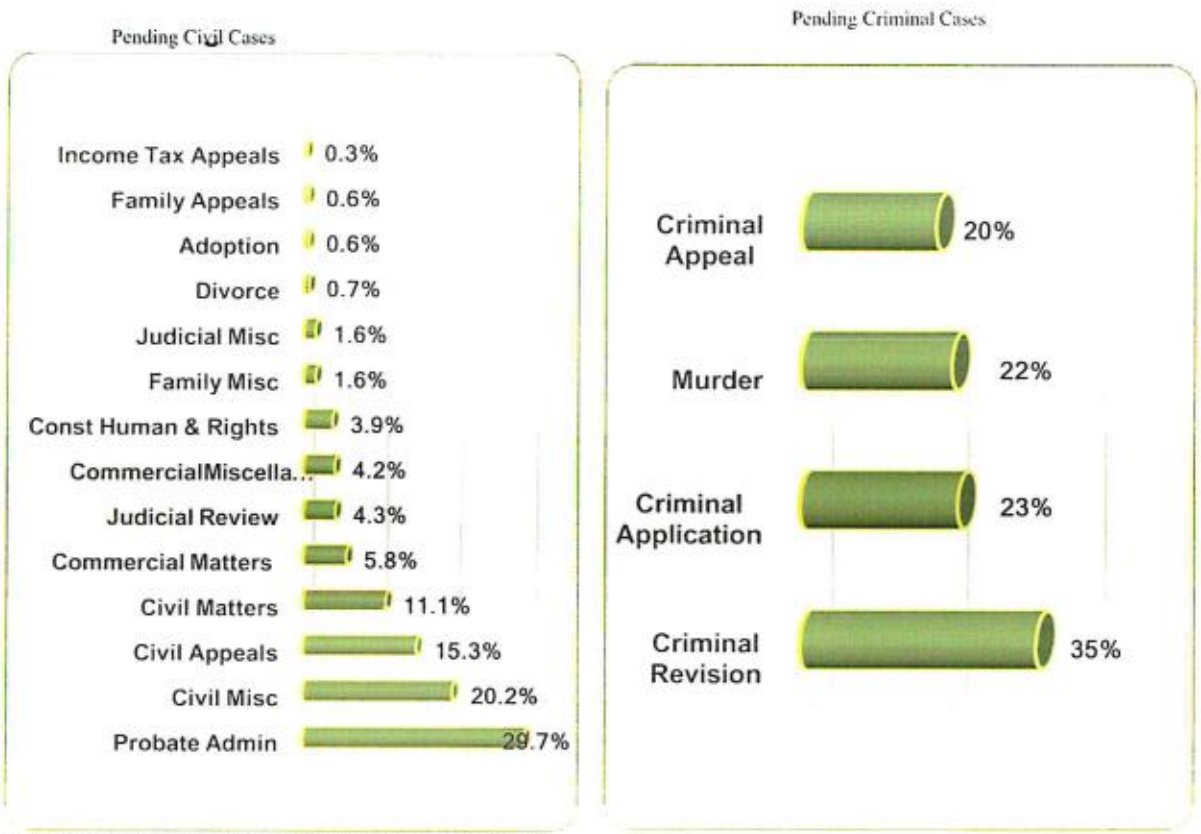



Figure 2.19: Percentage Distribution of Pending Cases in High Court

Criminal revisions constituted the highest pending criminal cases at 35 per cent, followed by criminal applications at 23 per cent. Criminal appeals were the least pending at 20 per cent. Probate and administration cases were the highest pending civil cases at 29.7 per cent followedby civil applications at 20.2 per cent. The pending cases by case type for the High Court at theend of FY 2020/21 are presented in Table 2.14.

Table 2.14: Pending Cases by Type in High Court, FY 2019/20 & 2020/21

| | *Pending June 2020* | | | *Pending June 2021* | | |
|---|---|---|---|---|---|---|
| *High Court Station* | *Criminal* | *Civil* | *All* | *Criminal* | *Civil* | *All* |
| Bomet | 243 | 361 | 604 | 310 | 396 | 706 |
| Bungoma | 590 | 2,312 | 2,902 | 778 | 2,359 | 3,137 |
| Busia | 106 | 2,017 | 2,123 | 182 | 2,089 | 2,271 |
| Chuka | 193 | 489 | 682 | 215 | 473 | 688 |
| Eldoret | 1,128 | 1,385 | 2,513 | 1,020 | 1,087 | 2,107 |
| Embu | 573 | 2,427 | 3,000 | 534 | 2,279 | 2,813 |
| Garissa | 449 | 220 | 669 | 450 | 257 | 707 |
| Garsen | 96 | 74 | 170 | 113 | 82 | 195 |
| Homa Bay | 294 | 663 | 957 | 299 | 479 | 778 |
| Kabarnet | 338 | 166 | 504 | 385 | 150 | 535 |
| Kajiado | 269 | 229 | 498 | 284 | 286 | 570 |
| Kakamega | 667 | 2,318 | 2,985 | 747 | 2,546 | 3,293 |
| Kapenguria | 114 | 31 | 145 | 143 | 37 | 180 |
| Kericho | 565 | 1,028 | 1,593 | 634 | 1,140 | 1,774 |
| Kerugoya | 301 | 2,128 | 2,429 | 282 | 2,111 | 2,393 |
| Kiambu | 1,262 | 1,199 | 2,461 | 1,550 | 1,469 | 3,019 |
| Kisii | 259 | 270 | 529 | 190 | 160 | 350 |
| Kisumu | 601 | 917 | 1,518 | 660 | 887 | 1,547 |
| Kitale | 1,773 | 1,030 | 2,803 | 2,062 | 1,168 | 3,230 |
| Kitui | 392 | 234 | 626 | 381 | 259 | 640 |
| Lodwar | 83 | 27 | 110 | 79 | 34 | 113 |
| Machakos | 1,021 | 2,335 | 3,356 | 1,162 | 2,210 | 3,372 |
| Makueni | 195 | 283 | 478 | 232 | 385 | 617 |
| Malindi | 421 | 743 | 1,164 | 525 | 847 | 1,372 |

| | Pending June 2020 | | | Pending June 2021 | | |
|---|---|---|---|---|---|---|
| *High Court Station* | *Criminal* | *Civil* | *All* | *Criminal* | *Civil* | *All* |
| Marsabit | 14 | 8 | 22 | 29 | 87 | 116 |
| Meru | 1,549 | 2,928 | 4,477 | 1,557 | 2,701 | 4,258 |
| Migori | 191 | 467 | 658 | 244 | 446 | 690 |
| Milimani Anti-corr. Div. | 74 | 116 | 190 | 65 | 142 | 207 |
| Milimani Civil Div. | 0 | 6,867 | 6,867 | 0 | 6,985 | 6,985 |
| Milimani C. & Tax Div. | 0 | 7,497 | 7,497 | 0 | 6,579 | 6,579 |
| Milimani Const. Div. | 0 | 1,016 | 1,016 | 0 | 643 | 643 |
| Milimani Criminal Div. | 1,628 | 0 | 1,628 | 2,149 | 0 | 2,149 |
| Milimani Family Div. | 0 | 4,519 | 4,519 | 0 | 5,584 | 5,584 |
| Milimani Jud. Rev. Div. | 0 | 1,153 | 1,153 | 0 | 1,219 | 1,219 |
| Mombasa | 2,235 | 7,392 | 9,627 | 2,320 | 7,345 | 9,665 |
| Muranga | 1,327 | 2,644 | 3,971 | 1,390 | 2,725 | 4,115 |
| Naivasha | 172 | 469 | 641 | 408 | 315 | 723 |
| Nakuru | 821 | 5,723 | 6,544 | 817 | 5,353 | 6,170 |
| Nanyuki | 681 | 126 | 807 | 710 | 138 | 848 |
| Narok | 162 | 266 | 428 | 127 | 243 | 370 |
| Nyamira | 41 | 97 | 138 | 44 | 172 | 216 |
| Nyandarua | 200 | 230 | 430 | 192 | 231 | 423 |
| Nyeri | 660 | 2,183 | 2,843 | 528 | 2,054 | 2,582 |
| Siaya | 587 | 199 | 786 | 75 | 88 | 163 |
| Vihiga | 0 | 0 | 0 | 95 | 155 | 250 |
| Voi | 183 | 171 | 354 | 340 | 199 | 539 |
| All courts | 22,458 | 66,957 | 89,415 | 24,307 | 66,594 | 90,901 |

At the end of the FY 2020/21, the highest number of pending criminal cases were at Mombasa High Court with 2,320 cases, followed by Milimani Criminal Division with 2,149 and Kitale High Court with 2,062 cases respectively. Mombasa High Court had the highest number of pending civil cases at 7,345 followed by Milimani Civil Division at 6,985 and Milimani Commercial & Tax Division 6,579 cases respectively. Figure 2.20 highlights the cases that were pending in each High Court Station.

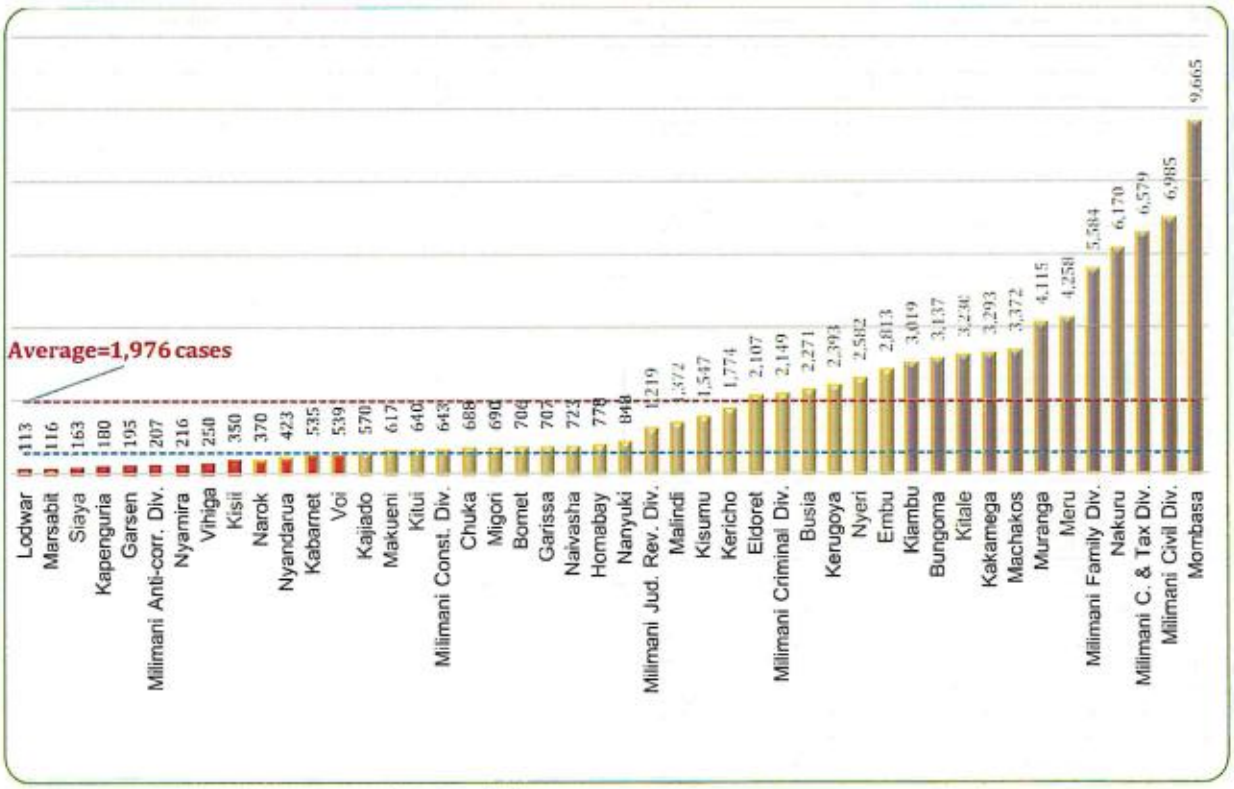



Figure 2.20: Pending Cases by High Court as at 30th June, 2021

Overall, Mombasa High Court had the highest pending cases with 9,665 cases while Lodwar hadthe least pending cases at 113 cases. The pending cases by specific case types for each High Court station are provided in the appendices.

2.6.3 Case Backlog in High Court

At the end of the FY 2020/21, 69,423 cases out of the 90,901 pending cases were backlog. Thecase backlog by age for the high court is illustrated in Figure 2.21.


Figure 2.21: Case backlog in High Court

The highest percentage of backlog at 56 per cent was for cases aged between 1 and 3 years followed by Backlog cases aged 3-5 years at 33 per cent. There were 7,735 backlog cases aged5 years and above translating to 11 per cent. The case backlog for each of the High Court station is detailed in Table 2.15.

Table 2.15: Case backlog by age in High Court

| *High Court Station* | *Backlog 1-3 years* | *Backlog 3-5 years* | *Backlog Over 5 years* | *All Backlog* |
|---|---|---|---|---|
| Bomet | 289 | 246 | 2 | 537 |
| Bungoma | 1,185 | 935 | 459 | 2,579 |
| Busia | 645 | 645 | 622 | 1,912 |
| Chuka | 432 | 39 | 14 | 485 |
| Eldoret | 989 | 698 | 167 | 1,854 |
| Embu | 1,352 | 1,069 | 63 | 2,484 |
| Garissa | 349 | 151 | 53 | 553 |
| Garsen | 41 | 16 | 6 | 63 |
| Homa Bay | 384 | 189 | 12 | 585 |
| Kabarnet | 216 | 142 | 0 | 358 |
| Kajiado | 225 | 5 | 3 | 233 |
| Kakamega | 931 | 784 | 954 | 2,669 |
| Kapenguria | 53 | 36 | 1 | 90 |
| Kericho | 716 | 453 | 214 | 1,383 |
| Kerugoya | 765 | 903 | 420 | 2,088 |
| Kiambu | 812 | 924 | 9 | 1,745 |
| Kisii | 246 | 19 | 31 | 296 |
| Kisumu | 631 | 155 | 502 | 1,288 |
| Kitale | 1,476 | 900 | 16 | 2,392 |
| Kitui | 173 | 140 | 14 | 327 |
| Lodwar | 66 | 33 | 0 | 99 |
| Machakos | 1,797 | 793 | 158 | 2,748 |
| Makueni | 130 | 64 | 0 | 194 |
| Malindi | 415 | 279 | 40 | 734 |
| Marsabit | 15 | 1 | 1 | 17 |
| Meru | 2,159 | 1,246 | 127 | 3,532 |
| Migori | 73 | 68 | 295 | 436 |
| Milimani Anti-corr. Div. | 92 | 55 | 0 | 147 |
| Milimani Civil Div. | 2,939 | 1,714 | 355 | 5,008 |
| Milimani C. & Tax Di. | 2,387 | 1,617 | 1,205 | 5,209 |
| Milimani Const. DiV | 256 | 89 | 37 | 382 |
| Milimani Criminal Div. | 757 | 465 | 11 | 1,233 |
| Milimani Family Div. | 1,633 | 820 | 512 | 2,965 |
| Milimani Jud. Rev. Div. | 579 | 284 | 16 | 879 |
| Mombasa | 6,402 | 1,915 | 293 | 8,610 |
| Murang'a | 1,607 | 1,467 | 574 | 3,648 |
| Naivasha | 149 | 72 | 19 | 240 |
| Nakuru | 3,391 | 1,692 | 285 | 5,368 |
| Nanyuki | 407 | 298 | 13 | 718 |
| Narok | 91 | 50 | 3 | 144 |
| Nyamira | 139 | 13 | 1 | 153 |
| Nyandarua | 179 | 115 | 106 | 400 |

| *High Court Station* | *Backlog 1-3 years* | *Backlog 3-5 years* | *Backlog Over 5 years* | *All Backlog* |
|---|---|---|---|---|
| Nyeri | 1,237 | 938 | 28 | 2,203 |
| Siaya | 42 | 2 | 0 | 44 |
| Vihiga | 0 | 0 | 93 | 93 |
| Voi | 247 | 50 | 1 | 298 |
| All courts | 39,099 | 22,589 | 7,735 | 69,423 |

The Mombasa High Court had the highest case backlog with 8,610 cases followed by Nakuru with5,368, and Milimani Commercial & Tax Division at 5,209. The least case backlog was recorded at Marsabit High Court with 17 Cases.

2.6.4 SJT Implementation Status on Reduction of Case Backlog in High Court

The backlog aged 5 years and above at the beginning of the SJT period in January 2017 stood at 58,487 cases for the High Court. These are the cases that were targeted to be cleared by theend of the SJT period. By June 2021, the case backlog aged 5 years and above in all the High Court stations stood at 7,735 cases, a reduction of 87 per cent. Nonetheless, and owing to newcases entering the age category of 5 years and above, the High Court has resolved 74,078 casesaged 5 years and above since January 2017. The achievements are provided in Table 2.16.

Table 2.16: SJT implementation status on reduction of case backlog in High Court

| High Court Station | Case backlog of over 5 years, January 2017 | Case backlog of over 5 years, 30th June, 2021 | Resolved cases of over 5 years between January 2017 to June 2021 |
|---|---|---|---|
| Bomet | 2 | 2 | 6 |
| Bungoma | 1,664 | 459 | 1,243 |
| Busia | 728 | 622 | 373 |
| Chuka | 0 | 14 | 140 |
| Eldoret | 1,404 | 167 | 2,184 |
| Embu | 1,295 | 63 | 771 |
| Garissa | 109 | 53 | 164 |
| Garsen | 6 | 6 | 28 |
| Homa Bay | 345 | 12 | 248 |
| Kabarnet | 0 | 0 | 0 |
| Kajiado | 7 | 3 | 16 |
| Kakamega | 1,739 | 954 | 832 |
| Kapenguria | 1 | 1 | 2 |
| Kericho | 1,232 | 214 | 1,802 |
| Kerugoya | 355 | 420 | 459 |
| Kiambu | 0 | 9 | 4 |
| Kisii | 634 | 31 | 2,108 |
| Kisumu | 1,193 | 502 | 2,754 |
| Kitale | 1,381 | 16 | 1,983 |
| Kitui | 0 | 14 | 152 |
| Lodwar | 0 | 0 | 0 |
| Machakos | 5,480 | 158 | 3,774 |
| Makueni | 0 | 0 | 48 |
| Malindi | 160 | 40 | 455 |
| Marsabit | 0 | 1 | 1 |
| Meru | 2,415 | 127 | 4,313 |
| Migori | 304 | 295 | 142 |
| Milimani Anti-corr. Div. | 0 | 0 | 7 |
| Milimani Civil Div. | 9,071 | 355 | 6,657 |
| Milimani C. & Tax Div. | 2,747 | 1,205 | 4,882 |
| Milimani Const. DiV | 28 | 37 | 339 |
| Milimani Criminal Div. | 867 | 11 | 892 |
| Milimani Family Div. | 15,593 | 512 | 19,982 |
| Milimani Jud. Rev. Div. | 119 | 16 | 269 |
| Mombasa | 2,480 | 293 | 10,372 |
| Muranga | 161 | 574 | 500 |
| Naivasha | 0 | 19 | 44 |
| Nakuru | 3,631 | 285 | 4,165 |
| Nanyuki | 11 | 13 | 5 |
| Narok | 0 | 3 | 6 |
| Nyamira | 17 | 1 | 7 |
| Nyandarua | 0 | 106 | 3 |
| Nyeri | 3,307 | 28 | 1,894 |
| Siaya | 0 | 0 | 5 |
| Vihiga | 0 | 93 | 41 |
| Voi | 1 | 1 | 6 |
| All courts | 58,487 | 7,735 | 74,078 |

2.7 Employment and Labour Relations Court

There were seven ELRC stations during the review period based in Nairobi, Kericho, Kisumu, Mombasa, Nakuru, Eldoret and Nyeri.

2.7.1 Filed and Resolved Cases in ELRC

In the FY 2020/21, 2,918 cases were filed in the ELRC. This was a 45 per cent increase from 2,015 cases that were registered in the FY 2019/20. Over the same period, the resolved cases were 2,434 cases down from 3,568 cases that were resolved in the FY 2019/20. Figure 2.22 shows the trend of filed and resolved cases in ELRC.


Figure 2.22: Trend of filed and resolved cases, ELRC

The filed cases rose from 3,436 in FY 2014/15 to 6,159 cases in FY 2015/16. This was followed by a decline leading to 2,672 cases in the FY 2018/19. Thereafter there was a gradual decline to2,015 cases in FY 2019/20 followed by a rise to 2,918 in FY 2020/21. The trend of resolved casesdeclined gently rose between the FY 2014/15 up to the FY 2018/19. Thereafter, the number of resolved cases declined to 3,568 cases in 2019/20 and further to 2,434 in FY 2020/21, a declineattributed to the adverse effect of the pandemic. Detailed statistics on filed and resolved casesfor the ELRC over time are provided in Table 2.17.

Table 2.17: Trends of filed and resolved cases in ELRC

| Station | 2016/17 | | 2017/18 | | 2018/19 | | 2019/20 | | 2020/21 | |
|---|---|---|---|---|---|---|---|---|---|---|
| ELRC Station | FC | RC | FC | RC | FC | RC | FC | RC | FC | RC |
| Eldoret | - | - | - | - | - | - | 29 | 122 | 30 | 82 |
| Kericho | 116 | 105 | 124 | 180 | 96 | 32 | 28 | 25 | 34 | 49 |
| Kisumu | 499 | 179 | 581 | 227 | 360 | 367 | 277 | 438 | 333 | 580 |
| Mombasa | 1,045 | 646 | 861 | 455 | 155 | 397 | 177 | 469 | 274 | 438 |
| Nairobi | 3,631 | 1,980 | 3,114 | 2,324 | 1,801 | 2,593 | 1,314 | 1,527 | 1,935 | 986 |
| Nakuru | 391 | 285 | 360 | 182 | 169 | 389 | 87 | 590 | 132 | 166 |
| Nyeri | 400 | 473 | 605 | 293 | 91 | 450 | 103 | 397 | 180 | 133 |
| All ELRC stations | 6,082 | 3,668 | 5,645 | 3,661 | 2,672 | 4,228 | 2,015 | 3,568 | 2,918 | 2,434 |

During the period under reference, Nairobi ELRC had the highest filed cases at 1,935, followedby Kisumu with 333 and Mombasa with 274 cases. Regarding the resolved cases, Nairobi was leading at 986 followed by Kisumu with 580 cases. The types of disputes that were handled bythe court in the FY 2020/21 are illustrated in Figure 2.23.

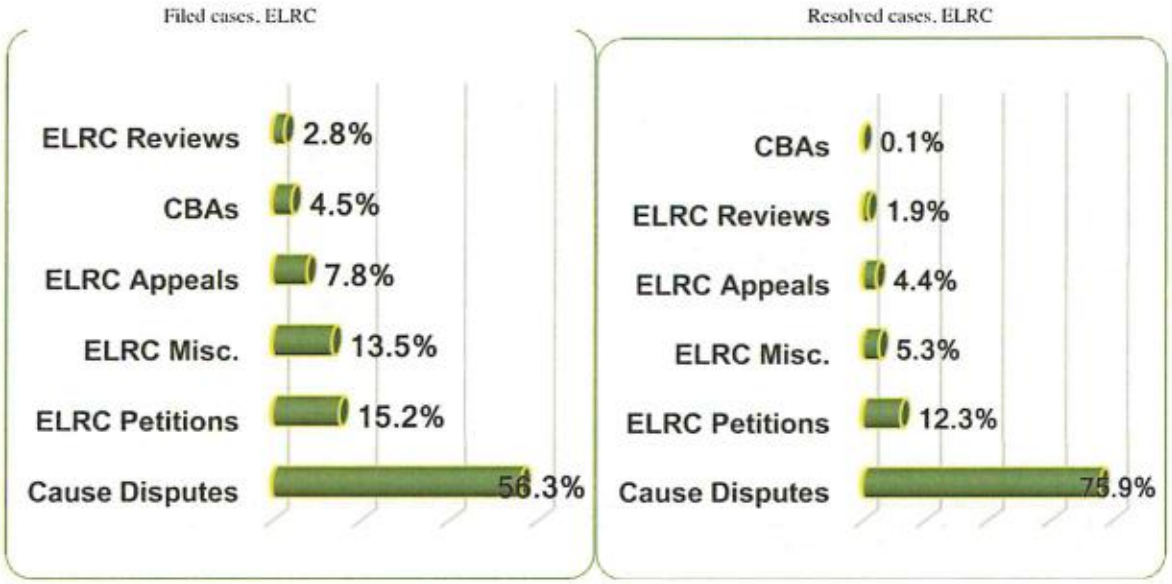



Figure 2.23: Percentage distribution of filed & resolved cases in ELRC, FY 2020/21

In regard to the filed cases, cause disputes remained the bulk of cases at 56.3 per cent followedby petitions at 15.2 percent. Majority of the resolved cases were cause disputes at 75.9 per centfollowed by petitions at 12.3 per cent and miscellaneous application at 5.3 per cent respectively.Table 2.18 elucidates the types of cases that were filed in each of the ELRC station.

Table 2.18: Filed cases by type in ELRC, FY 2020/21

| ELRC Station | CBAs | Cause Disputes | ELRC Petitions | ELRC Misc. | ELRC Appeals | ELRC Reviews | All filed cases |
|---|---|---|---|---|---|---|---|
| Eldoret | 0 | 13 | 10 | 7 | 0 | 0 | 30 |
| Kericho | 0 | 14 | 11 | 8 | 0 | 1 | 34 |
| Kisumu | 0 | 123 | 94 | 66 | 31 | 19 | 333 |
| Mombasa | 0 | 143 | 14 | 50 | 61 | 6 | 274 |
| Nairobi | 130 | 1,177 | 249 | 217 | 118 | 44 | 1,935 |
| Nakuru | 0 | 67 | 29 | 24 | 5 | 7 | 132 |
| Nyeri | 0 | 105 | 36 | 22 | 12 | 5 | 180 |
| All Courts | 130 | 1,642 | 443 | 394 | 227 | 82 | 2,918 |

Cause disputes were the most filed cases at 1,672 followed by petitions at 443. The reviews were the least filed cases at 82. Table 2.19 elaborates the types of cases that were resolved inELRC.

Table 2.19: Resolved cases by type in ELRC, FY 2020/21

| ELRC Station | CBAs | Cause Disputes | ELRC Petitions | ELRC Misc. | ELRC Appeals | ELRC Reviews | All resolved cases |
|---|---|---|---|---|---|---|---|
| Eldoret | 0 | 68 | 8 | 2 | 2 | 2 | 82 |
| Kericho | 0 | 35 | 10 | 3 | 1 | 0 | 49 |
| Kisumu | 0 | 365 | 95 | 41 | 56 | 23 | 580 |
| Mombasa | 0 | 373 | 10 | 31 | 23 | 1 | 438 |
| Nairobi | 2 | 783 | 144 | 25 | 17 | 15 | 986 |
| Nakuru | 0 | 139 | 11 | 8 | 7 | 1 | 166 |
| Nyeri | 1 | 85 | 21 | 20 | 1 | 5 | 133 |
| All Courts | 3 | 1,848 | 299 | 130 | 107 | 47 | 2,434 |

Most of the resolved cases were at Nairobi ELRC with 986 cases followed by Kisumu with 580 cases. Kericho had the least resolutions at 49 cases.

### 2.7.2 Pending Cases in ELRC

At the end of the FY 2020/21, there were 14,040 pending cases in ELRC. This signified an increase from the 12,907 cases that were pending at the end of the FY 2019/20. Over time, thepending cases in ELRC has not drastically changed as shown in Figure 2.24.

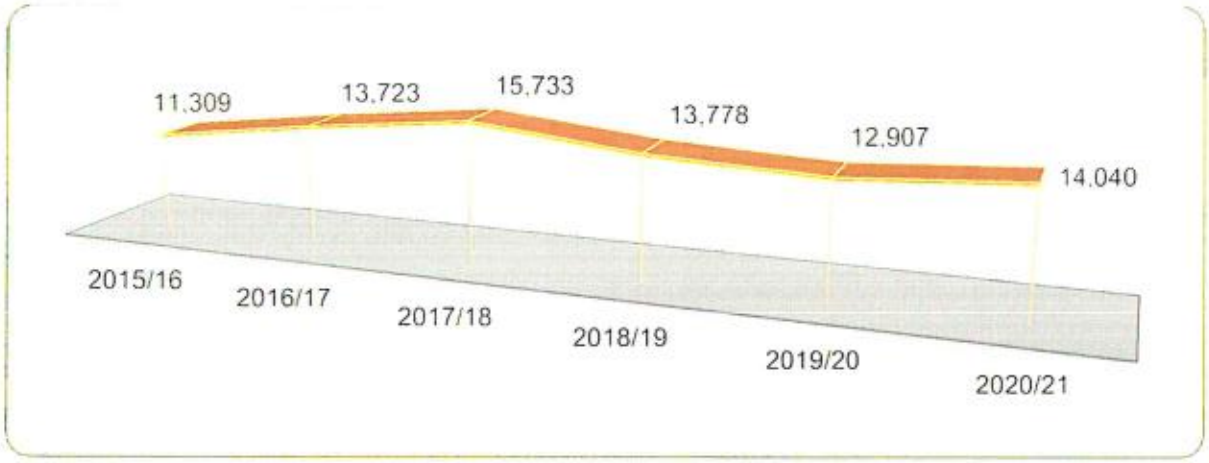



Figure 2.24: Trend of pending cases, ELRC

From the FY 2015/16, the pending cases in ELRC rose to 15,733 cases at the end of FY 2017/18.This was followed by a slight decline to 13,788 cases in FY 2018/19 and a further decline to 12,907cases at the end of FY 2019/20. They settled at 14,040 cases in FY 2020/21. This is attributed to challenges of accessing courts that were posed by COVID-19 pandemic. The percentage distribution of pending cases by type is shown in Figure 2.25.

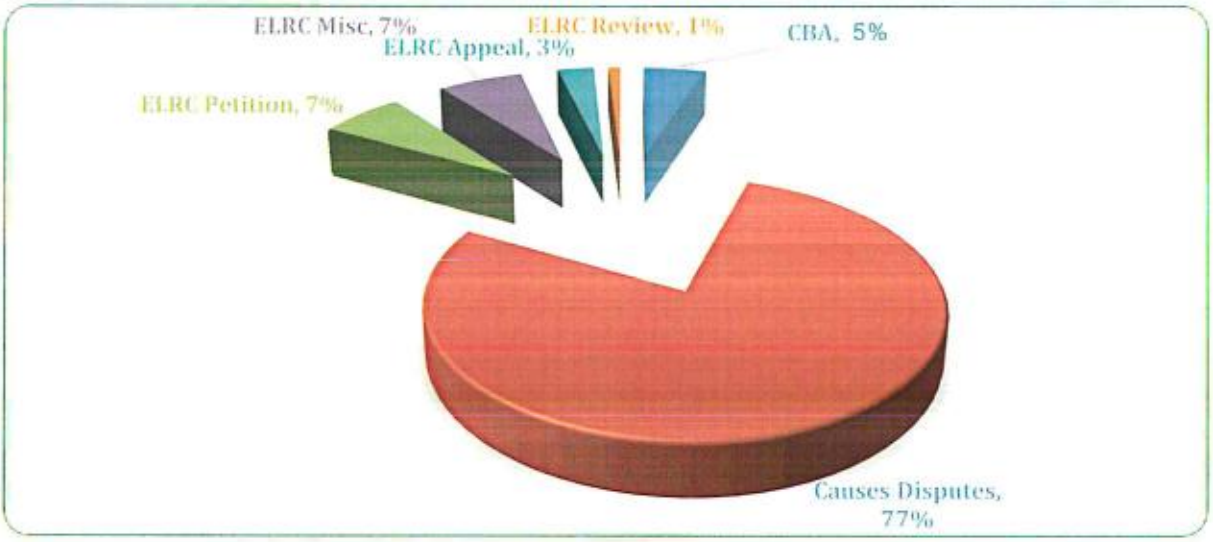



Figure 2.25: Distribution of pending cases by case type in ELRC

Figure 2.25 shows that majority of the pending cases were cause disputes at 77 per cent, followed by miscellaneous application at 7 per cent. The least pending cases were judicial review which stood at one per cent. The change over time of pending cases in the ELRC is elaborated in Table 2.20.

Table 2.20: Trend of pending cases in ELRC

| ELRC Station | FY 2016/17 | FY 2017/18 | FY 2018/19 | FY2019/20 | FY2020/21 |
|---|---|---|---|---|---|
| Eldoret | - | - | 0 | 103 | 698 |
| Kericho | 310 | 254 | 318 | 321 | 306 |
| Kisumu | 1,182 | 1,544 | 1,132 | 971 | 724 |
| Mombasa | 1,817 | 2,233 | 1,991 | 1,699 | 1,535 |
| Nairobi | 9,067 | 9,857 | 9,065 | 8,852 | 9,801 |
| Nakuru | 1,152 | 1,338 | 1,124 | 691 | 657 |
| Nyeri | 195 | 507 | 148 | 270 | 319 |
| All | 13,723 | 15,733 | 13,778 | 12,907 | 14,040 |

The highest number of pending cases were in Nairobi ELRC at 9,801 cases followed by Mombasaand Kisumu at 1,535 and 724 cases respectively. The specific types of pending cases for each of the ELRC station at the end of the period under review are detailed in Table 2.21.

Table 2.21: Pending cases by case type in ELRC, 30th June 2021

| ELRC Station | CBAs | Cause Disputes | ELRC Petitions | ELRC Misc. | ELRC Appeals | ELRC Reviews | All cases |
|---|---|---|---|---|---|---|---|
| Eldoret | 0 | 540 | 125 | 14 | 7 | 12 | 698 |
| Kericho | 0 | 278 | 11 | 11 | 2 | 4 | 306 |
| Kisumu | 0 | 513 | 95 | 73 | 28 | 15 | 724 |
| Mombasa | 3 | 1,259 | 29 | 154 | 76 | 14 | 1,535 |
| Nairobi | 676 | 7,631 | 584 | 599 | 238 | 73 | 9,801 |
| Nakuru | 1 | 534 | 29 | 54 | 29 | 10 | 657 |
| Nyeri | 1 | 228 | 40 | 29 | 18 | 3 | 319 |
| All Courts | 681 | 10,983 | 913 | 934 | 398 | 131 | 14,040 |

The station that closed the year with the highest number of pending cases was Nairobi at 9,801 followed by Mombasa with 1,535. Kericho had the least at 306 cases. Across most of the stations, 'cause disputes' were the bulk of the pending cases.

2.7.3 Case Backlog in ELRC

Out of the 14,040 cases that were pending in ELRC at the end of the review period, 11,220 caseswere backlog. This was a 3 per cent increase from the 10,928 backlog cases that were recordedat the end of the previous financial year. The percentage distribution of case backlog by age inELRC at the end of FY 2020/21 is illustrated in Figure 2.26.

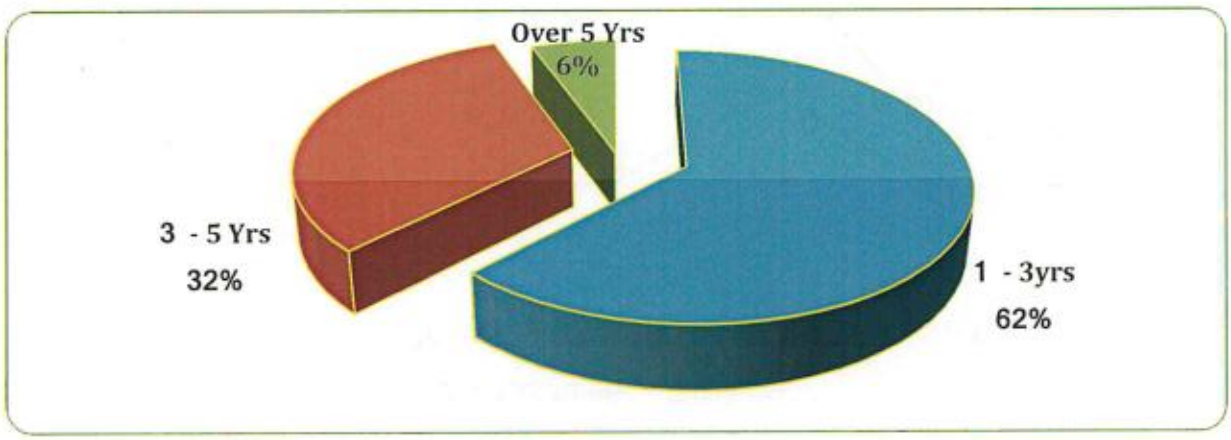



Figure 2.26: Percentage distribution of case backlog in ELRC

Figure 2.26 reveals that 62 per cent of case backlog was aged between 1 and 3 years while 32 per cent of the cases were aged between 3 and 5 years. The category with the least backlog was that of above 5 years at 6 per cent. The case backlog for each ELRC stations is illustratedin Table 2.22.

Table 2.22: Case backlog by age in ELRC

| ELRC Station | 1-3 years | 3-5 years | Over 5 years | ALL |
|---|---|---|---|---|
| Eldoret | 275 | 393 | 1 | 669 |
| Kericho | 190 | 101 | 3 | 294 |
| Kisumu | 223 | 82 | 87 | 392 |
| Mombasa | 713 | 444 | 90 | 1,247 |
| Nairobi | 5,140 | 2,349 | 379 | 7,868 |
| Nakuru | 269 | 200 | 59 | 528 |
| Nyeri | 198 | 18 | 6 | 222 |
| All Courts | 7,008 | 3,587 | 625 | 11,220 |

The highest backlog at the end of the review period was recorded at Nairobi ELRC with 7,868

cases followed by Mombasa with 1,247 and Eldoret with 669 cases respectively. Nyeri station had the least case backlog with 222 cases.

2.7.4 SJT Implementation Status on Reduction of Case Backlog in ELRC

At the beginning of the SJT period in January 2017, there were 771 cases in ELRC aged 5 yearsand above. The progress in clearing these cases by June 2021 is given in Table 2.23.

Table 2.23: SJT implementation status on reduction of case backlog in ELRC

| ELRC Station | SJT target on reduction of cases older than 5 years, 1st January, 2017 | Resolved cases older than 5 yearsbetween 1st January, 2017 and 30th June, 2021 | Case backlog older than5 years as at 30th June, 2021 |
|---|---|---|---|
| Eldoret | 0 | 54 | 1 |
| Kericho | 0 | 13 | 3 |
| Kisumu | 43 | 364 | 87 |
| Mombasa | 1 | 292 | 90 |
| Nairobi | 717 | 2,537 | 379 |
| Nakuru | 10 | 248 | 59 |

| ELRC Station | SJT target on reduction of cases older than 5 years, 1st January, 2017 | Resolved cases older than 5 yearsbetween 1st January, 2017 and 30th June, 2021 | Case backlog older than5 years as at 30th June, 2021 |
|---|---|---|---|
| Nyeri | 0 | 29 | 6 |
| All Courts | 771 | 3,537 | 625 |

Between January 2017 and the end of June 2021, ELRC managed to reduce case backlog aged5 years and above by 19 per cent from the 771 cases to 625 cases. Though the court had not managed to clear all the cases as envisaged under SJT, the court resolved a total of 3,537 cases aged 5 years and above over the entire SJT period. The higher than target resolution of the cases is attributed to cases entering the age category of 5 years and above.

2.8 The Environment and Land Court (ELC)

2.8.1 Filed and Resolved Cases in Environment and Land Court

In the FY 2020/21, there were 26 ELC stations spread across the country. During this period, 4,856 were filed and 5,748 cases were resolved. This translated into a CCR of 118 per cent, the highest in comparison to all other courts. The trend of filed and resolved cases in ELC since theFY 2014/15 is as depicted in Figure 2.27.

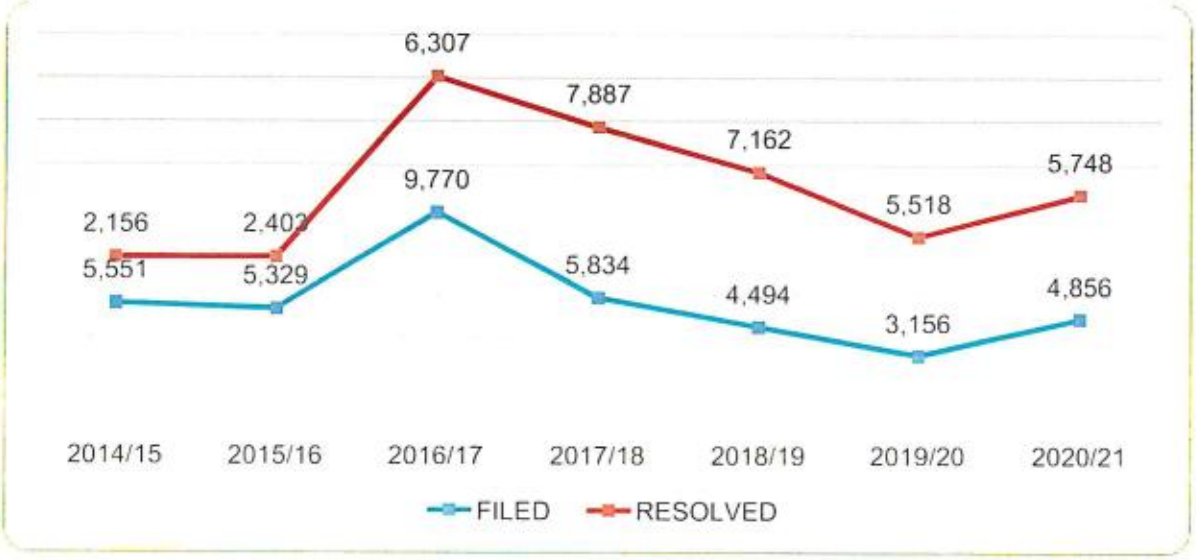



Figure 2.27: Trend of Filed and Resolved Cases in ELC

Figure 2.27 shows that both filed and resolved cases rose between the FYs 2015/16 and 2016/17.Thereafter, it took a downward trend up to the FY 2019/20. There was a rise in both filed and resolved cases between the FYs 2019/20 FY and 2020/21. Information on filing and resolution of cases in ELC stations since the FY 2015/16 as presented in the Table 2.24.

Table 2.24: Trends of Filed and Resolved Cases, ELC

| *ELC Station* | *FY 2015/16* | | *FY 2016/17* | | *FY 2017/18* | | *FY 2018/19* | | *FY 2019/20* | | *FY 2020/21* | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | *FC* | *RC* | *FC* | *RC* | *FC* | *RC* | *FC* | *RC* | *FC* | *RC* | *FC* | *RC* |
| Bungoma | 112 | 144 | 263 | 436 | 107 | 195 | 111 | 83 | 70 | 135 | 70 | 163 |
| Busia | 144 | 14 | 267 | 209 | 140 | 65 | 85 | 195 | 63 | 104 | 134 | 167 |
| Chuka | - | - | 464 | 78 | 85 | 311 | 45 | 86 | 42 | 58 | 44 | 66 |
| Eldoret | 521 | 68 | 473 | 234 | 232 | 270 | 193 | 421 | 127 | 401 | 148 | 325 |
| Embu | 130 | 9 | 54 | 15 | 282 | 136 | 94 | 96 | 93 | 142 | 117 | 190 |
| Garissa | - | - | 62 | 32 | 68 | 24 | 27 | 31 | 12 | 12 | 28 | 25 |
| Kajiado | - | - | 201 | 18 | 88 | 177 | 112 | 317 | 124 | 192 | 236 | 158 |
| Kakamega | 262 | 10 | 117 | 16 | 294 | 600 | 221 | 444 | 172 | 341 | 111 | 251 |
| Kericho | 332 | 10 | 116 | 38 | 84 | 360 | 54 | 223 | 17 | 31 | 54 | 39 |
| Kerugoya | 875 | 217 | 308 | 190 | 125 | 154 | 60 | 38 | 44 | 117 | 75 | 42 |
| Kisii | 601 | 462 | 563 | 975 | 212 | 223 | 92 | 309 | 87 | 163 | 63 | 160 |
| Kisumu | 174 | 33 | 483 | 422 | 154 | 626 | 125 | 229 | 147 | 150 | 290 | 115 |
| Kitale | 193 | 98 | 388 | 307 | 89 | 175 | 118 | 129 | 48 | 80 | 107 | 95 |
| Machakos | - | - | 149 | 1,502 | 374 | 526 | 334 | 462 | 226 | 250 | 377 | 227 |
| Makueni | - | - | 327 | 2 | 92 | 167 | 52 | 96 | 59 | 155 | 66 | 67 |
| Malindi | 295 | 170 | 552 | 292 | 278 | 240 | 174 | 321 | 157 | 172 | 207 | 303 |
| Meru | 155 | 50 | 512 | 322 | 233 | 694 | 296 | 448 | 242 | 335 | 269 | 285 |
| Migori | - | - | 793 | 7 | 190 | 164 | 138 | 216 | 100 | 223 | 147 | 132 |
| Milimani | 1,437 | 141 | 936 | 428 | 991 | 963 | 806 | 1,811 | 441 | 1,497 | 1,043 | 1,519 |
| Mombasa | 408 | 250 | 445 | 474 | 494 | 521 | 467 | 387 | 338 | 156 | 432 | 371 |

| ELC Station | FY 2015/16 | | FY 2016/17 | | FY 2017/18 | | FY 2018/19 | | FY 2019/20 | | FY 2020/21 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | FC | RC | FC | RC | FC | RC | FC | RC | FC | RC | FC | RC |
| Muranga | - | - | 145 | 14 | 185 | 204 | 99 | 194 | 40 | 153 | 84 | 121 |
| Nakuru | 191 | 31 | 199 | 10 | 259 | 226 | 206 | 227 | 154 | 417 | 197 | 379 |
| Narok | - | - | 526 | 28 | 85 | 76 | 74 | 44 | 68 | 43 | 77 | 84 |
| Nyandarua | - | - | 418 | 22 | 107 | 59 | 68 | 157 | 20 | 39 | 25 | 58 |
| Nyeri | 329 | 129 | 318 | 220 | 163 | 587 | 99 | 108 | 103 | 26 | 105 | 66 |
| Thika | - | - | 691 | 16 | 423 | 144 | 344 | 90 | 162 | 126 | 350 | 340 |
| All stations | 6,159 | 1,836 | 9,770 | 6,307 | 5,834 | 7,887 | 4,494 | 7,162 | 3,156 | 5,518 | 4,856 | 5,748 |

"-" ELC station was not operational

Suits were the most of the cases handled by the ELC followed by miscellaneous while appealswere the least. The breakdown of filed cases by case type in ELC stations is highlighted in Table 2.25.

Table 2.25: Filed cases in ELC by type, FY 2020/21

| ELC Station | ELC matters | ELC Reviews | ELC Misc. | ELC Appeals | ELC Petitions | Total Filed cases |
|---|---|---|---|---|---|---|
| Bungoma | 32 | 0 | 10 | 23 | 5 | 70 |
| Busia | 93 | 5 | 14 | 20 | 2 | 134 |
| Chuka | 15 | 7 | 12 | 8 | 2 | 44 |
| Eldoret | 96 | 7 | 21 | 16 | 8 | 148 |
| Embu | 74 | 7 | 15 | 18 | 3 | 117 |
| Garissa | 10 | 0 | 7 | 6 | 5 | 28 |
| Kajiado | 111 | 6 | 68 | 36 | 15 | 236 |
| Kakamega | 30 | 4 | 35 | 35 | 7 | |
| Kericho | 37 | 1 | 8 | 4 | 4 | 54 |
| Kerugoya | 35 | 7 | 15 | 13 | 5 | 75 |
| Kisii | 35 | 1 | 5 | 13 | 9 | 63 |
| Kisumu | 134 | 14 | 42 | 73 | 27 | 290 |
| Kitale | 72 | 0 | 21 | 9 | 5 | 107 |
| Machakos | 198 | 27 | 66 | 52 | 34 | 377 |
| Makueni | 36 | 7 | 9 | 7 | 7 | 66 |
| Malindi | 142 | 3 | 33 | 6 | 23 | 207 |
| Meru | 86 | 19 | 41 | 90 | 33 | 269 |
| Migori | 51 | 2 | 22 | 40 | 32 | 147 |
| Milimani | 583 | 43 | 274 | 81 | 62 | 1,043 |
| Mombasa | 277 | 8 | 85 | 31 | 31 | 432 |
| Muranga | 53 | 1 | 10 | 18 | 2 | 84 |
| Nakuru | 119 | 8 | 28 | 26 | 16 | 197 |
| Narok | 43 | 8 | 11 | 9 | 6 | 77 |
| Nyandarua | 13 | 2 | 4 | 4 | 2 | 25 |
| Nyeri | 41 | 3 | 18 | 37 | 6 | 105 |
| Thika | 173 | 9 | 57 | 84 | 27 | 350 |
| All Courts | 2,589 | 199 | 931 | 759 | 378 | 4,856 |

Milimani ELC had the highest filed cases at 1,043 followed by Murang'a with 432 cases. Details

on resolved cases for the ELC stations are provided in Table 2.26.

Table 2.26: Resolved cases in ELC by type, FY 2020/21

| ELC Station | ELC matters | ELC Reviews | ELC Misc. | ELC Appeals | ELC Petitions | Total Cases |
|---|---|---|---|---|---|---|
| Bungoma | 118 | 0 | 32 | 12 | 1 | 163 |
| Busia | 146 | 3 | 8 | 6 | 4 | 167 |
| Chuka | 29 | 3 | 16 | 15 | 3 | 66 |
| Eldoret | 242 | 12 | 38 | 13 | 20 | 325 |
| Embu | 141 | 9 | 15 | 15 | 10 | 190 |
| Garissa | 18 | 0 | 1 | 2 | 4 | 25 |
| Kajiado | 95 | 2 | 43 | 12 | 6 | 158 |
| Kakamega | 167 | 5 | 28 | 38 | 13 | 251 |
| Kericho | 30 | 1 | 5 | 2 | 1 | 39 |
| Kerugoya | 33 | 1 | 3 | 4 | 1 | 42 |
| Kisii | 114 | 5 | 17 | 17 | 7 | 160 |

| *ELC Station* | *ELC matters* | *ELC Reviews* | *ELC Misc.* | *ELC Appeals* | *ELC Petitions* | *Total Cases* |
|---|---|---|---|---|---|---|
| Kisumu | 72 | 3 | 19 | 16 | 5 | 115 |
| Kitale | 78 | 0 | 5 | 6 | 6 | 95 |
| Machakos | 142 | 15 | 24 | 35 | 11 | 227 |
| Makueni | 46 | 3 | 5 | 4 | 9 | 67 |
| Malindi | 220 | 7 | 32 | 12 | 32 | 303 |
| Meru | 93 | 33 | 44 | 92 | 23 | 285 |
| Migori | 98 | 3 | 15 | 12 | 4 | 132 |
| Milimani | 1,036 | 62 | 293 | 82 | 46 | 1,519 |
| Mombasa | 253 | 12 | 34 | 44 | 28 | 371 |
| Murang'a | 83 | 3 | 14 | 19 | 2 | 121 |
| Nakuru | 315 | 14 | 16 | 14 | 20 | 379 |
| Narok | 60 | 3 | 13 | 2 | 6 | 84 |
| Nyandarua | 22 | 2 | 5 | 23 | 6 | 58 |
| Nyeri | 34 | 4 | 15 | 10 | 3 | 66 |
| Thika | 239 | 7 | 40 | 36 | 18 | 340 |
| All Courts | 3,924 | 212 | 780 | 543 | 289 | 5,748 |

The highest number of resolutions was recorded at Milimani ELC with 1,519 resolved cases followed by Thika with 340 resolved cases.

2.8.2 Pending Cases in the ELC

At the end of the FY 2020/21, the pending cases in ELC stood at 14,405 cases. This was a declineby nine per cent from the 15,892 cases that were pending at the end of the previous year. The change in pendency of cases in the ELC over time is shown in Figure 2.28.

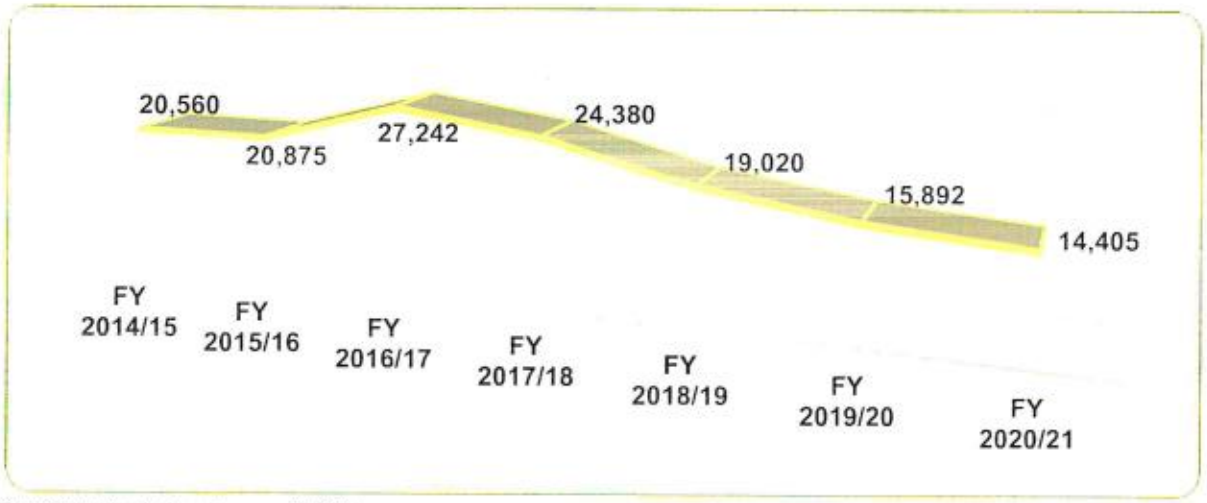



Figure 2.28: Trend of pending cases in ELC

After a period characterized by increasing pendency between FY 2014/15 and FY 2016/17, a gradual reduction followed culminating in 14,405 cases by the end of June 2021. The reductionattests to the court managing to reduce its load of cases by resolving more cases than the number that is filed annually. The percentage distribution of pending cases by type at the endof the period under review is illustrated in Figure 2.29.

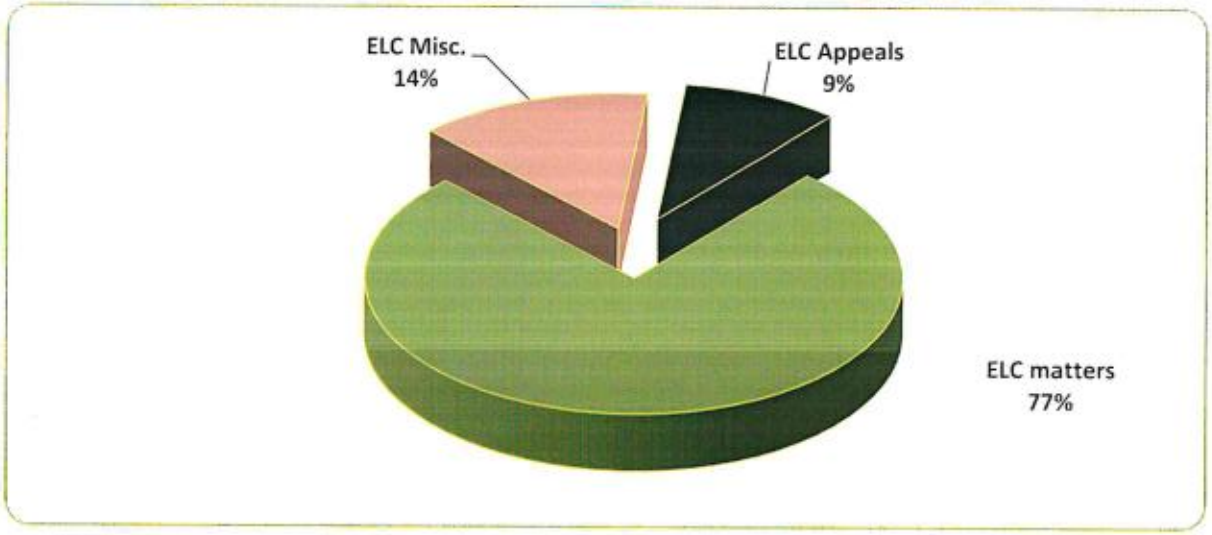


Figure 2.29: Percentage distribution of pending cases in ELC by type

The highest percentage of pending cases were the general ELC suits at 77 per cent followed bymiscellaneous matters at 14 per cent. From Table 2.27, Mombasa had the most pending cases at 2,132 followed by Milimani with 1,370 and Eldoret with 1,129 cases. The breakdown of pending cases for each of the ELC station is presented in Table 2.27.

Table 2.27: Pending cases by type in ELC, 30th June 2021

| *ELC Station* | *ELC General Suits* | *ELC Misc.* | *ELC Appeals* | *All case types* |
|---|---|---|---|---|
| Bungoma | 58 | 68 | 68 | 194 |
| Busia | 308 | 12 | 20 | 340 |
| Chuka | 5 | 0 | 3 | 8 |
| Eldoret | 1,037 | 44 | 48 | 1,129 |
| Embu | 279 | 23 | 57 | 359 |
| Garissa | 33 | 19 | 14 | 66 |
| Kajiado | 199 | 29 | 27 | 255 |
| Kakamega | 123 | 25 | 27 | 175 |
| Kericho | 175 | 10 | 9 | 194 |
| Kerugoya | 591 | 116 | 168 | 875 |
| Kisii | 405 | 31 | 21 | 457 |
| Kisumu | 512 | 59 | 111 | 682 |
| Kitale | 610 | 21 | 5 | 636 |
| Machakos | 710 | 197 | 84 | 991 |
| Makueni | 37 | 8 | 11 | 56 |
| Malindi | 823 | 6 | 4 | 833 |
| Meru | 2 | 108 | 193 | 303 |
| Migori | 35 | 34 | 37 | 106 |
| Milimani | 801 | 494 | 75 | 1,370 |
| Mombasa | 1,538 | 488 | 106 | 2,132 |
| Muranga | 38 | 14 | 18 | 70 |
| Nakuru | 829 | 22 | 24 | 875 |
| Narok | 181 | 39 | 22 | 242 |
| Nyandarua | 190 | 2 | 3 | 195 |
| Nyeri | 634 | 68 | 77 | 779 |
| Thika | 882 | 75 | 126 | 1,083 |
| All Courts | 10,955 | 2,012 | 1,346 | 14,405 |

The least pending cases at the end of the review period were recorded at Chuka at eight and Makueni at 56 respectively. Figure 2.30 presents the pending cases by ELC station.

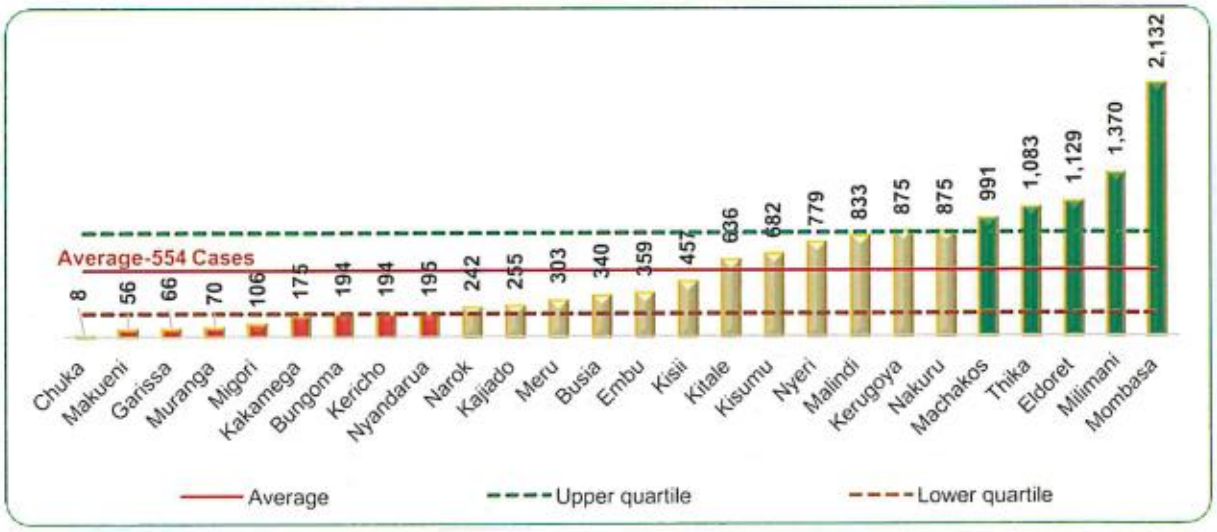


Figure 2.30: Distribution of Pending Case by Courts in ELC, 30th June 2021

The average pending cases by ELC station stood at 544 cases at the end of review period. Thecourts with highest pending cases and appearing above the upper quartile line were Machakos,Thika, Eldoret, Milimani and Mombasa. The courts with the least pendency, and appearing below the lower quartile line were Chuka, Makueni, Garissa, Murang'a, Migori, Kakamega, Bungoma, Kericho and Nyandarua ELC.

2.8.3 Case Backlog in ELC

The case backlog in ELC stood at 11,517 cases in FY 2020/21. The distribution of case backlog by age is shown in Figure 2.31.

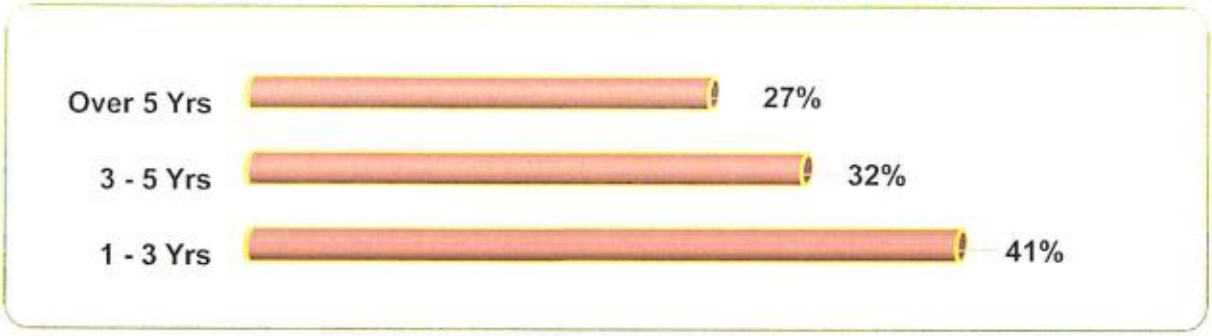



Figure 2.31: Distribution of case backlog by age in ELC

The highest chunk of case backlog in ELC was aged between 1 and 3 years at 41 per cent. Twenty-seven per cent of backlog cases were aged above five years. Detailed analysis of casebacklog by ELC station is provided in Table 2.28.

Table 2.28: Case backlog by age in ELC, 30th June 2021

| *ELC Station* | *1-3 years* | *3-5 years* | *Over 5 years* | *All backlog* |
|---|---|---|---|---|
| Bungoma | 37 | 98 | 58 | 193 |
| Busia | 144 | 39 | 28 | 211 |
| Chuka | 4 | 2 | 0 | 6 |
| Eldoret | 369 | 306 | 307 | 982 |
| Embu | 128 | 97 | 18 | 243 |
| Garissa | 14 | 24 | 1 | 39 |
| Kajiado | 11 | 103 | 3 | 117 |
| Kakamega | 48 | 39 | 39 | 126 |
| Kericho | 83 | 54 | 8 | 145 |
| Kerugoya | 418 | 316 | 67 | 801 |
| Kisii | 134 | 78 | 226 | 438 |
| Kisumu | 145 | 75 | 173 | 393 |
| Kitale | 342 | 219 | 63 | 624 |
| Machakos | 344 | 195 | 76 | 615 |
| Makueni | 19 | 32 | 4 | 55 |
| Malindi | 397 | 152 | 79 | 628 |
| Meru | 16 | 50 | 58 | 124 |
| Migori | 49 | 21 | 8 | 78 |
| Milimani | 383 | 129 | 857 | 1,369 |
| Mombasa | 798 | 622 | 282 | 1,702 |
| Muranga | 18 | 35 | 17 | 70 |
| Nakuru | 24 | 292 | 408 | 724 |
| Narok | 88 | 72 | 7 | 167 |
| Nyandarua | 42 | 60 | 89 | 191 |
| Nyeri | 300 | 193 | 183 | 676 |
| Thika | 381 | 403 | 16 | 800 |
| All Courts | 4,736 | 3,706 | 3,075 | 11,517 |

At the end of the FY 2020/21, the highest case backlog was recorded at Mombasa with 1,702 cases followed by Milimani ELC with 1,369 cases. The least backlog was recorded at Chuka ELCstation with six cases.

2.8.4 SJT Implementation Status on Reduction of Case Backlog in ELC

In January 2017, there were 4,146 cases aged five years and above in ELC. This number formedthe target for reduction to zero cases during the SJT period. Table 2.29 gives the performanceof ELC regarding the reduction of case backlog of 5 years and above between January 2017 andJune 2021.

Table 2.29: SJT implementation status on reduction of case backlog in ELC

| *ELC Station* | *SJT target on reduction of cases older than 5 years, 1st January, 2017* | *Resolved cases older than 5 years between 1st January, 2017 and 30th June, 2021* | *Case Backlog older than5 years as at 30th June, 2021* |
|---|---|---|---|
| Bungoma | 372 | 422 | 58 |
| Busia | 34 | 238 | 28 |
| Chuka | 0 | 246 | 0 |
| Eldoret | 611 | 809 | 307 |
| Embu | 11 | 248 | 18 |
| Garissa | 0 | 31 | 1 |
| Kajiado | 0 | 8 | 3 |

| *ELC Station* | *SJT target on reduction of cases older than 5 years, 1st January, 2017* | *Resolved cases older than 5 years between 1st January, 2017 and 30th June, 2021* | *Case Backlog older than5 years as at 30th June, 2021* |
|---|---|---|---|
| Kakamega | 67 | 495 | 39 |
| Kericho | 199 | 288 | 8 |
| Kerugoya | 55 | 141 | 67 |
| Kisii | 150 | 659 | 226 |
| Kisumu | 144 | 484 | 173 |
| Kitale | 208 | 301 | 63 |
| Machakos | 0 | 1,374 | 76 |
| Makueni | 0 | 10 | 4 |
| Malindi | 158 | 461 | 79 |
| Meru | 145 | 1,218 | 58 |
| Migori | 0 | 108 | 8 |
| Milimani | 988 | 3,540 | 857 |
| Mombasa | 452 | 1,017 | 282 |
| Muranga | 0 | 0 | 17 |
| Nakuru | 547 | 455 | 408 |
| Narok | 0 | 0 | 7 |
| Nyandarua | 0 | 10 | 89 |
| Nyeri | 5 | 81 | 183 |
| Thika | 0 | 27 | 16 |
| All Courts | 4,146 | 12,671 | 3,075 |

By the end of June 2021, there were 3,075 backlog cases aged 5 years and above in the ELC. This marked a 26 per cent reduction in comparison to the baseline of 4,146 cases. Although these cases never reduced to zero as targeted, ELC resolved a total of 12,671 cases aged 5 years and above. This translated into 206 per cent performance in comparison to the baselinenumber.

2.9 Magistrates' Courts

2.9.1 Filed and Resolved Cases in Magistrates' Courts

There were 310,470 cases that were filed in 127 Magistrates' Courts stations spread across thecountry in the FY 2020/21. This was an increase from the 298,838 cases that were filed in the FY 2019/20. Over the same period, 253,272 cases were resolved yielding a case clearance rateof 82 per cent. The trend of filed cases in the Magistrates' Courts is illustrated in Figures 2.32.

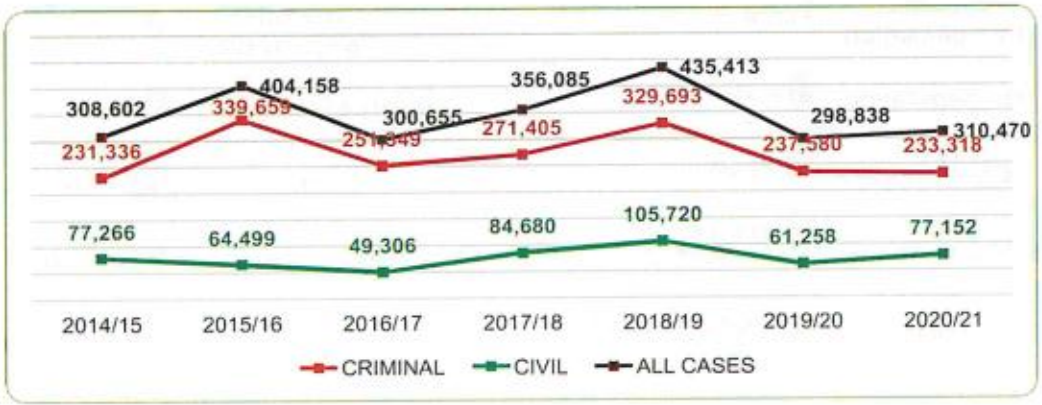



Figure 2.32: Trend of Filed Cases by Case Type, Magistrates' Courts

Filed cases increased by four per cent from 298,838 cases to 310,470 cases in comparison to the previous reporting period. Over time, filed criminal cases remained predominantly more than the civil cases. The curve for the criminal cases and that for the total cases are similar suggesting that the demand for justice in the Magistrates' Courts is mainly driven by criminal matters. Figure 2.33 shows the change over time for the cases resolved.

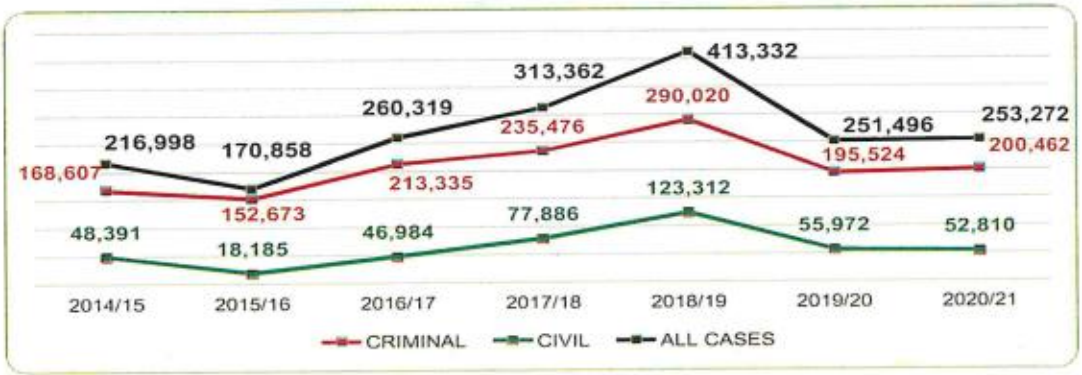


Figure 2.33: Trend of Resolved Cases by Case type, Magistrates' Courts

The resolved cases, both criminal and civil matters, rose steadily from the FY 2015/16 up to theFY 2018/19. This was followed by a drop in the FY 2019/20, attributed to the adverse effectsof the COVID-19 pandemic. This was followed by a slight increase in the FY 2020/21. Figures 2.34 shows the percentage distribution of filed and resolved criminal cases in the Magistrates'Courts.

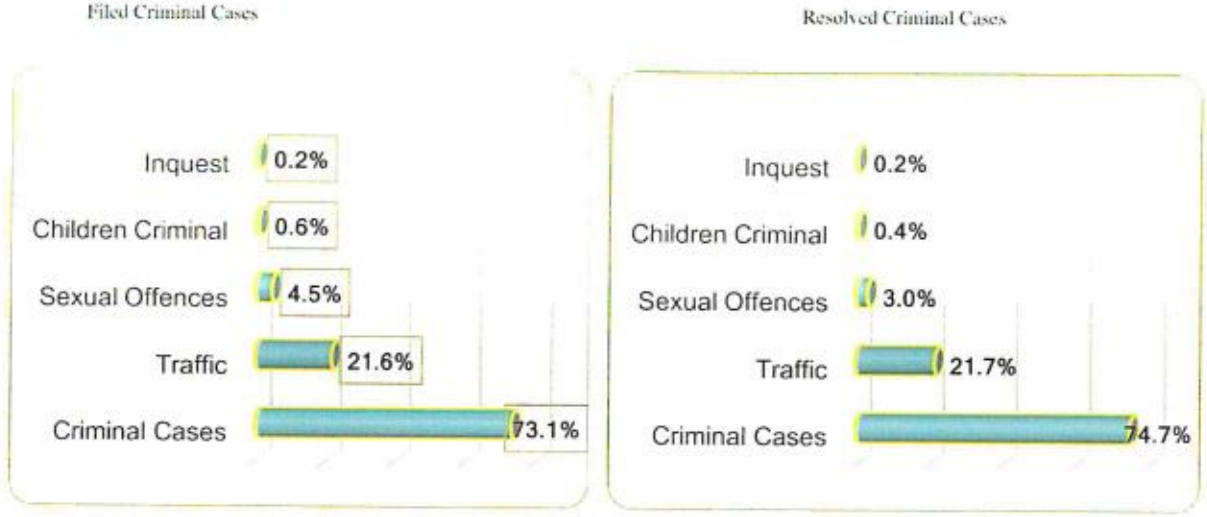



Figure 2.34: Percentage Filed & Resolved Criminal Cases in Magistrates' Courts, FY 2020/21

Figure 2.34 shows that the broad sub-classification of criminal matters had the highest shareof both filed and resolved cases at 73.1 and 74.7 per cent respectivelytraffic cases accounting for 21.6 and 21.7 per cent respectively. Sexual offences accounted for 4.5 and 3 per cent of filed and resolved cases respectively. The percentage distribution of filed and resolved civil cases in the Magistrates' Courts is shown in Figure 2.35.

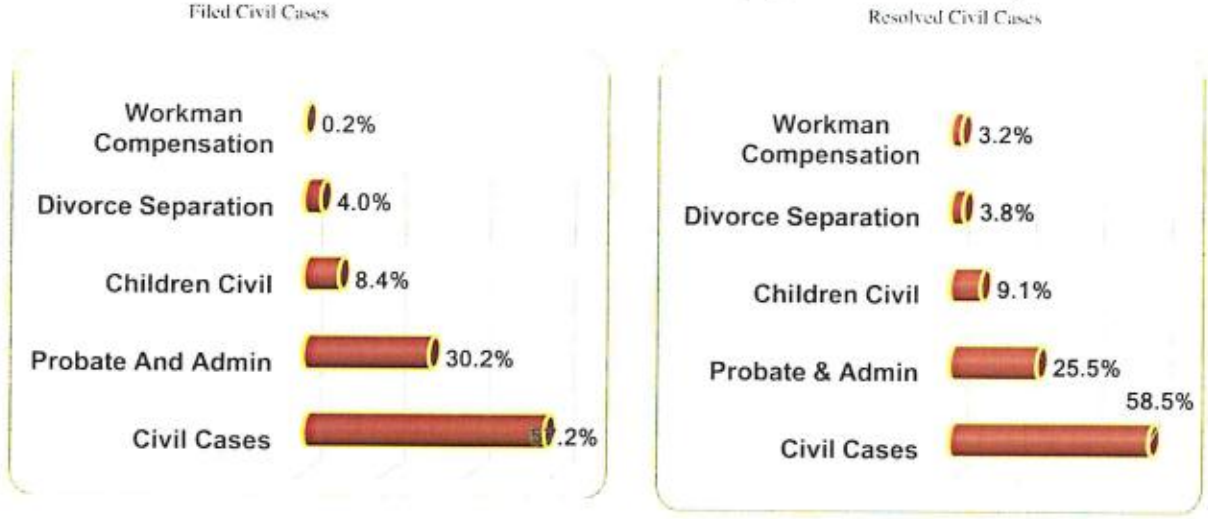



Figure 2.35: Percentage Filed & Resolved Civil Cases in Magistrates' Courts, FY 2020/21

The general civil cases had the highest proportion for filed and resolved cases at 57.2 and 58.5eper cent respectively. They were followed by probate and administration cases at 30.2 per cent for filed and 25.5 per cent for resolved cases. Detailed information regarding the filed and resolved cases for all the stations of the Magistrates' Courts are presented in the appendices.

2.9.2 Pending Cases in Magistrates' Courts

The number of pending cases in the Magistrates' Courts rose from 483,864 at the end of the FY2019/20 to 512,454 cases at the end of the FY 2020/21. Out of these pending cases, the pendingcriminal cases stood at 267,145 while civil cases were 245,309 cases. Figure 2.36 illustrates the change of pending cases in Magistrates' Courts over time.

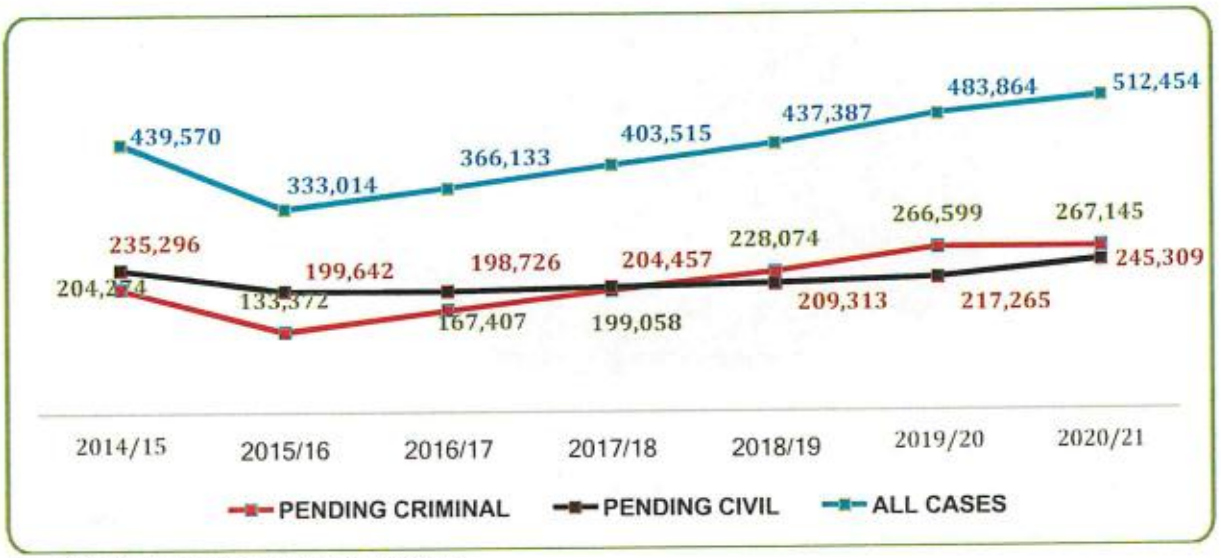



Figure 2.36: Trend of pending cases, Magistrates' Courts

From Figure 2.36, there has been a steady increase in pending criminal cases in Magistrates' Courts has steadily been rising since the FY 2015/16 to settle at 512,454 cases at the end FY 2020/21. From the FY 2017/18, the trend on pending criminal cases remained above that of civil cases signifying that the civil matters that had previously characterized the registries have been drastically reduced. The percentage distribution of pending criminal and civil matters areshown in Figure 2.37.

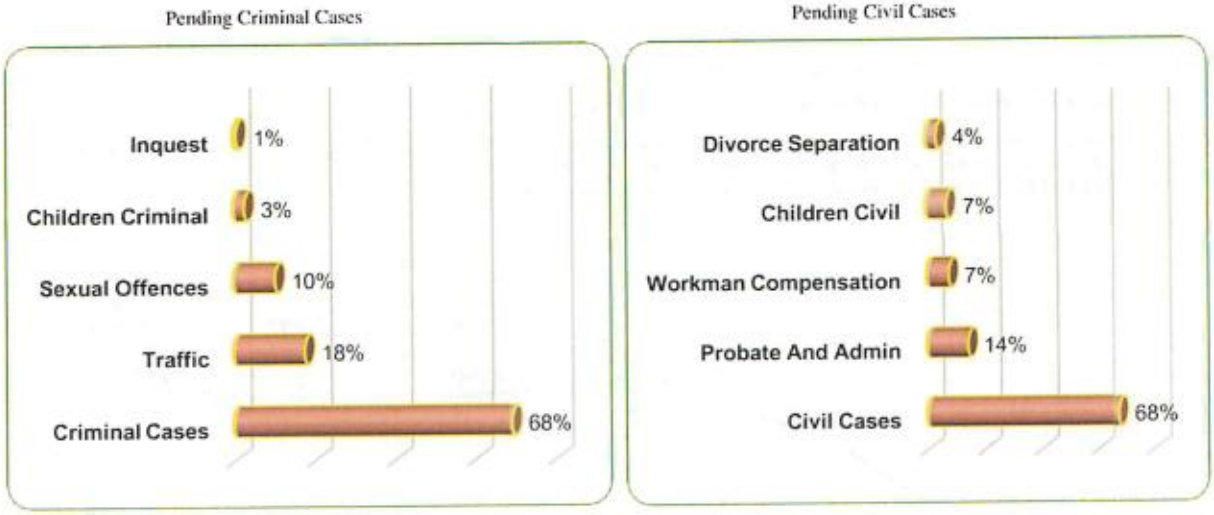



Figure 2.37: Distribution of Pending Cases by Type in Magistrates' Courts, 30th June 2021

The general criminal matters were the bulk of pending case at 69 per cent. The percentage pending sexual offences and children criminal matters stood at ten and three per cent respectively. The general civil matters comprised the majority of pending civil cases at 68 percent. They were followed by probate and administration cases at 14 per cent. The least pending cases were divorce and separation at four per cent. The caseload statistics on pending criminaland civil cases for all Magistrates' Courts stations are provided in appendices.

2.9.3 Case Backlog in Magistrates' Courts

Out of the 512,454 cases that were pending cases in the Magistrates' Courts at the end of FY 2020/21 the backlog cases amounted to 274,584. This marked a six per cent increase from 259,519 backlog cases that were recorded at the end of the previous year. The distribution of case backlog in Magistrates' Courts by age is shown in Figure 2.38.

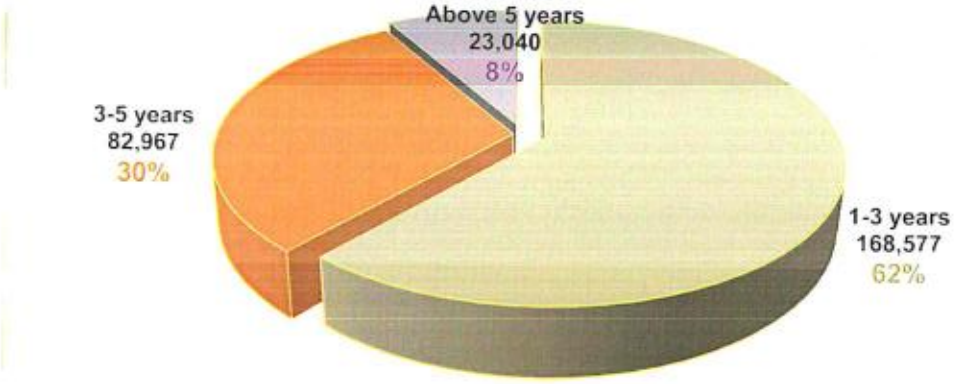



Figure 2.38: Distribution of case backlog by age in Magistrates' Courts, 30th June 2021

The case backlog aged between 1 and 3 years in Magistrates' Courts was 168,577 cases accounting for 62 per cent of the entire case backlog. A total 82,967 cases accounting for 30 per cent of case backlog was aged 3-5 years while 8 per cent (23,040 cases) was aged 5 years and above. The case backlog for each of the Magistrates' Courts station is provided in the Appendices.

2.9.4 SJT Implementation Status on Reduction of Case Backlog, Magistrates' Courts

At the commencement of SJT period in January 2017 there were 106,134 cases aged 5 years andabove in the Magistrates' Courts. By the end of FY 2020/21, these cases were 23,040 marking a 78 per cent reduction. The reduction of these cases to zero could not be realized owing to cases continuously entering into to the category of 5 years and above. The status on reductionfor each of the Magistrates' Court station is provided in the Appendices.

2.10 Kadhis' Courts

During the FY 2020/21, there were 47 Kadhis' Court stations. The jurisdiction of the Kadhis' Courts is limited to the determination of questions of Muslim law relating to personal status, marriage, divorce or inheritance.

2.10.1 Filed and Resolved Cases in Kadhis' Courts

In the FY 2020/21, a total of 8,954 cases were filed in the Kadhis' Courts. This was an increase of 1,747 cases from the 7,207 cases that were filed in the previous year. A total of 7,230 caseswere resolved in the FY 2020/21 rising from 5,261 cases that were resolved in the previous period. The trends of filed and resolved cases in Kadhis' Courts are illustrated in Figure 2.39.


Figure 2.39: Trends of filed and Resolved cases, Kadhis' Courts

From the FY 2015/16, there has been a gradual rise of the matters handled by the Kadhis' Courts.Trends for the filed cases has remained above that for the resolved cases signifying a rise in the number of pending cases for the court. The specific types of cases filed in Kadhis' Courts is provided in Table 2.30.

Table 2.30: Filed cases in Kadhis' Courts, FY 2020/21

| *Kadhis' Courts Station* | *Divorce* | *Registration of Marriage* | *Matrimonial Cause* | *Misc Application* | *Registration of Divorce* | *Marriages* | *Succession* | *Other Matters* | *All Cases* |
|---|---|---|---|---|---|---|---|---|---|
| Balambala | 14 | 13 | 0 | 0 | 2 | 13 | 0 | 0 | 42 |
| Bungoma | 9 | 18 | 17 | 11 | 1 | 6 | 1 | 0 | 63 |
| Bura/Fafi | 4 | 13 | 9 | 0 | 1 | 20 | 0 | 1 | 48 |
| Busia | 2 | 17 | 7 | 2 | 1 | 0 | 0 | 0 | 29 |

| *Kadhis' Courts Station* | *Divorce* | *Registration of Marriage* | *Matrimonial Cause* | *Misc Application* | *Registration of Divorce* | *Marriages* | *Succession* | *Other Matters* | *All Cases* |
|---|---|---|---|---|---|---|---|---|---|
| Bute | 17 | 24 | 32 | 1 | 1 | 3 | 2 | 0 | 80 |
| Dadaab | 66 | 10 | 5 | 2 | 8 | 18 | 1 | 0 | 110 |
| Eldas | 16 | 18 | 0 | 2 | 3 | 2 | 0 | 0 | 41 |
| Eldoret | 9 | 5 | 21 | 20 | 3 | 2 | 4 | 0 | 64 |
| Elwak | 84 | 10 | 33 | 6 | 26 | 33 | 6 | 0 | 198 |
| Garbatulla | 18 | 10 | 26 | 15 | 1 | 0 | 8 | 0 | 78 |
| Garissa | 201 | 57 | 147 | 2 | 35 | 0 | 127 | 0 | 569 |
| Garsen | 32 | 14 | 26 | 3 | 9 | 11 | 2 | 0 | 97 |
| Habaswein | 18 | 14 | 7 | 2 | 0 | 3 | 0 | 0 | 44 |
| Hola | 30 | 2 | 10 | 17 | 7 | 6 | 10 | 0 | 82 |
| Homa Bay | 2 | 7 | 5 | 0 | 1 | 0 | 0 | 0 | 15 |
| Ijara | 33 | 30 | 1 | 0 | 18 | 11 | 0 | 0 | 93 |
| Isiolo | 51 | 126 | 52 | 53 | 33 | 0 | 30 | 0 | 345 |
| Kajiado | 8 | 2 | 19 | 1 | 6 | 0 | 18 | 0 | 54 |
| Kakamega | 4 | 12 | 2 | 2 | 2 | 1 | 2 | 0 | 25 |
| Kakuma | 80 | 120 | 24 | 25 | 32 | 0 | 2 | 0 | 283 |
| Kericho | 2 | 8 | 10 | 7 | 0 | 0 | 3 | 0 | 30 |
| Kibera | 4 | 2 | 0 | 6 | 1 | 1 | 15 | 0 | 29 |
| Kilifi | 13 | 17 | 68 | 76 | 10 | 4 | 61 | 0 | 249 |
| Kisumu | 11 | 21 | 0 | 9 | 3 | 0 | 11 | 0 | 55 |
| Kitui | 0 | 6 | 2 | 5 | 1 | 0 | 16 | 0 | 30 |
| Kwale | 4 | 51 | 4 | 11 | 0 | 0 | 402 | 0 | 472 |
| Lamu | 14 | 33 | 6 | 28 | 10 | 0 | 15 | 0 | 106 |
| Machakos | 7 | 81 | 0 | 5 | 6 | 83 | 5 | 0 | 187 |
| Malindi | 3 | 4 | 15 | 9 | 11 | 4 | 35 | 0 | 81 |
| Mandera | 55 | 12 | 30 | 25 | 5 | 5 | 58 | 0 | 190 |
| Mariakani | 9 | 30 | 0 | 2 | 6 | 157 | 19 | 0 | 223 |
| Marsabit | 26 | 6 | 20 | 1 | 0 | 0 | 18 | 0 | 71 |
| Maua | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Merti | 11 | 20 | 105 | 40 | 8 | 6 | 7 | 0 | 197 |
| Modogashe | 25 | 2 | 4 | 0 | 1 | 8 | 0 | 0 | 40 |
| Mombasa | 296 | 422 | 253 | 379 | 180 | 513 | 492 | 0 | 2535 |
| Moyale | 52 | 22 | 56 | 25 | 13 | 0 | 41 | 0 | 209 |
| Msambweni | 16 | 8 | 18 | 1 | 1 | 0 | 58 | 0 | 102 |
| Nairobi | 256 | 89 | 255 | 255 | 40 | 0 | 149 | 0 | 1044 |
| Nakuru | 8 | 4 | 22 | 2 | 6 | 0 | 4 | 0 | 46 |
| Nyeri | 4 | 4 | 5 | 0 | 1 | 0 | 14 | 0 | 28 |
| Takaba | 32 | 20 | 14 | 3 | 21 | 50 | 3 | 0 | 143 |
| Thika | 1 | 1 | 0 | 0 | 2 | 2 | 3 | 0 | 9 |
| Vihiga | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Voi | 15 | 8 | 40 | 2 | 6 | 0 | 13 | 0 | 84 |
| Wajir | 58 | 27 | 95 | 47 | 35 | 4 | 7 | 0 | 273 |
| Witu | 34 | 37 | 5 | 27 | 13 | 31 | 13 | 1 | 161 |

Details on resolved cases in Kadhis' Courts are provided in Table 2.31.

Table 2.31: Resolved cases in Kadhis' Courts, FY 2020/21

| *Kadhis' Courts Station* | *Divorce* | *Registration of Marriage* | *Matrimonial Cause* | *Misc Application* | *Registration of Divorce* | *Marriages* | *Succession* | *Other Matters* | *All Cases* |
|---|---|---|---|---|---|---|---|---|---|
| Balambala | 10 | 8 | 1 | 0 | 1 | 5 | 0 | 0 | 25 |
| Bungoma | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 6 |
| Bura/Fafi | 5 | 13 | 1 | 0 | 1 | 20 | 0 | 0 | 40 |
| Busia | 2 | 17 | 2 | 1 | 1 | 0 | 0 | 0 | 23 |
| Bute | 15 | 24 | 33 | 1 | 1 | 3 | 5 | 0 | 82 |
| Dadaab | 60 | 4 | 3 | 0 | 3 | 12 | 0 | 0 | 82 |
| Eldas | 17 | 18 | 0 | 2 | 3 | 2 | 0 | 0 | 42 |
| Eldoret | 5 | 5 | 20 | 19 | 4 | 4 | 6 | 0 | 63 |
| Elwak | 77 | 12 | 35 | 6 | 24 | 30 | 5 | 0 | 189 |
| Garbatulla | 22 | 11 | 35 | 14 | 1 | 0 | 11 | 0 | 94 |
| Garissa | 279 | 52 | 219 | 5 | 21 | 0 | 94 | 0 | 670 |

| *Kadhis' Courts Station* | *Divorce* | *Registration of Marriage* | *Matrimonial Cause* | *Misc Application* | *Registration of Divorce* | *Marriages* | *Succession* | *Other Matters* | *All Cases* |
|---|---|---|---|---|---|---|---|---|---|
| Garsen | 32 | 14 | 32 | 1 | 7 | 9 | 3 | 0 | 98 |
| Habaswein | 19 | 17 | 16 | 1 | 10 | 2 | 0 | 0 | 65 |
| Hola | 39 | 2 | 20 | 15 | 3 | 1 | 18 | 0 | 98 |
| Homa Bay | 0 | 4 | 2 | 0 | 0 | 0 | 1 | 0 | 7 |
| Ijara | 18 | 30 | 1 | 0 | 18 | 11 | 0 | 0 | 78 |
| Isiolo | 58 | 129 | 51 | 54 | 41 | 0 | 39 | 0 | 372 |
| Kajiado | 2 | 1 | 11 | 1 | 2 | 0 | 5 | 0 | 22 |
| Kakamega | 3 | 12 | 3 | 5 | 2 | 1 | 3 | 0 | 29 |
| Kakuma | 44 | 95 | 14 | 15 | 25 | 0 | 0 | 0 | 193 |
| Kericho | 1 | 14 | 6 | 3 | 0 | 0 | 3 | 0 | 27 |
| Kibera | 5 | 2 | 1 | 2 | 1 | 1 | 11 | 0 | 23 |
| Kilifi | 13 | 7 | 42 | 58 | 8 | 4 | 65 | 0 | 197 |
| Kisumu | 8 | 19 | 0 | 9 | 3 | 0 | 11 | 0 | 50 |
| Kitui | 1 | 8 | 3 | 5 | 1 | 1 | 27 | 0 | 46 |
| Kwale | 9 | 48 | 1 | 3 | 0 | 0 | 382 | 0 | 443 |
| Lamu | 34 | 0 | 3 | 17 | 0 | 0 | 23 | 0 | 77 |
| Machakos | 4 | 36 | 0 | 0 | 6 | 90 | 10 | 0 | 146 |
| Malindi | 16 | 0 | 11 | 2 | 0 | 0 | 34 | 0 | 63 |
| Mandera | 55 | 11 | 29 | 26 | 4 | 4 | 55 | 0 | 184 |
| Mariakani | 9 | 15 | 0 | 1 | 4 | 121 | 12 | 0 | 162 |
| Marsabit | 26 | 1 | 16 | 1 | 0 | 0 | 11 | 0 | 55 |
| Maua | 2 | 0 | 0 | 0 | 2 | 1 | 4 | 0 | 9 |
| Merti | 15 | 21 | 117 | 37 | 6 | 4 | 6 | 0 | 206 |
| Mologashe | 23 | 0 | 4 | 2 | 0 | 6 | 0 | 0 | 35 |
| Mombasa | 275 | 164 | 7 | 200 | 31 | 304 | 436 | 0 | 1,417 |
| Moyale | 54 | 18 | 55 | 24 | 10 | 0 | 46 | 0 | 207 |
| Msambweni | 11 | 7 | 16 | 1 | 1 | 0 | 34 | 0 | 70 |
| Nairobi | 227 | 70 | 206 | 145 | 22 | 0 | 116 | 0 | 786 |
| Nakuru | 4 | 4 | 21 | 1 | 6 | 0 | 2 | 0 | 38 |
| Nyeri | 3 | 3 | 1 | 0 | 0 | 0 | 15 | 0 | 22 |
| Takaba | 37 | 20 | 16 | 3 | 18 | 43 | 3 | 0 | 140 |
| Thika | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 2 |
| Vihiga | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Voi | 18 | 3 | 42 | 2 | 6 | 0 | 15 | 0 | 86 |
| Wajir | 60 | 18 | 164 | 48 | 16 | 0 | 6 | 1 | 313 |
| Witu | 34 | 35 | 6 | 19 | 11 | 30 | 12 | 1 | 148 |
| All courts | 1,652 | 992 | 1,266 | 749 | 324 | 715 | 1,530 | 2 | 7,230 |

The Mombasa Kadhis' Courts station resolved a total of 1,417 cases which was the highest across the country. This was followed by Nairobi station where 786 cases were resolved.

2.10.2 Pending Cases in Kadhis' Courts

By the end of the period under review, the pending cases in the Kadhis' Courts were 8,062. Thiswas an increase by 245 cases in comparison to the 7,817 cases that were pending at the endof the 2019/20 FY. The growth of pending cases in Kadhis' Courts over time is shown in Figure 2.40.

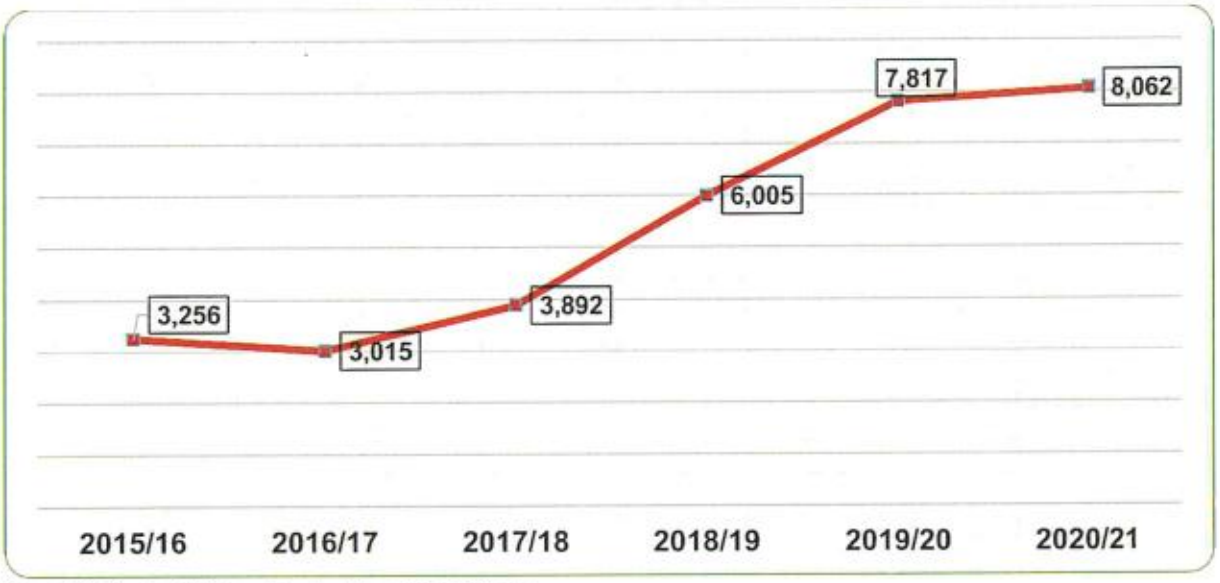



Figure 2.40: Trends of Filed and Resolved Cases, Kadhis' Courts

The specific information on pending cases over time for the Kadhis' Courts is provided in Table 2.32.

Table 2.32: Trend in pending cases, Kadhis' Courts

| *Kadhis' Courts Station* | *Pending cases 2013/14* | *Pending cases 2014/15* | *Pending cases 2015/16* | *Pending cases 2016/17* | *Pending cases 2017/18* | *Pending cases 2018/19* | *Pending cases 2019/20* | *Pending cases 2020/21* |
|---|---|---|---|---|---|---|---|---|
| Balambala | - | - | - | 4 | 5 | 24 | 37 | 6 |
| Bungoma | 28 | 25 | 38 | 3 | 14 | 33 | 53 | 0 |
| Bura/Fafi | | | | | | | 3 | 11 |
| Busia | - | - | - | 13 | 16 | 51 | 63 | 69 |
| Bute | - | - | 32 | 1 | 9 | 30 | 10 | 8 |
| Dadaab | - | - | 102 | 157 | 118 | 30 | 76 | 104 |
| Eldas | - | - | - | 32 | 50 | 43 | 44 | 43 |
| Eldoret | - | - | 55 | 5 | 6 | 15 | 3 | 3 |
| Elwak | - | - | - | 15 | 1 | 21 | 35 | 16 |
| Garbatulla | - | - | - | 14 | 31 | 109 | 108 | 10 |
| Garissa | - | - | 252 | 206 | 280 | 459 | 543 | 442 |
| Garsen | 31 | 40 | 67 | 73 | 111 | 135 | 163 | 26 |
| Habaswein | - | - | 23 | 57 | 33 | 52 | 76 | 17 |
| Hola | 28 | 50 | 54 | 33 | 7 | 7 | 30 | 14 |
| Homa Bay | - | 12 | 34 | 50 | 65 | 94 | 93 | 0 |
| Ijara | - | - | 20 | 28 | 26 | 33 | 33 | 32 |
| Isiolo | 29 | 29 | 138 | 54 | 33 | 64 | 61 | 34 |
| Kajiado | 8 | 8 | 5 | 15 | 16 | 38 | 47 | 79 |
| Kakamega | - | 0 | 32 | 127 | 98 | 140 | 150 | 146 |
| Kakuma | - | - | 26 | 11 | 25 | 29 | 59 | 149 |
| Kericho | - | 0 | 39 | 27 | 8 | 72 | 75 | 78 |
| Kibera | 22 | 26 | 23 | 10 | 18 | 31 | 40 | 46 |
| Kilifi | - | - | 55 | 102 | 28 | 74 | 58 | 110 |
| Kisumu | - | 7 | 5 | 9 | 34 | 143 | 154 | 27 |
| Kitui | 312 | 434 | 154 | 60 | 12 | 17 | 7 | 9 |
| Kwale | 79 | 90 | 120 | 34 | 40 | 143 | 91 | 120 |
| Lamu | - | 0 | 140 | 18 | 25 | 63 | 95 | 124 |
| Machakos | 3 | 10 | 14 | 7 | 33 | 51 | 63 | 104 |
| Malindi | 107 | 104 | 126 | 80 | 36 | 125 | 159 | 33 |
| Mandera | 68 | 73 | 117 | 110 | 122 | 147 | 162 | 44 |
| Mariakani | - | - | 15 | 3 | 37 | 151 | 159 | 6 |

| *Kadhis' Courts Station* | *Pending cases 2013/14* | *Pending cases 2014/15* | *Pending cases 2015/16* | *Pending cases 2016/17* | *Pending cases 2017/18* | *Pending cases 2018/19* | *Pending cases 2019/20* | *Pending cases 2020/21* |
|---|---|---|---|---|---|---|---|---|
| Marsabit | 121 | 121 | 96 | 21 | 78 | 93 | 114 | 130 |
| Maua | - | - | - | 2 | 7 | 3 | 4 | 5 |
| Merti | - | - | - | 3 | 37 | 85 | 101 | 22 |
| Modogashe | | | | | | | 64 | 6 |
| Mombasa | 1,246 | 1,106 | 894 | 1,081 | 1,271 | 1357 | 1,948 | 3,066 |
| Moyale | 61 | 61 | 48 | 86 | 67 | 63 | 71 | 56 |
| Msambweni | - | - | - | 30 | 40 | 79 | 70 | 102 |
| Nairobi | 185 | 219 | 192 | 57 | 663 | 1441 | 2,129 | 2,387 |
| Nakuru | - | - | 41 | 152 | 12 | 13 | 35 | 12 |
| Nyeri | 20 | 20 | 25 | 9 | 35 | 44 | 48 | 54 |
| Takaba | - | - | - | 13 | 9 | 90 | 152 | 9 |
| Thika | 6 | 7 | 8 | 18 | 29 | 46 | 21 | 28 |
| Vihiga | | | | | | 43 | 0 | 0 |
| Voi | 6 | 12 | 51 | 5 | 5 | 3 | 12 | 6 |
| Wajir | 4 | 4 | 213 | 131 | 165 | 218 | 282 | 242 |
| Witu | | | | 4 | 12 | 20 | 16 | 27 |
| All courts | 2,364 | 2,458 | 3,254 | 2,970 | 3,767 | 6,022 | 7,817 | 8,062 |

The highest number of pending cases at the end of the FY 2020/21 was recorded at MombasaKadhis' courts station with 3,066 pending cases. This was followed by Nairobi at 2,387 and Garissa with 442 pending cases respectively.

2.10.3 Case Backlog in Kadhis' Courts

At the end of the FY 2020/21, the case backlog in Kadhis' Courts stood at 2,573 cases. The casebacklog for each of the Kadhis' Courts station is detailed in Table 2.33.

Table 2.33: Case backlog in Kadhis' Courts, FY 2020/21

| Kadhis' Courts Station | Backlog, 30th June, 2020 | 1-3 years | 3-5 years | over 5 years | All backlog, 30th June, 2021 |
|---|---|---|---|---|---|
| Balambala | 3 | 0 | 0 | 0 | 0 |
| Bungoma | 5 | 0 | 0 | 0 | 0 |
| Bura/Fafi | 1 | 1 | 0 | 0 | 1 |
| Busia | 15 | 19 | 0 | 0 | 19 |
| Bute | 2 | 0 | 0 | 0 | 0 |
| Dadaab | 13 | 4 | 26 | 0 | 30 |
| Eldas | 29 | 37 | 0 | 0 | 37 |
| Eldoret | 0 | 0 | 0 | 0 | 0 |
| Elwak | 6 | 0 | 0 | 0 | 0 |
| Garbatulla | 20 | 1 | 0 | 0 | 1 |
| Garissa | 69 | 244 | 195 | 0 | 439 |
| Garsen | 0 | 0 | 0 | 0 | 0 |
| Habaswein | 20 | 5 | 0 | 0 | 5 |
| Hola | 6 | 12 | 1 | 0 | 13 |
| Homa Bay | 48 | 0 | 0 | 0 | 0 |
| Ijara | 7 | 5 | 0 | 0 | 5 |
| Isiolo | 25 | 30 | 3 | 0 | 33 |
| Kajiado | 5 | 21 | 0 | 0 | 21 |
| Kakamega | 72 | 78 | 0 | 0 | 78 |
| Kakuma | 7 | 89 | 0 | 0 | 89 |
| Kericho | 5 | 15 | 0 | 0 | 15 |
| Kibera | 6 | 13 | 3 | 0 | 16 |
| Kilifi | 9 | 97 | 6 | 0 | 103 |
| Kisumu | 33 | 21 | 0 | 0 | 21 |
| Kitui | 6 | 0 | 0 | 0 | 0 |
| Kwale | 24 | 90 | 0 | 0 | 90 |
| Lamu | 17 | 49 | 4 | 0 | 53 |
| Machakos | 13 | 100 | 3 | 0 | 103 |

| Kadhis' Courts Station | Backlog, 30th June, 2020 | 1-3 years | 3-5 years | over 5 years | All backlog, 30th June, 2021 |
|---|---|---|---|---|---|
| Malindi | 8 | 4 | 1 | 0 | 5 |
| Mandera | 94 | 13 | 1 | 0 | 14 |
| Mariakani | 2 | 6 | 0 | 0 | 6 |
| Marsabit | 31 | 62 | 1 | 0 | 63 |
| Maua | 0 | 0 | 0 | 0 | 0 |
| Merti | 12 | 0 | 0 | 0 | 0 |
| Modogashe | 4 | 2 | 0 | 0 | 2 |
| Mombasa | 184 | 673 | 11 | 0 | 684 |
| Moyale | 23 | 7 | 0 | 0 | 7 |
| Msambweni | 15 | 58 | 0 | 0 | 58 |
| Nairobi | 161 | 385 | 11 | 0 | 396 |
| Nakuru | 7 | 4 | 0 | 0 | 4 |
| Nyeri | 10 | 15 | 0 | 0 | 15 |
| Takaba | 9 | 0 | 0 | 0 | 0 |
| Thika | 6 | 8 | 0 | 0 | 8 |
| Vihiga | 0 | 0 | 0 | 0 | 0 |
| Voi | 0 | 1 | 0 | 0 | 1 |
| Wajir | 35 | 113 | 25 | 0 | 138 |
| Witu | 0 | 0 | 0 | 0 | 0 |
| All courts | 1,067 | 2,282 | 291 | 0 | 2,573 |

2.10.4 SJT Implementation Status on Reduction of Case Backlog in Kadhis' Courts

At the beginning of the SJT period in January 2017, there was no case backlog aged 5 years andabove in Kadhis' Courts. At the end of the review period, this status had been maintained.

2.11 Small Claims Court

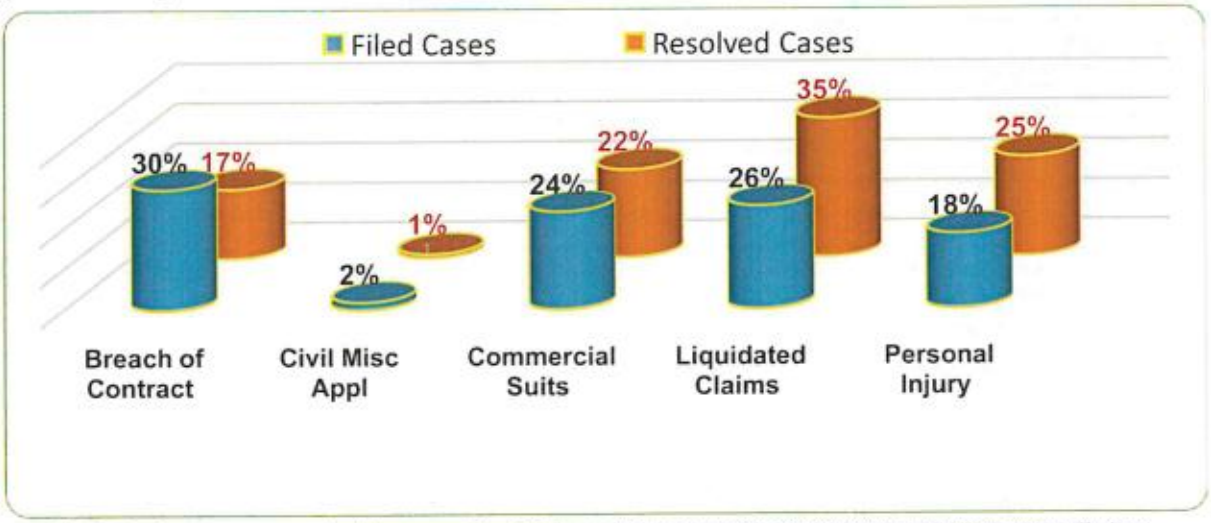
2.11.1 Background on Small Claims Court

The Small Claims Court (SCC) is established as a subordinate court pursuant to Article 169 (1) (d)& (2) of the Constitution. SCC Act No. 2 of 2016 further spells out the jurisdiction and proceedings of the SCC. The court began its operations in late April 2021, having a single station located at

2.11.2 Filed and Resolved Cases in the Small Claims Court (April 2021-June 2021)

During the FY 2020/21, 1,023 cases were filed. Over the same period, 637 cases were resolved.The percentage distribution of the filed and resolved cases by type is illustrated in Figure 2.41.

Figure 2.41: Percentage Filed and Resolved Cases by Type in SCC, April 2021-June 2021




The breach of contract cases were the highest proportion of filed cases at 30 per cent followedby liquidated claims at 26 per cent. The least filed cases were civil miscellaneous applications at 2 per cent. Regarding the resolved cases, liquidated claims were the bulk at 35 per cent followed by personal injury cases at 25 per cent. The filed and resolved cases in the SCC are presented in Table 2.34.

Table 2.34: Filed and resolved cases in Small Claims Court, FY 2020/21

| Case type | Filed cases | Resolved cases |
|---|---|---|
| Breach of Contract | 307 | 111 |
| Civil Misc. Applications | 19 | 6 |
| Commercial Suits | 247 | 140 |
| Liquidated Claims | 261 | 221 |
| Non-Liquidated Claims | 0 | 0 |
| Personal Injury | 189 | 159 |
| All Case Types | 1,023 | 637 |

The breach of contract cases were the highest filed cases at 307 followed by liquidated claimsat 261 cases. Of the total resolved cases, liquidated claims were the highest at 221 followed bypersonal injury cases at 159 cases. The time taken to resolve cases in the SCC was 53 days, a figure lower than the minimum statutory requirement of 60 days in line with the SCC Act No. 2of 2016.

2.11.3 Pending Cases in Small Claims Court

The pending cases in the SCC stood at 386 cases at the end of the FY 2020/21. Most pending cases were breach of contracts at 51 per cent followed by commercial suits at 28 per cent. Thepercentage pending cases are summarized in Figure 2.42.

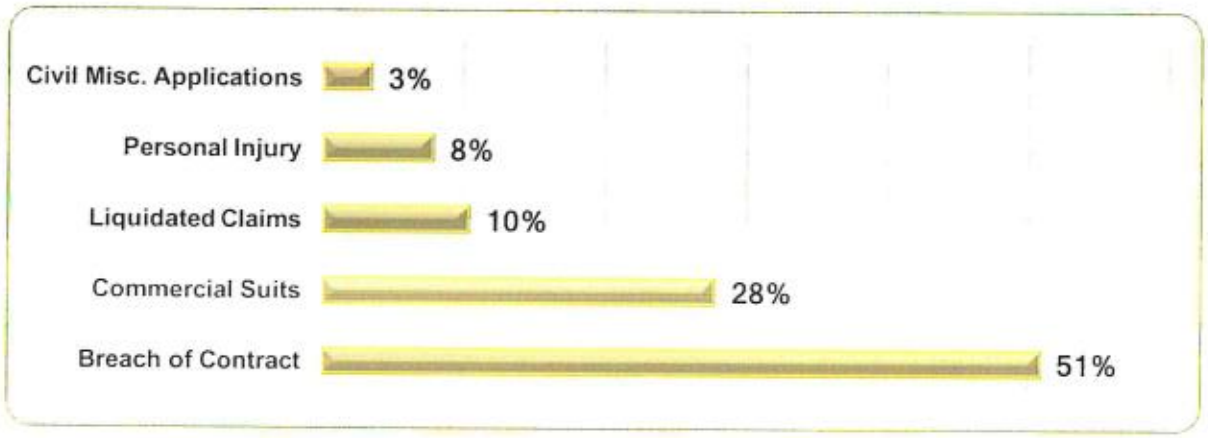



Figure 2.42: Percentage Pending Cases by Type in SCC, April 2021-June 2021

The specific number of pending cases by case type are highlighted in Table 2.35.

Table 2.35: Pending cases in Small Claims Court

| Case type | Number of cases |
|---|---|
| Breach of Contract | 196 |
| Civil Misc. Applications | 13 |
| Commercial Suits | 107 |
| Liquidated Claims | 40 |
| Non-Liquidated Claims | 0 |
| Personal Injury | 30 |
| All Case Types | 386 |

By the end of the review period, 196 breach of contract cases were pending followed by 107commercial suits. There were no liquidated claims that were pending by the end of June 2021.

2.11.4 Case Backlog in Small Claims Court

At the end of the period under review, 13 of the pending cases in SCC were backlog. The percentage distribution of case backlog by age categories is demonstrated in Figure 2.43.

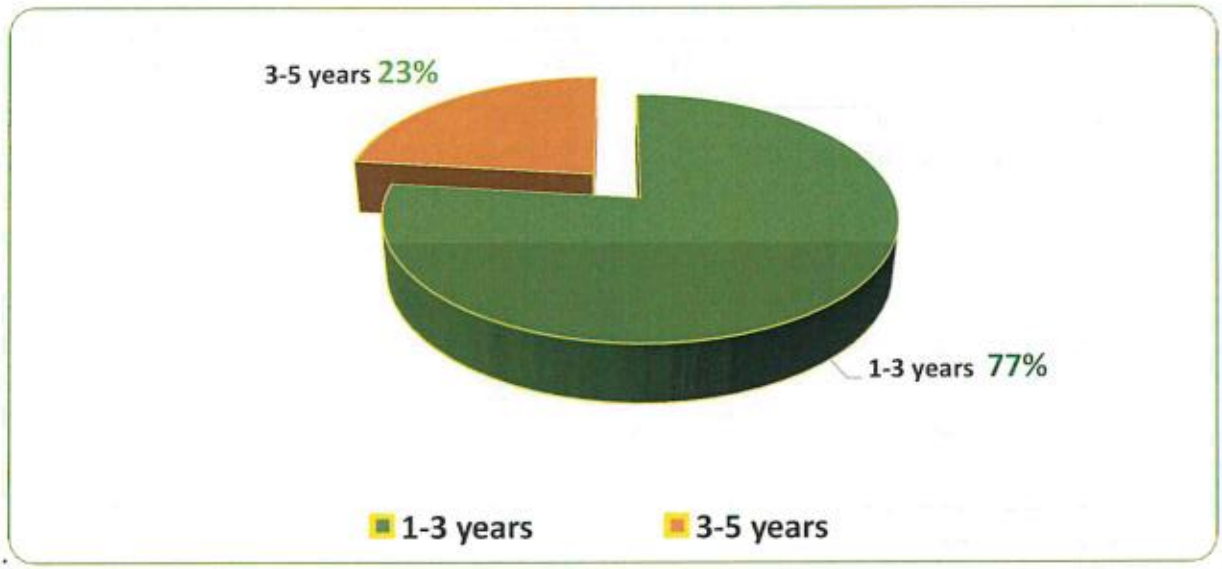



Figure 2.43: Percentage case backlog by age in SCC, April 2021-June 2021

The backlog cases aged between 1 and 3 years were 77 per cent while those aged between 3and 5 years were 23 per cent. The number of backlog cases in SCC is provided in Table 2.36.Table 2.36: Case backlog in Small Claims Court by age

| *Age category* | *Number of cases* |
|---|---|
| 1-3 years | 10 |
| 3-5 years | 3 |
| Over 5 years | 0 |
| All backlog | 13 |

Though the SCC was established in April 2021, the case backlog of 13 cases was occasioned bytransfer of old cases from other courts.

2.12 Tribunals

2.12.1 Filed and Resolved Cases in Tribunals

In the FY 2020/21, 5,335 cases were filed in Tribunals. Over the same period, 3,056 cases were resolved. The trend of filed and resolved cases in Tribunals for the last three years isillustrated in Figure 2.44.

Figure 2.44: Trends of filed and resolved cases in Tribunals, FY 2018/19-2020/21

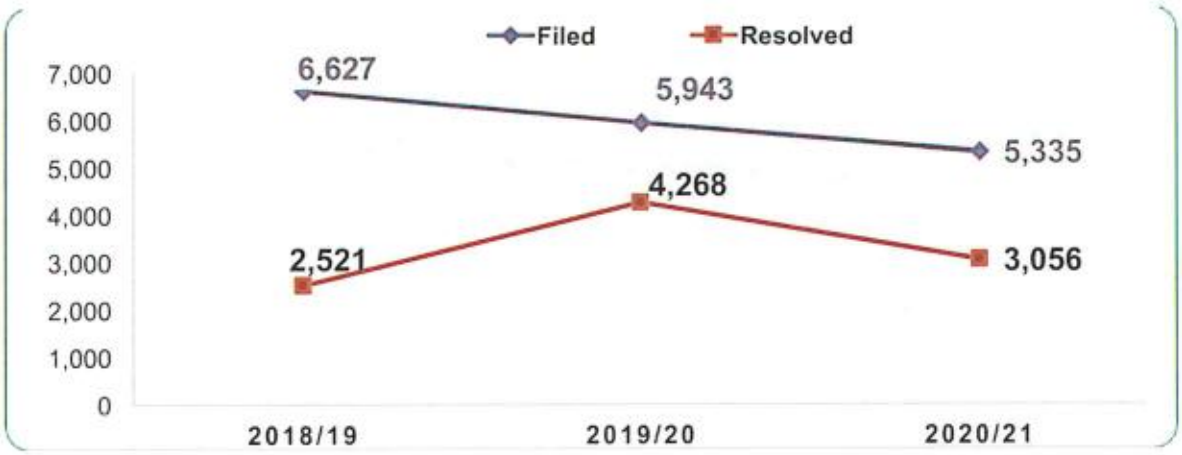



Figure 2.44 shows that the trend for the filed cases has remained above that of the resolved cases depicting that pending cases has been on a rise. Although, the resolved cases increasedin FY 2019/20 to settle at 4,268 cases as compared with 2,521 in the previous year, there wasa decrease in the subsequent period to 3,056, owing to the adverse effects of the COVID-19 pandemic. The details on filed and resolved cases is as presented in Table 2.37.

Table 2.37: Filed and resolved cases by tribunals, FY 2020/21

| | Tribunal Name | Filed cases | | | Resolved cases | | |
|---|---|---|---|---|---|---|---|
| | | FY 2018-19 | FY 2019-20 | FY 2020/21 | FY 2018/19 | FY 2019/20 | FY 2020/21 |
| 1. | Business Premises Rent Tribunal | 2246 | 2,261 | 2,077 | 1,065 | 1627 | 1039 |
| 2. | Communication And MultimediaAppeals Tribunal | 6 | 4 | 5 | 2 | 1 | 3 |
| 3. | Competition Tribunal | 0 | 6 | 2 | 0 | 2 | 3 |
| 4. | Cooperatives Tribunal | 1112 | 1149 | 631 | 570 | 1772 | 984 |
| 5. | Copyright Tribunal | 1 | 0 | 0 | 0 | 1 | 0 |
| 6. | Education Appeals Tribunal | 4 | 4 | 1 | 0 | 25 | 9 |
| 7. | Energy & Petroleum Tribunal | 0 | 1 | 54 | 0 | 0 | 10 |
| 8. | HIV Aids Tribunal | 28 | 28 | 20 | 0 | 28 | 27 |
| 9. | Industrial Property Tribunal | 5 | 4 | 10 | 0 | 8 | 8 |
| 10. | Legal Education Appeals Tribunal | 3 | 1 | 6 | 2 | 1 | 11 |
| 11. | Micro And Small Enterprises Tribunal | 0 | 22 | 14 | 0 | 21 | 6 |
| 12. | National Civil Aviation AdministrativeReview Tribunal | 3 | 10 | 9 | 1 | 9 | 4 |
| 13. | National Environment Tribunal | 30 | 40 | 26 | 25 | 63 | 58 |
| 14. | Political Parties Disputes Tribunal | 20 | 29 | 21 | 18 | 28 | 27 |
| 15. | Public Private Partnerships PetitionCommittee | 2 | 0 | 2 | 2 | 0 | 1 |
| 16. | Rent Restrictions Tribunal | 3052 | 2,306 | 2,397 | 810 | 593 | 779 |
| 17. | Sports Disputes Tribunal | 66 | 47 | 32 | 22 | 53 | 51 |
| 18. | Standards Tribunal | 10 | 5 | 4 | 4 | 2 | 3 |
| 19. | State Corporations Appeals Tribunal | | | | 0 | 0 | 0 |
| 20. | Transport Licensing Appeals Board | 39 | 26 | 24 | 0 | 34 | 33 |
| | Total | 6,627 | 5,943 | 5,335 | 2521 | 4268 | 3056 |

The Rent Restrictions Tribunal registered the highest filed cases at 2,397 cases followed by Business Premises Rent Tribunal with 2,077 cases. Over the same period, Business Premises Rent Tribunal resolved most cases at 1,039 followed by Cooperatives Tribunal at 984.

2.12.2 Pending Cases in Tribunals

The pending cases in Tribunals have been increasing over time. This is illustrated in Figure 2.45.

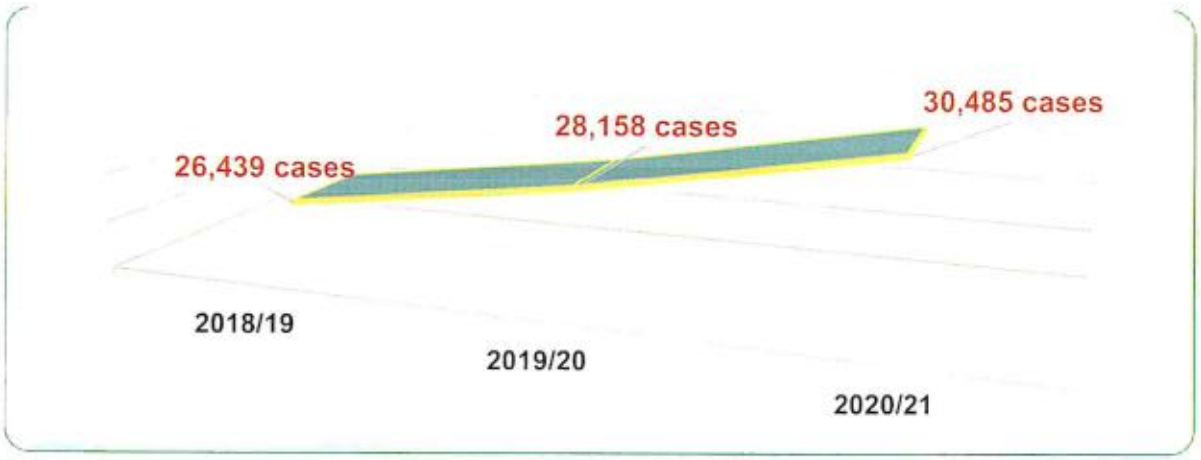



Figure 2.45: Trend on Pending cases in Tribunals

Figure 2.45 shows an increasing trend of pending cases over time from 26,349 cases at the endof the FY 2018/19 to 30,485 cases at the end of review period. The pending cases by tribunal areprovided in Table 2.38.

Table 2.38: Pending cases by Tribunal Stations

| Tribunal Name | FY 2018-19 | FY 2019-20 | FY 2020/21 |
|---|---|---|---|
| Business Premises Rent Tribunal | 10342 | 10,976 | 12,014 |
| Communication And Multimedia Appeals Tribunal | 5 | 8 | 10 |
| Competition Tribunal | 0 | 4 | 3 |
| Cooperatives Tribunal | 4109 | 3,486 | 3,133 |
| Copyright Tribunal | 0 | 1 | 1 |
| Education Appeals Tribunal | 0 | 21 | 13 |
| Energy & Petroleum Tribunal | 0 | 1 | 45 |
| HIV Aids Tribunal | 48 | 48 | 41 |
| Industrial Property Tribunal | 13 | 9 | 11 |
| Legal Education Appeals Tribunal | 2 | 2 | 3 |
| Micro And Small Enterprises Tribunal | 0 | 4 | 12 |
| National Civil Aviation Administrative Review Tribunal | 2 | 3 | 8 |
| National Environment Tribunal | 35 | 12 | 20 |
| Political Parties Disputes Tribunal | 4 | 5 | 1 |
| Public Private Partnerships Petition Committee | 1 | 1 | 2 |
| Rent Restrictions Tribunal | 11765 | 13,475 | 15,093 |
| Sports Disputes Tribunal | 70 | 64 | 45 |
| Standards Tribunal | 4 | 7 | 8 |
| State Corporations Appeals Tribunal | 13 | 13 | 13 |
| Transport Licensing Appeals Board | 26 | 18 | 9 |
| Total | 26,439 | 28,158 | 30,485 |

At the end of the reporting period, the Rent Restrictions Tribunal (RRT) had the highestpending cases of 15,093 cases followed by Business Premises Rent Tribunal with 12,014pending cases. The Cooperatives Tribunal had 3,133 pending cases.

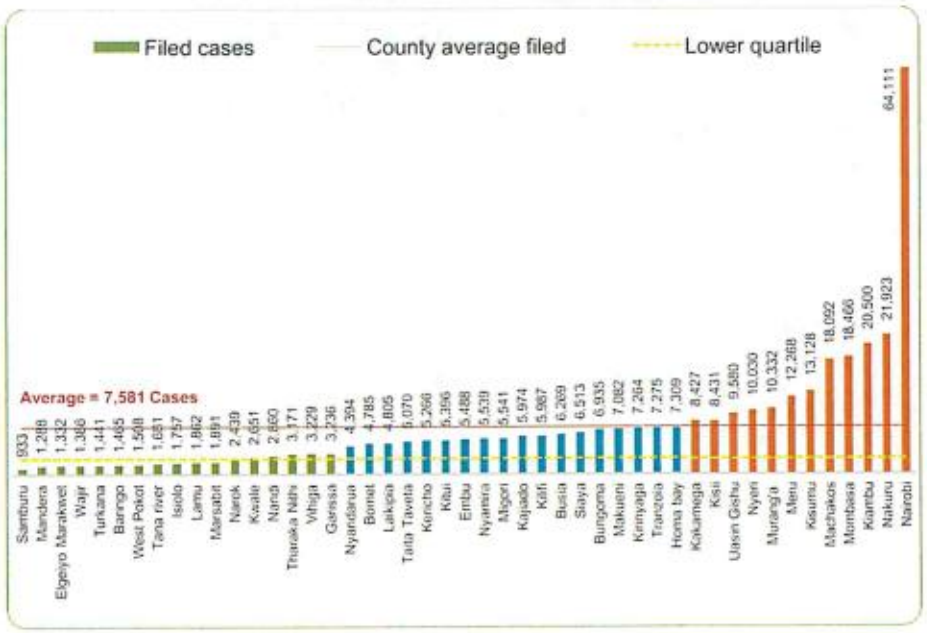
2.13 Caseload Statistics Organised by Counties

2.13.1 Background on Caseload Reporting for Counties

Wide sharing of information by public institutions is a key tenet of the Kenyan Constitution asespoused under Article 35. In the previous reports, caseload information was only presented using an approach that laid emphasis on court types. Though this has been maintained as a keyway of presenting caseload information even among other jurisdictions, the Judiciary recognizes that further disaggregation of caseload information by counties, the Kenyan symbol of devolved units, is important in creating wide sharing and awareness of access to justice through courts. This subsection therefore presents caseload information covering filed, resolved and pending cases in all the 47 Counties in Kenya.

Though the structure of the Kenyan courts is not devolved, court stations are widely spread across the Kenyan territory with representation in each county. For instance, the caseload statistics for the Supreme Court, though placed under Nairobi County in this report, do not in any way depict that they originate from Nairobi County only. Also, caseload statistics for the COA, whose stations are located at Nairobi, Kisumu, Mombasa and Nyeri counties, donot indicate that the cases handled by these stations are only from those counties. They nonetheless generally depict the status of demand and supply of justice of the surrounding geographical regions. For courts with relatively high representation of stations across countiesfor instance the High Court and Magistrates' Courts, caseload information closely represents what emanated in the respective counties.

2.13.2 Filed Cases by County



Among the 356,997 cases that were filed in the entire republic, 64,111 cases were filed in NairobiCounty at the top followed by Nakuru County with 21,923 cases. The least cases were filed at Samburu County with 933 cases and Mandera with 1,288 cases. The distribution of filed cases in all the counties is illustrated in in Figures 2.46 and 2.47.

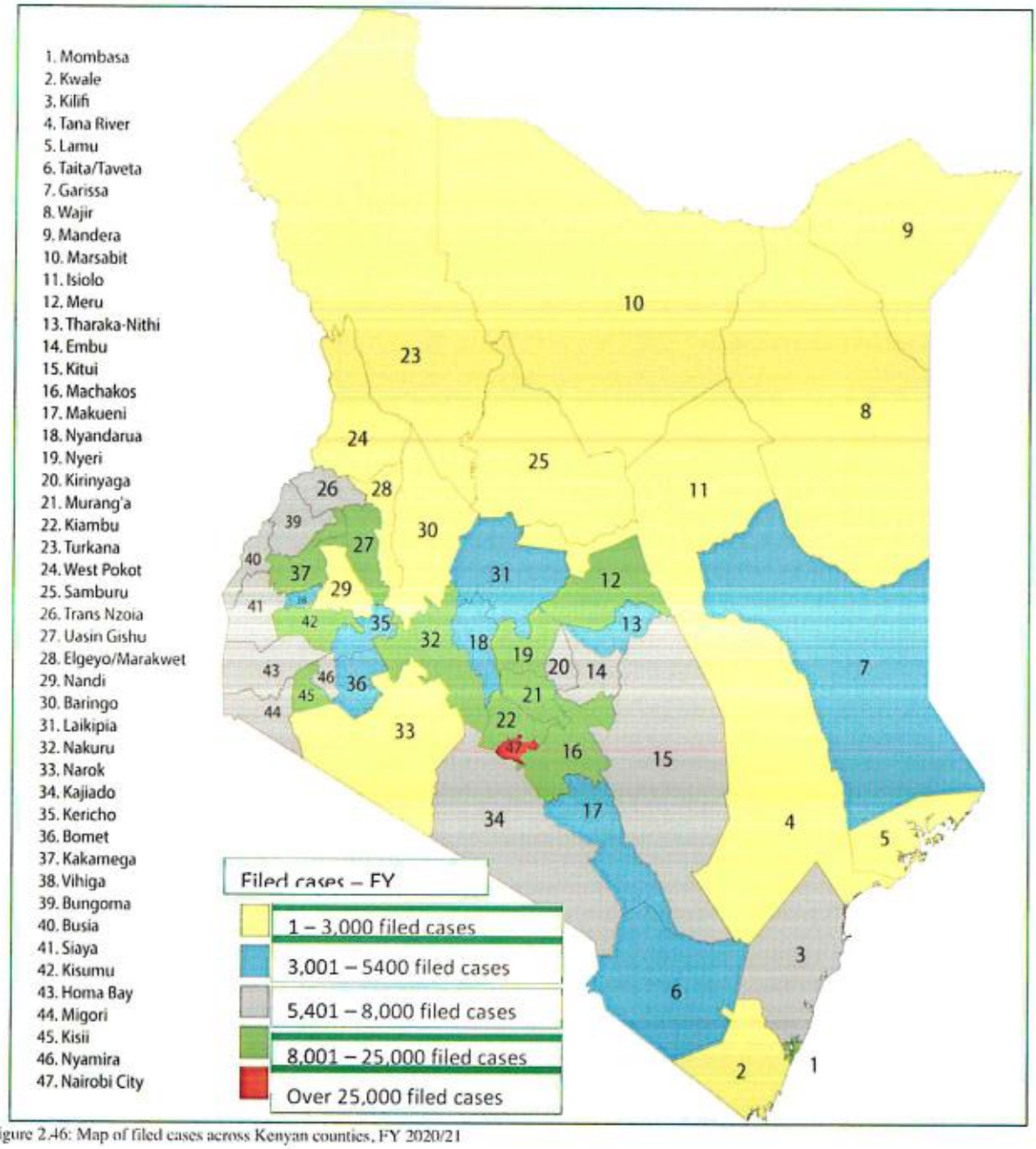



Figure 2.46: Map of filed cases across Kenyan counties, FY 2020/21

Figure 2.47 shows that a total of 35 counties were below the average of 7,596 filed cases. Other12 counties were further below the lower quartile. Detailed statistics for the filed criminal andcivil cases in each county and by court is provided in Table 2.39.

Table 2.39: Filed cases by County, Court and Case type, FY 2020/21

| County | SC | COA -CR | COA -CC | COA All | HC-CR | HC-CC | HC-All | ELRC | ELC | MC-CR | MC-CC | MC-All | SCC | Kadhis | All CR | All CC | All Cases |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Baringo | - | - | - | - | 131 | 48 | 179 | - | - | 1,174 | 112 | 1,286 | - | - | 1,305 | 160 | 1,465 |
| Bomet | - | - | - | - | 97 | 74 | 171 | - | - | 4,107 | 507 | 4,614 | - | - | 4,204 | 581 | 4,785 |
| Bungoma | - | - | - | - | 329 | 231 | 560 | - | 70 | 4,532 | 1,710 | 6,242 | - | 63 | 4,861 | 2,074 | 6,935 |
| Busia | - | - | - | - | 154 | 286 | 440 | | 134 | 4,423 | 1,243 | 5,666 | | 29 | 4,577 | 1,692 | 6,269 |
| Elgeyo Marakwet | - | - | - | - | - | - | - | - | - | 1,115 | 217 | 1,332 | - | - | 1,115 | 217 | 1,332 |
| Embu | - | - | - | - | 217 | 180 | 397 | - | 117 | 3,836 | 1,138 | 4,974 | - | - | 4,053 | 1,435 | 5,488 |
| Garissa | - | - | - | - | 128 | 64 | 192 | | 28 | 2,037 | 150 | 2,187 | - | 902 | 2,165 | 1,144 | 3,309 |
| Homa Bay | - | - | - | - | 190 | 176 | 366 | | | 4,909 | 2,019 | 6,928 | - | 15 | 5,099 | 2,210 | 7,309 |
| Isiolo | - | - | - | - | | | | | | 968 | 169 | 1,137 | - | 620 | 968 | 789 | 1,757 |
| Kajiado | - | - | - | - | 110 | 229 | 339 | | 236 | 3,855 | 1,490 | 5,345 | - | 54 | 3,965 | 2,009 | 5,974 |

| County | SC | COA -CR | COA -CC | COA All | HC-CR | HC-CC | HC-All | ELRC | ELC | MC-CR | MC-CC | MC-All | SCC | Kadhis | All CR | All CC | All Cases |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Kakamega | - | - | - | - | 174 | 451 | 625 | | 111 | 5,005 | 2,661 | 7,666 | - | 25 | 5,179 | 3,248 | 8,427 |
| Kericho | - | - | - | - | 177 | 216 | 393 | 34 | 54 | 4,183 | 572 | 4,755 | - | 30 | 4,360 | 906 | 5,266 |
| Kiambu | - | - | - | - | 507 | 771 | 1,278 | | 350 | 12,996 | 5,867 | 18,863 | - | 9 | 13,503 | 6,997 | 20,500 |
| Kilifi | - | - | - | - | 278 | 362 | 640 | | 207 | 2,916 | 1,894 | 4,810 | - | 330 | 3,194 | 2,793 | 5,987 |
| Kirinyaga | - | - | - | - | 161 | 146 | 307 | | 75 | 4,990 | 1,892 | 6,882 | - | - | 5,151 | 2,113 | 7,264 |
| Kisii | - | - | - | - | 66 | 131 | 197 | | 63 | 5,565 | 2,606 | 8,171 | - | | 5,631 | 2,800 | 8,431 |
| Kisumu | - | 135 | 41 6 | 551 | 214 | 575 | 789 | 333 | 290 | 6,937 | 4,187 | 11,124 | - | 55 | 7,286 | 5,856 | 13,142 |
| Kitui | - | - | - | - | 197 | 176 | 373 | - | - | 3,517 | 1,476 | 4,993 | - | 30 | 3,714 | 1,682 | 5,396 |
| Kwale | - | - | - | - | - | - | - | - | - | 1,595 | 745 | 2,340 | - | 574 | 1,595 | 1,319 | 2,914 |
| Laikipia | - | - | - | - | 83 | 49 | 132 | - | - | 4,187 | 486 | 4,673 | - | | 4,270 | 535 | 4,805 |
| Lamu | - | - | - | - | - | - | - | - | - | 1,680 | 99 | 1,779 | - | 106 | 1,680 | 205 | 1,885 |
| Machakos | - | - | - | - | 363 | 610 | 973 | | 377 | 12,186 | 4,369 | 16,555 | - | 187 | 12,549 | 5,543 | 18,092 |
| Makueni | - | - | - | - | 261 | 180 | 441 | | 66 | 5,003 | 1,572 | 6,575 | - | | 5,264 | 1,818 | 7,082 |
| Mandera | - | - | - | - | - | - | - | - | - | 711 | 46 | 757 | - | 531 | 711 | 577 | 1,288 |
| Marsabit | - | - | - | - | 31 | 88 | 119 | - | - | 1,363 | 129 | 1,492 | - | 280 | 1,394 | 497 | 1,891 |
| Meru | - | - | - | - | 501 | 356 | 857 | - | 269 | 9,094 | 2,048 | 11,142 | - | - | 9,595 | 2,673 | 12,268 |
| Migori | - | - | - | - | 113 | 188 | 301 | - | 147 | 4,183 | 910 | 5,093 | - | - | 4,296 | 1,245 | 5,541 |
| Mombasa | - | 14 | 212 | 226 | 221 | 836 | 1,057 | 274 | 432 | 10,287 | 3,432 | 13,719 | - | 2,758 | 10,522 | 7,944 | 18,466 |
| Murang'a | - | - | - | - | 276 | 193 | 469 | | 84 | 6,873 | 2,906 | 9,779 | - | - | 7,149 | 3,183 | 10,332 |
| Nairobi | 47 | 103 | 1,248 | 1,351 | 918 | 8,709 | 9,627 | 1,935 | 1,043 | 33,804 | 14,273 | 48,077 | 1,023 | 1,073 | 34,825 | 29,351 | 64,176 |
| Nakuru | - | - | - | - | 586 | 702 | 1,288 | 132 | 197 | 15,115 | 5,145 | 20,260 | - | 46 | 15,701 | 6,222 | 21,923 |
| Nandi | - | - | - | - | - | - | - | - | | 2,162 | 698 | 2,860 | - | - | 2,162 | 698 | 2,860 |
| Narok | - | - | - | - | 176 | 52 | 228 | | 77 | 1,652 | 482 | 2,134 | - | - | 1,828 | 611 | 2,439 |
| Nyamira | - | - | - | - | 93 | 113 | 206 | - | | 4,438 | 895 | 5,333 | - | - | 4,531 | 1,008 | 5,539 |
| Nyandarua | - | - | - | - | 12 | 13 | 25 | - | 25 | 4,174 | 378 | 4,552 | - | - | 4,186 | 416 | 4,602 |
| Nyeri | - | 103 | 274 | 377 | 236 | 288 | 524 | 180 | 105 | 6,849 | 1,967 | 8,816 | - | 28 | 7,188 | 2,842 | 10,030 |
| Samburu | - | - | - | - | - | - | - | - | - | 834 | 99 | 933 | - | - | 834 | 99 | 933 |
| Siaya | - | - | - | - | 255 | 153 | 408 | - | | 4,252 | 1,853 | 6,105 | - | - | 4,507 | 2,006 | 6,513 |
| Taita Taveta | - | - | - | - | 274 | 72 | 346 | - | | 4,322 | 318 | 4,640 | - | 84 | 4,596 | 474 | 5,070 |
| Tana River | - | - | - | - | 110 | 23 | 133 | - | | 1,113 | 95 | 1,208 | - | 340 | 1,223 | 458 | 1,681 |
| Tharaka Nithi | - | - | - | - | 137 | 67 | 204 | - | 44 | 2,282 | 641 | 2,923 | - | - | 2,419 | 752 | 3,171 |
| Trans Nzoia | - | - | - | - | 587 | 254 | 841 | - | 107 | 5,748 | 579 | 6,327 | - | - | 6,335 | 940 | 7,275 |
| Turkana | - | - | - | - | 7 | 8 | 15 | - | | 1,122 | 62 | 1,184 | - | 283 | 1,129 | 353 | 1,482 |
| Uasin Gishu | - | - | - | - | 207 | 163 | 370 | 30 | 148 | 6,255 | 2,713 | 8,968 | - | 64 | 6,462 | 3,118 | 9,580 |
| Vihiga | - | - | - | - | 131 | 191 | 322 | - | | 2,668 | 239 | 2,907 | - | - | 2,799 | 430 | 3,229 |
| Wajir | - | - | - | - | - | - | - | - | - | 939 | 9 | 948 | - | 438 | 939 | 447 | 1,386 |
| West Pokot | - | - | - | - | 76 | 16 | 92 | - | | 1,362 | 54 | 1,416 | - | - | 1,438 | 70 | 1,508 |
| Grand Total | 47 | 355 | 2,150 | 2,505 | 8,784 | 17,440 | 26,224 | 2,918 | 4,856 | 233,318 | 77,152 | 310,470 | 1,023 | 8,954 | 242,457 | 114,540 | 356,997 |

2.13.3 Resolved Cases by County

During the review period, 294,837 cases were resolved in Kenya. Nairobi County had the highestshare at 47,889 cases, followed by Kiambu with 17,037 cases. The least cases were resolved atSamburu County. The distribution of resolved cases by county is provided in Figure 2.48.

Figure 2.48: Distribution of resolved cases by county, FY 2020/21

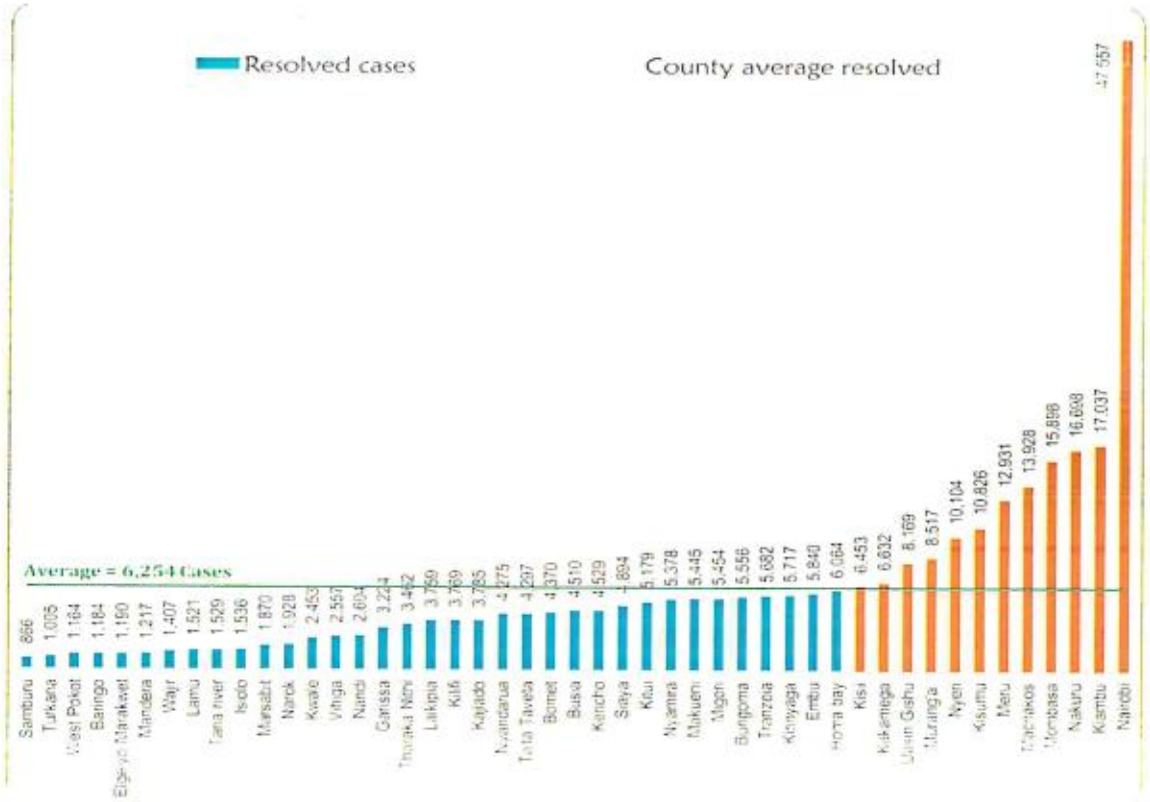



Figure 2.48 shows that 12 counties had above average resolution of cases with the averageresolved cases being 6,254 cases. Details on resolved cases are provided in Table 2.40.

Table 2.40: Resolved cases by county, court and case type, FY 2020/21

| County | SC | COA -CR | COA -CC | COA All | HC-CR | HC-CC | HC-All | ELRC | ELC | MC-CR | MC-CC | MC- All | SCC | ~~Kadhis~~ | All CR | All CC | All Cases |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Baringo | - | - | - | - | 84 | 66 | 150 | - | | 978 | 56 | 1,034 | - | - | 1,062 | 122 | 1,184 |
| Bomet | - | - | - | - | 30 | 39 | 69 | - | | 3,932 | 369 | 4,301 | - | - | 3,962 | 408 | 4,370 |
| Bungoma | - | - | - | - | 141 | 184 | 325 | - | 163 | 4,296 | 766 | 5,062 | - | 6 | 4,437 | 1,119 | 5,556 |
| Busia | - | - | - | - | 78 | 214 | 292 | - | 167 | 3,331 | 697 | 4,028 | - | 23 | 3,409 | 1,101 | 4,510 |
| Elg. Marak-wet | - | - | - | - | - | - | - | - | - | 1,074 | 116 | 1,190 | - | - | 1,074 | 116 | 1,190 |
| Embu | - | - | - | - | 256 | 328 | 584 | - | 190 | 3,709 | 1,357 | 5,066 | - | | 3,965 | 1,875 | 5,840 |
| Garissa | - | - | - | - | 127 | 27 | 154 | - | 25 | 2,077 | 61 | 2,138 | - | 930 | 2,204 | 1,043 | 3,247 |
| Homa Bay | - | - | - | - | 189 | 400 | 589 | - | | 4,209 | 1,259 | 5,468 | - | 7 | 4,398 | 1,666 | 6,064 |
| Isiolo | - | - | - | - | | | | - | | 731 | 133 | 864 | - | 672 | 731 | 805 | 1,536 |
| Kajiado | - | - | - | - | 103 | 172 | 275 | - | 158 | 2,629 | 701 | 3,330 | - | 22 | 2,732 | 1,053 | 3,785 |
| Kakamega | - | - | - | - | 94 | 223 | 317 | - | 251 | 4,327 | 1,708 | 6,035 | - | 29 | 4,421 | 2,211 | 6,632 |
| Kericho | - | - | - | - | 108 | 104 | 212 | 49 | 39 | 3,862 | 340 | 4,202 | - | 27 | 3,970 | 559 | 4,529 |
| Kiambu | - | - | - | - | 219 | 501 | 720 | - | 340 | 11,777 | 4,198 | 15,975 | - | 2 | 11,996 | 5,041 | 17,037 |
| Kilifi | - | - | - | - | 174 | 260 | 434 | - | 303 | 1,888 | 884 | 2,772 | - | 260 | 2,062 | 1,707 | 3,769 |
| Kirinyaga | - | - | - | - | 188 | 179 | 367 | - | 42 | 4,107 | 1,201 | 5,308 | - | | 4,295 | 1,422 | 5,717 |
| Kisii | - | - | - | - | 135 | 249 | 384 | - | 160 | 4,420 | 1,489 | 5,909 | - | | 4,555 | 1,898 | 6,453 |
| Kisumu | | 43 | 55 | 98 | 155 | 775 | 930 | 580 | 115 | 6,270 | 2,804 | 9,074 | - | 50 | 6,468 | 4,379 | 10,847 |
| Kitui | - | - | - | - | 208 | 155 | 363 | - | | 3,481 | 1,289 | 4,770 | - | 46 | 3,689 | 1,490 | 5,179 |
| Kwale | - | - | - | - | - | - | - | - | | 1,765 | 411 | 2,176 | - | 513 | 1,765 | 924 | 2,689 |
| Laikipia | - | - | - | - | 54 | 37 | 91 | - | | 3,193 | 475 | 3,668 | - | | 3,247 | 512 | 3,759 |
| Lamu | - | - | - | - | - | - | - | - | | 1,400 | 75 | 1,475 | - | 77 | 1,400 | 152 | 1,552 |
| Machakos | - | - | - | - | 222 | 735 | 957 | - | 227 | 9,711 | 2,887 | 12,598 | - | 146 | 9,933 | 3,995 | 13,928 |
| Makueni | - | - | - | - | 232 | 78 | 310 | - | 67 | 4,287 | 781 | 5,068 | - | | 4,519 | 926 | 5,445 |
| Mandera | - | - | - | - | | | | - | | 658 | 46 | 704 | - | 513 | 658 | 559 | 1,217 |
| Marsabit | - | - | - | - | 20 | 9 | 29 | - | | 1,426 | 153 | 1,579 | - | 262 | 1,446 | 424 | 1,870 |
| Meru | - | - | - | - | 493 | 583 | 1,076 | - | 285 | 9,700 | 1,870 | 11,570 | - | 9 | 10,193 | 2,747 | 12,940 |
| Migori | - | - | - | - | 60 | 209 | 269 | - | 132 | 3,882 | 1,171 | 5,053 | - | - | 3,942 | 1,512 | 5,454 |
| Mombasa | | 6 | 48 | 54 | 136 | 883 | 1,019 | 438 | 371 | 8,824 | 3,622 | 12,446 | - | 1,579 | 8,966 | 6,941 | 15,907 |
| Murang'a | | | | | 213 | 112 | 325 | 0 | 121 | 6,019 | 2,052 | 8,071 | - | | 6,232 | 2,285 | 8,517 |

| County | SC | COA -CR | COA -CC | COA All | HC-CR | HC-CC | HC-All | ELRC | ELC | MC-CR | MC-CC | MC- All | SCC | Kadhis | All CR | All CC | All Cases |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Nairobi | 62 | 121 | 774 | 895 | 406 | 8,343 | 8,749 | 986 | 1,519 | 26,042 | 8,190 | 34,232 | 637 | 809 | 26,569 | 21,320 | 47,889 |
| Nakuru | - | - | - | - | 386 | 1,232 | 1,618 | 166 | 379 | 11,657 | 2,840 | 14,497 | - | 38 | 12,043 | 4,655 | 16,698 |
| Nandi | - | - | - | - | | | | | | 2,028 | 576 | 2,604 | - | - | 2,028 | 576 | 2,604 |
| Narok | - | - | - | - | 211 | 75 | 286 | | 84 | 1,227 | 331 | 1,558 | - | - | 1,438 | 490 | 1,928 |
| Nyamira | - | - | - | - | 90 | 136 | 226 | | | 4,232 | 920 | 5,152 | - | - | 4,322 | 1,056 | 5,378 |
| Nyandarua | - | - | - | - | 20 | 24 | 44 | | 58 | 4,025 | 329 | 4,354 | - | - | 4,045 | 411 | 4,456 |
| Nyeri | | 101 | 92 | 193 | 368 | 421 | 789 | 133 | 66 | 7,214 | 1,687 | 8,901 | - | 22 | 7,683 | 2,421 | 10,104 |
| Samburu | - | - | - | - | - | - | - | - | - | 799 | 67 | 866 | - | - | 799 | 67 | 866 |
| Siaya | - | - | - | - | 308 | 139 | 447 | - | - | 3,543 | 904 | 4,447 | - | - | 3,851 | 1,043 | 4,894 |
| Taita Taveta | - | - | - | - | 117 | 44 | 161 | - | - | 3,537 | 513 | 4,050 | - | 86 | 3,654 | 643 | 4,297 |
| Tana river | - | - | - | - | 93 | 15 | 108 | - | - | 1,007 | 70 | 1,077 | - | 344 | 1,100 | 429 | 1,529 |
| Tharaka Nithi | - | - | - | - | 115 | 103 | 218 | - | 66 | 2,657 | 521 | 3,178 | - | - | 2,772 | 690 | 3,462 |
| Tranzoia | - | - | - | - | 298 | 116 | 414 | - | 95 | 4,412 | 761 | 5,173 | - | - | 4,710 | 972 | 5,682 |
| Turkana | - | - | - | - | 11 | 1 | 12 | - | - | 801 | 24 | 825 | - | 193 | 812 | 218 | 1,030 |
| Uasin Gishu | - | - | - | - | 315 | 471 | 786 | 82 | 325 | 5,177 | 1,736 | 6,913 | - | 63 | 5,492 | 2,677 | 8,169 |
| Vihiga | - | - | - | - | 18 | 38 | 56 | - | - | 2,219 | 282 | 2,501 | - | - | 2,237 | 320 | 2,557 |
| Wajir | - | - | - | - | | - | - | - | - | 875 | 30 | 905 | - | 502 | 875 | 532 | 1,407 |
| West Pokot | - | - | - | - | 47 | 12 | 59 | - | - | 1,047 | 58 | 1,105 | - | - | 1,094 | 70 | 1,164 |
| Grand | 62 | 271 | 969 | 1,240 | 6,522 | 17,692 | 24,214 | 2,434 | 5,748 | 200,462 | 52,810 | 253,272 | 637 | 7,230 | 207,255 | 87,582 | 294,837 |

2.13.4 Pending Cases by County

At the end of the period under reference, a total of 649,112 cases remained unresolved in the entire country. Figure 2.49 shows the distribution of pending cases in Counties by the end of June 2021.


Figure 2.49: Distribution of pending cases by county, FY 2020/21

The county that had the highest number of pending cases was Nairobi with 140,061 cases followed by Mombasa with 74,664 and Nakuru with 59,022 cases. Statistics on the pending cases in each county, organized by court and case types is provided in Table 2.41.

Table 2.41: Pending Cases by County, Court and Case Type

| County | SC | COA -CR | COA -CC | COA All | HC-CR | HC-CC | HC-All | ELRC | ELC | MC-CR | MC-CC | MC-All | SCC | Kadhis' | All CR | All CC | All Cases |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Baringo | - | - | - | - | 385 | 150 | 535 | - | - | 536 | 83 | 619 | - | - | 921 | 233 | 1,154 |
| Bomet | - | - | - | - | 310 | 396 | 706 | - | - | 2,011 | 1,188 | 3,199 | - | - | 2,321 | 1,584 | 3,905 |
| Bungoma | - | - | - | - | 778 | 2,359 | 3,137 | - | 194 | 5,571 | 3,524 | 9,095 | - | - | 6,349 | 6,077 | 12,426 |
| Busia | - | - | - | - | 182 | 2,089 | 2,271 | - | 340 | 6,455 | 2,278 | 8,733 | - | 69 | 6,637 | 4,776 | 11,413 |
| Elgeyo Marakwet | - | - | - | - | - | - | - | - | - | 433 | 170 | 603 | - | - | 433 | 170 | 603 |

| County | SC | COA -CR | COA -CC | COA All | HC-CR | HC-CC | HC-All | ELRC | ELC | MC-CR | MC-CC | MC-All | SCC | Kadhis' | All CR | All CC | All Cases |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Embu | - | - | - | - | 534 | 2,279 | 2,813 | - | 359 | 3,607 | 1,794 | 5,401 | - | | 4,141 | 4,432 | 8,573 |
| Garissa | - | - | - | - | 450 | 257 | 707 | - | 66 | 1,443 | 392 | 1,835 | - | 601 | 1,893 | 1,316 | 3,209 |
| Homa Bay | - | - | - | - | 299 | 479 | 778 | - | - | 5,089 | 2,512 | 7,601 | - | - | 5,388 | 2,991 | 8,379 |
| Isiolo | - | - | - | - | | | | - | - | 1,694 | 168 | 1,862 | - | 66 | 1,694 | 234 | 1,928 |
| Kajiado | - | - | - | - | 284 | 286 | 570 | - | 255 | 5,765 | 3,418 | 9,183 | - | 79 | 6,049 | 4,038 | 10,087 |
| Kakamega | - | - | - | - | 747 | 2,546 | 3,293 | | 175 | 6,405 | 8,482 | 14,887 | - | 146 | 7,152 | 11,349 | 18,501 |
| Kericho | - | - | - | - | 634 | 1,140 | 1,774 | 306 | 194 | 3,647 | 1,493 | 5,140 | - | 78 | 4,281 | 3,211 | 7,492 |
| Kiambu | - | - | - | - | 1,550 | 1,469 | 3,019 | - | 1,083 | 11,507 | 15,742 | 27,249 | - | 28 | 13,057 | 18,322 | 31,379 |
| Kilifi | - | - | - | - | 525 | 847 | 1,372 | - | 833 | 5,938 | 1,896 | 7,834 | - | 143 | 6,463 | 3,719 | 10,182 |
| Kirinyaga | - | - | - | - | 282 | 2,111 | 2,393 | - | 875 | 5,360 | 4,462 | 9,822 | - | - | 5,642 | 7,448 | 13,090 |
| Kisii | - | - | - | - | 190 | 160 | 350 | - | 457 | 6,754 | 6,509 | 13,263 | - | | 6,944 | 7,126 | 14,070 |
| Kisumu | | 1,374 | 1,300 | 2,674 | 660 | 887 | 1,547 | 724 | 682 | 13,725 | 9,211 | 22,936 | - | 27 | 15,759 | 12,831 | 28,590 |
| Kitui | - | - | - | - | 381 | 259 | 640 | - | - | 3,575 | 3,368 | 6,943 | - | 9 | 3,956 | 3,636 | 7,592 |
| Kwale | - | - | - | - | - | - | - | - | - | 2,202 | 2,658 | 4,860 | - | 222 | 2,202 | 2,880 | 5,082 |
| Laikipia | - | - | - | - | 710 | 138 | 848 | - | - | 5,930 | 4,256 | 10,186 | - | | 6,640 | 4,394 | 11,034 |
| Lamu | - | - | - | - | 0 | 0 | 0 | - | - | 365 | 179 | 544 | - | 124 | 365 | 303 | 668 |
| Machakos | - | - | - | - | 1,162 | 2,210 | 3,372 | - | 991 | 9,570 | 8,634 | 18,204 | - | 104 | 10,732 | 11,939 | 22,671 |
| Makueni | - | - | - | - | 232 | 385 | 617 | - | 56 | 3,449 | 3,354 | 6,803 | - | - | 3,681 | 3,795 | 7,476 |
| Mandera | - | - | - | - | - | - | - | - | - | 290 | 37 | 327 | - | 69 | 290 | 106 | 396 |
| Marsabit | - | - | - | - | 29 | 87 | 116 | - | - | 854 | 58 | 912 | - | 186 | 883 | 331 | 1,214 |
| Meru | - | - | - | - | 1,557 | 2,701 | 4,258 | - | 303 | 8,537 | 5,735 | 14,272 | - | 5 | 10,094 | 8,744 | 18,838 |
| Migori | - | - | - | - | 244 | 446 | 690 | - | 106 | 2,331 | 3,540 | 5,871 | - | | 2,575 | 4,092 | 6,667 |
| Mombasa | | 110 | 631 | 741 | 2,320 | 7,345 | 9,665 | 1,535 | 2,132 | 26,359 | 31,160 | 57,519 | - | 3,072 | 28,789 | 45,875 | 74,664 |
| Murang'a | - | - | - | - | 1,390 | 2,725 | 4,115 | - | 70 | 9,316 | 7,115 | 16,431 | - | | 10,706 | 9,910 | 20,616 |
| Nairobi | 74 | 129 | 2,881 | 3,010 | 2,214 | 21,152 | 23,366 | 9,801 | 1,370 | 36,066 | 62,850 | 98,916 | 386 | 2,433 | 38,409 | 100,947 | 139,356 |
| Nakuru | - | - | - | - | 1,225 | 5,668 | 6,893 | 657 | 875 | 24,638 | 25,947 | 50,585 | - | 12 | 25,863 | 33,159 | 59,022 |
| Nandi | - | - | - | - | - | - | - | - | - | 4,019 | 1,490 | 5,509 | - | - | 4,019 | 1,490 | 5,509 |
| Narok | - | - | - | - | 127 | 243 | 370 | - | 242 | 1,540 | 2,071 | 3,611 | - | - | 1,667 | 2,556 | 4,223 |
| Nyamira | - | - | - | - | 44 | 172 | 216 | - | | 3,167 | 1,412 | 4,579 | - | - | 3,211 | 1,584 | 4,795 |
| Nyandarua | - | - | - | - | 192 | 231 | 423 | - | 195 | 689 | 229 | 918 | - | - | 881 | 655 | 1,536 |
| Nyeri | | 540 | 1,825 | 2,365 | 528 | 2,054 | 2,582 | 319 | 779 | 3,300 | 4,945 | 8,245 | - | 54 | 4,368 | 9,976 | 14,344 |
| Samburu | - | - | - | - | 0 | 0 | 0 | - | - | 309 | 69 | 378 | - | - | 309 | 69 | 378 |
| Siaya | - | - | - | - | 75 | 88 | 163 | - | - | 2,867 | 2,669 | 5,536 | - | - | 2,942 | 2,757 | 5,699 |
| Taita Taveta | - | - | - | - | 340 | 199 | 539 | - | - | 2,431 | 934 | 3,365 | - | 6 | 2,771 | 1,139 | 3,910 |
| Tana River | - | - | - | - | 113 | 82 | 195 | - | - | 969 | 196 | 1,165 | - | 67 | 1,082 | 345 | 1,427 |
| Tharaka Nithi | - | - | - | - | 215 | 473 | 688 | - | 8 | 2,190 | 1,171 | 3,361 | - | - | 2,405 | 1,652 | 4,057 |
| Trans Nzoia | - | - | - | - | 2,062 | 1,168 | 3,230 | - | 636 | 7,877 | 991 | 8,868 | - | - | 9,939 | 2,795 | 12,734 |
| Turkana | - | - | - | - | 79 | 34 | 113 | - | - | 1,821 | 200 | 2,021 | - | 149 | 1,900 | 383 | 2,283 |
| Uasin Gishu | - | - | - | - | 1,020 | 1,087 | 2,107 | 698 | 1,129 | 10,297 | 5,030 | 15,327 | - | 3 | 11,317 | 7,947 | 19,264 |
| Vihiga | - | - | - | - | 95 | 155 | 250 | - | - | 3,192 | 1,394 | 4,586 | - | - | 3,287 | 1,549 | 4,836 |
| Wajir | - | - | - | - | - | - | - | - | - | 813 | 58 | 871 | - | 310 | 813 | 368 | 1,181 |
| West Pokot | - | - | - | - | 143 | 37 | 180 | - | - | 2,242 | 237 | 2,479 | - | - | 2,385 | 274 | 2,659 |
| Grand Total | 74 | 2,153 | 6,637 | 8,790 | 24,307 | 66,594 | 90,901 | 14,040 | 14,405 | 267,145 | 245,309 | 512,454 | 386 | 8,062 | 293,605 | 355,507 | 649,112 |

ACCESS TO JUSTICE:

INSTITUTIONALISATION OF ALTERNATIVE DISPUTES RESOLUTION MECHANISMS

2.14 Background on Institutionalisation of Alternative Forms of Dispute Resolution

The Constitution of Kenya under Article 159 (2) (c) promotes the use of alternative forms of dispute resolution by courts and tribunals in exercise of judicial authority. The mechanisms includes mediation, reconciliation, arbitration and the use of traditional methods. During the period under review, the Alternative Justice Systems (AJS) Baseline Policy and the AJS Framework Policy were finalized and launched. To oversee the implementation of the AJS Policy, the National Steering Committee was formed and mandated to cascade it to county level and develop guidelines.

To give effect to the Constitution dictates, and as a strategic initiative, the Judiciary also prioritized Court Annexed Mediation (CAM), a mechanism with a huge potential of enhancing access to justice. The following sub-sections provides details on access to justice through CAM for the FY 2020/21. The referral of matters to CAM, settling of matters through CAM, including their monetary value and efficacy has been covered. By the end of the FY 2020/21, CAM had been operationalised in 50 court stations across the High Court, ELRC, ELC and Magistrates' Courts. Out of the 50 court stations, 16 were High Court stations, 5 ELRC stations, 12 ELC stations and 17 Magistrates' Courts stations.

2.15 Caseload Statistics for Court Annexed Mediation

2.15.1 Matters Referred, Processed and Pending under Court Annexed Mediation

A total of 2,185 matters were referred to mediation by various courts during the period under review. This yielded a cumulative figure of 4,561 matters that were to be processed after consolidation with 2,376 matters that were pending at the end of the previous review period. Out of the 4,561 matters, 1,229 matters were processed successfully leaving a balance of 3,332as pending by the end of FY 2020/21. Information on referral and processing of matters through CAM is provided in Table 2.42.

Table 2.42: Matters Referred, Processed and Pending under CAM, FY 2020/21

| | Court name | Matters Pending, 30th June 2020 | Matters referred, July 2020 to June 2021 | Matters Processed,July 2020 to June 2021 | Matters Pending,30th June 2021 |
|---|---|---|---|---|---|
| | HIGH COURT | | | | |
| 1 | Eldoret HC | 129 | 99 | 51 | 177 |
| 2 | Embu HC | 61 | 17 | 15 | 63 |
| 3 | Garissa HC | 23 | 8 | 1 | 30 |
| 4 | Kakamega HC | 270 | 209 | 145 | 334 |
| 5 | Kerugoya HC | 0 | 6 | 5 | 1 |
| 6 | Kisii HC | 10 | 12 | 12 | 10 |
| 7 | Kisumu HC | 89 | 122 | 43 | 168 |
| 8 | Machakos HC non- settlement | 54 | 29 | 11 | 72 |
| 9 | Malindi HC | 4 | 26 | 17 | 13 |
| 10 | Milimani Civil Div | 62 | 11 | 0 | 73 |
| 11 | Milimani Commercial Div | 166 | 110 | 39 | 237 |
| 12 | MilimaniFamily Div | 139 | 50 | 31 | 158 |
| 13 | Mombasa HC | 20 | 18 | 2 | 36 |
| 14 | Nakuru HC | 28 | 42 | 16 | 54 |
| 15 | Nyamira HC | 3 | 10 | 13 | 0 |
| 16 | Nyeri HC | 132 | 122 | 101 | 153 |
| | All High Courts | 1190 | 891 | 502 | 1,579 |
| | ELRC | | | | |
| 1 | Eldoret ELRC | 16 | | | 16 |
| 2 | Kisumu ELRC | 13 | 34 | 0 | 47 |
| 3 | Milimani ELRC | 102 | 117 | 66 | 153 |
| 4 | Mombasa ELRC | 55 | 3 | 0 | 58 |
| 5 | Nyeri ELRC | 3 | 5 | 1 | 7 |
| | All ELRC | 189 | 159 | 67 | 281 |
| | ELC | | | | |
| 1 | Eldoret ELC | 26 | | | 26 |
| 2 | Embu ELC | 12 | 21 | 10 | 23 |
| 3 | Garissa ELC | 0 | | | 0 |
| 4 | Kakamega ELC | 49 | 38 | 29 | 58 |
| 5 | Kerugoya ELC | 0 | 1 | 1 | 0 |
| 6 | Kisii ELC | 2 | 34 | 31 | 5 |
| 7 | Kisumu ELC | 80 | 27 | 8 | 99 |
| 8 | Machakos ELC | 26 | 8 | 2 | 32 |
| 9 | Malindi ELC | 3 | | | 3 |
| 10 | Milimani ELC | 54 | 62 | 15 | 101 |
| 11 | Mombasa ELC | 1 | 8 | 0 | 9 |
| 12 | Nyeri ELC | 58 | 11 | 1 | 68 |
| | All ELC | 311 | 210 | 97 | 424 |
| | Magistrates' Courts | | | | |
| 1 | Eldoret MC | 42 | 78 | 44 | 76 |
| 2 | Embu MC | 26 | 35 | 30 | 31 |
| 3 | Garissa MC | 20 | | | 20 |
| 4 | Kakamega MC | 75 | 58 | 43 | 90 |
| 5 | Kerugoya MC | 0 | 10 | 3 | 7 |
| 6 | Kisii MC | 4 | 77 | 67 | 14 |
| 7 | Kisumu MC | 18 | 38 | 24 | 32 |
| 8 | Machakos MC | | | | |
| 9 | Malindi MC | 4 | 56 | 45 | 15 |
| 10 | Milimani Children's | 103 | 190 | 110 | 183 |
| 11 | Milimani Commercial | 94 | 3 | 0 | 97 |
| 12 | Mombasa MC | 172 | 104 | 16 | 260 |
| 13 | Nakuru MC | 77 | 38 | 31 | 84 |
| 14 | Nyamira MC | 3 | 118 | 71 | 50 |
| 15 | Nyeri MC | 31 | 34 | 13 | 52 |
| 16 | Siakago MC | 0 | 29 | 11 | 18 |
| 17 | Tononoka MC | 17 | 57 | 55 | 19 |
| | All Magistrates' Courts | 686 | 925 | 563 | 1,048 |
| All Courts | | 2376 | 2,185 | 1,229 | 3,332 |

The CAM achieved a 30 per cent processing rate in the matters that were dealt with. This was calculated through division of processed matters with the total matters (1,229) that were placedbefore the mediation process (4,561).

2.15.2 Uptake of Court Annexed Mediation by Courts

The uptake of CAM, measured using the percentage of matters referred to mediation to total workload in a court, was below two per cent. This is illustrated in Figure 2.50.

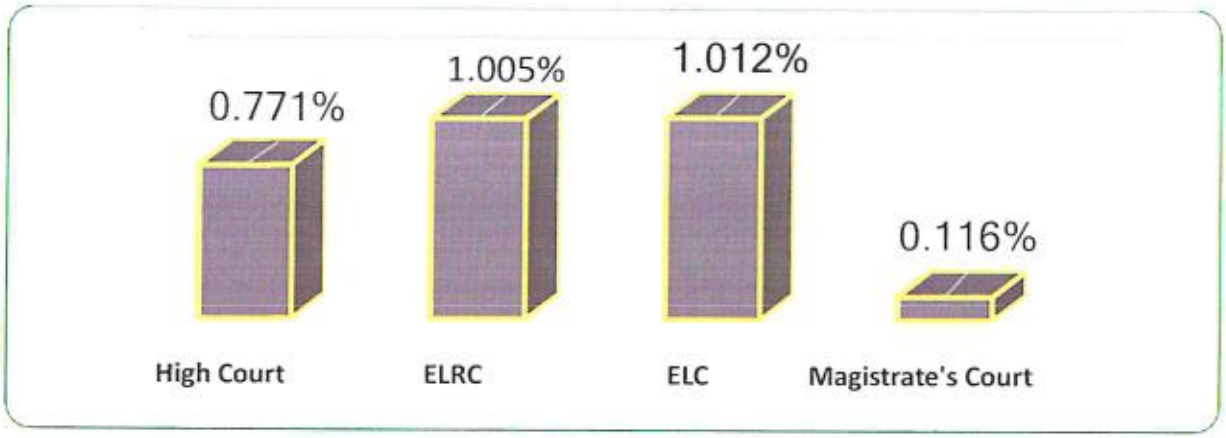



Figure 2.50: Percentage uptake of CAM matters by courts, FY 2020/21

The highest uptake of CAM was in ELC at 1.012 per cent followed by ELRC at 1.005 per cent. The least uptake was recorded in the Magistrates' Courts at 0.116 per cent.

2.15.3 Matters Settled through Court Annexed Mediation

Out of 1,229 matters that were processed through CAM, 767 matters had settlement agreements. This implied that 462 matters were not settled. Figure 2.51 shows the percentage distributionof matters with and without settlement agreements.

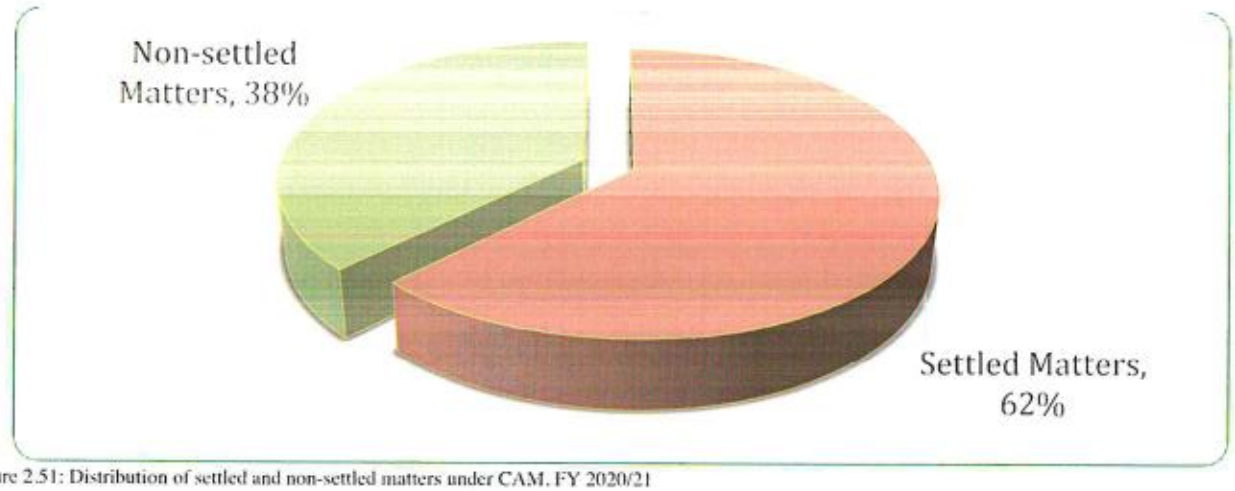



Figure 2.51: Distribution of settled and non-settled matters under CAM, FY 2020/21

The matters that had settlements stood at 62 per cent while those without stood at 38 per cent. The distribution of settlement and non-settlement of matters in different courts is demonstrated in Figure 2.52.

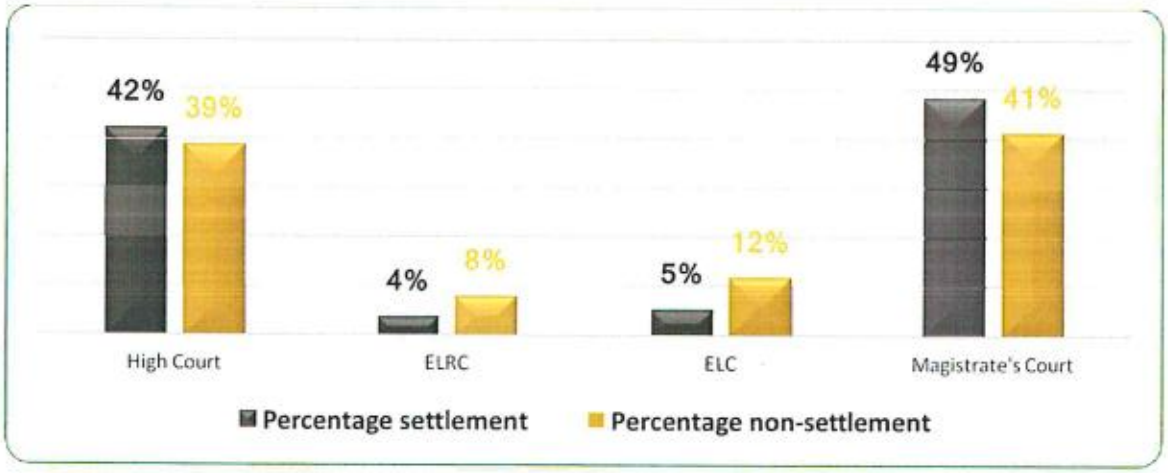
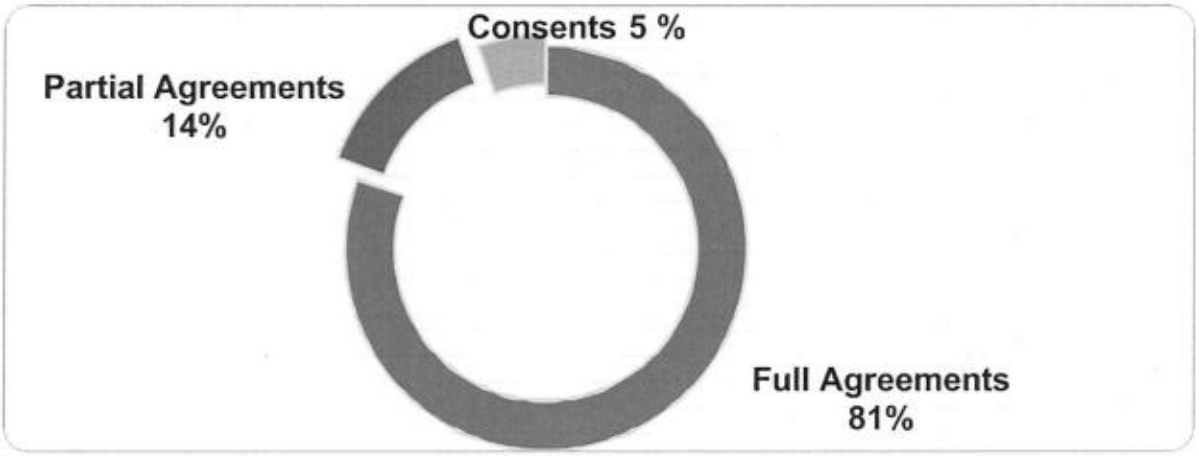


Figure 2.52: Distribution of Settled and Non-settled CAM matters by court type, FY 2020/21




The Magistrates' Courts had the highest proportion of settled matters at 49 per cent followed by the High Court at 42 per cent. The least proportion of settlement was in the ELRC at four percent. A similar trend was observed for the non-settlements across various courts. The overallpercentage distribution of matters with settlement agreements is shown in Figure 2.53.

Figure 2.53: Distribution of Settled Matters under CAM by Mode of Settlement, FY 2020/21

The matters that had full agreements were 81 per cent followed by partial agreements at 14 percent and consents at five per cent. Table 2.43 provides a breakdown of cases with settlementagreements across courts.

Table 2.43: Matters settled through CAM by Mode of Settlement, FY 2020/21

| | *Court name* | *Full agreements* | *Partial agreements* | *Consents* | *All settled matters* |
|---|---|---|---|---|---|
| | HIGH COURT | | | | |
| 1 | Eldoret HC | 22 | 4 | 0 | 26 |
| 2 | Embu HC | 4 | 1 | 0 | 5 |
| 3 | Garissa HC | 1 | 0 | 0 | 1 |
| 4 | Kakamega HC | 81 | 12 | 18 | 111 |
| 5 | Kerugoya HC | 4 | 0 | 0 | 4 |
| 6 | Kisii HC | 6 | 2 | 0 | 8 |
| 7 | Kisumu HC | 14 | 3 | 0 | 17 |
| 8 | Machakos HC | 6 | 0 | 0 | 6 |
| 9 | Malindi HC | 7 | 1 | 1 | 9 |
| 10 | Milimani Civil Division | 0 | 0 | 0 | 0 |
| 11 | Milimani Commercial Div | 9 | 3 | 0 | 12 |
| 12 | Milimani Family Division | 12 | 8 | 0 | 20 |
| 13 | Mombasa HC | 0 | 0 | 0 | 0 |
| 14 | Nakuru HC | 4 | 2 | 0 | 6 |
| 15 | Nyamira HC | 0 | 7 | 0 | 7 |
| 16 | Nyeri HC | 87 | 4 | 0 | 91 |
| | All High Courts | 257 | 47 | 19 | 323 |
| | ELRC | | | | |
| 1 | Eldoret ELRC | | | | |
| 2 | Kisumu ELRC | 0 | 0 | 0 | 0 |
| 3 | Milimani ELRC | 14 | 3 | 12 | 29 |
| 4 | Mombasa ELRC | 0 | 0 | 0 | 0 |
| 5 | Nyeri ELRC | 1 | 0 | 0 | 1 |
| | All ELRC | 15 | 3 | 12 | 30 |
| | ELC | | | | |
| 1 | Eldoret ELC | | | | |
| 2 | Embu ELC | 3 | 1 | 1 | 5 |
| 3 | Garissa ELC | | | | |
| 4 | Kakamega ELC | 14 | 1 | 0 | 15 |
| 5 | Kerugoya ELC | 0 | 0 | 0 | 0 |
| 6 | Kisii ELC | 8 | 4 | 0 | 12 |
| 7 | Kisumu ELC | 3 | 0 | 0 | 3 |
| 8 | Machakos ELC | 0 | 0 | 0 | 0 |
| 9 | Malindi ELC | | | | |
| 10 | Milimani ELC | 6 | 0 | 0 | 6 |
| 11 | Mombasa ELC | 0 | 0 | 0 | 0 |
| 12 | Nyeri ELC | 1 | 0 | 0 | 1 |
| | All ELC | 35 | 6 | 1 | 42 |
| | Magistrates' Courts | | | | |

| | Court name | Full agreements | Partial agreements | Consents | All settled matters |
|---|---|---|---|---|---|
| 1 | Eldoret MC | 13 | 7 | 0 | 20 |
| 2 | Embu MC | 17 | 3 | 0 | 20 |
| 3 | Garissa MC | | | | |
| 4 | Kakamega MC | 27 | 6 | 0 | 33 |
| 5 | Kerugoya MC | 1 | 0 | 0 | 1 |
| 6 | Kisii MC | 26 | 3 | 0 | 29 |
| 7 | Kisumu MC | 13 | 6 | 0 | 19 |
| 8 | Machakos MC | | | | |
| 9 | Malindi MC | 23 | 8 | 1 | 32 |
| 10 | Milimani Childrens | 66 | 8 | 8 | 82 |
| 11 | Milimani Commercial | 0 | 0 | 0 | 0 |
| 12 | Mombasa MC | 9 | 3 | 0 | 12 |
| 13 | Nakuru MC | 17 | 0 | 1 | 18 |
| 14 | Nyamira MC | 50 | 6 | 0 | 56 |
| 15 | Nyeri MC | 13 | 0 | 0 | 13 |
| 16 | Siakago MC | 6 | 1 | 0 | 7 |
| 17 | Tononoka MC | 30 | 0 | 0 | 30 |
| | All Magistrates' Courts | 311 | 51 | 10 | 372 |
| 50 | All Courts | 618 | 107 | 42 | 767 |

Table 2.43 shows that 618 matters were fully settled, 107 matters were partially settled while 42 were concluded by way of consents. The fully settled matters marked a 33 per cent decrease from the 919 matters that were settled in the previous reporting period. The partially settled matters declined by 12 per cent in comparison to the 121 matters that finalized in the previousreporting period. The consents grew by 14 per cent from 37 in the FY 2019/20 to 42 in the FY 2020/21.

2.15.4 Matters Not Settled through Court Annexed Mediation (CAM)

A total of 462 matters were not settled. This was occasioned by parties failing to reach an agreement, others failing to comply and the rest terminating the matters. The percentage breakdown of these reasons is presented in Figure 2.54.

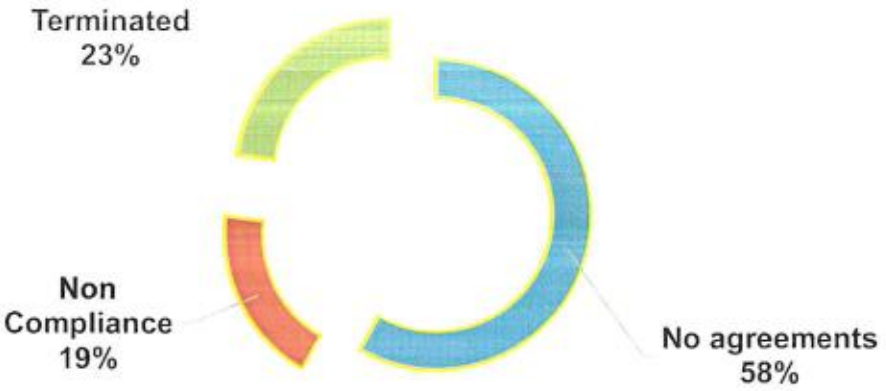



Figure 2.54: Distribution of Non-settled Matters under CAM by Mode of Non-settlement, FY2020/21

Matters without agreements were at 58 per cent, followed by those that were terminated at 23per cent. Table 2.44 shows the distribution of the non-settled matters for each of court station.Table 2.44: Categories of Non-settled Matters in CAM

| | Court name | No agreements | Non compliance | Terminated | All non-settled matters |
|---|---|---|---|---|---|
| | HIGH COURT | | | | |
| 1 | Eldoret HC | 18 | 2 | 5 | 25 |
| 2 | Embu HC | 9 | 0 | 1 | 10 |
| 3 | Garissa HC | 0 | 0 | 0 | 0 |
| 4 | Kakamega HC | 28 | 3 | 3 | 34 |
| 5 | Kerugoya HC | 1 | 0 | 0 | 1 |
| 6 | Kisii HC | 1 | 2 | 1 | 4 |
| 7 | Kisumu HC | 19 | 2 | 5 | 26 |
| 8 | Machakos HC | 0 | 0 | 5 | 5 |
| 9 | Malindi HC | 6 | 2 | 0 | 8 |
| 10 | Milimani Civil Division | 0 | 0 | 0 | 0 |
| 11 | Milimani Commercial Division | 14 | 5 | 8 | 27 |
| 12 | Milimani Family Division | 6 | 2 | 3 | 11 |
| 13 | Mombasa HC | 2 | 0 | 0 | 2 |
| 14 | Nakuru HC | 6 | 4 | 0 | 10 |
| 15 | Nyamira HC | 5 | 1 | 0 | 6 |
| 16 | Nyeri HC | 9 | 1 | 0 | 10 |
| | All High Courts | 124 | 24 | 31 | 179 |
| | ELRC | | | | |

| | Court name | No agreements | Non compliance | Terminated | All non-settled matters |
|---|---|---|---|---|---|
| 1 | Eldoret ELRC | - | - | - | - |
| 2 | Kisumu ELRC | 0 | 0 | 0 | 0 |
| 3 | Milimani ELRC | 25 | 6 | 6 | 37 |
| 4 | Mombasa ELRC | 0 | 0 | 0 | 0 |
| 5 | Nyeri ELRC | 0 | 0 | 0 | 0 |
| | All ELRC | 25 | 6 | 6 | 37 |
| | ELC | - | - | - | - |
| 1 | Eldoret ELC | - | - | - | - |
| 2 | Embu ELC | 2 | 1 | 2 | 5 |
| 3 | Garissa ELC | - | - | - | - |
| 4 | Kakamega ELC | 11 | 1 | 2 | 14 |
| 5 | Kerugoya ELC | 1 | 0 | 0 | 1 |
| 6 | Kisii ELC | 8 | 6 | 5 | 19 |
| 7 | Kisumu ELC | 5 | 0 | 0 | 5 |
| 8 | Machakos ELC | 0 | 0 | 2 | 2 |
| 9 | Malindi ELC | | | | |
| 10 | Milimani ELC | 3 | 6 | 0 | 9 |
| 11 | Mombasa ELC | 0 | 0 | 0 | 0 |
| 12 | Nyeri ELC | 0 | 0 | 0 | 0 |
| | All ELC | 30 | 14 | 11 | 55 |
| | MAGISTRATE COURT | | | | |
| 1 | Eldoret MC | 5 | 2 | 17 | 24 |
| 2 | Embu MC | 4 | 2 | 4 | 10 |
| 3 | Garissa MC | - | - | - | - |
| 4 | Kakamega MC | 10 | 0 | 0 | 10 |
| 5 | Kerugoya MC | 1 | 1 | 0 | 2 |
| 6 | Kisii MC | 12 | 16 | 10 | 38 |
| 7 | Kisumu MC | 5 | 0 | 0 | 5 |
| 8 | Machakos MC | - | - | - | - |
| 9 | Malindi MC | 4 | 1 | 8 | 13 |
| 10 | Milimani Childrens | 19 | 3 | 6 | 28 |
| 11 | Milimani Commercial | 0 | 0 | 0 | 0 |
| 12 | Mombasa MC | 2 | 0 | 2 | 4 |
| 13 | Nakuru MC | 7 | 5 | 1 | 13 |
| 14 | Nyamira MC | 11 | 4 | 0 | 15 |
| 15 | Nyeri MC | 0 | 0 | 0 | 0 |
| 16 | Siakago MC | 4 | 0 | 0 | 4 |
| 17 | Tononoka MC | 6 | 8 | 11 | 25 |
| | All Magistrates' Courts | 90 | 42 | 59 | 191 |
| 50 | All Courts | 269 | 86 | 107 | 462 |

Out of the 462 matters that were not settled through CAM, 269 had no agreements, representinga 58 percent decrease in comparison to the 646 matters that had no agreements in the previousperiod. In 86 matters, parties failed to comply with mediation rules, representing a decline by 221 of such matters in comparison with 307 that were recorded in the previous period. The matters that were terminated reduced from 160 that were recorded in the FY 2019/20 to 107 matters during the year under review.

2.16. Monetary Value of Cases Handled Through Court Annexed Mediation

The monetary value of the cases that were referred to mediation in the FY 2020/21 was KSh7.1billion. The value of the matters that were settled was KSh382 million down from KSh4.5 billionthat was recorded in the FY 2019/20. The reduction was attributed to difficulties experienced in holding mediation sessions during the pandemic. The growth of the value of matters settledthrough CAM over time is shown in Figure 2.55.

The trend shows the monetary amount in billions Kenya shillings that has been releasedback to the economy over time. There has been a positive growth from KSh6.98 billion inFY 2018/19 to KSh11.51 billion in 2019/20 before a mild growth was witnessed in 2020/21 of KSh11.89 billion. The mild growth is attributed to the reduced settlements of matters during thepandemic. Detailed statistics on monetary value of matters handled under CAM are presentedin Table 2.45.

Table 2.45: Monetary value of matters referred to mediation, FY 2020/21

| | Court name | Cumula- tive value of mattersreferred tomediation, 30th June 2020 | Value of matters referred to medi- ation, FY2020/21 | Cumula- tive value of mattersreferred tomediation as at 30th June 2021 | Cumula- tive value of matterswith set- tlement agreements,30th June 2020 | Value of matters with set- tlement agreements,FY 2020/21 | Cumula- tive value of matters with settle- ment agree- ments, 30th June 2021 |
|---|---|---|---|---|---|---|---|
| | HIGH COURT | | | | | | |
| 1 | Eldoret HC | 1,685,114,162 | 434,090,000 | 2,119,204,162 | 719,317,282 | 24,700,000 | 744,017,282 |
| 2 | Embu HC | 747,867 | 3,100,000 | 3,847,867 | 40,167 | 2,100,000 | 2,140,167 |
| 3 | Garissa HC | 731,419 | 0 | 731,419 | 556,000 | 0 | 556,000 |
| 4 | Kakamega HC | 327,163,048 | 102,500,000 | 429,663,048 | 70,574,219 | 32,441,902 | 103,016,121 |
| 5 | Kerugoya HC | 0 | 26,000,000 | 26,000,000 | 0 | 4,000,000 | 4,000,000 |
| 6 | Kisii HC | 380,488 | 12,459,400 | 12,839,888 | 0 | 18,107,108 | 18,107,108 |
| 7 | Kisumu HC | 265,864,884 | 344,000,000 | 609,864,884 | 13,261,353 | 0 | 13,261,353 |

| | Court name | Cumula- tive value of mattersreferred tomediation, 30th June 2020 | Value of matters referred to medi- ation, FY2020/21 | Cumula- tive value of mattersreferred tomediation as at 30th June 2021 | Cumula- tive value of matterswith set- tlement agreements,30th June 2020 | Value of matters with set- tlement agreements,FY 2020/21 | Cumula- tive value of matters with settle- ment agree- ments, 30th June 2021 |
|---|---|---|---|---|---|---|---|
| 8 | Machakos HC | 187,309,123 | 158,300,000 | 345,609,123 | 66,879,006 | 0 | 66,879,006 |
| 9 | Malindi HC | 15,669,663 | 20,000,000 | 35,669,663 | 0 | 0 | 0 |
| 10 | Milimani Civil Division | 995,25 4,234 | 195,300,000 | 1,190,554,234 | 1,509,150 | 0 | 1,509,150 |
| 11 | Milimani Commercial Divi- sion | 24,347,675,688 | 1,367,000,000 | 25,714,675,688 | 3,531,243,120 | 216,530,836 | 3,747,773,956 |
| 12 | Milimani Family Division | 12,910,945,835 | 503,300,000 | 13,414,245,835 | 4,936,821,914 | 10,562,480 | 4,947,384,394 |
| 13 | Mombasa HC | 59,953,326 | 16,649,288 | 76,602,614 | 0 | 0 | 0 |
| 14 | Nakuru HC | 135,989,981 | 1,844,278 | 137,834,259 | 3,894,123 | 0 | 3,894,123 |
| 15 | Nyamira HC | 4,687,500 | 0 | 4,687,500 | 2,222,222 | 0 | 2,222,222 |
| 16 | Nyeri HC | 1,006,585,018 | 3,108,000,000 | 4,114,585,018 | 1,061,944,436 | 17,352,645 | 1,079,297,081 |
| | All High Courts | 41,944,072,236 | 6,292,542,966 | 48,236,615,202 | 10,408,262,992 | 325,794,971 | 10,734,057,963 |
| | ELRC | | | | | | |
| 1 | Eldoret ELRC | | | | | | |
| 2 | Kisumu ELRC | 74,093,492 | 0 | 74,093,492 | 0 | 0 | 0 |
| 3 | Milimani ELRC | 1,805,124,869 | 170,400,000 | 1,975,524,869 | 242,684,818 | 39,293,890 | 281,978,708 |
| 4 | Mombasa ELRC | 9,992,221 | 150,000 | 10,142,221 | 0 | 0 | 0 |
| 5 | Nyeri ELRC | 41,253,484 | 314,814 | 41,568,298 | 11,669,719 | 0 | 11,669,719 |
| | All ELRC | 1,930,464,066 | 170,864,814 | 2,101,328,880 | 254,354,537 | 39,293,890 | 293,648,427 |
| | ELC | | | | | | |
| 1 | Eldoret ELC | | | | | | |
| 2 | Embu ELC | 923,836 | 0 | 923,836 | 40,167 | 0 | 40,167 |
| 3 | Garissa ELC | | | | | | |
| 4 | Kakamega ELC | 59,484,191 | 12,500,000 | 71,984,191 | 9,537,057 | 5,733,918 | 15,270,975 |
| 5 | Kerugoya ELC | 0 | 1,000,000 | 1,000,000 | 0 | 0 | 0 |
| 6 | Kisii ELC | 1,078,048 | 0 | 1,078,048 | 0 | 0 | 0 |
| 7 | Kisumu ELC | 58,838,950 | 0 | 58,838,950 | 2,340,239 | 0 | 2,340,239 |
| 8 | Machakos ELC | 51,671,482 | 0 | 51,671,482 | 0 | 0 | 0 |
| 9 | Malindi ELC | | | | | | |
| 10 | Milimani ELC | 768,454,645 | 585,100,000 | 1,353,554,645 | 0 | 0 | 0 |
| 11 | Mombasa ELC | 26,645,923 | 0 | 26,645,923 | 0 | 0 | 0 |
| 12 | Nyeri ELC | 90,757,666 | 0 | 90,757,666 | 11,669,719 | 0 | 11,669,719 |
| | All ELC | 1,057,854,741 | 598,600,000 | 1,656,454,741 | 23,587,182 | 5,733,918 | 29,321,100 |
| | MAGISTRATE COURT | | | | | | |
| 1 | Eldoret MC | 1,327,665,703 | 10,160,265 | 1,337,825,968 | 553,320,987 | 4,922,000 | 558,242,987 |
| 2 | Embu MC | 1,539,727 | 2,802,205 | 4,341,932 | 160,667 | 2,471,600 | 2,632,267 |
| 3 | Garissa MC | | | | | | |
| 4 | Kakamega MC | 90,791,659 | 335,000 | 91,126,659 | 20,981,525 | 452,678 | 21,434,203 |
| 5 | Kerugoya MC | 0 | 4,000,000 | 4,000,000 | 0 | 1,000,000 | 1,000,000 |
| 6 | Kisii MC | 2,441,463 | 0 | 2,441,463 | 0 | 0 | 0 |
| 7 | Kisumu MC | 82,810,374 | 0 | 82,810,374 | 14,821,512 | 0 | 14,821,512 |
| 8 | Machakos MC | | | | | | |
| 9 | Malindi MC | 33,750,044 | 445,078 | 34,195,122 | 0 | 0 | 0 |
| 10 | Milimani Children's | 66,264,697 | 0 | 66,264,697 | 8,833,262 | 0 | 8,833,262 |
| 11 | Milimani Commercial | 103,184,618 | 2,227,059 | 105,411,677 | 23,762,645 | 0 | 23,762,645 |
| 12 | Mombasa MC | 346,396,997 | 24,250,547 | 370,647,544 | 22,507,726 | 0 | 22,507,726 |
| 13 | Nakuru MC | 123,038,555 | 789,888 | 123,828,443 | 11,682,368 | 750,000 | 12,432,368 |
| 14 | Nyamira MC | 55,312,500 | 0 | 55,312,500 | 17,777,778 | 0 | 17,777,778 |
| 15 | Nyeri MC | 280,523,693 | 250,000 | 280,773,693 | 151,706,348 | 377,231 | 152,083,579 |
| 16 | Siakago MC | 0 | 4,000,000 | 4,000,000 | 0 | 1,000,000 | 1,000,000 |
| 17 | Tononoka MC | 0 | 0 | 0 | 0 | 0 | 0 |
| | All Magistrates' Courts | 2,513,720,030 | 49,260,042 | 2,562,980,072 | 825,554,818 | 10,973,509 | 836,528,327 |
| 50 | All Courts | 47,446,111,073 | 7,111,267,822 | 54,557,378,895 | 11,511,759,529 | 381,796,288 | 11,893,555,817 |

The cumulative value of matters that has so far been referred to mediation stood at KSh54.6 billion at the end of the FY 2019/20. The cumulative value of matters with settlement agreements stood at KSh11.9 billion at the end of the FY 2020/21 up from KSh11.5 billon that was recorded at the end of the FY 2019/20.

2.17 Efficacy of Court Annexed Mediation

Determination and tracking of efficiency and performance of CAM is of paramount importance in continuously assessing whether CAM is realizing its envisaged goals or not. Some efficiency measures for CAM programme include, inter alia, Case Processing Rate (CPR), settlement rate (SR) and non-compliance rate (NPR). The CPR refers to the percentage of processed matters against the matters referred to CAM. The SR is the percentage of matters whose parties reachedan agreement against the total processed matters. The NPR, which arises when parties fail toconform to mediation directions, refers to the percentage of non-compliance matters againstthe concluded matters. The efficiency of CAM is presented in Figure 2.56.

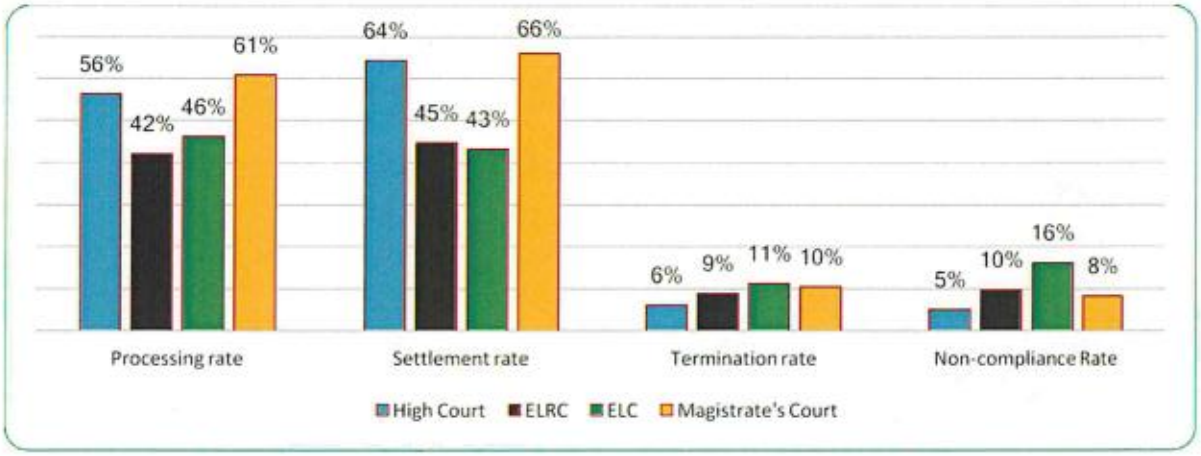



Figure 2.56: Efficiency of CAM across Courts, FY 2020/21

During the period under review, the highest processing and settlement rates were recorded inthe Magistrates' Courts followed by the High Court. On termination and non-compliance rates,ELC had the highest at 11 and 16 per cent respectively followed by the Magistrates' Courts at 8 and 10 per cent respectively. Detailed statistics on efficiency of CAM are provided in Table 2.46.Table 2.46: Efficacy of CAM, FY 2020/21

| | Court name | Processing Rate | Settlement Rate | Non-Settlement Rate | Termination Rate | Non- Compliance Rate |
|---|---|---|---|---|---|---|
| | HIGH COURT | | | | | |
| 1 | Eldoret HC | 52% | 51% | 49% | 10% | 4% |
| 2 | Embu HC | 88% | 33% | 67% | 7% | 0% |
| 3 | Garissa HC | 13% | 100% | 0% | 0% | 0% |
| 4 | Kakamega HC | 69% | 77% | 23% | 2% | 2% |
| 5 | Kerugoya HC | 83% | 80% | 20% | 0% | 0% |
| 6 | Kisii HC | 100% | 67% | 33% | 8% | 18% |
| 7 | Kisumu HC | 35% | 40% | 60% | 12% | 5% |
| 8 | Machakos HC | 38% | 55% | 45% | 45% | 0% |
| 9 | Malindi HC | 65% | 53% | 47% | 0% | 12% |
| 10 | Milimani Civil Division | 0% | | | | |
| 11 | Milimani Commercial Division | 35% | 31% | 69% | 21% | 16% |
| 12 | Milimani Family Division | 62% | 65% | 35% | 10% | 7% |
| 13 | Mombasa HC | 11% | 0% | 100% | 0% | 0% |
| 14 | Nakuru HC | 38% | 38% | 63% | 0% | 25% |
| 15 | Nyamira HC | 130% | 54% | 46% | 0% | 8% |
| 16 | Nyeri HC | 83% | 90% | 10% | 0% | 1% |
| | All High Courts | 56% | 64% | 36% | 6% | 5% |
| | ELRC | | | | | |
| 1 | Eldoret ELRC | | | | | |
| 2 | Kisumu ELRC | 0% | | | | |
| 3 | Milimani ELRC | 56% | 44% | 56% | 9% | 10% |
| 4 | Mombasa ELRC | 0% | | | | |
| 5 | Nyeri ELRC | 20% | 100% | 0% | 0% | 0% |
| | All ELRC | 42% | 45% | 55% | 9% | 10% |
| | ELC | | | | | |
| 1 | Eldoret ELC | | | | | |
| 2 | Embu ELC | 48% | 50% | 50% | 20% | 13% |
| 3 | Garissa ELC | | | | | |
| 4 | Kakamega ELC | 76% | 52% | 48% | 7% | 4% |
| 5 | Kerugoya ELC | 100% | 0% | 100% | 0% | 0% |
| 6 | Kisii ELC | 91% | 39% | 61% | 16% | 23% |
| 7 | Kisumu ELC | 30% | 38% | 63% | 0% | 0% |
| 8 | Machakos ELC | 25% | 0% | 100% | 100% | |
| 9 | Malindi ELC | | | | | |
| 10 | Milimani ELC | 24% | 40% | 60% | 0% | 40% |
| 11 | Mombasa ELC | 0% | | | | |
| 12 | Nyeri ELC | 9% | 100% | 0% | 0% | 0% |
| | All ELC | 46% | 43% | 57% | 11% | 16% |
| | Magistrates' Courts | | | | | |
| 1 | Eldoret MC | 56% | 45% | 55% | 39% | 7% |
| 2 | Embu MC | 86% | 67% | 33% | 13% | 8% |
| 3 | Garissa MC | | | | | |
| 4 | Kakamega MC | 74% | 77% | 23% | 0% | 0% |

| | | | | | | |
|---|---|---|---|---|---|---|
| 5 | Kerugoya MC | 30% | 33% | 67% | 0% | 33% |
| 6 | Kisii MC | 87% | 43% | 57% | 15% | 28% |
| 7 | Kisumu MC | 63% | 79% | 21% | 0% | 0% |
| 8 | Machakos MC | | | | | |
| 9 | Malindi MC | 80% | 71% | 29% | 18% | 3% |
| 10 | Milimani Childrens | 58% | 75% | 25% | 5% | 3% |
| 11 | Milimani Commercial | 0% | | | | |
| 12 | Mombasa MC | 15% | 75% | 25% | 13% | 0% |
| 13 | Nakuru MC | 82% | 58% | 42% | 3% | 17% |
| 14 | Nyamira MC | 60% | 79% | 21% | 0% | 6% |
| 15 | Nyeri MC | 38% | 100% | 0% | 0% | 0% |
| 16 | Siakago MC | 38% | 64% | 36% | 0% | 0% |
| 17 | Tononoka MC | 96% | 55% | 45% | 20% | 18% |
| | All Magistrates' Courts | 61% | 66% | 34% | 10% | 8% |
| 50 | All Courts | 56% | 62% | 38% | 9% | 8% |

The processing rate dropped from 62 per cent in FY 2019/20 to 56 per cent In the FY 2020/21. There was an increase on settlement rate from 49 per cent that was realized in the FY 2019/20to 62 per cent that was achieved in the FY 2020/21. The termination rate stood at 9 per cent while the non-compliance rate was 8 per cent during the period under review.

2.18 Challenges on Court Annexed Mediation and Plans for the Future

Various challenges slowed down the targeted and expected growth of CAM during the period under review. The number of matters handled reduced due mitigation measures put in place bythe Government to contain the COVID-19 pandemic. Further, there were insufficient resourcesto support additional roll out of mediation across the country. Notably, inadequate use of virtualplatforms in mediation affected dispute resolution. To support CAM, the Judiciary will finalizethe Mediation Action Plan (2021-2024) and enhance ICT platform for managing CAM cases.

ACCESS TO JUSTICE:

IMPROVEMENT OF JUDICIARY PHYSICAL INFRASTRUCTURE

2.19 Development of Physical Infrastructure

The continued construction, installation and refurbishment of court infrastructure has alwaysbeen part of the Judiciary's strategy for enhancing access to justice The Judiciary physical infrastructure is primarily comprised of court and office buildings. However, other physical infrastructure like perimeter walls, waiting bays, ablution blocks, facilities like boreholes, as well as equipment's like generators and solar panels are essential in supporting court work. The development of Judiciary infrastructure attracts huge capital outlay with some projects covering several FYs before completion.

Construction of courts in new areas serves to reduce the distance travelled by litigants and thus enhance access to justice. When new courts are constructed within a pre-existing court precinct, the number of litigants that can be served at a single time increases. The refurbishment of court buildings also serves to enhance court space and conditions of court rooms and offices. Availing of generators for courts is important for enhancing access to justice through virtual platforms in absence of mainstream electric power.

2.20 Achievements on Growth of Judiciary's Infrastructure

*a)* Summary on Completed Construction Projects

In the FY 2020/21, construction and renovation of 11 court buildings was completed. Detailedinformation is provided in Table 2.47.

Table 2.47: Infrastructural projects completed in the FY 2020/21

| S/No | Project |
|---|---|
| 1 | Nanyuki Law Courts |
| 2 | Isiolo Law Courts |
| 3 | Kakamega Law Courts |
| 4 | Siaya Law Courts |
| 5 | Kajiado Law Courts |
| 6 | Nakuru Law Courts |
| 7 | Eldoret Law Courts (Renovations) |
| 8 | Oyugis Law Courts |
| 9 | Iten Law Courts |
| 10 | Shanzu Law Courts |
| 11 | Kahawa Law Courts |

The completed projects were seven High Court buildings at Nanyuki, Isiolo, Kakamega, Siaya, Kajiado, Nakuru and Eldoret. Further, four Magistrates' Court buildings that were completed atOyugis, Iten, Shanzu and Kahawa. In addition, office furniture was supplied to Muhoroni, Oyugis,Nyamira, Vihiga, Nyando, Kigumo, Molo, Chuka, Engineer, Makindu and Kibera law courts. The trend on completion rate over time for the construction projects is provided in Figure 2.57.

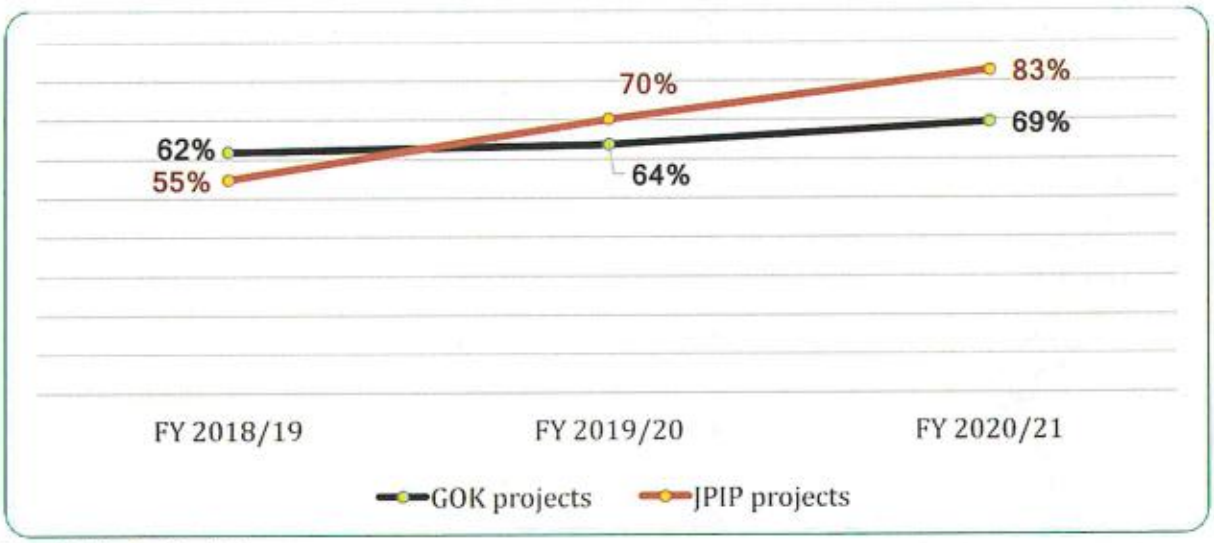



Figure 2.57: Project Completion status

At the end of the FY 2018/19 the completion rate for GOK projects at 62 per cent was higher than that of JPIP projects which stood at 55 per cent. However, in the succeeding years, the completion of GOK projects slowed down, a phenomenon attributed to budgetary cuts for the development expenditure, to settle at 69 per cent at the end of the FY 2020/21. The completion rate of JPIP projects increased rather rapidly in comparison to that of GOK projects to settle at 83 per cent at the end of the period under review. This reinforces the Judiciary viewpoint that with adequate and stable development funds, the propensity to timely completion of construction projects increases.

*b)* Ongoing Court Construction Projects Under JPIP

There was an overall growth by 7 per cent from the 77 per cent average completion status forJPIP projects that was reported in June 2020, to 84 per cent at the end of the FY 2020/21. Twelve court buildings funded by the World Bank through JPIP were undergoing construction or rehabilitation at the end of FY 2020/21. These projects were at Garissa, Voi, Kapenguria, Maralal, Kwale, Wajir, Ol-Kalou, Mombasa, Makueni, Kibera, Mukurweini and Kangema. The completion status for the ongoing projects under JPIP is presented in Figure 2.58.

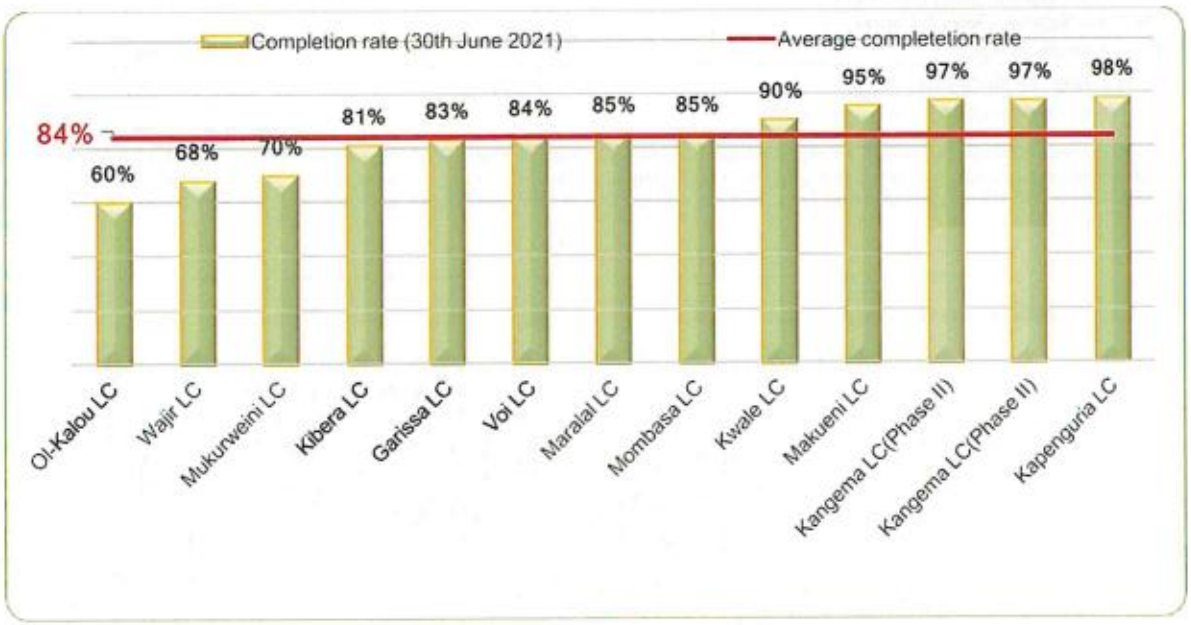



Figure 2.58: Project Completion Status, World Bank funded projects

Five court buildings namely Ol-kalou, Wajir, Mukurweini and Kibera were below the average completion rate of 84 per cent. Three courts namely Makueni, Kangema and Kapenguria wereabove 95 per cent completion rate. Detailed information on completion status of constructionand rehabilitation projects through JPIP is provided in the Table 2.48.

Table 2.48: Project completion status of JPIP funded projects

| Project | Renovations orNew Building | Start Date | Completion rate (June 30, 2020) | Completion rate (June 30, 2021) |
|---|---|---|---|---|
| 1. Garissa Law Courts | New | 22-01-16 | 83% | 83% |
| 2. Kibera Law Courts | Rehabilitation | 13-04-16 | 81% | 81% |
| 3. Voi Law Courts | New | 29-03-17 | 81% | 84% |
| 4. Kapenguria Law Courts | New | 21-03-17 | 75% | 98% |
| 5. Maralal Law Courts | New | 23-03-17 | 69% | 85% |
| 6. Kwale Law Courts | New | 05-06-17 | 75% | 90% |
| 7. Wajir Law Courts | New | 27-09-17 | 45% | 68% |
| 8. Ol-Kalou Law Courts | New | 18-09-17 | 42% | 60% |
| 9. Mukurweini Law Courts | New | 19-09-17 | 60% | 70% |
| 10. Mombasa Law Courts | New | 28-09-17 | 65% | 85% |
| 11. Makueni Law Courts | New | 25-09-17 | 87% | 95% |
| 12. Kangema Law Courts (Phase II) | Rehabilitation | 20-09-17 | 95% | 97% |
| 13. Kangema Law Courts (Phase II) | Rehabilitation | 20-09-17 | 95% | 97% |
| Average for Court Projects | | | 73% | 84% |
| 14. Provision of Containers – Kisii, Hom Bay, Kitale, Meru, Kabarnet & Marsabit | Renovations | 04-11-17 | 25% | 45% |
| 15. Registry shelving, Customer care and Data centre – Milimani Law Courts | Renovations | 18-10-17 | 58% | 97% |
| 16. Registry shelving –Busia, Kisumu & Bomet | Renovations | 18-10-17 | 58% | 58% |
| 17. Borehole drilling and Equipping works at Nakuru, Engineer and Molo | | 13-02-18 | 90% | 90% |
| 18. Borehole drilling and Equipping works at Vihiga, Nyando and Siaya | | 14-02-18 | 99% | 99% |
| 19. Borehole drilling and Equipping works at Muhoroni, Oyugis and Nyamira | | 12-03-18 | 97% | 97% |
| 20.Borehole drilling and Equipping works at Makindu, Kigumo, Chuka & Garissa | | 12-03-18 | 50% | 75% |
| Average for other Projects | | | 68% | 80% |
| Grand Average for all Projects | | | 77% | 83% |

*c)* Ongoing Court Construction Projects under GOK

There was no construction project funded through GOK that was completed during the periodunder review. Nonetheless, 28 GOK budget funded projects were undergoing construction. Thestatus on the completion of the projects funded by the Government of Kenya (GOK) as at June30, 2021 was 69.4 per cent, representing a 5.6 per cent growth from 63.8 per cent that was recorded at the end of the previous period. Figure 2.59 gives the completion status of GOK projects.

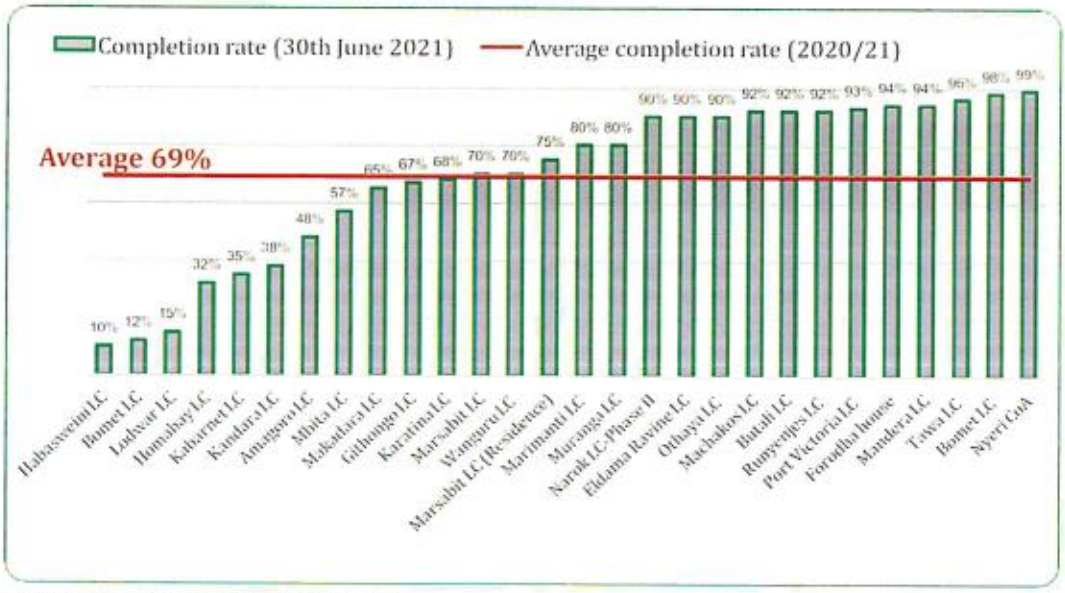



Figure 2.59: Project Completion Status, GOK funded projects

Detailed information on completion rate of GOK funded projects is given in Table 2.49.

Table 2.49: Project completion status for GOK funded projects, 30th June 2021

| | Project | Renovations orNew building | Start Date | Completionrate (June 30, 2020) | Completionrate (June 30, 2021) |
|---|---|---|---|---|---|
| On-Going | | | | | |
| 1 | Homa Bay Law Courts | On-going | 13-03-17 | 32% | 32% |
| 2 | Kabarnet Law Courts | On-going | 17-03-17 | 20% | 35% |
| 3 | Marsabit Law Courts | On-going | 17-03-17 | 35% | 70% |
| 4 | Amagoro Law Courts | On-going | 13-03-17 | 24% | 48% |
| 5 | Githongo Law Courts | On-going | 04-05-17 | 56% | 67% |
| 6 | Kandara Law Courts | On-going | 04-03-17 | 38% | 38% |
| 7 | Machakos Law Courts | On-going | 18-05-17 | 67% | 92% |
| 8 | Marsabit Law Courts (Residence) | On-going | 02-05-17 | 75% | 75% |
| 9 | Mbita Law Courts | On-going | 15-03-17 | 57% | 57% |
| 10 | Habaswein Law Courts | On-going | 28-09-17 | 10% | 10% |
| 11 | Muranga Law Courts | Renovations | 19-05-15 | 79% | 80% |
| 12 | Mandera Law Courts | On-going | 19-05-15 | 94% | 94% |
| 13 | Narok Law Courts-Phase II | On-going | 26-10-15 | 85% | 90% |
| 14 | Butali Law Courts | On-going | 09-03-15 | 83% | 92% |
| 15 | Eldama Ravine Law Courts | On-going | 04-02-15 | 85% | 90% |
| 16 | Port Victoria Law Courts | On-going | 12-02-15 | 93% | 93% |
| 17 | Othaya Law Courts | On-going | 15-01-13 | 90% | 90% |
| 18 | Wanguru Law Courts | On-going | 15-01-13 | 70% | 70% |
| 19 | Marimanti Law Courts | On-going | 15-01-13 | 80% | 80% |
| 20 | Bomet Law Courts | On-going | 15-01-13 | 98% | 98% |
| 21 | Runyenjes Law Courts | On-going | 23-01-13 | 92% | 92% |
| 22 | Tawa Law Courts | On-going | 23-01-13 | 96% | 96% |
| 23 | Nyeri Court Of Appeal | Renovations | 17-04-14 | 95% | 99% |
| 24 | Karatina Law Courts | On-going | 04-05-17 | 68% | 68% |
| 25 | Makadara Law Courts | Renovations | 23-07-17 | 60% | 65% |
| 26 | Forodha House | Renovations | 25-04-19 | 80% | 94% |
| 27 | Lodwar Law Courts | On-going | 30-09-13 | 15% | 15% |
| 28 | Bomet Law Courts | On-going | 05-10-13 | 10% | 12% |
| | Overall growth | | | 63.8% | 69.4% |

*d)* Preliminary Tasks Undertaken Prior to Construction

Before the commencement of actual construction works, a series of vital preliminary assignments are undertaken. During the period under review, a geotechnical survey of proposed new projects for the Court of Appeal complex, and that for Meru, Eldoret and Kisii High Courts was undertaken. The designs and tendering process for Meru and Eldoret projects was completed with construction works expected to begin in FY 2021/22. The procurement process for Kisii and the ultramodern Court of Appeal building were not completed and were expected to be finalized in FY 2021/22.

*e)* Renovations Undertaken

Diverse renovations were undertaken during the period under review. The Supreme Court building was renovated covering the CRJ's office lounge, three chambers for Supreme Court Judges, Supreme Court registry, library and the shelving of audit offices. Milimani CommercialCourt building was renovated covering Small Claims Court and the ELRC customer care office.Forodha House was renovated with most of the floor spaces already handed over to the users.Further, tribunal premises in Crescent House and View-park Towers, JSC offices at Re- insurance Plaza and the new JTI offices at KCB Leadership Center in Karen were refurbished.

*f)* Provision of Container Courtrooms, Registries & Chambers

Container courtrooms were set up in Meru, Ngong, Webuye, Limuru, Wanguru, Eldoret, Kikuyuand Bomet law courts.

*g)* Boreholes Drilling and Equipping

Boreholes were drilled and commissioned in Nyando, Siaya, Vihiga, Tamu, Oyugis, Nyamira, Molo, Nakuru, Engineer, Makindu, Kigumo and Chuka.

*h)* Acquisition of motor vehicles

To ensure mobility of and effective discharge of court roles, the Judiciary acquired vehicles for stations and judges. During the year under review 39 vehicles were purchased for various users, which included 10 land cruiser hardtops to facilitate the movements in courts operatingin difficult terrain and marginalized areas.

2.21 Challenges Faced on Improvement of Judiciary Physical Infrastructure

Diverse challenges slowed the progress of the court constructions, rehabilitations and refurbishments during the period under review. There was insufficient budget allocation for the development expenditure. The resource requirements for development for the FY 2020/2021 was KSh6.731 billion whereas the allocation was only KSh2.558 billion. Further, there was delayed release of exchequer to the Judiciary which hampered payments to the contractors. Additionally, COVID-19 pandemic restrictions affected movement of people and materials thereby slowing down construction works.

## CHAPTER 3—JURISPRUDENCE

3.0 Introduction

The core mandate of the Judiciary is the dispensation of justice. In executing this mandate and in the discharge of judicial authority, as vested under Article 159 of the Constitution, Judges and Judicial Officers determine court cases and render rulings and judgments that go towards several goals.

They determine the rights of parties to a dispute, mete out sanctions against offenders, and promote and uphold the rule of law. Judicial pronouncements also play a critical role in the advancement of jurisprudence in any given jurisdiction.

The FY 2020/2021 Judges and Judicial Officers across all levels of courts deliver judgments and rulings that played a pivotal role in the advancement of jurisprudence in the country. Most of these judgments were delivered virtually in line with the measures that were put in place to minimize the impact of COVID-19 in the justice sector.

The Annual State of the Judiciary and Administration of Justice Report presents the opportunity for the Chief Justice to showcase the growth of jurisprudence in our courts. This chapter therefore contains highlights of select cases that were decided in the reporting period.

Due to the vast number of judgments from all courts, the chapter covers carefully selected judicial pronouncements that either restated the law, handled a novel area of law, clarified the rights of parties in areas where the law was not yet settled, or broke new legal ground. The cases are drawn from across all levels of courts and from diverse areas of law, ranging from succession disputes, criminal law, family law, civil and criminal procedure, commercial, employment and labour disputes, among others.

3.1 Jurisprudence from the Superior Courts

3.1.1 Supreme Court

3.1.1.1 Court Confirms the Right of Victims to Participate in Criminal Proceedings

Joseph Lendrix Waswa v Republic, Petition No. 23 of 2019 [2020] eKLR, September 4, 2020

**Brief Facts**

The appellant was charged with the offense of murder. After nine witnesses had testified for the prosecution, counsel for the father of the deceased (the victim) made an oral application for leave to actively participate in the proceedings. The trial court observed that the law had shifted the traditional parameters of a victim in a criminal case and therefore, a victim's counsel could no longer be considered a passive observer in criminal proceedings. However, the trial court noted that the role of counsel for the victim could not be active and parallel to that of the prosecutor.

Consequently, the trial court allowed the participation of the counsel watching brief limited to the following instances: on submitting at the close of the prosecution case whether or not there was a case to answer; final submissions should the accused be put on his defence; on points of law, should such arise in the course of trial; and upon application at any stage of the trial for consideration by the court.

Aggrieved by the trial court's ruling, the appellant lodged an appeal to the Court of Appeal. The Court of Appeal being satisfied that the impugned rights given by the trial court to the victim were in conformity with the Constitution of Kenya and the Victim Protection Act (No. 17 of 2014) (VPA), upheld the ruling of the trial court and dismissed the appeal in its entirety. Aggrieved by the decision of the Court of Appeal, the appellant filed an appeal to the Supreme Court.

**Issues**

i. Whether an advocate acting for the victim could be permitted to actively participate in criminal proceedings to safeguard the victim's constitutional and statutory rights.

ii. Whether allowing an advocate acting for the victim to actively participate in the criminal proceedings would violate the accused person's right to a fair trial by exposing them to double prosecution.

iii. What were the guiding principles in determining whether a victim or his legal representative could participate in a trial and the manner and extent of the participation?

iv. Whether a victim or his legal representative could prosecute crimes on behalf of the Director of Public Prosecutions (DPP).

**Held**

1. Although the adversarial criminal trial process was a contest between the State represented by the DPP, and the accused, usually represented by defence counsel, and the traditional role of victims in a trial often perceived to be that of a witness of the prosecution, that flowing from both the Constitution and the VPA and in particular section 9(2)(a) thereof, a victim too, had the right to participate in criminal proceedings.

2. Under Article 68(3) of the Rome Statute, victims before the International Criminal Court (ICC) were granted far-reaching rights. In light of the large degree of discretion accorded to the judges conducting the trial, the practice of the ICC had developed to allow victims to:

a. Make an opening and closing statement;

b. Attend and participate in hearings and status conferences through written submissions and oral argument;

c. With leave of court, introduce evidence and challenge admissibility of evidence; and

d. Question witnesses and/or the accused under the strict control of the court. Where there were a large number of victims admitted to participate in the proceedings, the court could limit the number of lawyers representing them.

3. The rights of victims did not undermine those of the accused or the public interest. The true interrelationship of the three was complementary. The participatory rights of the victim did not violate the fair trial rights of the accused.

4. The victim had no active role in the decision to prosecute, or the determination of the charge upon which the accused would finally be tried as that was the sole duty of the DPP. While the victim of a crime could participate at any stage of the proceedings as deemed appropriate by the trial court, a victim or his legal representative did not have the mandate to prosecute crimes on behalf of the DPP. The DPP had to, at all times retain control of, and supervision over the prosecution of the case. As such, the constitutional and Statutory power of the DPP to conduct the prosecution was not affected by the intervention of the victim in the process.

5. A victim could not and did not wear the hat of a secondary prosecutor. When victims presented their views and concerns in accordance with Section 9(2) (a) of the VPA, they were assisting the trial court to obtain a clear picture of what happened (to them) and how they suffered, which the trial court could decide to take into account.

6. The following guiding principles would assist the trial court when it was considering an application by a victim or his legal representative to participate in a trial and the manner and extent of the participation:-

a. The applicant had to be a direct victim or such victim's legal representative in the case being tried by the court;

b. The court should examine each case according to its special nature to determine if participation was appropriate, at the stage participation was applied for;

c. The trial court had to be satisfied that granting the victim participatory rights did not occasion an undue delay in the proceedings;

d. The victim's presentation should be strictly limited to the views and concerns of the victim in the matter where the participation is granted;

e. Victim participation should not be prejudicial to or inconsistent with the rights of the accused;

f. The trial court could allow the victim or his legal representative to pose questions to a witness who was giving evidence before the court that had not been posed by the prosecutor;

g. The trial court had control over the right to ask questions and should ensure that neither the victim nor the accused were subjected to unsuitable treatment or questions that were irrelevant to the trial;

h. The trial court should ensure that the victim or the victim's legal representative understood that prosecutorial duties remained solely with the DPP;

i. While the victim's views and concerns could be persuasive; and in the public interest that they were acknowledged, those views and concerns were not to be equated with the public interest;

j. The court could hold proceedings in camera where necessary to protect the privacy of the victim;

k. While the court had a duty to consider the victim's views and concerns, the court had no obligation to follow the victim's preference of punishment.

The Court upheld the decision of the Court of Appeal and affirmed the right of victims to participate in criminal proceedings.

3.1.1.2 Court sets principles for de novo trials and the rights of parties in a case where an order for de novo hearing is made.

Hussein Khalid and 16 others v Attorney General & 2 others, Application No. 32 of 2019 [2020] eKLR, September 4, 2020

**Brief Facts**

The applicants had been arrested for participating in demonstrations outside Parliament's gates dubbed, 'occupy parliament'. They were detained and released on police bond and were required to report to the Chief Magistrate's Court. They requested for particulars to be availed before arraignment before the magistrate. They were each given a charge sheet containing three offences. The applicants contended that the charges lacked sufficient detail to enable them take plea. They therefore objected to plea taking and demanded that the same awaits supply of evidence and better particulars. The court however overruled the objection and ordered them to take plea. They filed a Constitutional appeal against the ruling. The High Court dismissed the appeal. They appealed to the Court of Appeal and their appeal was similarly dismissed on grounds that it was unmerited. Aggrieved by the Court of Appeal decision, the applicants filed an application for review before the Supreme Court.

The application for review was heard on July 10, 2018. Judgment was reserved for delivery on notice. On March 29, 2019, Hon. J.B Ojwang, SCJ, a member of the bench that had heard the appeal, was suspended. After Ojwang SCJ was suspended, the applicants sought for rehearing of the appeal de novo. Directions were taken on May 9, 2019 before Hon. Lenaola, SCJ. The parties entered into a consent for the matter to start de novo and for the appellants to file a supplementary record.

Hon. J.B Ojwang was later reinstated and was part of the bench that rendered the decision. The applicants faulted the Court for rendering its judgment after the return of Hon. J.B Ojwang without setting aside the consent orders for de novo hearing that the parties had recorded.

**Issues**

i. Whether Section 200 of the Criminal Procedure Code (CPC) that sought to secure the rights of parties in a trial, once a judicial officer hearing a case ceased to exercise jurisdiction over the matter, applied to civil proceedings.

ii. What principles applied during de novo trials?

iii. Whether introducing new evidence after hearing was concluded was against the principles of de novo hearing.

iv. Whether consent directions issued after the suspension of a judicial officer still applied when the judicial officer was reinstated.

**Held**

1. Under the de novo principle, once a judicial officer trying a matter ceased to exercise jurisdiction over a matter during pendency of trial, through transfer or other circumstances, his successor in jurisdiction gave the parties the right to elect how to proceed, that is, either to proceed from where the hearing had reached or start de novo. This ensured that the accused was not prejudiced by having a successor in jurisdiction, who never had the opportunity to appreciate the evidence of witnesses by observing their demeanour, credibility, emotions and such like factors, and deciding based on record, where such aspects of evidence could not be recorded in a detailed manner as required under Section 199 CPC..

2. De novo hearings should not be taken as an opportunity to fill in gaps noted during the hearing by bringing a new set of evidence for the repeat trial. A de novo hearing was a continuation of a trial and not a second trial.

3. Introduction of new evidence after hearing was concluded was against the principles of de novo hearing whether it was ordered in review or in revision jurisdiction of a court. It muted the trial continuation intention signalling a second trial.

4. Additional evidence could be tendered but in very exceptional circumstances. Unless hearing was concluded and judgment reserved, new evidence could be availed in the course of a criminal trial, as long as the defence was afforded time to defend their case.

5. Section 200 of the CPC sought to secure the rights of parties in a trial once a judicial officer hearing a case ceased to exercise jurisdiction over the matter. Even though it was a criminal law principle it had been applied across the board in most of the hearings in furtherance of the constitutional right of fair hearing.

6. The return of JB Ojwang, SCJ onto the bench, by operation of law under Section 200 CPC had the effect of voiding the consent of the parties. His return signalled restoration of the status existing prior to the consent entered by the parties, meaning that judgment would be delivered as earlier directed. The consent therefore crumbled and stood vacated by operation of law even without any further order vacating it.

7. No amount of consent by the parties could confer jurisdiction on a court of law nor could one divest a court of jurisdiction which it possessed under the law.

Application dismissed; no order as to costs.

3.1.3 The Environment and Land Court (ELC) does not have the jurisdiction to determine issues that could be determined by other tribunals even when some of the issues raised elements that were within the ELC's jurisdiction

Benson Ambuti Adega & 2 others v Kibos Distillers Limited & 5 others, Petition No. 3 of 2020 [2020] eKLR, August 4, 2020

**Brief facts**

The 1st, 2nd and 3rd petitioners had filed a constitutional petition before the Environment and Land Court (ELC) in Kisumu in which they claimed that their rights to a clean and healthy environment had been infringed. At the ELC, the respondents filed a preliminary objection that challenged the jurisdiction of the Court on the premise that it had usurped the mandate of legislatively constituted bodies and conferred upon itself powers that it did not have.

The ELC held that it had the jurisdiction to hear and determine the petition, not by dint of powers conferred upon it by Article 162(2)(b) of the Constitution or Sections 4 and 13 of the Environment and Land Court Act, but by dint of the provisions of the Environmental Management and Coordination Act (EMCA), and more particularly, Sections 129(1) and 130 thereof. The court justified its usurpation of the mandate of the National Environmental Tribunal and the National Environmental Complaints Committee, by citing Articles 23, 42, 47, 69 & 70 of the Constitution.

Aggrieved by the decision of the ELC, the respondents appealed. The Court of Appeal held that the ELC contradicted itself by determining that some of the issues that were before it could properly be ventilated before the other legislatively mandated tribunals under EMCA, but chose to rather strangely arrogate upon itself the mandate to hear and determine those same issues. The Court of Appeal held that the ELC did not have the jurisdiction to hear and determine the Petition, not pursuant to constitutional conferment of jurisdiction, but that that Court did not have the mandate to determine issues that could have been adjudicated in other appropriate forums.

Aggrieved by the decision of the Court of Appeal, the petitioners appealed to the Supreme Court.

**Issue**

Whether the Environment and Land Court had the jurisdiction to determine issues which were not within its jurisdiction and which could have been effectively determined by another legislatively established tribunal where the matter was intertwined with matters within its jurisdiction.

**Held**

1. The ELC determined quite incorrectly that it had the power or jurisdiction to hear and determine the petition, which although raising issues that were clearly within its purview, were also intertwined with other issues which were rather obviously not within its jurisdiction, and which could have been effectively determined by another legislatively established tribunal, in this instance, two bodies; the National Environmental Tribunal and the National Environmental Complaints Committee.

2. The trial and the appellate Courts correctly determined that the petition was multifaceted, and presented issues in an omnibus manner. The point of divergence between the two superior Courts was where the trial Court then went further to determine that those multifaceted issues could be determined by the Court in the interests of justice. The ELC had failed to appreciate that there were properly constituted institutions that were mandated to hear and determine the issues, but instead chose to arrogate to itself the jurisdiction to hear and determine all the issues raised in the petition.

3. Judicial abstention, as with judicial restraint, was a doctrine not founded in constitutional or statutory provisions, but one that had been established through common law practice. It provided that a Court, though it could be vested with the requisite and sweeping jurisdiction to hear and determine certain issues as could be presented before it for adjudication, should nonetheless exercise restraint or refrain itself from making such determination, if there would be other appropriate legislatively mandated institutions and mechanism.

4. The more favourable relief that the superior court should have issued was to reserve the constitutional issues on the rights to a clean and healthy environment, pending the determination of the issue with regard to the issuance of environmental impact assessment licenses by the 4th respondent to the 1st, 2nd and 3rd respondents. The Court should have reserved the issues pending the outcome of the decision of the Tribunal.

Preliminary objections by the 1st, 2nd, 3rd, 5th and 6th respondents were upheld; the petition was struck out save that, noting the nature of the matter, the petitioners were at liberty to pursue their claims at the appropriate forum, taking guidance from the instant judgment and the judgment of the Court of Appeal; each party was to bear its own costs.

3.1.4 Where the landless occupy public land and establish homes thereon, they acquire not title to the land, but a protectable right to housing over the same.

Mitu-Bell Welfare Society v Kenya Airports Authority & 3 others; Initiative for Strategic Litigation in Africa (Amicus Curiae), Petition No. 3 of 2018 [2021] eKLR, January 11, 2021

**Brief facts**

This case revolved around the right to housing under Article 43 of the Constitution after the eviction and demolition of the homes of over 3,000 families residing in an informal settlement sited on public land, on grounds that their settlement lay on the flight path to Wilson Airport thus posing danger to the security of the public and air travellers.

**Issues**

i. The extent of applicability of international law, including guidelines by UN bodies, in interpretation and application of socio-economic rights under the Constitution of Kenya.

ii. The role of U.N Guidelines in the interpretation and clarification of the Bill of Rights.

iii. The right to housing as guaranteed by Article 43 of the Constitution.

**Held**

1. The Court of Appeal took the position that the High Court could not reserve for itself any outstanding issues since it had become functus-officio after delivery of judgment. Structural interdicts were a suitable respite, that Article 23 (3) of the Constitution empowered the High Court to fashion appropriate reliefs, even of an interim nature, in specific cases so as to redress the violation of a fundamental right.

2. Articles 2(5) and 2(6) of the Constitution recognized international law as forming part of the laws of Kenya and that Kenya was bound by its obligations under customary international law and its undertakings under the Treaties and Conventions to which it was a party. A Court would apply international law in resolving disputes before it, as long as it was relevant and not in conflict with the Constitution, local Statutes, or a final judicial pronouncement.

3. That guidelines are not binding upon the States parties, and do not form part of the law of Kenya in the language and meaning of Article 2 (6) of the Constitution, unless they had ripened into a norm of customary international law as evidenced by widespread usage.

4. That where the landless occupy public land and establish homes thereon, they acquire not title to the land, but a protectable right to housing over the same. As a result, every individual had an interest, however indescribable, unrecognizable, or transient, in public land. The Court elucidated that the right to housing over public land crystallized by virtue of a long period of occupation by people who had established homes and raised families on the land derived from the principle of equitable access to land under Article 60 (1) (a) of the Constitution. The right to housing in its basic form (shelter) need not be predicated upon title to land.

3.1.5 Whether the overlapping roles that Section 11(3) (cc) and (h) of the Capital Markets Act which vested in the Capital Markets Authority the dual statutory mandate as the investigator and enforcer of capital markets infractions in Kenya constituted a violation of Articles 47(1) and 50(1) as read with Article 25(c) of the Constitution

Alnashir Popat & 7 others v Capital Markets Authority, Petition No. 9 of 2019 [2020] eKLR, Supreme Court, December 11, 2020

**Brief facts**

This was an appeal made under Article 163(4)(a) against a judgment of the Court of Appeal which overturned the decision of the High Court. The Court of Appeal decision had held that the respondent was not in breach of Article 47 of the Constitution, the provisions of the Fair Administrative Actions Act, or the rules of natural justice, and as such, it was not a judge in its own cause as the Capital Markets Authority Act expressly authorized it to perform dual and overlapping inquisitorial and enforcement functions.

**Issues**

i. Whether the overlapping roles that Section 11(3) (cc) and (h) of the Capital Markets Act (CMA) which vested in the Capital Markets Authority the dual statutory mandate as the investigator and enforcer of capital markets infractions in Kenya constituted a violation of Articles 47(1) and 50(1) as read with Article 25(c) of the Constitution.

ii. Whether those Sections which authorized overlapping roles should be declared unconstitutional.

**Held**

1. The Court did not find that the overlap per se was unconstitutional. It was noted that the rights to fair administrative action and fair hearing were universal and that even though the natural justice principle of nemo judex in causa sua esse that provided that the overlapping mandate should ordinarily not be allowed was blurred when one presided in the adjudication of one's cause or in a process that one had an interest in; an important exception to the principle was raised where the overlap of functions was a creature of Statute and as long as the constitutionality of that Statute was not in issue.

2. The Court recognized that security commissions were created for a variety of reasons and to respond to various needs including overseeing the filing of prospectuses, regulating the trade in securities, registering persons and companies who traded in securities, carrying out investigations and enforcing the provisions of the Act; and would therefore have repeated dealings in both administrative or adjudicative capacities with the same parties. It was for that reason and to achieve the efficiency required in the operations of the securities markets that the legislatures allowed for an overlap of functions.

3. Consequently, it was held that for purposes of efficiency in the carrying out of the objective of the CMA, especially in the expeditious disposal of disputes arising in the operations of the capital markets, the functions set out in Section 11(3)(cc) and (h) could not be performed by separate bodies. In that light, the Court also found that Section 11(3)(cc) and (h) of the CMA was not unconstitutional.

3.2 Court of Appeal

3.2.1 The Exhibition of a Medical Scheme Beneficiary Form as Evidence in Court did not amount to wrongful invasion of the right to privacy

TOS vs Maseno University & 3 others, Civil Appeal No. 112 of 2016 [2020] eKLR, Court of Appeal at Kisumu, August 7, 2020

**Brief facts**

The appellant filed a petition at the trial court on behalf of two children, one who was his child and the other one who was under his guardianship. The children were beneficiaries of the 1st respondent's medical scheme, being dependants of the appellant's wife who was the 1st respondent's legal officer. In July 2014 the 4th respondent filed a suit against the 1st respondent (where the appellant was a director), and the Public Procurement Oversight Authority. The suit was about alleged interference with a procurement contract that had been awarded to the 4th respondent by the 1st respondent. Among the documents exhibited by the 4th respondent in that suit were papers containing names and photographs of the two children and the appellant's wife.

The appellant contended that the information was private medical record and was not open to the 4th respondent or the general public and that publication of the information was a violation of various provisions of the Constitution. The trial Court held that the consent of the appellant or his wife was not sought before the documents were exposed to third parties and that there was wrongful invasion of the children's right to privacy However, the trial Court held that the appellant had failed to demonstrate how the 1st, 2nd and 3rd respondents were involved in the leakage of the information and proceeded to dismiss the petition with costs. Being aggrieved by the trial Court's decision, the appellant preferred the instant appeal.

**Issues**

i. Whether the exhibition of a medical scheme beneficiary form in Court amounted to wrongful invasion of the contributors' right to privacy as well as that of the two beneficiaries.

ii. Whether a medical scheme beneficiary form which revealed the relationship between the contributor and beneficiaries was a medical record.

**Held**

1. The right to privacy was not absolute; it could legitimately be limited by interests of others as well as public interest.

2. The material complained about by the appellant was not a medical record. What was exhibited was a medical scheme beneficiary form that revealed the relationship between the appellant and the 1st respondent's legal officer. Below the name of the appellant's wife were the names of their

two children, who were also named as beneficiaries of the 1st respondent's medical scheme, courtesy of their relationship with the appellant's wife, which was factually correct.

3. What Article 31(c) of the Constitution prohibited was unnecessary revelation of information relating to one's family or private affairs. Accurate and truthful documents that were filed by parties in Court for purposes of proving issues or questions in dispute in order to enable a Court reach a fair determination could not be said to amount to violation of Article 31(c).

4. The trial Court erred in finding that the exhibition of the medical scheme beneficiary form amounted to wrongful invasion of the appellant's right to privacy as well as that of the two minors.

Appeal dismissed.

3.2.2 The running of a bar by a Judicial Officer is not in itself evidence of gross misconduct and Conflict of Interest that would Warrant a Dismissal

Judicial Service Commission v Joseph Riitho Ndururi, Civil Appeal No. 650 of 2019 [2021] eKLR, Court of Appeal at Nairobi, March 5, 2021

**Brief facts**

The respondent joined the Judiciary in 2004 and had risen to the rank of Principal Magistrate when he was terminated. Pursuant to section 23 of the Sixth Schedule to the Constitution, all judges and magistrates serving in the Judiciary at the time of the promulgation of the Constitution of Kenya 2010, were to undergo a vetting process to determine their suitability to continue serving in the Judiciary. The Vetting of Judges and Magistrates Act (Vetting Act) was passed into law to give effect to section 23 of the Sixth Schedule in accordance with the requirements of Article 262 of the Constitution. The respondent appeared before the Vetting Board established under the Act and he responded to allegations of gross misconduct. The Vetting Board found him unsuitable to continue serving in office.

The respondent applied for a review of the Vetting Board's decision on various grounds including lack of jurisdiction to hear the matters as the Board's jurisdiction lapsed on March 28, 2013, errors apparent on the face of the record and discovery of new and important matters after the making of the Vetting Board's determination. The Vetting Board allowed only one ground for review which was the discovery of new and important matters and dismissed the rest. On grounds that it lacked jurisdiction, the Vetting Board referred the matter to the Judicial Service Commission on June 29, 2016. The appellant received complaints against the respondent and restarted a disciplinary process under the Judicial Service Act.

While the disciplinary process was pending before the JSC, the Chief Justice placed the respondent on interdiction on August 21, 2017. After being given an opportunity to defend himself before the appellant's Human Resource Committee, the respondent was dismissed from service. The reason for his dismissal was that the respondent had improperly and grossly misconducted himself by running a bar against the principle of impropriety contrary to Articles 172 (1) (a) (iv) and 75 of the Constitution.

The respondent lodged a claim before the Employment and Labour Relations Court. He explained that the charges levelled against him (running a bar) were about events occurring on or about the year 2006, and that they were within the jurisdiction of the Vetting Board but not the JSC, as envisaged under the Constitution. He added that the appellant did not have the constitutional mandate to act retrospectively. Further, he stated that the disciplinary process which took 19 months violated his rights to fair administrative action and fair labour practices. He also said that he was not furnished with copies of the reports/ proceedings of the processes in breach of his right of access to information as provided for under Article 35 of the Constitution. Ultimately, the Court found that although there were valid reasons for the respondent's dismissal, it was not fair because no evidence was adduced to demonstrate any inherent conflict of interest in the respondent running a bar.

On various grounds, the appellant lodged an appeal against the decision and the respondent filed a cross-appeal. The cross-appeal was premised on various grounds including the respondent's contention that the trial Court should have granted the remedy of reinstatement which was the most appropriate remedy. The respondent also contended that the trial court failed to consider his allegations about violation of his constitutional rights and to compensate him for the violations.

**Issues**

i. Whether the dismissal of a judicial officer from employment, on basis of allegations of gross misconduct and conflict of interest arising from running a bar was fair.

ii. Whether regulation 23 of the Third Schedule of the Judicial Service Act was unconstitutional as it restricted a Judicial Officer's rights to the minutes, reports and recorded reasons for dismissal.

iii. When would the remedy of reinstatement be appropriate in a claim of unfair dismissal from employment?

**Held**

1. The appellant had the burden of proving that the running of a bar by the respondent undermined the respondent's judicial office and the Judiciary as a whole. An allegation that the running of a bar amounted to impropriety was insufficient; evidence had to be adduced to prove the impropriety.

2. There was no iota of evidence, or even a suggestion that the respondent used to serve litigants or other persons of dubious character in that facility.

3. The appellant failed to demonstrate any impropriety or appearance of impropriety on the part of the respondent supervising the running of a bar which was exclusively patronised by other senior civil servants in the area. Additionally, any conflict of interest arising from running the bar was not demonstrated.

4. The allegation that regulation 23 of the Third Schedule of the Judicial Service Act ought to have been declared unconstitutional by the trial court required the respondent to enjoin the Attorney General and Parliament as parties. Furthermore, the respondent did not prove the alleged unconstitutionality to the satisfaction of the Court.

5. The respondent did not provide proof that would lay a basis for compensation for violation of constitutional rights. The trial Court did not err in not awarding the respondent damages for breach of his constitutional rights.

6. The trial Court did not address itself on the issue of reinstatement as prayed for by the respondent. It did not explain why reinstatement was not granted.

Appeal dismissed. Cross-appeal allowed in part.

3.2.3 Advocate hurling intemperate and demeaning words at the Court brought the Profession of Law and Administration of Justice to Disrepute

Alfred Mincha Ndubi v Standard Limited, Civil Application No. 74 of 2019 [2021] eKLR, Court of Appeal at Kisumu, March 19, 2021

**Brief facts**

The instant matter was an application for review of a ruling rendered by the instant Court on an application for injunction pending the determination of an intended appeal from the judgment of the High Court. The impugned ruling was delivered by two judges of the instant Court as the other judge had since retired. The ruling dismissed the applicant's application that had sought an injunction pending appeal. The applicant submitted that the decision occasioned a great mistrial of his application and a great miscarriage of justice as only one judge wrote the ruling, the other read it online and the third said nothing. He averred that had the two judges written their own rulings, the shortcomings/inadequacies of a single judge would have been filled. The applicant further stated that it was a cardinal principle that each ought to write their own separate ruling or judgment. According to the applicant, no ruling was delivered in the strict sense of the law as delivery online by Skype was a system completely foreign to Kenyan law.

**Issues**

i. What was the form and content of concurring judgements?

ii. Whether a judgement written by a single judge while the rest of the bench simply stated that they concurred with that decision amounted to a ground for review of that leading judgment.

**Held**

1. On the merits of the instant application, whereas it was true that under rule 32(3) of the Court of Appeal Rules the statutory command was that each judge should render his or her own separate decision as a matter of course, there was room for single-judgments of the Court to be given where the decision was unanimous and the presiding judge so directed. Where one judge delayed, died, or ceased to hold office or was unable to perform the function of his or her office because of infirmity of mind or body, the rule required that separate concurring judgments should be given by the remaining members of the Court.

2. The rules did not prescribe the form or content of the concurring judgments and it was not uncommon for a leading judgment to be written in which the other judge or judges concurred by separate judgments. The concurring judgments could be as brief as a single sentence or could be full-fledged judgments complete with analysis of the law and a citation of authorities, it all depended on the subject.

3. The claim that the concurring judge restated but failed to properly apply the principles for stay of execution was a mischievous and mendacious claim. It smacked of discourtesy to the learned judge and to the Court. The applicant and his counsel set out to deliberately besmirch the dignity of the court. If they thought there were errors of law committed, and there were none, the way to redress them was certainly not by an application for review. Counsel ought to always remember that they were officers of the court and that respect and etiquette were marks of noble professionalism.

Application disallowed with costs.

3.2.4 Equality of parties in marriage as envisaged in the Constitution does not translate to equal distribution of property upon divorce

EGM v BMM, Civil Application No. 231 of 2018 [2020] eKLR, Court of Appeal at Nairobi, November 20, 2020

**Brief facts**

The respondent BMM, filed an Originating Summons dated December 18, 2013 under Section 17 of the Married Women's Property Act 1882 of England (the repealed Act). This followed a divorce Petition filed by the appellant at the Chief Magistrate's Court being Petition No. 6 of 2013. She asserted that following their marriage, which was solemnized on 3rd August 2001, the couple had acquired matrimonial property through joint funds and efforts. Her contribution towards such acquisition was both direct and indirect.

The respondent accordingly sought for orders that the matrimonial properties, which were registered in the name of EGM, the appellant, be declared joint properties and be shared equally.

The learned Judge granted prayers in the Originating Summons noting that the principal basis for division of matrimonial property were the Constitution and the Matrimonial Property Act, 2013. He held, crucially, that the provisions of the Act contradicted Article 45 (3) of the Constitution. He then resolved that conflict by holding that the provision of the latter on equality of parties at the dissolution of a marriage must hold sway. On that basis, he ordered equal division of the property in dispute.

Disgruntled by the judgment, the appellant appealed to the Court of Appeal citing 12 grounds.

**Issue**

The sole issue for determination by the court was whether the learned judge erred by using Article 45 (3) of the Constitution as a basis for the distribution of the matrimonial property on a blanket 50:50 basis.

**Held**

1. Equality of spouses does not involve the re-distribution of property rights at the dissolution of marriage. The learned judge missed the mark on his interpretation of spousal equality as enshrined in that sub-Article 45(3) of the Constitution.

2. It was erroneous for the learned judge to assume and hold that the Constitution gives spouses an automatic 50% share of the matrimonial property simply by being married. The stated equality meant no more than that the Courts were to ensure that both parties at the dissolution of a marriage got their fair share of the property. This has to be in accordance with their respective contribution.

Appeal allowed. Judgment of the superior court set aside. The suit be remitted to be re-heard at the Family Division by a different Judge.

3.2.5. Impact of failure of the High Court to render a decision within 45 days as contemplated by Section 175(3) of the Public Procurement and Asset Disposal Act

Aprim Consultants v Parliamentary Service Commission & Another, Civil Appeal No. E039 of 2021 [2021] eKLR, Court of Appeal at Nairobi, March 3, 2021

**Brief facts**

The appellant, Aprim Consultants, was one of the bidders for a tender for the provision of Consultancy Services for Preparation of a Master Plan, Preliminary and Detailed Design, Tender Documents and Construction Supervision of the Proposed Centre for Parliamentary Studies and Training. However, the procuring entity – the Parliamentary Service Commission - terminated the said tender pursuant to section 63(1) (a) (l) of the Public Procurement and Asset Disposal Act on account of having been overtaken by operation of law. Aprim Consultants challenged the termination at the

Public Procurement Administrative Review Board (the Board) which reversed the termination and directed PSC to complete the procurement process to its logical conclusion.

PSC sought a review of the Board's decision at the High Court. The High Court reversed the Board's decision and issued a declaration that the letters of termination were valid.

Aggrieved by that decision, Aprim filed an appeal, arguing that the learned judge erred in law in failing to render a decision within 45 days as contemplated by Section 175(3) of the Public Procurement and Asset Disposal Act.

Section 175 (1) of the Act provides that a person aggrieved by a decision made by the Review Board may seek judicial review by the High Court within fourteen days from the date of the Review Board's decision, failure to which the decision of the Review Board shall be final and binding to both parties. 175 (3) states that the High Court shall determine the judicial review application within forty-five days after such application, while 175 (4) provides that a person aggrieved by the decision of the High Court may appeal to the Court of Appeal within seven days of such decision and the Court of Appeal shall make a decision within forty-five days which decision shall be final. Section 175 (5) states that if either the High Court or the Court of Appeal fails to make a decision within the prescribed timeline under subsection (3) or (4), the decision of the Review Board shall be final and binding to all parties.

It was not disputed that the judgment of the High Court was delivered some 185 days outside and beyond the 45 days set by the statute for the determination of the judicial review application.

**Issue**

Whether the failure of the High Court to render a decision within 45 days as contemplated by Section 175(3) of the Public Procurement and Asset Disposal Act rendered the decision of the Public Procurement Administrative Review Board final and binding on all parties.

**Held**

1. Although the reasons for the decision of the Court of Appeal were given outside the 45-day window mandated by Section 175(3) of the Act, the Court rendered its decision within this window and its decision was therefore valid. Rule 32(5) of the Court of Appeal Rules permit the Court to give its decision on an application or an appeal but reserve its reasons for a later date.

2. There are serious practical difficulties with meeting the timelines set by the Act such as the sheer numbers of such judicial review matters that get filed before the relevant division of the High Court; the limited number of judges to handle them; and numerous other matters. Besides, as public procurement is but one of the areas in administrative law that spawns judicial review applications, the wisdom of so short a timeline may be fairly questioned.

3. However, inconvenience or difficulty of compliance will never be an excuse for a court to go against the clear language of Parliament. The most a court can do is point out the difficulties created by such requirements and timelines and perhaps make proposals for reform, but as long as the law remains etched, in plain language, it is the province of the courts to interpret and give effect to its express language.

4. A perusal of section 175 of the Act reveals Parliament's unmistakable intention to constrict the time taken for the filing, hearing and determination of public procurement disputes in keeping with the Act's avowed intent and object of expeditious resolution of those disputes.

5. Parliament was thus fully engaged and intentional in setting the timelines in the Section. But it did not stop there. In one of the rare instances where all discretion is totally shut out, Parliament expressly enacted a consequence to follow default or failure to file or to decide within the prescribed times: the decision of the Board would crystallize and be vested with finality.

6 The High Court was under an express duty to make its determination within the time prescribed. During such time did its jurisdiction exist, but it was a time-bound jurisdiction that ran out and ceased by effluxion of time. The moment the 45 days ended, the jurisdiction also ended. Thus, any judgment returned outside time would be without jurisdiction and therefore a nullity, bereft of any force or effect in law.

7. The jurisdiction of the High Court in public procurement judicial review proceedings is expressly limited in terms of time and is not open to expansion by that court. To step out of time is to step out of jurisdiction and any act or decision outside jurisdiction is, by application of first principles, a nullity.

Appeal allowed. Judgment of the superior court set aside. Certified copies of the judgment and the reasons be served upon the Hon. Attorney General and on the Hon. Speakers of the two Houses of Parliament.

*Note:* The reasons for this decision was delivered on October 8, 2021.

3.3 High Court

3.3.1 Sentence for woman who had suffered years of domestic abuse and gender-based violence and was found guilty of manslaughter after killing her husband in self defense

State v Truphena Ndonga Aswani, Criminal Case No. E011 of 2020 [2021] eKLR

High Court at Siaya, March 9, 2021

**Brief facts**

The accused was charged with the murder of her husband which occurred on 14th December, 2020 in Ugenya Sub County within Siaya County. On the material day, the deceased returned home late while intoxicated, had dinner then picked a quarrel with the accused over a title deed to land which had been given to the accused person by her father in-law, the deceased's father.

As he demanded for the title deed from the accused, the deceased picked a panga from their bedroom, and as he raised it to assault the accused, the accused held it and used it to inflict several cuts on the deceased. The deceased died from his injuries resulting in the arrest of the accused who confessed to the killing upon interrogation by the police.

On first arraignment, she denied the charge of murder before entering a plea agreement under whose terms the charge was reduced to manslaughter. She then pleaded guilty to manslaughter.

In mitigation, both in person and through her counsel, the accused shared details of many years of domestic violence and abuse at the hands of her deceased husband, a fact which was confirmed in the Probation Report.

**Issues**

i. Whether the defence of self defence is absolute and whether it was available to the accused.

ii. What would be an appropriate sentence to an accused person who having suffered many years of domestic abuse and gender-based violence killed their spouse in self defense.

**Held:**

1. Self defence is an absolute defence where it is proved that the force used to kill the deceased in self defence is not excessive following imminent danger.

2. The facts coupled with the accused's mitigation established killing in self defence. However, the accused used excessive force in defending herself considering the extent of the injuries inflicted and the fact that the deceased was intoxicated.

3. The maximum sentence upon conviction for manslaughter is life imprisonment. However, sentencing is in the discretion of the trial court.

4. A sentence imposed on an accused person must be commensurate to the moral blameworthiness of the offender. The Court should look at the facts and the circumstances of the case in it's entirety before settling for any given sentence.

5. The accused did not deserve to be punished harshly as she was a victim of torturous domestic and gender-based violence.

6. Applying sentencing principles and guidelines to the case, the accused deserved a non-custodial sentence to enable her be counselled to recover from the traumatic experience that she underwent prior to, during and after the unfortunate demise of her husband.

Accused convicted for manslaughter on her own plea of guilty, and sentenced to serve a non-custodial sentence of one day imprisonment, to last at the end of the day's Court session.

Court ordered further that the accused person be aided by the Court from the witness expenses vote with travelling expenses to reach a safe place of abode, other than her matrimonial home, assisted by the Probation Officer, who would also organize for counselling sessions to enable the accused person recover from the traumatic experience that she had with her late husband.

3.3.2 Whether murder suspects should be tried in the High Court in the first instance

Charles Henry Nyaoke v The Cabinet Secretary, Ministry of Interior and Co-Ordination of National Government & 4 Others Constitutional, Petition No. 7 of 2018 [2020] eKLR, High Court at Kisumu, November 27, 2020

**Brief facts**

The petitioner who had been charged with other persons with murder in the High Court in Kisumu filed a constitutional petition arguing that the trial of a murder suspect before the High Court as the court of first instance denies the accused person the right to one further step of appeal; is discriminatory and a breach of Article 25 and 27 of the Constitution as well as Article 7 of the Universal Declaration of Human Rights, and Article 3 of the African Charter on Human and Peoples' Rights; it gives preferential treatment to accused persons whose trials commence before the magistrates' court; elevates murder and treason to be more serious offences, yet they attract the same sentence of death as can be imposed by the magistrates' court; and, that it is not supported by any specific legal framework or policy.

The Attorney General opposed the petition, arguing, among others, that this issue had been heard and determined in Peter Kariuki Muibau & 11 others vs The Attorney General & Director of Public Prosecutions [2018] eKLR where the High Court held that the organisation of courts to hear different types of cases is necessary to ensure specialisation of court personnel at each level, and to ensure each Court understands the specific needs of the parties coming before it; that the right to fair trial does not necessarily mean all accused persons must enjoy the right to lodge two appeals; and that law makers had valid reasons for placing murder and treason in a different category from other criminal cases and this must have informed their decision to make provisions that their trials commence before the High Court.

The DPP also opposed the petition on the basis that it amounted to questioning the validity of the Constitution in as far as it gives the High Court unlimited original jurisdiction in both civil and criminal cases, and that the differentiation between murder and treason for purposes of their trial in the High Court as opposed to the lower courts was permissible.

**Issues**

i. Whether the petition was res judicata.

ii. Whether the initiation of murder trials at the High Court violates the Constitution or other statutes.

iii. Whether the petitioner or class of persons convicted of murder have been discriminated or denied their right of protection by or equality before the law.

**Held**

1. The instant petition was not res judicata. The issues that were determined in the Muibau Case, though in rem, were not similar to the issues that were now before the Court. The petitioners in the former case had already been tried by the High Court, convicted and had exhausted their rights of appeal. In the instant petition, the petitioner had raised the question of jurisdiction of the High Court in limine unlike the former suit where the issue of jurisdiction of the High Court was an intellectual exercise.

2. There was nothing special to justify or require a criminal case to be tried before the High Court in only two case types, whilst all other criminal charges were tried before the magistrate's Courts.

3. Other than the statutory requirements under the Criminal Procedure Code (the majority of which had been repealed), it was apparent that the trial of murder charges before the High Court was a historical accident flowing from colonial times when there were segregated criminal and civil justice systems that catered respectively for the Europeans, Indians and Africans.

4. Given the geographical distribution of Magistrates Courts vis-à-vis High Courts and the total number of Magistrates vis-à-vis Judges in Kenya (447:82 at the time of judgment), initiating murder trials at the Magistrates' Courts would significantly lower the costs of the trial, reduce the distance to court and expedite delivery of justice.

5. The mere origination of the murder trial at the High Court was not unlawful because under Article 165, the High Court had original and appellate jurisdiction in both civil and criminal matters. Nevertheless, initiating a murder trial in the High Court compromised an essential element of the right to a fair trial and denied the convict a vital step in the appellate chain.

6. The initiation of murder trials at the High Court was not supported by any specific legal framework or policy or logic. A close reading of sections 3, 4 and 5 of the Criminal Procedure Code and the First Schedule left no doubt that the High Court was to try murder charges by default. The policy that informed the law was no longer sound, and it would be a misnomer to say that there was a specific legal framework or policy in place that deserved to be upheld by the court.

Petition partly allowed. The Houranable Attorney General, the Director of Public Prosecutions and the Kenya Law Reform Commission ordered, jointly and severally, within 18 months of the judgment, to take such steps as were necessary to align sections 3, 4 and 5 of the Criminal Procedure Code, and the subsidiary legislation, regulations and rules thereof to the Constitution, and in particular to Article 27, 48 and 50 thereof.

3.3.3 Constitutionality of the Building Bridges Initiative constitutional amendment process and the Constitution of Kenya Amendment Bill, 2020

David Ndii & Others v Attorney General & others, Petition No E282 of 2020 (Consolidated with Petition Nos 397 of 2020, E400 of 2020, E401 of 2020, E402 of 2020, E416 of 2020, E426 of 2020 and 2 of 2021) [2021] eKLR, May 13, 2021

**Brief facts**

In the aftermath of the contested 2017 presidential election, H.E. President Uhuru Kenyatta and former Prime Minister Raila Odinga signed a joint communique on March 18, 2018 committing to work together on nine issues that would cement unity and prosperity in Kenya. Following what was popularly referred to as the handshake, the President appointed a 14-member team - the Building Bridges to Unity Advisory Taskforce - whose key mandate was to come up with recommendations and proposals for building lasting unity in the country.

In November 2019, the Taskforce came up with an interim report and on January 3, 2020, the President appointed the Steering Committee on the Implementation of the Building Bridges to a United Kenya Taskforce Report (the BBI Steering Committee) which comprised 14 members and two joint secretaries.

The Steering Committee was required to engage in consultations with different segments of the public in order to validate the taskforce Report and also to propose administrative, policy, statutory or constitutional changes that could be necessary for the implementation of the recommendations contained in the Taskforce Report, while considering contributions made during the validation exercise.

Published in October 2020, the report of the BBI Steering Committee contained, among other legislative proposals, a Bill to amend the Constitution of Kenya to implement the recommendations of the BBI process (the Constitution of Kenya Amendment Bill, 2020).

Some of the key proposals in the Bill were: establishing 70 new Constituencies thereby increasing the number of elected Members of the National Assembly from 290 to 360; establishing an office of Judiciary Ombudsman, to be appointed by the President and to be a member of the Judicial Service Commission; creating the position of a Prime Minister nominated by the President, with the approval of the National Assembly from among MPs from the majority party; increasing to 30 days the time that the Supreme Court would have to resolve presidential election disputes, up from 14; permitting the appointment of some Cabinet Ministers from among elected Members of the National Assembly; enhancing the qualifications for appointment of Judges of the Supreme Court and the Court of Appeal; and introducing a 10-year term limit for the Deputy Chief Justice.

Having christened the process 'an amendment by popular initiative', the promoters of the Bill collected signatures from registered voters who supported the initiative in accordance with Article 257(1). The signatures were submitted to the Independent Electoral and Boundaries Commission (IEBC) for verification. The Commission declared that the requisite number of voters had supported the initiative and submitted the Bill to County Assemblies. The Commission also confirmed that the Bill had been supported by a majority of County Assemblies as required by Article 257(7) and forwarded it to Parliament for approval.

Eight constitutional petitions were filed in court to challenge the Building Bridges Initiative and the resulting Constitution Amendment Bill and its associated popular initiative. The petitioners attacked the process and the Bill on numerous grounds, key among them being:

a. That Parliament had no power to amend certain provisions of the Constitution as they formed part of the basic structure;

b. That the amendment powers reposed in Article 256 and Article 257 of the Constitution of Kenya can only be used to amend the "ordinary provisions" of the Constitution and do not extend to the power to "destroy the Constitution nor does it include the power to establish a new form of government or enact a new Constitutional Order"

c. The hurried and rushed launch of the signature collection prior to availing the said Bill to the public for them to study, internalize and understand in detail what issues were proposed to be amended was a clear attempt to subvert the people's free will to exercise their sovereign power since there was a likelihood of the public making uninformed choices over such an important exercise

d. That the process of endorsement of the Amendment Bill and the collection of signatures thereof was being championed, campaigned for and pushed by the National and the County Governments as well as other State and public officers acting in their official capacities using public resources to finance, marshal and mobilize support for the said Amendment Bill

e. That a popular initiative for the amendment of the Constitution of Kenya cannot be commenced by State actors, in particular, the President of the Republic of Kenya

f. That a popular initiative in the amendment of the Constitution cannot be commenced and undertaken without a legal framework for the same

g. That the creation of 70 constituencies by the promoters in the Amendment Bill was unconstitutional since the function of delimitation of the constituencies is vested in the IEBC

h. That the amendment process which would culminate in a referendum was being undertaken without a nationwide voter registration exercise

i. That Parliament had no power to act upon the Amendment Bill following the declaration of its unconstitutionality for want of enactment of the two thirds gender laws and the advisory opinion by the Chief Justice to the President for its dissolution

j. That the IEBC lacked quorum to process the Constitution of Kenya Amendment Bill, and verification of signatures which are policy matters that it discharges under section 8 of the Independent Electoral and Boundaries Commission Act, 2011 (IEBC Act) and the Second Schedule to the Act.

**Issues**

i. Whether the legal and judicial doctrines of the basic structure of a constitution, the doctrine and theory of unamendability of eternity clauses, the doctrine and theory of constitutional entrenchment clauses and unamendable constitutional provisions in a constitution are applicable in Kenya.

ii. What provisions formed the basic structure of the Constitution of Kenya.

iii. What were the implications of the basic structure doctrine in Kenya for the amendment powers provided under articles 255 to 257 of the Constitution?

iv. Who could initiate constitutional amendments through a popular initiative as provided for under the Constitution?

v. Whether the BBI Steering Committee's process of initiating amendments to the Constitution conformed with the applicable legal and constitutional requirements.

vi. Whether the President and public officers who directed or authorized the use of public funds for the BBI constitutional amendment process could be ordered to refund the monies so used.

vii. Whether there was an adequate legislative framework to guide the process of undertaking constitutional amendments through a popular initiative and whether, if such a framework was inadequate or lacking, it would render any constitutional amendment processes incurably defective.

viii. Whether County Assemblies could amend a Constitutional Amendment Bill initiated via popular initiative.

ix. Whether the creation of 70 constituencies by the promoters in the Amendment Bill was unconstitutional since the function of delimitation of the constituencies is vested in the IEBC.

x. Whether Parliament had power to act upon the Amendment Bill following the declaration of its unconstitutionality for want of enactment of the two thirds gender laws and the advisory opinion by the Chief Justice to the President for its dissolution.

xi. Whether a referendum to effect proposed amendments to the Constitution could be undertaken without the conduct of a nationwide voter registration process by the Independent Electoral and Boundaries Commission.

xii. Whether a legal regulatory framework for the verification of signatures by the Independent Electoral and Boundaries Commission and other processes required under article 257(4) and 257(5) of the Constitution was necessary and in existence.

xiii. Whether the IEBC had quorum to process the Amendment Bill.

**Held**

1. The text, structure, history and context of the Constitution of Kenya, 2010, all read and interpreted using the canon of interpretive principles decreed by the Constitution yielded the conclusion that the basic structure doctrine was applicable in Kenya. The basic structure doctrine protected certain fundamental aspects of the Kenyan Constitution from amendment through the use of either secondary constituent power or constituted power.

2. The essential features of the Constitution that formed the basic structure could only be altered or modified by the people using their primary constituent power. Primary constituent power was only exercisable after four sequential processes had been followed: -

a) Civic education to equip people with sufficient information to meaningfully participate in the constitution-making or constitution-altering process;

b) Public participation and collation of views in which the people generated ideas on the type of governance charter they wanted.

c) Constituent assembly debate, consultations and public discourse to channel and shape the issues through representatives elected specifically for purposes of constitution-making or constitution- alteration; and

d) Referendum to endorse or ratify the Draft Constitution or changes to the basic structure of the Constitution.

3. There were two ways in which a constitutional amendment could be initiated, either by parliamentary initiative or by popular initiative. Subject to the role of the primary constituent assembly, there was no other constitutionally permissible avenue available to any person to initiate a constitutional amendment except the prescribed ones.

4. The constitutional amendment bill was an initiative of the President. It could not be otherwise since the BBI Taskforce was set up courtesy of his initiative and the subsequent BBI Steering Committee was tasked with implementing the BBI Taskforce Report and the membership of the two entities remained the same.

5. Under the Constitution, the President was not a Member of Parliament and therefore he could not directly, purport to initiate a constitutional amendment pursuant to Article 256 of the Constitution. The President had no power under the Constitution, as President, to initiate changes to the Constitution under Article 256 of the Constitution since Parliament was the only State organ granted authority by or under the Constitution to consider and effect constitutional changes. The President, if he so desired, could however, through the Office of the Attorney General, use the parliamentary initiative to propose amendments to the Constitution.

6. Both a textual analysis of Kenya's Constitution and a historical exegesis of the clause on popular initiative made it clear that the power to amend the Constitution using the popular initiative route was reserved for the private citizen. Neither the President nor any State Organ was permitted under the Constitution to initiate constitutional amendments using the popular initiative option.

7. Allowing the President to initiate constitutional amendments through the popular initiative would have had the effect of granting him both the roles of promoter and referee. That was because Article 257 (5) of the Constitution provided that if a bill to amend the Constitution proposed an amendment of matter specified in Article 255 (1) of the Constitution, before assenting to the bill, the President had to request the IEBC to conduct, within 90 days, a national referendum for approval of the bill.

8. Article 257 (5) of the Constitution, arguably, gave power to the President to determine whether or not a referendum was to be held. In circumstances where the President, whether in his official or personal capacity, was the promoter of the amendment bill, his role in determining whether or not the bill was to be subjected to a referendum could amount to a muddled-up conflict of interest. The President could not be both a player and the umpire in the same match.

9. It could not be argued that the President was acting in his personal capacity and not as the Chief Executive of the Republic of Kenya given that the BBI Steering Committee was established via a Gazette Notice, an official publication of the Government of the Republic of Kenya and its report was addressed to the President in his official capacity.

10. Article 257 of the Constitution was reserved for situations where the promoters of a constitutional amendment bill did not have recourse to the route contemplated under Article 256. If the President intended to initiate a constitutional amendment, he could do so through Parliament.

11. A popular initiative to amend the Constitution, being a process of participatory democracy that empowered the ordinary citizenry to propose constitutional amendments independent of the lawmaking power of the governing body, could not be undertaken by the President or State Organs under any guise.

12. The BBI Taskforce which eventually morphed into the BBI Steering Committee was the President's and not the peoples' initiative. The bill to amend the Constitution was as a result of the proposals of this Committee. To the extent that the BBI Steering Committee was created to perpetuate what was clearly an unconstitutional purpose, it was an unlawful, and at any rate, an unconstitutional outfit.

13. A reading of the Constitution clearly showed that only Parliament could enact legislation. However, that did not mean that only Parliament could draft bills. Therefore, anybody including the BBI Steering Committee, if lawfully established, could draft bills.

14. What the President did through the BBI Steering Committee was a clear attempt to stretch his authority under Article 13 1(2) (c) of the Constitution to include power to initiate constitutional amendments. The President's role in promoting and enhancing national unity did not include initiating constitutional amendments through a popular initiative.

15. In order to carry out the referendum process as contemplated under the Constitution; it was necessary that legislation be enacted. The fact that the Constitution did not provide for the enactment of such legislation did not mean that the legislation was unnecessary. That legislation would deal with the manner in which County Assemblies would process a constitutional amendment bill, including the number of readings for the bill, the manner of conducting public participation, whether they could amend the bill before approving it and whether such a bill would be passed by a simple majority. It would also contain provisions on the correct procedure to be used by Parliament in approving the bill.

16. The absence of legislation to operationalize a constitutional provision would not render the provision inoperative or unenforceable. In the absence of enabling legislation for the conduct of a referendum, a referendum could be undertaken as long as constitutional expectations, values, principles and objects were met.

17. Depending on the proposed constitutional amendments, a multi-option referendum could be necessary. What the Constitution contemplated under Articles 255 to 257, was that each proposed constitutional amendment had to be presented as a separate question and considered on its own merit and not within the rubric of other amendments. Some proposed amendments could be agreeable to voters while the same voters could find that they did not agree with other proposed amendments.

18. The existing regulatory framework was not sufficient for the verification of signatures by the IEBC under Article 257(4) of the Constitution. To fill the gap, the IEBC developed Administrative Procedures approved on April 15, 2019. The Administrative Procedures were within the definition of statutory instruments provided under section 2 of the Statutory Instruments Act but they were not gazetted as required by section 22 of the Statutory Instruments Act. Therefore, the Administrative Procedures were invalid for lack of public participation as well as failure to comply with the provisions of the Statutory Instruments Act.

19. In carrying out the verification process, the IEBC did not comply with the Administrative Procedures. The IEBC published a list of persons who had appended their signature in support of the constitutional amendment bill online and gave the public five days to raise any issues they had with the list. The period allowed for that process would be two weeks if the IEBC had complied with the Administrative Procedures.

20. Holding a referendum without voter registration, updating the voters register, and carrying out voter education, would particularly disenfranchise citizens who had attained voting age but had not been given an opportunity to register as voters, thus violating their constitutional right to vote and make political choices.

Petition partly allowed.

NOTE: An appeal against this judgment was pending at the Court of Appeal at the end of the reporting period.

3.3.4 Female Genital Mutilation cannot be rendered lawful because the person on whom the act was performed consented to it

Tatu Kamau v Attorney General & 2 others; Equality Now & 9 Others (Interested Parties); Katiba Institute & Another (Amici Curiae), Constitutional Petition No. 244 of 2019 [2021] eKLR, High Court at Nairobi, March 17, 2021

**Brief facts**

The petitioner challenged the constitutionality of the Prohibition of Female Genital Mutilation Act (FGM Act) and the Anti-Female Genital Mutilation Board (Anti FGM Board) formed thereunder. She pleaded that sections 2, 5, 19, 20 and 21 of the impugned Act contravened Articles 19, 27, 32 and 44 of the Constitution of Kenya by limiting the women's choice and right to uphold and respect their culture, ethnic identity, religion, beliefs, and by discriminating between men and women.

The petitioner contended that section 19 (1) of the FGM Act expressly forbade a qualified medical practitioner from performing female circumcision, thereby denying adult women access to the highest attainable standard of health, including the right to healthcare. The petition sought, among others orders, a declaration that sections 5, 19, 20, 21 and 24 of the impugned Act were unconstitutional and thus invalid.

**Issues:**

i. Whether female genital mutilation performed with the consent of the person on whom the act was done was legal.

ii. What was the nature of public participation?

iii. Whether a cultural practice could be deemed to be a national heritage

iv. Whether the criminalizing of female genital mutilation and allowing male circumcision amounted to unreasonable discrimination

v. Whether the prohibition of female genital mutilation on consenting adult women violated their right to human dignity

**Held:**

1. There were no hard and fast rules for public participation. The petitioner failed to discharge the evidential burden to demonstrate that there was inadequate or no public participation.

2. The petitioner was unable to demonstrate a clear nexus between FGM and her right to manifest her religion or belief. The court was unable to impeach the offences created by sections 19, 20 and 21 of the FGM Act and held that the Anti FGM Board was properly created and that its functions were in conformity with the Act and the Constitution.

3. The exception in section 19(3) of the impugned Act to a surgical operation on another person which was necessary for that other person's mental health had not been substantiated. Indeed, there was no evidence of a co-relation between circumcision of men or women and mental health. However, there was clear expert evidence that male circumcision had some health benefits including reduced rates of infection or reduced transmission of HIV.

4. The phrase 'harmful cultural practice' was not defined by Kenyan statutes. However, Articles 53 and 55 of the Constitution referred to harmful cultural practices in protection of children and the youth. Some harmful cultural practices were valued as traditional cultural heritage in some communities.

5. FGM was harmful to girls and women due to the removal of healthy genital parts. The FGM caused immediate, short term and long term physical and psychological adverse effects. The purposes of FGM were community culture-centered and not individual benefit centered.

6. A reading of section 19(6) of the impugned Act revealed that it was no defence to a charge under the section that the person on whom the act involving FGM was performed consented to that act, or that the person charged believed that the consent had been given. The implication of that was

that FGM could not be rendered lawful because the person on whom the act was performed consented to that act. No person could licence another to perform a crime.

7. Article 44(1) of the Constitution provided that every person had the right to participate in the culture of the person's choice. Freedom was therefore an underlying element of the exercise of one's right under the Bill of Rights, which included the right to participate in one's cultural life. From the evidence of the survivors and those who escaped the cut, they all confirmed the misinformation, deception and societal pressure they were subjected to, to undergo the cut.

8. Whereas the evidence adduced pointed to discrimination, the discrimination was not unreasonable. The evidence of the medical experts confirmed the grim reality of the challenges posed by female circumcision ranging from difficulty in consummating marriages to difficulty in child birth, and in certain instances, death of the victims.

9. The FGM Act did not violate the Constitution or women's right to dignity.

10. While the Constitution had a general underlying value of freedom, that value of freedom was subject to limitation which was reasonable and justifiable. Additionally, it had not inscribed the freedom to inflict harm on one's self in the exercise of those freedoms. That was why the Penal Code prescribed offences such as attempted suicide in section 226 and abortion and allied offences in sections 158 to 160.

Petition dismissed. The Attorney General ordered to forward proposals to the National Assembly to consider amendments to section 19 of the FGM Act with a view to prohibiting all harmful practices of FGM as set out in the judgment. Each party to bear its own costs.

3.3.5 Constitutionality of the indefinite closure of schools as part of measures to contain COVID-19

Joseph Enock Aura v Cabinet Secretary, Ministry of Education, Science & Technology & 3 Others; Teachers Service Commission & 6 Others (Interested Parties), Constitutional Petition No. 2189 of 2020 [2020] eKLR, High Court at Nairobi, November 19, 2020

**Brief facts**

The petition was brought in response to the Address to the Nation by the President on March 15, 2020 that directed the indefinite closure of schools among the measures for controlling the spread of COVID-19. The petitioner brought the petition on behalf of his children for compensation for the psychological suffering inflicted on them by the Government of Kenya's closure of in-person learning. The Petitioner argued that the closure of schools was a breach of their freedom from psychological torture and the right to human dignity. The petition was also brought on behalf of millions of such other school going children.

The petitioner also contended that the Executive through the Ministry of Education and the Ministry of Health had failed to provide the basis for the unilateral closure of schools without consultation with National and County Education Boards even after being probed by the petitioner. Those administrative actions were contended to be ultra vires the best interests of the child as constitutionally founded.

Lastly, the petition opposed the community-based learning adopted by the Ministry of Education as a remedial measure for arresting the effects of COVID-19 on education. The petitioners contended that the policy had no underpinning in law.

**Issues**

i. Whether the closure of schools following a directive issued by the President in a 'State of the Nation Address' as part of the measures put in place to combat COVID–19 was unconstitutional.

ii. Whether the closure of schools as part of the measures put in place to combat COVID–19 caused psychological harm to school children.

iii. Whether enactments related to the COVID–19 pandemic met legal and constitutional thresholds with respect to the right to education of school children

iv. Whether the Cabinet Secretary for Education, Science and Technology discharged its mandate under Article 53 (2) of the Constitution as read together with section 32 (2) of the Children's Act, in the face of the open-ended closure of schools over the COVID–19 pandemic and whether it was in 'the best interest of the child' to re-open schools.

v. Whether the Attorney General was liable for his failure to advise the Executive to adhere to the relevant statutory requirements when closing schools due to the COVID–19 pandemic?

vi. Whether the community-based learning program was legal?

**Held:**

1. Pursuant to the authority of the President under Article 131 of the Constitution and in exercise of Executive Authority, the President was entitled to address any issue of national concern as it arose as per Article 10 of the Constitution. The closure of schools following a directive issued by the President in the 'State of the Nation Address' did not violate the Constitution in any way.

2. The Petitioner pleaded, particularized, and proved that the closure of schools had caused psychological harm to school-enrolled children.

3. It was not the role of a Court to make determination of education plans for individual families or children to determine whether the government return to school plan was safe or effective. This was simply because the government had access to public health and educational expertise which was not available to the Court. The Courts were not in a position, without the expert evidence, to second guess the government's decision making.

4. In deciding what educational plan was appropriate for a child, the Court must consider what was in the best interest of a child. The Court in seeking guidance in determining the education plan in the best interest of the child should consider, amongst many others, the following:-

a. The high risk of exposure to COVID-19 that a child would face if he/she was or was not in school;

b. Whether the child or a family member was at increased risk from COVID–19 as a result of health conditions or any other risk factors;

c. The risk the child faced to their mental health, social development, academic development or psychological well-being from learning online;

d. Any proposed or planned measures to alleviate any of the risks noted above;

e. The ability of the parent or parents with whom the child would be residing during school days to support online learning, including competing demands of the parent or parents' work, or caregiving responsibilities, or other demands.

f. The health environment under which the child was exposed when out of the school.

5. The benefit of the petitioner's school going children and other school children attending school in-person out-weighed the risks of COVID–19 provided the respondents ensured that COVID–19 measures and safety protocols were put in place and fully complied with in each and every school by both the learners and the teachers.

6. There was a genuine prospect that the effects of the indefinite closure of schools would permanently alter the lives of children caught in the apex of the COVID-19 pandemic.

7. Children who dropped out of school would not only face a higher risk of child marriage, child labour, and teenage pregnancies, they would also see their lifetime earning potential precipitously fall. Children who experienced family breakdowns during the period of heightened stress risk would lose the sense of support and security on which children's wellbeing depended.

8. The best interest of any child was to be in school in-person as there was more control, guidance and provision of health safe measures in the school than leaving the children roaming in the villages or shanties or towns without observing any COVID-19 Health Protocols.

9. The Executive stepped beyond what the law and the Constitution permitted. They could therefore not seek refuge in illegality and hide under the twin doctrines of parliamentary privilege and separation of powers to escape judicial scrutiny.

10. The respondents did not rebut the petitioner's contention that the community Based Learning program was unilaterally commenced, that there were no consultations with stakeholders and that there were no provisions in the Basic Education Act to support the program. The project was ultra vires the Act and was therefore null and void for all purposes and intentions.

Petition allowed.

3.3.6. Whether local tribunals are subordinate courts under the Judiciary

Okiya Omtatah Okoiti v Judicial Service Commission & 2 others; Katiba Institute (Interested Party), Petition No. 197 of 2018 [2021] eKLR, High Court at Nairobi, March 11, 2021

**Brief facts**

The Petitioner lodged a case seeking a declaration that Tribunals established pursuant to Article 169(1) (d) of the Constitution of Kenya, 2010 are not part of the Executive machinery, nor are they independent adjudicatory bodies, but are subordinate courts which are an integral part of the Judiciary, and that the Judicial Service Commission is exclusively responsible for appointing and removing members of the tribunals established pursuant to Article 169(1)(d) of the Constitution of Kenya 2010, for establishing their rules of procedure and for doing anything incidental thereto to ensure their smooth operations as courts of law.

He argued that Tribunals in Kenya suffer lack of unanimity in many aspects and that although Tribunals fall under Article 169(1)(d) of the Constitution, many of them are under the direct control and regulation of the Executive which is an infringement on the principle of separation of powers as, in most cases, the Executive is a party to the disputes before such Tribunals.

The JSC took the position that local tribunals created under Article 169(1)(d) of the Constitution are indeed subordinate courts within the Judiciary by virtue of Articles 1(3)(c), 20(4) & (5) 24(3), 50(1), 159(1) &2, 164(3)(b), 165, 169(1)(d), 171 and 172 of the Constitution. The Attorney General partly opposed the Petition but agreed with the Petitioner that under Article 169(1) (d) of the Constitution, local tribunals are classified as subordinate Courts. The AG also agreed that the local tribunals need to be transited to the Judiciary from the various Ministries and Government Departments. However, to attain this, the AG contended that an Act of Parliament pursuant to Article 162(2) of the Constitution is to be enacted. Parliament held the position that there is no mandatory requirement for Parliament to enact any specific or general law governing tribunals in Kenya. As such, the Amended Petition did not disclose any violation of the Constitution and ought to be dismissed.

**Issues**

i. The nature of the local tribunals under Article 169(1)(d) of the Constitution.

ii. Whether the appointment and removal of members of the local Tribunals under Article 169(1)(d) of the Constitution by the Executive violate the principle of separation of powers and violates the right to fair hearing under Article 50 of the Constitution.

iii. Whether the local tribunals under Article 169(1)(d) of the Constitution should be transited to the Judiciary.

**Held**

1. The local Tribunals created under Article 169(1)(d) of the Constitution are subordinate Courts in Kenya. These local tribunals possess the following qualities: -

a. They are Courts of law

b. They are subordinate to the superior Courts

c. They are not advisory in nature

d. They are not administrative Tribunals

e. They are not pre sided over by or include a Judge of the Superior Courts in their membership

f. They are formed under an Act of Parliament.

2. The following tribunals do not qualify as local tribunals that are subordinate courts:

a. The Tribunals formed under the Constitution

b. All administrative and advisory tribunals

c. All tribunals whose membership includes a Judge of the Superior Courts

d. All other informal tribunals not formed under the Constitution or any Act of Parliament.

3. The appointment and removal of members of the local tribunals created under Article 169(1)(d) of the Constitution by the Executive violates the principle of separation of powers, contravenes the right to fair hearing under Article 50 of the Constitution and infringes on the independence of the Judiciary.

4. The local tribunals under Article 169(1)(d) of the Constitution must be transited to the Judiciary and the appointment and removal of their members be undertaken by the Judicial Service Commission.

5. Forthwith, any new appointment or removal of a member of any of the Tribunals under Article 169(1)(d) of the Constitution must be undertaken by the Judicial Service Commission.

Petition partly allowed. Parliament and the Attorney General directed to take proactive steps within their respective dockets towards propagating the Tribunals Bill with a view of transiting the local tribunals under Article 169(1)(d) of the Constitution to the Judiciary, and to file affidavits within 6 months of the judgment detailing the steps taken.

Note: An appeal against this decision was pending at the time of this report.

3.4 Employment and Labour Relations Court

3.4.1 Whether the salaries and allowances of Commissioners of Independent Commissions can be withheld in situations of illness

Shadrack Mutia Muiu v National Police Service Commission & 2 Others, Petition No. 115 of 2018 [2020] eKLR, Employment and Labour Relations Court at Nairobi, July 2, 2020

**Brief facts**

The petitioner was appointed a Commissioner at the National Police Service Commission (NPSC) for a term of six years beginning in October 2012. While on a European benchmarking tour in February 2013, he fell ill and was hospitalized for a number of days. He then flew back to Kenya and was hospitalized for two weeks and put on medication. He did not report back to work until his tenure as a commissioner ended. His salary and allowances were withheld starting from March 2014.

The petitioner claimed that the withholding of his salary and allowances was discriminatory and a violation of his rights to fair labour practices. He sought various reliefs from the court including an order of mandamus to compel the respondents to pay him his unpaid salary which amounted to KSh. 35,145,000.

In opposing the petition, NPSC and the Attorney General admitted that as a result of his long absence and after seeking his doctor's comprehensive report in vain, the Commission resolved that the Petitioner be put on sick leave in accordance with the prevailing Government Rules and staff regulations as follows; from 1.7.2013 to 30.9.2013 the Petitioner be on full salary, from 1.10.2013 to 31.12.2013 on half salary and on 1.1.2014 to 30.6.2014 on nil salary.

An attempt was made to have the petitioner appear before a Medical Board convened by the Director of Medical Services. This attempt, however, failed because he could not be reached. In addition, in September 2015, a Petition was presented to the National Assembly on behalf of Juhudi Community seeking that the Assembly does recommend the Petitioner's removal on grounds of misconduct and incapacity to perform functions of office and it was granted. However, the President never appointed a tribunal in accordance with Article 251 (5) of the Constitution to investigate the matter, until the petitioner's term lapsed.

**Issues**

i. Whether the Code of Regulations for Civil Servants and Section 30 of the Employment Act, which had provisions on how the pay of an employee on sick leave would be handled, were applicable to a member of an independent commission established under the Constitution.

ii. What was the procedure applicable to the removal of a member of an independent commission from office under the Constitution?

iii. Whether the Constitution contemplated the withholding of salary and allowances as a mode of dealing with an illness that affected the ability of a member of an independent commission to perform his duties.

iv. What was the effect of failure to plead alleged violations of fundamental rights and freedoms with a reasonable degree of precision?

**Held**

1. The Code of Regulations for Civil Servants was applicable to Civil Servants who were defined as employees of the Public Service Commission of Kenya deployed in Ministries/Departments but not to independent commissions. The application of the code to the petitioner in order to stop the release of his salary and allowances was unlawful as it violated his right to protection from unfair disciplinary action as guaranteed by Article 236(b) of the Constitution.

2. The stoppage of the salary was done while the petitioner was still in office. This was contrary to Article 250(8) of the Constitution which protected his remuneration.

3. The petitioner's employment contract had a constitutional underpinning as the terms of his appointment, remuneration and removal were expressly provided for under Articles 250 and 251 of the Constitution. The Constitution provided for the removal from office of a sick commissioner under Article 251 of the Constitution but it did not contemplate the suspension of the remuneration of a commissioner.

4. The petitioner served his entire 6 years as the appointing authority waived the right to remove him from office on grounds of physical or mental incapacity to perform the functions of his office. Consequently, the stoppage of the petitioner's salary and allowances had no legal basis.

5. Section 30 of the Employment Act could not justify the stoppage of the petitioner's salary and benefits as his contract of service was firmly grounded on express provisions of the Constitution.

Petition allowed. An order of certiorari was issued to quash the 1st respondent's decision to withhold and/or stop the petitioner's salary and benefits. An order of mandamus was granted to compel the respondents to pay the petitioner KSh. 35,145,000 being the amount of his salary withheld from March 1, 2014 to October 2, 2018 when his term of office lapsed.

3.4.2 Role of the Chief Justice vis-à-vis the Judicial Service Commission in the disciplinary process for Judicial Officers

Kenya Magistrates and Judges Association v Judicial Service Commission & 2 Others, Petition 150 of 2019 [2020] eKLR, Employment and Labour Relations Court at Nairobi, August 12, 2020

**Brief facts**

The petitioner sought a declaration that paragraphs 15, 16 and 17 of the Third Schedule to the Judicial Service Act were unconstitutional for delegating to the Chief Justice powers that were exclusively vested on the Judicial Service Commission in the Constitution. These provisions provided for delegation to the Chief Justice of the JSC's power to interdict, suspend and to issue a reprimand to Judicial Officers and staff. The petitioner also claimed that the provisions failed to set out the limited circumstances under which the Chief Justice could exercise this delegated power and the circumstances under which interdiction or suspension could be exercised and the validity period for interdiction for affected Judicial Officers.

The petitioner further averred that the provisions failed to prescribe the conduct or misbehaviour that qualified for interdiction or suspension of remuneration upon interdiction or suspension. Thus, the petitioner claimed that its members were susceptible to unfair and unjust treatment from the Chief Justice.

The petitioner contended that the impugned provisions of the schedule were inconsistent with the substantive Act and thus urged the court to find that they were void to the extent of their inconsistency.

**Issues**

i. What was the distinctive role of the Chief Justice vis a vis the Judicial Service Commission regarding the disciplinary process of Judicial Officers?

ii. Whether interdicting and suspending Judicial Officers was part of the Chief Justice's administrative functions.

iii. Whether the suspension or interdiction of a judicial officer for an indefinite period on a reduced income amounted to inhuman or degrading treatment or punishment.

**Held**

1. The Chief Justice was the Chief Executive Officer of the Judiciary and therefore supervised the Judges, Judicial Officers and staff. He/She therefore exercised general direction and control over the Judiciary.

2. The Regulations were clear that the role of the Chief Justice was to establish if there was a prima facie case to warrant the reference of a disciplinary case to the JSC. The role of the Chief Justice thereafter was to interdict or suspend an officer and then refer the matter to JSC for hearing.

3. In the sense in which interdictions and suspensions were applied in paragraphs 16 and 17, they were not punishments but administrative functions intended to remove the employee from the workplace while proceedings that could lead to the dismissal of the officer were being taken. Since the assignment of duties was an administrative function of the Chief Justice, the removal of a judicial officer from performing those duties was also a function of the Chief Justice as part of the administrative duties.

4. Under paragraphs 16(1), 17(1) and (2) of the Regulations, the only role that the Chief Justice performed under those paragraphs was to remove the officer from exercising the powers of the office where proceedings had been commenced that could lead to the removal of the officer. There was separation of roles between the Chief Justice and JSC, the former being to remove from performing the functions of the office and the latter being to hear and determine the disciplinary case. There was no disciplinary role in paragraphs 16(1), 17(1) and (2).

5. Since during interdiction and suspension an employee was not remunerated as they were in limbo over whether or not they had a job, it would amount to inhuman treatment to subject them to the situation indefinitely.

6. Where an officer was placed on interdiction or suspension, the officer was prejudiced by reduction of income and removal from performing the functions of the office and in a way constituted punishment. It was therefore necessary to be specific on the duration of the suspension to create certainty so that there was accountability, and that interdiction or suspension were not imposed in a manner that inflicted punishment on the officer.

Petition partly allowed with no order for costs.

3.4.3 Whether a State corporation can alter the statutory minimum requirements for appointment of a CEO as outlined in the Mwongonzo Code

Republic v Communications Authority of Kenya Ex parte Information Communication Technology Association of Kenya (ICTAK), Judicial Review Application No. 21 of 2020 [2021] eKLR, Employment and Labour Relations Court at Nairobi, April 9, 2021

**Brief facts**

Following the lapse of the contract for the immediate past Director General of the respondent, the Communications Authority of Kenya Board advertised for the position in the local daily newspapers on May 22, 2020 specifying the qualifications, duties and conditions applicable for the position. The ex-parte applicant was unhappy with the advertisement, claiming that the advert introduced qualifications that were not contained in the law, that is, Mwongozo Code of Governance for State Corporations ( Mwongozo), and that the alteration locked out its members and other members of the public who would otherwise be qualified to apply for the position and was, thus, discriminatory.

The ex-parte applicant further complained that the timeframe for closing of the advertisement was less than the 21 days provided by the law. The ex-parte applicant, through its advocates, wrote a letter to the respondent demanding the immediate revocation and/or cancellation and/or withdrawal of the vacancy notice.

In its response, the respondent contended that the Mwongozo only prescribed the minimum requirements for appointment of a Chief Executive Officer (CEO) and that Boards of State corporations had latitude to make additional requirements for the appointment of a CEO.

**Issues**

I What were the specifications for appointment of Chief Executive Officers of State corporations?

ii. Whether a State corporation had powers to alter the statutory minimum requirements for appointment of a state officer.

iii. Whether the Public Service Human Resource and Policies Manual could supersede the provisions of Mwongozo.

**Held**

1. Since the Kenya Information and Communications Act did not set out the qualifications for the Director General of the respondent, the qualifications set out in the Mwongozo applied.

2. The respondent enhanced the requirements for the position of Director General thus locking out persons, including the ex-parte applicant's members who were qualified under the statutory requirements. The respondent had no such powers to alter the minimum requirements for appointment and therefore acted ultra vires.

3. By altering the requirements for the position of the Director General, the respondent also violated the provisions of Article 10(2)(b) of the Constitution which provided for observance of human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised. Persons who were qualified under Mwongozo were discriminated against by the enhancement of the minimum requirements which locked them out.

Notice of Motion allowed with costs.

3.5 Environment and Land Court

3.5.1 Whether lands claimed to be ancestral lands dispossessed during colonial era would be returned to original native occupants or their descendants

Henry Wambega & 733 others v Attorney General & 9 Others, Constitutional Petition No. 2 of 2018 [2020] eKLR, Environment and Land Court at Mombasa, October 22, 2020

**Brief facts**

The petitioners claimed that they, or their forefathers, were the original inhabitants of various parcels of land measuring over 800 acres (suit lands) owned by the 2nd – 7th and 9th respondents and asserted a right to be settled therein. They claimed that they, or their forefathers, were violently evicted from the suit lands.

They pleaded that about the year 1960 to the year 1962, right through the year 1970, there were forced evictions of the occupants in the properties. It was averred that the evictions were forceful, violent, and with no basic regard to human rights, and that the property and crops of the occupants, including cash crops, mango and coconut trees, and houses, were utterly destroyed, with some community members being imprisoned in Malindi Prison.

They also pleaded that being descendants of the original occupiers of the suit lands, their right to property had crystallised through the doctrine of ancestral domain or alternatively, through an implied inter-generational trust. They stated that their problems stemmed from the issuance of titles to the then registered owners without due regard to their occupation. They thus sought, among others, a declaration that the suit lands were ancestral lands and that they were entitled to have the suit lands declared trust land by virtue of the history of that land.

The respondents opposed the petition with the National Land Commission (NLC) arguing that the issues raised in the petition were of the nature of historical land injustice hence the appropriate avenue for seeking redress was by lodging a claim of historical injustice with the NLC for admission and subsequent investigation.

Issues

i. Whether the Environment and Land Court had jurisdiction to hear claims of historical land injustices.

ii. What was the meaning and basis of the ancestral domain concept and whether it was applicable in Kenya.

iii. Whether lands claimed to be ancestral lands dispossessed during colonial era would be returned to original native occupants or their descendants.

iv. What were the solutions to historical land injustices in Kenya?

**Held**

1. The Environment and Land Court had jurisdiction to hear claims based on historical land injustices. However, just because a court was vested with jurisdiction did not mean that in all cases, it would proceed to exercise that jurisdiction, especially where there was another body that also had capacity to hear that dispute. Depending on the facts and circumstances surrounding the case, the court could defer jurisdiction to another body, or decline to take up the matter altogether.

2. In accordance with Article 67 (2) (e) of the Constitution and Section 15 of the National Land Commission Act, the NLC had wide jurisdiction on historical land injustices. When it came to the choice of filing a claim before the NLC or before the ELC, one needed to make an assessment of what task was required.

3. There was no evidence that any of the forefathers of the petitioners ever resided on the suit land. One could not tell with precision and finality, which forefather of which petitioner resided in which land, and what sort of occupation such person had. Some of the petitioners appeared to have roots in Kwale and not within the site of the disputed lands. There was a claim of dispossession, but absolutely no evidence of who was dispossessed, by whom, and when exactly that occurred.

4. The petitioners did not give the Court any generational tree to identify their ancestry and demonstrate that it was actually their forefathers who were occupying the suit lands. There was no evidence that any of the claims of torture occurred; neither was there any evidence of imprisonment. It was impossible to hold that any of the events that were claimed by the petitioners actually occurred.

5. The ancestral domain claim would mean that a generation had a historical right to own land that was previously in the hands of their forefathers. It had some support in some jurisdictions, especially those with a minority population that was marginalized owing to colonialism or occupation by foreigners. Australia for instance enacted the Native Title Act, 1993, so as to inter alia appreciate that Australia was not terra nullius at the advent of European occupation and to make amends to the native population that was dispossessed of land.

6. Land issues were complex and were unique to each country. It followed that each country enacted laws that suited its circumstances. We could not impose what had been held in one jurisdiction into the country for Kenya's circumstances could be different. Australia had a large population of European origin with the native Aboriginals and Torres Strait Islander people representing only 3.3% of the population.The situation in Kenya was radically different, with the native inhabitants being the overwhelming majority.

7. There was no backing in the Constitution or in any law that would entitle the petitioners to the lands that were privately held by the 2nd - 7th and 9th respondents, even assuming that the lands were originally settled by the forefathers of the petitioners. There was no law that said that a person had to be settled in land that was previously owned by his/her forefather, irrespective of whether that land was privately owned. There was power to recommend restitution or compensation, if deemed appropriate, when dealing with historical injustices, but that was not to be construed to mean that a person had a right to be settled in land that belonged to his/her forefather who was dispossessed from it.

8. There had not been a violation of the petitioners' constitutional rights or any violation of the international instruments that the petitioners had mentioned.

Petition dismissed with costs payable jointly and/or severally by the petitioners.

3.5.2 Rules and guidelines governing sustainable harvesting of sand

John Muthui & 19 others v County Government of Kitui & 7 Others, ELC Petition No. E06 of 2020 [2020] eKLR, Environment and Land Court at Machakos, November 27, 2020

**Brief facts**

The petitioners filed an application seeking conservatory orders to restrain the respondents from licensing or allowing exploitation of resources, more particularly sand harvesting from a river known as Tiva River (the river) until hearing and determination of the petition. They brought the suit on their own behalf and on behalf of the residents of Kitui County and beyond, who in one way or the other depended on, used and derived benefits from the river. They argued that the 1st to 6th respondents had permitted, allowed, licensed and let the 7th and 8th respondents and other persons under the umbrella of the 8th respondent to harvest sand from the river without following the regulations laid down by the 4th respondent for such activities and that as a result, the environment in and around the river had been degraded causing the river to dry up and as a consequence, put the lives of the petitioners and those of their future generations into uncertainty.

In opposing, the 1st and 2nd respondents' averred, among others, that the petition and the application were brought prematurely before the Court; that the petition ought to have been filed in the National Environment Tribunal (NET); that the petitioners had no capacity to institute the suit; that the harvesting and excavation of sand from the river was controlled; that there were in place strict laws governing and regulating sustainable use of the said resource; and that the harvesting of sand by the 7th and 8th respondents was limited to internal use within the County Government of Kitui and local consumption only and that the Constitution allowed for sustainable exploitation of natural resource.

**Issues**

i. Whether ELC had unlimited jurisdiction to resolve disputes relating to land and the environment.

ii. Whether ELC had jurisdiction to resolve a dispute alleging infringement of the constitutional right to a clean and healthy environment.

iii. What principles guided courts when resolving environmental disputes?

iv. Which rules and guidelines governed sustainable sand harvesting?

v. Whether failure to comply with the National Sand Harvesting Guidelines implied that sand harvesting was not being carried out in a sustainable manner.

**Held**

1. The petitioners were not appealing against the decision of the National Environment Management Authority (4th respondent) either in issuing a licence or otherwise in respect of the harvesting of sand from the river by the respondents. Also, in view of the prayers sought in the petition, which were confined to the alleged infringement of the petitioners' rights, NET did not have the requisite jurisdiction to deal with the petition. ELC had the jurisdiction to deal with the issues raised in the petition and the application.

2. In the absence of a Technical Sand Harvesting Committee (TSHC) as required under the Guidelines, and in the absence of any evidence to show compliance with all the Guidelines, or a law passed by the 3rd respondent to regulate sand harvesting, the court found that the harvesting of sand in the river was not, prima facie, being exploited and utilized in a sustainable manner, contrary to the provision of Article 69 (1) (a) of the Constitution. Although the respondents argued that the harvesting of the sand from the river was for the development of the county, and that the local community had immensely benefited from the said harvest, they ought to be aware that environmental considerations had to be at the center stage of all developments.

3. Although the respondents argued that they had been relying on an environmental impact assessment report (report) that was prepared by the 7th and 8th respondents, the report was never submitted to the 4th respondent for approval pursuant to the provisions of sections 58 of Environmental Management and Co-ordination Act (EMCA). According to the second schedule of EMCA, the report was supposed to be submitted to the 4th respondent for all activities involving sand harvesting, where after, a license was to be issued. The respondents had not complied with the law. Where the procedures for the protection of the environment were not followed, then an assumption would be drawn that the right to a clean and healthy environment was under threat.

4. The respondents had the responsibility of abiding by the Guidelines and EMCA, and enacting a law or regulations to ensure that there was sustainable exploitation of sand from the river.

5. The respondents had failed, prima facie, to comply with the laws and guidelines pertaining to harvesting of sand from the river. The 3rd respondent had also failed to pass laws and regulations which would criminalize the exploitation of sand from the river in an unsustainable manner. That being so, the petitioners had established a prima facie case with chances of success.

Application allowed.

3.5.3 Constitutionality of Section 9(2)(a) of the Land Control Board Act which had not been gazetted as repealed by the Attorney General

African Cotton Industries Limited v Rural Development Services Limited, ELC No. 25 of 2017 [2021] eKLR, Environment and Land Court at Muranga, February 10, 2021

**Brief facts**

The matter concerned a parcel of land (suit land) belonging to the defendant. The plaintiff claimed that it entered into an agreement of sale of the suit land with the defendant and paid 10per cent of the purchase as deposit. Thereafter the defendant refused, neglected and/or failed to complete the sale of the suit land. Pleading, inter alia, constructive trust and breach of the right to property and agreement of sale, the plaintiff sought the Court to issue an order of specific performance, among other reliefs. On its part, the defendant denied the claim in its entirety and maintained that its director lacked the requisite mental capacity to bind the defendant to the agreement. It also invoked duress and absence of Land Control Board Consent as factors vitiating the agreement. The plaintiff sought a declaration that the Land Control Board Act had been repealed and therefore did not apply to the transaction. At the repeal of the land laws, the Land Control Board Act was not included in the gazette repealed Acts. The Court of Appeal in Willy Kimutai Kitilit v Michael Kibet (2018) eKLR had appreciated that the Act was still in existence. In Basil Criticos v Attorney General and 8 others (2013) eKLR the Court had directed the Attorney General to gazette the repeal of the Act. There was no evidence that that had been done. Therefore, to the extent that the Land Control Board Act had not been repealed, it meant that the Statute was still part of the laws of Kenya. The Court of Appeal had pronounced that some provisions of the Statute had been rendered irrelevant and opined that the Act ought to be read in conformity with the Constitution of Kenya.

**Issue**

i. Whether section 9(2)(a) of the Land Control Board Act was unconstitutional.

**Held**

1. No evidence had been led to prove otherwise than that the Land Control Board Act was still in force. As such, section 9(2)(a) of the Land Control Board Act could not be declared unconstitutional.

Suit partly allowed; costs were payable by the defendant to the plaintiff on a higher scale for one counsel.

Notable Decisions from the Subordinate Courts

3.6 Magistrates Courts

3.6.1 Rights of parties to remarry after the dissolution of their marriage under Islamic law.

In the matter of the Advisory Opinion of JIA, KMC 14 of 2020, Kadhis Court at Kisumu, September 8, 2020

**Brief facts**

The marriage of the applicant herein to his wife, DAE was dissolved by consent between the parties on 18th April 2019 before the Deputy Chief Kadhi Hon. Sukyan Hassan Omar of Kadhis Court at Upper Hill, Nairobi in Divorce Case No. 268 B of 2018. There were also other orders pertaining to the maintenance of the two issues of the marriage. The Deputy Chief Kadhi had ordered that the marriage be dissolved and the same be registered. The Applicant thereafter got in talking terms with his former wife, and agreed to come back together as husband and wife. The problem however was that the wife's walii (guardian) was adamant that the two could not remarry since, according to him, the court's order on the dissolution of marriage was absolute-what was known in fiqh parlance as baynunah kubra. The applicant then filed this application seeking the court's interpretation of the orders dissolving his marriage, and declaratory orders as to whether the law allowed them to remarry.

**Issues**

i. Whether the parties' mutual consent to divorce was enough to end the marriage and the courts work was only to approve of their consent or whether their consent notwithstanding, the court was still going to dissolve the marriage based on its discretionary powers.

ii. When judicial dissolution of marriage occurred, was it considered like revocable talaq or irrevocable talaq and if it was considered as irrevocable, was it a minor or a major irrevocability?

ii. How did the dissolution affect re-marriage between the parties?

**Held**

1. There was a difference between Talaq (divorce) and Faskh (dissolution of marriage). Talaq pronouncement originated from the husband, and could be counted as one, or two and three. Faskh was from the Hakamain (Arbitrators) or the Kadhi (Judge) and could be numbered. When the Qur'an talked about major irrevocability, it said so with reference to the three Talaqs and not with reference to Khul' or Faskh.

2. Raj'ah (return to the marital fold) was in two ways: that which followed talaq and that which followed faskh. Raj'ah in the first and second talaq should be within the stipulated eddah period, or else the divorce became that of minor irrevocability. Raj'ah in Khul' or faskh did not happen until a new marriage contract, with a new mahr was entered into.

3. Whilst quoting Ibn Qayyim al Jawziyya, the court noted that: spouses had no right to drop the legal requirement for raj'ah; that the husband had no right to pronounce an irrevocable divorce; and in the same way, the spouses had no right to dissolve their marriage by mutual consent without payment of consideration. The court held that for this particular case, there was no dissolution of marriage by mutual consent since no consideration was paid.

4. It was the court which dissolved the marriage herein owing to the facts presented by the parties before it, the Kadhi exercised his discretion judiciously, and mutual consent to divorce was not the primary fact considered in dissolving the marriage.

5. The court quoted the Kuwaiti Fiqh Encyclopedia and Fatawa of ibn Bāz where it was stated thus: dissolution of marriage for reasons of constant disputing between spouses is regarded as equivalent to irrevocable talaq according to majority of jurists; and that if a judge dissolves the contract of marriage for reasons such as lack of maintenance or for other reasons calling for dissolution, then the dissolution would be regarded as a minor irrevocable dissolution (baynuunah sughraa), and the wife could return to the husband and the husband could return to the wife through a new marriage contract and a new mahr even if it is within her eddah period.

6. The Qur'an, in the ordinary revocable divorces prioritized the return of husbands as against a new marriage by other men to their divorced wives during the eddah period.

7. The dissolution of the marriage herein was a judicial dissolution and valid as a minor irrevocable dissolution (baynuunah sughraa). This meant that the two were free to enter into a new marriage contract with a new mahr agreement between them.

3.7 Tribunals

3.7.1 Consent in HIV testing and damages for conducting HIV test and disclosing results to 3rd parties without informed consent

R.A.O Vs Mediheal Group of Hospitals & 2 Others, HAT Nbi Cause No. 030 of 2019, HIV & AIDS Tribunal at Nairobi, November 27, 2020

**Brief facts**

The Claimant was employed by the Mediheal Group of Hospitals (the 1st Respondent) to work in the restaurant at the Mediheal Hospital Eastleigh (2nd Respondent). She fell ill and was admitted at the 2nd Respondent's facility on or about 25th May 2019. Upon admission to the hospital, a blood sample was drawn from her for tests, but she was not informed what tests were to be conducted. She was merely informed that further investigations would be required, and she presumed that she had malaria. The 3rd Respondent, a doctor at the hospital, conducted a series of tests on the sample.

The Claimant alleged that the hospital conducted a HIV test without her consent, and that no pre-test nor post-test counselling was done. She claimed further that the 3rd Respondent disclosed the results of the tests to her in the presence of other patients who were with her in the ward. She testified that the 3rd Respondent came into the ward with a nurse aid following closely behind, walked over to the window and loudly declared that the claimant ought to be on antiretroviral treatment. There were other patients in the ward who overheard the comment.

The Claimant also testified that the 3rd respondent went on to inform other parties of the claimant's status, including her supervisor, which resulted in the claimant being reassigned to laundry duty. Further, word got round about the claimant's status and her colleagues found out soon thereafter.

Further evidence showed that following her test results, the management directed that other staff be tested for HIV, allegedly for purposes of confirming whether the Claimant had a fake Food Handling Certificate or whether hers was an isolated incident. As a result of the actions by the respondents, the Claimant suffered physically, emotionally and psychologically.

The respondents denied that the 3rd Respondent conducted tests on the Claimant including the HIV test without her knowledge or consent. They argued that the Claimant had consented by appending her signature on the admission/consent form. However, the Consent Form produced in evidence did not specifically indicate consent to HIV testing. They further stated that the Claimant's damages, if any, were caused or contributed to

by her negligence or by others that the respondents had no control over. They denied any liability for breach of the provisions of the HIV and AIDS Prevention and Control Act (HAPCA).

The Respondents also filed a counterclaim for KSh33,067 in hospital bills which reportedly remained unpaid as at the time of the suit as well as damages for bad publicity.

**Issues**

i. Whether the 3rd Respondent obtained the prior informed consent of the Claimant before testing her for HIV

ii. Whether the Respondents conducted the mandatory pre and post HIV test counselling therapy

iii. Whether the Respondents disclosed the Claimant's HIV results to a third party

iv. What remedies the Claimant was entitled to

v. What remedies the Respondents were entitled to in their counterclaim.

**Held**

1. Following the decision in CNM –vs- Karen Hospital Ltd, HAT No. 008 of 2015 where informed consent was defined as "consent given with the full knowledge of the risks involved, probable consequences and the range of alternatives available," the Tribunal noted that there was a big difference between consent and informed consent, and that a person who had given consent to HIV testing would nevertheless sue on the ground that he did not give informed consent.

2. The Respondents did not obtain informed consent from the Claimant prior to conducting an HIV test on her.

3. Section 17 (1) of HAPCA which provided that every testing centre should provide pre-test and post-test counselling to a person undergoing an HIV test and any other person likely to be affected by the results of such test was couched in mandatory terms.

4. There was no proof that pre-test and post-test counselling was done on the claimant.

5. There was wrongful and unlawful disclosure of the claimant's status without her consent, contrary to the provisions of the Act.

6. The jurisdiction of the Tribunal under Section 26 of HAPCA was, primarily, to hear and determine complaints arising out of the breach of the provisions of the Act. The Tribunal had no jurisdiction to entertain the counterclaim and could only advise the respondents to seek redress in a court of competent jurisdiction.

Judgement entered in favor of the claimant against the Respondents jointly and severally in the sum of KSh900,000 broken down as follows:

a. Conducting an HIV test on the Claimant without her informed consent – KSh250,000

b. Failure to conduct the mandatory pre-test and post-test counselling therapy on the Claimant - KSh250,000

c. Disclosure of the Claimant's HIV status to 3rd parties without her consent – KSh250,000

d. The emotional and psychological distress as a result of the stigma – KSh150,000

e. The respondents' counterclaim was dismissed.

NB. The Claimant lodged an appeal at the High Court challenging the quantum of damages. In a decision delivered on 24th June 2021, the High Court (Civil Appeal No. E377 of 2020) increased the damages to KSh. 2 million broken down as follows:

a. Conducting an HIV test on the Claimant without her informed consent – KSh400,000

b. Failure to conduct the mandatory pre-test and post-test counselling therapy on the Claimant - KSh250,000

c. Disclosure of the Claimant's HIV status to 3rd parties without her consent – KSh500,000

d. The emotional and psychological distress as a result of the stigma brought about by a, b and c – KSh850,000

3.7.2 Jurisdiction of the Legal Education Appeals Tribunal to grant a stay of proceedings awaiting the outcome of an intended appeal on a decision that did not arise from the tribunal

John Kibegwa & 6 Others v. KSL & CLE, LEAT Consolidated Appeals 8, 9, 10, 11, 12, 13, 14 And 15 All of 2021, Legal Education Appeals Tribunal at Nairobi, June 16, 2021

**Brief facts**

John Kibegwa and others (the Appellants) had approached the Legal Education Appeals Tribunal with different appeals against decisions of the Kenya School of Law and the Council of Legal Education regarding their admission to KSL. While their appeals were pending, KSL (the Applicant) lodged before the Tribunal an Application under Certificate of Urgency praying for a stay of the Tribunal's proceedings pending the hearing and determination of an appeal that KSL intended to lodge before the Court of Appeal to challenge the decision of the High Court in Consolidated Petitions No's 7, 8, 13, 20 and 21 of 2020. KSL had already filed Civil Applications No's E417 of 2020 and E002 of 2021 where the Court of Appeal had issued a stay against the High Court decision pending the determination of the intended appeal. The issues to be determined by the Court of Appeal in the intended Appeal were similar in nature to the appeals presented before the Tribunal.

KSL argued that if the proceedings had not been stayed and the appeals before the Tribunal succeeded, the School would be obliged to admit students in a similar category as those affected by the stay granted by the Court of Appeal, which would occasion an injustice and unfair treatment. The School also argued that there would be a peril of embarrassment of contradicting determinations between the Tribunal and the Court of Appeal.

**Issues for Determination**

i. Whether the Tribunal had jurisdiction to grant the stay.

**Held**

1. Based on its establishing juridical regime, the Tribunal lacked jurisdiction to grant stay of proceedings awaiting a determination of an intended appeal which did not arise from its order or decree.

2. The Tribunal's jurisdiction on matters of stay was only anticipated in instances when an appeal had been lodged against its decision to the High Court under section 38 (2) of the Legal Education Act, no. 27 of 2012.

3. The appellants were not parties to the appeal in the Court of Appeal and it would be a clear breach of their right to be heard which was well postulated in Article 50 of the Constitution of Kenya to have them be bound by an order of the Court of Appeal of which they were not parties to and had no control over the proceedings thereto.

Application dismissed. Appeal to proceed before the Tribunal.

3.7.3 Procedure for lodging appeals against decisions of the Managing Director of KIPI, and whether business methods are patentable

John Kamonjo Mwaura v. Kenya Industrial Property Institute & Another, IPT Appeal No. 21 Of 2018, In The Industrial Property Tribunal at Nairobi, July 1, 2020

**Brief facts**

The appellant challenged the final decision of the examiner at KIPI, the 1st Respondent, who rejected his application for grant of a patent in respect of an invention titled "A system and a computer-implemented method for short-term advanced – credit - finance assurance: for providing short – term advance credit financing; and for managing and controlling: lending, accounts and transactions spending thereupon."

The system would enable mobile operators to automatically lend or advance to a subscriber some credit to enable him or her to continue talking on phone upon the latter's exhaustion of his or her prepaid credit.

Following the initial rejection of the patent application as disclosing non-patentable subject matter, the examiner then invited the appellant to submit observations and where applicable to amend the application within 60 days of the invitation.

Consequently, the appellant made adjustments and made responses to the initial report then forwarded the same to the 2nd respondent. This amended report contained arguments and counter arguments to the reasons given by the examiner for the initial rejection of his patent application. The applicant maintained that the application for grant of patent was merited and he requested for setting aside of the initial rejection and that his application be reconsidered based on the amended claims.

The examiner was not persuaded by the appellant's contentions and after conducting a substantive examination based on the amended claims and the appellant's comments and submissions issued a final substantive report rejecting the patent application principally on the ground of non-patentability of subject matter and additionally for lack of inventive step and ambiguity of the amended patent claims.

The appellant was dissatisfied with the final rejection of his patent application and upon notification instituted an appeal against the whole decision.

When the matter came up before the Tribunal for hearing of the applications for joinder by the two interested parties, the appellant was advised that the appeal that he had filed before the Tribunal did not accord with the provisions of the Industrial Property Act and the Industrial Property Tribunal Rules 2002 relating to institution of appeals from a decision of the Managing Director rejecting an application for grant of a patent, in particular Section 47 and Rule 5(3) (e).

The Appellant filed it as a petition describing himself as a petitioner and lodged a notice of appeal in form IPT 2 under section 71 IPA, Rules 5 (3) (b) Industrial Property Tribunal Rules 2002. He also filed a plaint simultaneously with the notice of appeal and declined to amend his documents as directed contending that he had brought the appeal in the right frame provided in the Civil Procedure Act and Rules.

**Issues**

i. Whether the appellant followed the right procedure in instituting the appeal before the Tribunal.

ii. Whether the Appellant's application for grant of patent disclosed a business method which was not a proper subject of protection as an intention under Section (21) (3) (b) and whether the examiner was right to reject the appellant's patent application on that basis.

iii. Whether the Appellant's amendments were ambiguous and went beyond proper material for inclusion in amendments of claims in accordance with the law.

**Held**

1. Procedures were very critical as they ensured the orderly conduct of legal proceedings and wre therefore an indispensable component in ensuring that the wheels of justice ran smoothly. Therefore, they were not to be disregarded or ignored and any party who deliberately failed to play by the established rules of procedure did a disservice to the efficient administration of justice.

2. The procedure adopted by the appellant in instituting the appeal was improper. The appeal herein was against the decision of the Managing Director under Section 47 of the Act. As such, it was improper for the Appellant to institute it by way of a Petition and Notice of Appeal in Form IPT 2 which was only to be used to institute an appeal under Section 71 of the Act in terms of Rule 5 (3) (b) of the Rules.

3. The Industrial Property Tribunal was a creation of the Industrial Property Act and thus its proceedings were governed by provisions in the IP Act and the IPT Rules 2002. Since there was no incorporation of the Civil Procedure Act or Rules by reference in either the IP Act or the IPT Rules, it was improper and inappropriate to invoke the Civil Procedure Act or Rules in appeal proceedings before the Tribunal.

4. Section 21(3)(b) expressly excluded schemes, rules or methods for doing business from patenting. The Appellant's application for grant of patent disclosed a business method which was not a proper subject of protection as an invention under Section (21) (3) (b).

5. There was no technical feature in working the system that was attributable to the appellant since the telecommunication platform to be used to operate the appellant's method was that of the mobile operator.

6. Even where an international patent application was made under the Patent Cooperation Treaty, the national office of any designated country had the final say on whether to refuse or grant registration on the basis of that country's national patent laws, the only rider being the observance of the principle of national treatment.

7. The appellant's patent application consisted of non-patentable subject matter. Upon its own independent examination of both the claims and the amended patent claims, the Tribunal was satisfied that they did not disclose any inventive step as contemplated by section 24 of the Act as they were anticipated by prior art in both Kenya and abroad.

8. Both the initial claims and the amended claims could have benefited from a professional touch, for drafting of patent claims certainly required technical expertise. The ambiguity was not only in the explanations to the amendments as contended by the appellants but also in the claims amendments replacement sheets.

9. The need for conciseness and clarity of patent claims could not be over emphasized as such demarcated the monopoly to be protected by patent and warns 3rd parties of the area beyond which they could not venture. The appeal would be dismissed for those additional reasons as well.

Appeal dismissed.

3.8 Sections of the Law Declared Unconstitutional during the FY 2020/2021

The Courts' through their judicial pronouncements evaluate the constitutionality, propriety, effectiveness and utility of statutory legislation as well as government administrative actions. The table below enumerates the sections of the law that were found to be unconstitutional during the FY 2020/21.

| *S/NO.* | *Case Citation* | *Section of the Law declared Unconstitutional* | *Article of the Constitution contravened* | *Reason for Declaration* | *Date of decision* |
|---|---|---|---|---|---|
| 1 | Senate of the Republic of Kenya & 4 others v. The Speaker of the National Assembly & Another, The Attorney General & 7 others (Interested Parties), Petition No. 284 and 353 of 2019 (consolidate) (2020) eKLR | Kenya Medical Supplies Authority Act- Amendments to Section 4 by the Health Laws (Amendment)Act, No. of 5 of 2019 | Article 110(3) | The impugned amendments to the Act were carried out by the National Assembly without reference to the Senate as was required under Article 10(3) of the Constitution | October 29, 2020 |
| 2 | Cyprian Andama v Director of Public Prosecutions & 2 others; Article 19 East Africa (Interested Party) Petition No. 3 of 2019 [2021] eKLR | Penal Code-Section 66 | Articles 33, 35 and 50(2)(a) | The Section unjustifiably suppressed freedom of expression, denied citizens the right to receive and impart information, and it denied the accused person the right to a fair trial. | May 13, 2021 |
| 3 | Steve Isaac Kawai & 2 others v Council of Legal Education & 2 others Petition 393 of 2018 [2021] eKLR | Advocates Act- Section 12(a) | Article 127 | The Section was discriminatory in as much as it failed to include citizens of South Sudan as persons who could qualify for admission to the Roll of Advocates | May 20, 2021 |

## CHAPTER 4—ACCOUNTABILITY IN THE JUDICIARY

### 4.0 Introduction

The Judiciary is not only accountable to the public for its activities and outputs but has also put inplace internal accountability mechanisms that provide clear parameters for service delivery for all employees. There are laid down sanctions for those who fail to adhere to set expectations as well as rewards for those who excel. These accountability mechanisms are done through various platforms including the following:

Ombudsman Ofice "Sikio la mahakama (the listening ear of the Judiciary)": The office, headed bythe Deputy Chief Justice as the Ombudsman and is an accelerated grievance handling office thatreceives and resolves complaints from the public

Audit and Risk Management Directorate : It carries out internal auditing services to provide objectiveassurance on management of risks in Judiciary's operations. The Directorate was established in the Judiciary in 2013 and its capacity continues to be enhanced.

Performance Management and Measurement System: This system primarily focuses on performance of courts and administrative units through a process that entails target setting, performance monitoring, performance evaluation, performance reporting and administration of rewards. The key tool used is Performance Management and Measurement understandings (PMMU).

State of the Judiciary and Administration of Justice Report (SOJAR):This is a statutory reportprovided for under section 5(2) (b) of the Judicial Service Act.

Financial Reporting and Compliance; the PFM Act Section 68 (2) (k) requires that the accounting officer prepares annual financial statements within three months after the end of the financial year,and submit them to the Controller of Budget and the Auditor-General for audit.

Public Hearings in Budget Preparation process: Judiciary offers members of the public and actors inthe justice chain an opportunity to contribute to the budget making process. The inputs consequently enrich the Judiciary's budget proposal in line with its service delivery plans.

4.1 Office of the Judiciary Ombudsman

As the unit in the Chief Justice's office tasked with ensuring that administrative justice is enforcedin the institution, the office put in place structures and mechanisms during the COVID-19 pandemic period.to facilitate effective complaint handling mechanisms and other services.

The Judiciary Ombudsman receives and processes complaints and compliments from members ofthe public on the institution and its employees. For all complaints against judges and personnel from the public, an in-depth investigation is conducted. If culpable, the employee is subsequently subjected to disciplinary action in accordance with established processes.

Despite the operating challenges that were brought about by the restrictions due to the COVID-19pandemic, the office recorded an increase in the total number of complaints lodged. While court operations were frequently scaled down, and remote working encouraged to curb further spread, the office put in place mechanisms to ensure the services it provided to members of the public continued, while observing the Ministry of Health guidelines. During the period, strategic mechanisms such as drop-off boxes and online complaint forms were put in place to encourage members of the public tocontinue filing any grievances.

Virtual platforms were used to hold and maintain stakeholder engagements and excerpts were also published in the local newspapers and in the institutions media pages thus ensuring that the office continued to play its part in the fight against corruption.

Complaints were promptly addressed and members of the public encouraged tocontact the office viathe various additional contact platforms that had been introduced.

4.1.1 Public Complaints Resolution and Referral Mechanism

In the period FY 2020/21 a total of 1,829 complaints were received. By the end of the reporting period,1,596 complaints, or 87per cent of those received, had been processed and were in various stages within the complaints resolution process. Out of these, 201 were marked as "qualified closures" with the possibility of the complaint being raised again as it had not been fully resolved and was subject toan ongoing judicial process; 208 complaints were lodged multiple times and were hence merged. Asat the close of the reporting period, 13 per cent of the total complaints were new and pending.

The total number of complaints received by the office increased by 17 per cent as compared to the previousyear.Thisisshownintable4.1below.

Table 4.1: OJO Data on Complaint Processing

| STATE | | FY 2019/2020 | FY 2020/2021 |
|---|---|---|---|
| Closed Successfully | 914 | | 947 |
| Closed Unsuccessfully | 2 | | 2 |
| Qualified Closures | 131 | | 201 |
| Merged | 68 | | 208 |
| New | 171 | | 233 |
| Open | 281 | | 238 |
| Total | | 1,567 | 1,829 |

Table 4.2: Comparative Chart of Prevalent Complaints

| SERVICES | FY 2019/2020 | FY 2020/2021 | Change | % Change |
|---|---|---|---|---|
| Slow Service | 335 | 520 | 185 | 55% |
| Missing File | 230 | 203 | -27 | -12% |
| Cash Bail Refunds | 45 | 32 | -13 | -29% |
| Poor Service | 515 | 638 | 123 | 24% |
| Referral cases to Stakeholders | 109 | 104 | -5 | -5% |
| Employee Integrity | 104 | 161 | 57 | 55% |
| Delayed Rulings/Judgements | 56 | 31 | -25 | -45% |
| Date allocation | 57 | 43 | -14 | -25% |
| Delayed Orders | 108 | 88 | -20 | -19% |
| Cannibalised files | 8 | 7 | -1 | -13% |
| Loss of Exhibits | 0 | 2 | 2 | 100% |

Table 4.2. is comparative data of the prevalent complaints handled in the last two financial years.

Poor Service

Complaints lodged and recorded under this category related to the quality of service received. There has been a continuous increase in this category over the past financial years with the reporting period recording a further increase by 185 complaints. While this increase is attributed to the officecontinuously sensitizing members of the public on the avenues available to them to register theirdissatisfaction while being attended to in various courts, it is also an indication that members of public were not pleased with the quality of services they received from the courts. As a result, theoffice will make every effort to use strategic and timely methods to assess the areas of concern andmake the necessary recommendations to improve its services.

Slow Service

The number of complaints received in this category increased by 55 per cent. This is due to the low adoption of IT systems implemented during the reporting period. Continuous training and sensitization for members of the public on how to use the new technology will be maintained to help avoidunnecessary delays.

Cash Bail Refunds

This category of complaints decreased from 45 per cent to 32 per cent in the previous reportingperiod. This reduction is attributed to the automation of the process as well as sensitization of theemployees involved in the process.

Missing Files

From the previous reporting period, this category saw a decrease of 27 (12%) complaints. To further reduce this category to its bare minimum, stricter and more stringent measures will be implemented.

Employee Integrity

In the FY 2019/20, the office received 165 employee integrity-related complaints, while 145 cases werereceived in the FY 2020/21. The complaints handling manual is nearing completion, and the office will continue to take prompt and decisive action to address any unethical and/or corrupt behavior among its employees in accordance with the existing guidelines.

The prevailing complaints processed during the reporting period are graphically represented in figure 4.1

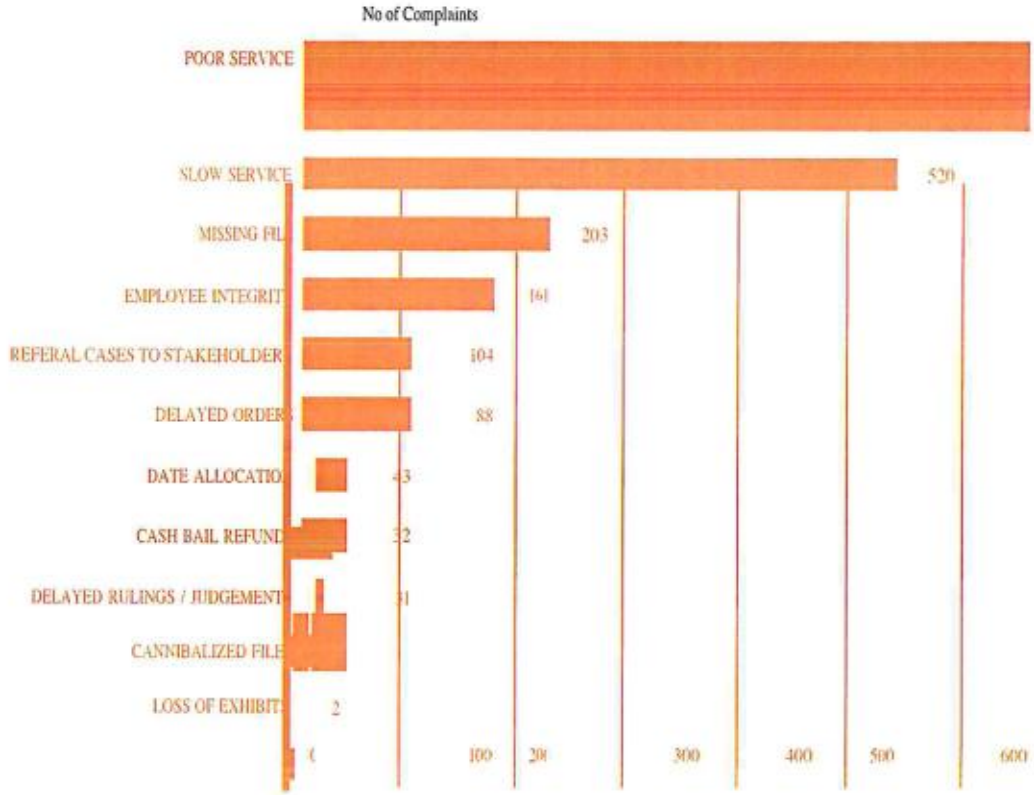



Figure 4.1: Number of Complaints per service processed

The Tables 4.3 and 4.4 show the various categories of complaints received and processed by theoffice overthepastfouryears

Table 4.3: Complaints trends -FY 2017/2018 to FY 2020/2021

| SERVICES | 2017/2018 | 2018/2019 | 2019/2020 | 2020/2021 |
|---|---|---|---|---|
| Slow Service | 265 | 440 | 335 | 520 |
| Missing File | 182 | 330 | 230 | 203 |
| Poor Service | 243 | 385 | 515 | 638 |
| Referral cases to Stakeholders | 88 | 129 | 109 | 104 |
| Employee Integrity | 95 | 115 | 104 | 161 |
| Delayed Rulings/Judgements | 80 | 63 | 56 | 31 |
| Date Allocation | 7 | 137 | 57 | 43 |
| Delayed Orders | 95 | 112 | 108 | 88 |
| Cash Bail Refunds | 13 | 65 | 45 | 32 |
| Files | 11 | 14 | 8 | 7 |
| Loss of Exhibits | 0 | 9 | 0 | 2 |

Table 4.4: Complaint trends from 2017/2018 to FY 2020/2021 in Percentage

| SERVICES | 2017/2018 | 2018/2019 | 2019/2020 | 2020/2021 |
|---|---|---|---|---|
| Slow Service | 25% | 25% | 21% | 28% |
| Missing File | 17% | 18% | 15% | 11% |
| Poor Service | 23% | 22% | 33% | 35% |
| Referral Cases to Stakeholders | 8% | 7% | 7% | 6% |
| Employee Integrity | 9% | 6% | 7% | 9% |
| Delayed Rulings/Judgements | 7% | 4% | 4% | 2% |
| Date allocation | 1% | 8% | 4% | 2% |
| Delayed Orders | 9% | 6% | 7% | 5% |
| Cash Bail Refunds | 1% | 4% | 3% | 2% |
| Files | 1% | 1% | 1% | 0% |
| Loss of Exhibits | 0% | 1% | 0% | 0% |

Figures 4.4 and 4.5 graphically depict each service in the table on complaint trends over the last four years.

Employee integrity related complaints have increased over the past two years and the institutionshall continue to ensure that any employee found culpable of any maladministration is disciplinedaccordingly.

The categories of services in the Table 4.7 exhibits a continued decline in the complaints received inall the categories. This is attributed to the various ICT platforms along with the stringent performancemeasurement mechanisms put in place to ensure efficiency in the delivery of services.

4.2 Outreach and Partnerships

In its quest to sensitise and educate members of public on the complaints redress mechanism available to them, two outreach activities were conducted during the reporting period. The first was a public clinic at the Kilgoris Law Courts which coincided with the official opening of the HighCourt sub-registry at the court.The second was an open day at the Garissa Law Courts undertaken in collaboration with the various stakeholders.

These outreach exercises provide the institution with an opportunity to educate and sensitise members of the public from the region on the various court procedures. Through these outreaches, we both minimise complaints that are lodged by clients who do not understand the procedures of the court and also provide an avenue for those with genuine concerns a mechanism for the redress of those complaints. In addition, it helps to demystify the Institution in the eyes of "Mwananchi".

To strengthen the institution's complaint processing, Judiciary employees in the 87 Court stations visited were educated on whistleblowing, the consequences of engaging in maladministration and corrupt practices, and the reporting mechanism available to them as employees.

4.2.1. Monitoring and Compliance with Practice Directions

The disruptions caused by the pandemic notwithstanding, spot-checks were conducted in 87 Magistrates court and 13 High Court stations aimed at monitoring compliance with practice directions, memos and circulars issued from time to time and adherence to their respective service charters. This number was a slight increase from the previous year when the office conducted 70 spot-checks. The office relied on data compiled to map out courts that had not been visited for compliance checks over a period of time. Court stations that needed immediate fact finding visits based on complaints received were also attended to. During the court visits, the office continued to discuss areas of difficulty in service delivery with the employees and provided them with an opportunity to file complaints. Station liaison officers were re-trained on the complaint handling mechanisms to ensure timely and accurate reporting.

4.3 Audit and Risk Management

Audit and Risk Management are primarily meant to ensure that the institution is employing its various resources as it should and in a manner that gives the institution value for money. It also enables the institution to consider, in advance, the potential risks and take mitigating action to combat the risks. The institution has continued to:

1. Review and appraise the efficiency and effectiveness, adequacy and application of systems of internal controls to mitigate risks and recommend remedial actions;
2. Assess the reliability of management information utilized in decision making;
3. Review compliance with existing laws, regulations, policies, plans and procedures, accounting pronouncements and contractual obligations;
4. Review controls for safeguarding the assets of the Judiciary and provide an independent view of proposed plans, systems, guidelines and transactions and recommending an appropriate action.

During the reporting period, the audit of the Case Management System, Registry Management System and JFMIS was conducted, and the draft institutions Internal Audit Policies and Procedures Manual was developed.

A total of 24 internal audits were undertaken in Kiambu, Sirisia, Mutomo, Taveta, Voi, Marsabit, Mukurweini, Nyamira, Keroka, Maralal, Kabarnet, Iten and Gichugu law courts. The audits covered registry management, accountable documents, revenue management, deposits management, procurement, expenditure management, cash books and bank reconciliation statements, general management, status of delinking from the sub county treasuries, and implementation of Covid-19 pandemic prevention and control measures.

Audits of ICT governance and security, payroll management and pending bills of Judiciary, JSC, JTI, Transport Management, Expenditure Management at the Tribunals, Imprest Management at the Judiciary Headquarters, Expenditure Management at the Judiciary Headquarters and Procurement Management at the Judiciary Headquarters were also undertaken.

To ensure that the recommendations made in the various internal audit reports were implemented, follow-up monitoring exercises were carried out in 18 Courts, tribunals and units. They include Kikuyu, Limuru, Milimani Commercial, Ruiru, Nairobi COA/Supreme, Business Premises Rent Tribunal, National Civil Aviation Tribunal, Garissa, Kwale, Mariakani, Shanzu, Kithimani, Mwingi, Kyuso, HIV Tribunal and JSC/JTI.

Similarly, monitoring the implementation of the external audit reports and previous Public Accounts Committee Report recommendations was carried out.

4.4 Organisational Performance To enhance access to justice, Judiciary institutionalised performance management and measurement as a strategy for ensuring judicial services are rendered in a timely manner, and in line with the approved standards and progressive targets. This is an accountability measure that the Judiciary has put in place with an overarching aim of speeding up access to justice in courts and is spearheaded by the Administration of Justice and Performance Management Committee (AJPMC). This Committee comprises judges, magistrates, registrars and staff. The PMMUs targets are cascaded to individual employees through the use of Performance Appraisal Systems (PAS).

4.4.1. Performance of Courts and Administrative Units

In the FY 2020/21, 283 implementing units comprising courts, directorates, offices of registrars, tribunals and semi-autonomous Judiciary agencies set performance targets and consequently signed PMMUs. The exercise was conducted concurrently with the evaluation of performance for the FY 2019/20 where a total of 279 implementing units were evaluated. From the evaluation, Judiciary

achieved an overall average performance of 89.81 per cent. This marked a decline of 2.54 per cent from the performance of 92.35 per cent that was achieved in the FY 2018/19. The performance results were attained against the backdrop of the COVID-19 outbreak which affected normal operations of courts.

In relation to access to justice through courts, the overall performance of the Supreme Court was

88.42 per cent, Court of Appeal 81.95 per cent, High Court 78.20 per cent, Employment and Labour Relation Court 94.08 per cent, Environment and Land Court 84.54 per cent, Magistrates' Courts 90.69 per cent, Kadhis' Court 97.52 per cent, and Tribunals 90.56 per cent. In supporting courts to enhance access to justice, the Administrative Units performance was 97.73 per cent. As indicated, PMMUs are cascaded to individual employees.

4.4.2. Performance Statistics for the Judiciary

Key performance indicators for Kenyan courts include Case Clearance Rate (CCR), productivity and time to disposition. The CCR refers to the rate of resolution of cases. A court with a CCR greater than 100 per cent shows that it was able to reduce its pending cases during the period under consideration. A CCR which is less than 100 per cent depicts rising pendency of cases for the court.

Productivity on the other hand refers to average resolved cases by judges and/or judicial officers in a court and time to disposition shows the time from filing of case to its conclusion.

Table 4.5 gives the performance of courts during period under review.

Table 4.5: Select performance statistics by court type, FY 2020/21

| | CCR (%) | | | Average Time to Disposition (Days) | | | |
|---|---|---|---|---|---|---|---|
| Court Type | CR | CC | All Cases | CR | CC | All Cases | Productivity |
| Supreme Court | - | 132 | 132 | - | 292 | 292 | 52 |
| Court of Appeal | 76 | 45 | 50 | 1,142 | 788 | 866 | 248 |
| High Court | 74 | 101 | 92 | 455 | 1,143 | 893 | 299 |
| ELRC | - | 83 | 83 | - | 967 | 967 | 203 |
| ELC | - | 118 | 118 | - | 1,195 | 1,195 | 169 |
| Magistrates' Courts | 86 | 68 | 82 | 194 | 608 | 289 | 581 |
| Kadhis' Courts | - | 81 | 81 | - | 59 | 59 | 136 |
| Small Claims Court | - | 62 | 62 | - | 53 | 53 | 159 |
| All Courts | 85 | 76 | 83 | 597 | 638 | 577 | N/A |

Note: - The court does not handle criminal matters

The overall CCR for the Judiciary was 83 per cent. This yielded increasing pendency of cases in the Judiciary as elaborated in the access to justice section. For the broad case types, namely criminal and civil cases, the CCR was 85 and 76 per cent respectively. The Supreme Court and ELC achieved a CCR of above 100 per cent. This led to a reduction of the pending cases. The lowest CCR was in COA at 50 per cent. This was attributed to inadequate judges and the adverse effects of the COVID-19 pandemic.

On average, cases in ELC took the longest time to resolve at 1,195 days. The least time to disposition was recorded in Small Claims Court at 53 days followed by Kadhis court at 59 Days. The average time to disposition for the Supreme Court was 292 days. Detailed information on time to disposition for the court stations is provided in the appendix 8.

On productivity, the highest productivity among the superior courts was recorded in the High court at 299 cases per judge. In the subordinate courts, the highest productivity was recorded in the Magistrates' courts at 581 cases per magistrate.

4.5 Performance Appraisal System

Performance Appraisal System (PAS) is the tool used for enhancing individual and institutional accountability and entrench performance measurement. The tool seeks to measure the individual employee's contribution. The evaluation outcome informs various human resource processes including career advancement and development and forms a permanent record of the employee.

In the review period, 3,684 staff were appraised of whom 1,780 were male while 1,904 were female. In terms of individual staff performance, 16 staff were rated in the outstanding category, 158 staff in the excellent category, 466 staff translating in the very good category, the majority of staff at 2,995 staff were rated in the good category translating, 48 staff fair category whereas only one staff was rated in the poor category. Table 4.6 provides a breakdown of scores from the appraised staff.

Table 4.6: PAS Rating from all Staff

| S. No | Rating | No. of Staff | Average Score | Percentage (%) |
|---|---|---|---|---|
| 1 | Outstanding | 16 | 126 | 0.4 |
| 2 | Excellent | 158 | 105.8 | 4.3 |
| 3 | Very Good | 466 | 100.3 | 12.7 |
| 4 | Good | 2,995 | 93.5 | 81.3 |
| 5 | Fair | 48 | 69.1 | 1.3 |
| 6 | Poor | 1 | 46.6 | 0.03 |
| Total | | 3,684 | | 100 |

Through the PAS process, the Judiciary has been able to identify training gaps and needs for the Judiciary Staff. The most sought training being supervisory and records management.

Staff exhibited a fair conduct as demonstrated by a mean score of 12.7 out of the maximum rating 20.

This was lower compared to the previous year's 18 out of 20.

**4.5.1** Disciplinary Control

The JSC exercised its mandate of disciplinary control on Judges, Judicial officers and staff. Disciplinary control is processed as per the provisions of the Chapter Six of the Constitution on

Leadership and Integrity, Articles 10 and 232; the Judicial Service Act, 2011, Employment Act, 2007, Fair Administrative Action Act (No.4 of 2015); Leadership and Integrity Act, 2012; Public Officer Ethics Act, 2003; Anti-corruption and Economic Crimes Act, 2003; Labour Relations Act, 2007 and any other relevant legislation in force.

4.5.1.1 Complaints /Petitions against Judges

One of the Commission's key functions under Article 168 of the Constitution is to receive and consider petitions lodged against Judges. In the FY 2020/21, the JSC received and processed 103 petitions against Judges. Eighty-seven (87) complaints were concluded, while 31 were pending during the reporting period as indicated in Table 4.8:

Table 4.7 Summary of Complaints Examined by JSC FY2020/21

| NO. | DETAILS | NUMBER |
|---|---|---|
| 1. | Complaints pending as at 30th, June 2020 | 15 |
| 2. | Complaints received during the year | 103 |
| 3. | Total no. of complaints | 118 |
| 4. | Complaints concluded | 87 |
| 5. | Complaints pending to date | 31 |

4.5.1.2. Disciplinary Matters against Judicial Officers and Judicial Staff in JSG 3 and Above In the FY 2020/21, the JSC received a total of six cases against Judicial Officers and Judicial Staff in JSG 3 and above while fourteen were pending matters from the previous year. Out of these, twelve cases were concluded, which include the review case. This represents 57 per cent of the total cases. Nine cases were pending as at the end of the reporting period as shown in the Table 4.9.

Out of the twelve cases heard and concluded, three Judicial Officers were absolved, three were reinstated, three were warned, two contracts were terminated, while one review was disallowed.

The disciplinary matters facing Judicial Officers included; Absenteeism,corruption/Bribery, Financial malpractices, poor work performance, unprofessional conduct and, arrest and confinement.

Table 4.8: Disciplinary Matters against Judicial Officers and Judiciary Staff in JSG 3 and above

| PARTICULARS | NO OF COMPLAINTS |
|---|---|
| Disciplinary cases pending as at 30th June, 2020 | 14 |
| New Disciplinary cases received | 6 |
| Appeals/Reviews received | 1 |
| Total Disciplinary Cases | 21 |
| Total disciplinary cases concluded in FY2020/21 | 12 |
| Disciplinary cases pending as at 30th June, 2021 | 9 |

4.5.1.3. Disciplinary Matters against Judiciary Staff JSG 4 to 11

The JSC has delegated its disciplinary powers to the Chief Registrar of the Judiciary through the Human Resource Management Advisory Committee (HRMAC). The HRMAC is mandated to handlediscipline matters for Judicial Staff in Judiciary Staff Grade JSG 4 to JSG 11.

In the review period, the Judiciary received 39 new cases while 108 cases were brought forward fromthe FY 2019/20. A total of 103 cases were finalized by the HRMAC, out of which 74 cases were from thebacklog, while 29 were new cases. This represents 70 per cent of the total cases. A total of 44 cases were pending as at the close of the year.

Table 4.9: Disciplinary Matters against Judiciary Staff in JSG 4 to JSG 11

| PARTICULARS | NO OF COMPLAINTS |
|---|---|
| Disciplinary cases pending as at 30th June, 2020 | 108 |
| New Disciplinary cases received | 39 |
| Total Disciplinary cases | 147 |
| Total discipline concluded in FY/2020/2021 | 103 |
| Discipline cases pending as at 30th June, 2021 | 44 |

The disciplinary matters facing Judicial Officers and staff included; absenteeism, corruption/bribery, financial malpractices, poor work performance, unprofessional conduct and, arrestandconfinement.

## CHAPTER 5—ORGANIZATIONAL DEVELOPMENT AND SUSTAINABILITY

### 5.1 Human Resources

#### 5.1.1 Introduction

The COVID-19 pandemic created disruptions, uncertainties and complexities in work places. This has forced organisations to quickly innovate and implement sustainable strategies to continue offering services. Accordingly, to manage human resources sustainably, the Judiciary embraced technology and deepened it's people-centred strategies in the delivery of services.

The initiatives included flexibility in working methods, strengthening internal efficiency, talent acquisition and innovative changes based on individual court's assessment and needs for smoothoperation of activities. The human resource management strategies implemented were geared towards increasing employees' well-being, productivity, motivation, health and safety at the workplace.

Key achievements during the year included, filling of vacancies in critical offices and cadres, operationalisation of the Judiciary psychosocial support unit, finalisation of the implementation of the key aspects of the organisational review report recommendations, development and approval of Human Resource Policies for effective management and organisational development. Performance management and assessment were also conducted to enhance institutional and individual accountability.

#### 5.1.2 Optimising Staffing Levels

As at the beginning of the FY 2020/21, the Judiciary had a total of 5,277 employees out of an approvedoptimal establishment of 9,417.There were 174 Judges (3%),535 Magistrates and Kadhis (10%), 181 Law Clerks and Legal Researchers (3%) and 4,387 Judiciary Staff ( 84%). Total employee variance was 4,140 representing a 44 per cent deficit. Consequently, the Judiciary is operating at 56 per cent of its optimum staffing levels as indicated in Table 5.1.

To address the staffing challenges and ensure service delivery, the Judiciary conducted various human capital development activities during the year under review. These included recruitments,transfers, deployments, promotions and capacity building programmes.

Table 5.1 Judiciary Staffing Levels in the FY 2020/21

| NO. | Description | Approved Establish-Ment | Current InPost | Variance (Under-Establishment) | % Under- Establishment |
|---|---|---|---|---|---|
| 1. | Judges | 348 | 174 | 174 | 50% |
| 2. | Judiciary Officers | 1,200 | 535 | 665 | 55% |
| 3. | Law Clerks and Legal Researchers | 650 | 181 | 469 | 72% |
| 4. | Judiciary Staff | 7,219 | 4,387 | 2,832 | 40% |
| | Total | 9,417 | 5,277 | 4,140 | 44% |

The breakdown of the Judges, Judicial Officers and Staff per gender is as indicated in Table 5.2.

Table. 5.2. List of Judges, Judicial Officers and Staff by Gender in FY 2020/21

| No | Designation | Gender Male | Female | Total |
|---|---|---|---|---|
| 1. | Supreme Court | 4 | 3 | 7 |
| 2. | Court of Appeal | 10 | 10 | 20 |
| 3. | High Court | 34 | 41 | 75 |
| 4. | ELC | 21 | 30 | 51 |
| 5. | ELRC | 11 | 10 | 21 |
| 6. | Chief Magistrate | 42 | 33 | 75 |
| 7. | Senior Principal Magistrate | 50 | 23 | 73 |
| 8. | Principal Magistrate | 67 | 72 | 139 |
| 9. | Senior Resident Magistrate | 41 | 67 | 108 |
| 10. | Resident Magistrate | 26 | 62 | 88 |
| 11. | Chief Kadhi | 1 | 0 | 1 |
| 12. | Senior Principal Kadhi | 9 | 0 | 9 |
| 13. | Principal Kadhi | 17 | 0 | 17 |
| 14. | Senior Resident Kadhi | 25 | 0 | 25 |
| 15. | Judicial staff | 2,281 | 2,106 | 4,387 |
| Total | | 3,088 | 2,870 | 5,277 |

List of Judges and Judicial Officers is attached as Appendix 17.

5.1.3 Promotions

5.1.3.1 Promotions of Judicial Officers

PromotionalsuitabilityinterviewsforJudicial OfficerswereconductedbytheJSCtopromoteefficiency, enhance morale and productivity of Judicial Officers. The Commission interviewed 216 Magistrates and Kadhis in various cadres. On 10th December 2020, the Commission promoted 180 Magistrates and Kadhis as indicated in Table 5.3:

Table. 5.3: Promotions of Judicial Officers

| S/NO | CADRE | ESTABLISHMENT | GAP | NO. OF INTERVIEWED | NUMBER PROMOTED |
|---|---|---|---|---|---|
| 1. | Senior Principal Magistrates to ChiefMagistrate | | 22 | 40 | 22 |
| 2. | Principal Magistrates to Senior PrincipalMagistrates | | 93 | 33 | 27 |
| 3. | Senior Resident Magistrate to PrincipalMagistrate | | 153 | 89 | 80 |
| 4. | Resident Magistrate-Senior ResidentMagistrate | | 213 | 4 | 4 |
| 5. | Principal Kadhi to Senior Principal Kadhi | | 8 | 8 | 8 |
| 6. | Senior Resident Kadhi to Principal Kadhi | Common Establishment | | 19 | 16 |
| 7. | Resident Kadhi to Senior Resident Kadhi | Common Establishment | | 21 | 21 |
| 8. | Principal Deputy Registrar / Asst. Registrar – Senior Principal DeputyRegistrar | Common Establishment | | 2 | 2 |
| | Total | 489 | | 216 | 180 |

5.1.3.2 Recruitment of Judiciary Staff

The Judiciary Organisational Review Report (2018) identified 2,832 vacancies relating to various cadres of Judicial Staff for filling to enable the Judiciary operate optimally. In the year under review,624 of the vacant positions were advertised. 191 positions were filled while 433 positions were in the various stages of recruitment as at the end reporting period as indicated in Tables 5.4.

Table 5.4: Judiciary Staff recruited within the FY 2020/21

| S/NO. | POSITIONS | GENDER | NO. APPOINTED | REPORTING DATE | TERMS OF EMPLOYMENT |
|---|---|---|---|---|---|
| 1. | Deputy Director BuildingServices | Male | 1 | January, 2021 | Contractual |
| 2. | Assistant Director Civil/Structural Engineering | Female | 1 | January, 2021 | Permanent |
| 3. | Assistant Director Architectural Services | Male | 1 | January, 2021 | Permanent |
| 4. | Assistant Director,Quantity Surveying | Male | 1 | February, 2021 | Permanent |
| 5. | Law Clerks | Female | 9 | January, 2021 | Contractual |
| 6. | Senior Legal Researchers | Female - 22<br>Male - 6 | 28 | January, 2021 | Contractual |
| 7. | Legal Expert/Advisor | Male | 1 | April, 2021 | Contractual |
| 8. | Legal Counsel | Male | 1 | April, 2021 | Contractual |
| 9. | Legal Researchers | Male - 29<br>Female -111 | 140 | January, 2021 | Contractual |
| 10. | Office Assistant | Male - 4<br>Female - 2 | 6 | June, 2021 | Contractual |
| 11. | Driver/Aide | Male | 1 | June, 2021 | Contractual |
| 12. | Personal Assistant | Male | 1 | June, 2021 | Contractual |

The total number of men recruited out of the 191 positions was 46 (24.1%) whereas women were 145(75.1%)

5.1.3.3 Positions Advertised pending filling

They were 97 Positions advertised and will be processed in the FY 2021/22 as indicated in Table 5.5

Table 5.5: Positions Advertised pending filling as at 30.6.2021

| S/NO. | POSITION | JSG | NO. | DATE ADVERTISED |
|---|---|---|---|---|
| 1. | Resident Magistrates | RM | 50 | 28th January, 2021 |
| 2. | Resident Kadhi | RK | 15 | 28th January, 2021 |
| 3. | Legal Counsel (Hon. CRJ's Office) | 3 | 1 | 28th January, 2021 |
| 4. | Senior Legal Officer (Hon. CRJ's Office) | 4 | 1 | 28th January, 2021 |
| 5. | Senior Office Administrative Assistants(Secretarial Staff) | 7 | 30 | 28th January, 2021 |
| Total | | | 97 | |

5.1.3.4 Recruitment of Court Administrators and Accountants

The following 336 positions were advertised internally and interviews carried out in October andNovember,2020asindicatedinTable5.6.

Table 5.6: Recruitment of Court Administrators and Accounts Assistants FY 2020/21

| NO. | POSITIONS | JOB GRADE | VACANCIES | APPLICANTS | SHORTLISTED | NO. INTERVIEWED |
|---|---|---|---|---|---|---|
| 1. | Senior Court Adminis-trators | JSG 4 | 10 | 125 | 30 | 30 |
| 2. | Court Administrator I | JSG 5 | 62 | 317 | 110 | 103 |
| 3. | Court Administrator II | JSG 6 | 95 | 703 | 480 | 441 |
| 4. | Senior Accounts Assistants | JSG 7 | 25 | 183 | 159 | 133 |
| 5. | Accounts Assistants | JSG 7 | 144 | 239 | 173 | 137 |
| TOTAL | | | 336 | 1567 | 952 | 844 |

5.1.4 Separation of Employees

During the year under review, 177 employees exited from the Judiciary of which 86 exited upon the attainment of retirement age. Another 62 were separated after conclusion of the disciplinaryproceedings which were pending from the previous years. Two staff exited upon expiry of their contracts while 14 employees resigned and 13 deaths were recorded.

5.1.5 Transfers and Deployments

To improve service delivery, promote employee development and address staffing needs occasioned by exits, the Judiciary conducts transfer as per the Transfer Guidelines for Staff and Transfer Policyfor Judges and Judicial officers. During the year under review 468 staff were transferred comparedto 573 transfers inthe previous financial year.

5.1.6 Organisational Review and Employee Satisfaction

To improve organisational effectiveness and increase employee motivation the Judiciary implemented various reform strategies. These included review of the Judiciary organizational structure as wellundertaking a salary survey to inform salary reviews for Judiciary staff among others.

5.1.6.1 Implementation of the Judiciary Organisational Review Report:

The Judiciary conducted the Organisational Review in 2018 and has been implementing the recommendation of the review. Key milestones attained during the review period include:

1. Development and implementation of staff mapping exercise to ensure equitable distribution,deployment andengagementofstaff.
2. Development and updating of staff skills inventory to inform career growth, deployments,appointments and address training needs.
3. Conducted a salary survey to inform review of salaries for Judiciary staff.
4. Developed and implemented career guidelines for Judiciary staff.
5. Development and implementation of the Gender Mainstreaming Policy; Sexual Harassment Policy; Record Management Policy; Judiciary Medical Insurance Policy; and Affirmative ActionandDiversity Policy

5.1.7 Employee Wellness

To ensure a healthy, motivated and inspired team, the Judiciary continued to implement variouswellness and benefits programmes for Judges, Judicial Officers and staff. A medical scheme for allcategories of the Judiciary employees and their dependants is in place. Group life cover is also inplace. Other benefits include car grant for the Judges, car loan and mortgage scheme.

In the wake of the COVID-19 pandemic, the Judiciary established a Psychosocial Unit to supportits employees. Thirty-two stations and 1,000 employees benefited from the support. In Nairobi, 850 employees were vaccinated against COVID-19. The Judiciary engaged a team of experiencedpsychologists under the Judiciary Medical Cover to provide professional counselling. The 173 individual cases of distress that were received by the Psychological Support Desk were attended to by the Unit's professional team. Judiciary's Psychosocial Support Desk and attended to by the professional team.

5.2 Training and Capacity Building in the Judiciary

5.2.1 Introduction

The Institutionalisation of Judicial Training is a crucial component of consolidating Judicial independence and improving access to Justice. This was the driving force behind the establishmentof the Judiciary Training Institute (JTI) in 2008, to provide judicial education and training for Judges, Judicial Officers and Staff. The need for judicial training was further accentuated in the 2010Constitution. It established JSC as a constitutional commission under Article 171 and enunciated a key function of the Commission as the preparation and implementation of programmes for the

continuing education and training of judges and other judicial officers. With the promulgation of the current Constitution in 2010, this function of the JSC was ceded to the JTI. The institute organisesrelevant training programmes that address the knowledge, attitudes and skills gaps for staff at bothindividual and group levels.

The centrality of capacity building for a judicial institution cannot be overemphasised. Not only does capacity building enhance morale, it also contributes to the overall performance in the Judiciary byincreasing the quality and efficiency of the workforce.

5.2.2 Training of Judges and Judicial Officers

A summary of the training programmes conducted for Judges and Judicial officers during the period under review is given hereunder. The training schedule follows an institutionalized Judiciary Training Master Calendar that is prepared annually, taking into account the needs and training gaps in the Institution. Table 6.1 highlights the trainings that were undertaken for judges and judicial officers.

Table 5.7: Summary of training sessions for Judges and Judicial Officers, FY 2020/21

| | TRAINING PROGRAMMES FOR JUDGES | |
|---|---|---|
| 1 | Human Rights, Biodiversity and Gender Mainstreaming | VIRTUAL |
| 2 | Protection & Enforcement of Intellectual Property & Related Forms of Illicit Trade | VIRTUAL |
| 3 | Cyber Crime & Electronic Evidence | VIRTUAL |
| 4 | Training For Judges on Emerging Issues in Commercial Law | VIRTUAL |
| 5 | Training For Magistrates on Active Case Management (Session 1) | VIRTUAL |
| 6 | Anti-corruption, Money Laundering & Asset Recovery | VIRTUAL |
| 7 | Counter Terrorism | PHYSICAL |
| 8 | EDR Debrief for Supreme Court | PHYSICAL |
| 9 | Refugee Law | VIRTUAL |
| 11 | Induction of the Newly Appointed Court of Appeal Judges | PHYSICAL |
| | TRAINING PROGRAMMES FOR JUDICIAL OFFICERS | |
| 1 | Human Trafficking | PHYSICAL |
| 2 | Administration of Gender justice for Kadhis and Annual Kadhis Retreat | PHYSICAL |
| 3 | Human Trafficking | PHYSICAL |
| 4 | Protection & Enforcement of Intellectual Property & Related Forms of Illicit Trade | VIRTUAL |
| 5 | Cyber Crime & Electronic Evidence | VIRTUAL |
| 6 | Emerging Issues in Commercial Law | VIRTUAL |
| 7 | 10th Annual Judicial Dialogue on Environment and Wildlife crime | VIRTUAL |
| 8 | Active Case Management | VIRTUAL |
| 9 | Counter Terrorism for Magistrates | PHYSICAL |
| 10 | Human Trafficking | PHYSICAL |
| 11 | Environment & Land Adjudication: Unpacking the Law & Practice | PHYSICAL |
| 12 | Induction for the Small Claims Court | PHYSICAL |
| 13 | Second Annual Tribunals Symposium | PHYSICAL |

A total of 11 and 13 capacity building forums for Judges and Judicial officers respectively were held during the period under review. The key highlight for some of the trainings listed in Table 5.7 are explained in subsections below.

5.2.3 Training on Human Rights, Biodiversity and Gender Mainstreaming for environment and Land Court Judges

Kenya has ratified the Convention on Biological Diversity (CBD) that calls for the conservation, sustainable use and equitable sharing of benefits from the use of biodiversity. The CBD has prioritised the need for State parties to mainstream biodiversity into national plans, programs and policies to support economic and human development that is environmentally sustainable. Kenya is bound by obligations of the Convention on Biodiversity and has integrated biodiversity considerations in it's legal and institutional framework including the Constitution and other statutes.

Despite such recognition, there has been limited progress with enforcement of laws as well as gaps in adoption of innovative approaches for mainstreaming biodiversity in the legal and policy framework. It is against this background that the training was conceptualised. Capacity building focused on the concept of biodiversity, legal and regulatory framework governing biodiversity, emerging jurisprudence on biodiversity protection, mainstreaming human rights and biodiversity in Kenya, the role of Judiciary as well as women's land rights and biodiversity conservation.

5.2.4 Training on Protection & Enforcement of Intellectual Property & Related Forms of Illicit Trade for Judges and Magistrates

Illicit trade poses a serious socio-economic challenge globally, regionally and to Kenya. It undermines the concept of a free and open market, which is fundamental to improving competitiveness, increasing investment, creating jobs and improving the economic situation of a country. Further, Illicit trade undermines industries, poses health risks to consumers, sabotages tourism, stunts innovation and breeds lawlessness. Despite there being a legislative framework, illicit trade continues to plague the country and is often regarded as a petty crime.

Consequently, training was held for judges and magistrates to enhance their knowledge on intellectual property rights in Kenya, its enforcement and the role of the courts in curbing illicit trade. The training covered, inter alia, copyrights and related rights, trademarks and well known marks, intellectual property enforcement, intellectual property dispute resolution, counterfeiting and interlinkages with other forms of illicit trade. It was further enriched by the dialogue and experience sharing between keyplayers in the industry. The stakeholders represented were Anti-Counterfeit Authority (ACA), Kenya Revenue Authority (KRA), Kenya Bureau of Standards (KEBS), the Poisons Board, Kenya Copyright Board, Kenya Association of Manufacturers (KAM) and the ODPP. The multinational intellectual property owners were also represented so as to share practical examples and challenges that are faced by intellectual property right owners. Kenya's most popular artists shared their experiences with regard to the state of intellectual property protection in Kenya. The training coincided with the launch of the training manual on combating illicit trade and practitioner's manual.

5.2.5 Training on Cyber Crime and Electronic Evidence for Judges and Magistrates

Kenya is seen as a pace setter in implementation of ICT. However the robust information technology infrastructure in place has also become an attractive market for cybercriminals, making this a very pertinent issue in Kenya. As the country embraces digital technologies, cybersecurity concerns and challenges have become mainstream, and so have cyber related crimes that present new challenges to judges and magistrates.

To mitigate the dangers of cybercrime, training of judges and magistrates was undertaken with an aim of equipping them with knowledge to adjudicate cases of cybercrime and those involving electronic evidence. The key sessions of the training were; digital hygiene; sources of digital and electronic evidence, the collection, analysis, preservation, admissibility and place of digital and electronic evidence, the role of the court and emerging jurisprudence, challenges of prosecuting cyber crimes in Kenya, and data protection and regulation.

5.2.6 Training on Emerging Issues in Commercial Law for Judges, Magistrates and Legal Researchers

The training was organised within the context of new legislation and emerging trends in commercial transactions particularly within the light of technology. The diverse training sessions targeted judges, magistrates and legal researchers and were held under the theme Improving Service Delivery in the Commercial Court; Facilitating Ease of Doing Business in Kenya and a Service Delivery Agenda. Emerging issues were tackled on insolvency and debt restructuring under the enacted Insolvency Act (No.18 of 2015). The training also covered arbitration practice and procedures in Kenya including emerging jurisprudence and developments, emerging issues in banking regulation (including digital lending), tax law and in particular, the Tax Law Amendment Act 2020. Further, the training encompassed the issue of injunctions in commercial disputes and case management when handling commercial disputes.

5.2.7 Training for Judges on Anti-corruption, Money Laundering and Asset Recovery

The Judiciary continues to hear and determine disputes on corruption practices and embezzlement of public funds. While significant progress is being made on the determination of corruption cases, studies indicate that there's still much scope for international cooperation due to the cross-border nature of corruption cases and the use of advanced technology in corruption deals. This requires that Judges and Magistrates are up to par with the developments hence the need for the training sessions.

The training was facilitated by experts from Asset Recovery Authority, IFMIS Directorate, Public Procurement Regulatory Board and the Office of the Director Public Prosecutions. Different thematic areas were covered including transnational organised crime as well as the domestic, regional and international legal framework around corruption cases, adjudication of cases involving digital and electronic evidence in corruption. One of the areas where there is likelihood of corruption is public procurement and hence the Judges interacted with the Public Procurement Regulatory Authority. There were also discussions around asset tracing and the asset recovery process.

5.2.8 Election Dispute Resolution (EDR) Debrief for Supreme Court

The objective of the Election Dispute Resolution (EDR) debrief was to provide judges of the Supreme Court with an opportunity to introspect on their experiences during the process of the election dispute resolution. It also provided an opportunity to make recommendations for legislative, policy and administrative change in the next election cycle. The Court got to reflect on support from the Judiciary Committee on Elections and how this may be enhanced in future. The dialogue was also joined by relevant stakeholders to discuss presidential petitions and emerging electoral law jurisprudence in Africa and electoral technology law. The judges reflected on the jurisprudence from the Court of Appeal and engaged with the Bar on their experience in litigating election petitions before the Supreme Court.

5.2.9 Training on Refugee Law for Judges

The Refugees Act (No. 13 of 2006) provides for refugee status determination process. Also establishes the Department of Refugee Affairs (DRA), whose responsibilities include receiving and processing applications for refugee status. An appeal from the department lies to an Appeal Board. The Board is chaired by an experienced legal professional, and draws its membership from persons with knowledge of or experience in matters relating to immigration, refugee law, and foreign affairs. Since the enactment of the Refugees Act (No. 13 of 2006) in 2006, there has never been an appeal from the Board to the Court. The first appeal was preferred from the Refugee Appeals Board to the High Court during the period under review.

In light of this development a sensitisation training for Judges of the Judicial Review division and judges from the Constitution and Human Rights Division was held where experts and resource persons from the Supreme Court, the High Court and the UNHCR were present. The judges were taken through the concept of and legal framework for refugee protection in Kenya as well as the asylum system including access, registration and documentation.

5.2.10 Induction of the Newly Appointed Court of Appeal Judges

Following the gazettement and appointment of seven new Judges to the Court of Appeal in June 2020, an induction session was organised for the court. The induction presented an opportunity for the newly appointed judges to engage with senior Advocates, present and retired judges of the Court and the Supreme Court on issues and subjects intended to prepare them for service at the Court of Appeal.

The judges were taken through the history, structure and administration of the Court of Appeal, the Court's Rules, and strategic direction. In order to sharpen their judicial skills in readiness for service in the new court, there were reminders on the principals of judgment writing, efficient working in a multi-member bench, case management strategies and automation skills that would be applied while at the Court. Discussions around landmark decisions and emerging jurisprudence from the Supreme Court and the Court of Appeal was undertaken to bring the judges up to par with the developments. The importance of judicial wellness was covered highlighting the issues of emotional intelligence, collegiality, communication, and the code of ethics for Court of Appeal Judges.

5.2.11 Training on Human Trafficking for Magistrates

Kenya has experienced incidents of forced labour and sex trafficking and aspires to fully meet the Trafficking Victims Protection Act's (TVPA) minimum standards. Consequently, the training sought to elicit candid discussion amongst magistrates and other stakeholders on various topical issues around human trafficking, drawing from best practice and prosecutorial experience in other jurisdictions. Experts in the subject engaged with participants on the concept of trafficking in persons, the legal framework governing human trafficking, admissibility and the place of electronic evidence in these cases as well as investigations and evidence gathering of the transnational crime.

5.2.12 Training on the Administration of Gender Justice for Kadhis

Kadhis courts are established under article 170 of the Constitution and have jurisdiction to hear and determine questions of Islamic 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 Kadhi's courts. During the period under review, a retreat and training session for Kadhis, on the administration of gender justice was conducted.

The training covered legal frameworks and foundational principles on equality and gender justice, challenges of access to justice in the context of equality and non-discrimination, gender sensitivity, gender blindness and inclusion, the justice chain and attrition, barriers, pathways for navigation in personal law and justice needs of vulnerable groups. Emerging legal issues and jurisprudence in matrimonial property and the Marriage Act (No.4 of 2014) as well as children matters were also discussed to guide Kadhis on the developments from superior courts. The interventions were also enriched by the feedback from Judges of the High Court on common grounds of appeal from Kadhis' courts.

5.2.13 Tenth Annual Judicial Dialogue on Environment and Wildlife Crime

The Annual Judicial Dialogues on environmental and wildlife crime have for the past 10 years served to bring together players and stakeholders in the environmental and wildlife crime sector. The objective of the dialogues is to provide a platform through which stakeholders and players in the sector can discuss developments, challenges and solutions to issues specific to wildlife and environmental crime.

A dialogue with representation from various government agencies was held virtually under the theme 'emerging issues and trends in adjudicating wildlife and environment crimes'. The main focus of the dialogue was the consideration of wildlife crime as a transnational organized crime, and fighting wildlife organized crime under the Proceeds of Crime and Anti-Money Laundering Act (No.9 of 2009) and the East African Customs Act. Further, the role of various players under mutual legal assistance arrangements was discussed.

5.2.14 Environment and Land Adjudication: Unpacking the Law and Practice

The Jurisdiction of Magistrates to hear and determine environmental cases was conferred in the year 2015 when the Environment and Land Court Act (No. 19 of 2011) was amended to allow the ChiefJustice 'by notice in the Gazette, to appoint certain magistrates to preside over cases involving environment and land matters of any area of the country'. Subsequently in the case of Law Society of Kenya Nairobi Branch v Malindi Law Society & 6 Others Nairobi Civil Appeal No. 287 of 2016, the Courtof Appeal held that the Magistrates Court can hear and determine environmental matters as a courtof first instance limited by its pecuniary jurisdiction.

It is against this background that the training session was conceptualised to build capacity amongstthe participants on adjudication of environment and land matters. The training accorded the participants a chance to interact with Judges of the ELC and discuss emerging areas, practical issues and challenges in the adjudication of environmental and wildlife crimes. Other key issues that were covered during the training were environmental impact assessments (EIA), zoning & SIEA compliance, interlocutory applications in environment and land matters, the rights of an innocent purchaser forvalue without notice as well as emerging issues in eviction matters.

5.2.15 Induction for the Small Claims Court

Following the operationalisation of the Small Claims Court, an induction session was held to equipthe staff and prepare them for their roles in the Court. Amongst the areas of induction were the organisation and administration of the Court and the role of adjudicators and the Registrar as wellas understanding the legislative framework of the Court. Due to the unique set up of the Court, the induction session also focused on management in small claims cases as well as ADR and mediationin small claims matters. To bring the first adjudicators at par with the current jurisprudence, the

participants held discussions around emerging Jurisprudence in small claims matters and also around the execution process as provided by Order 22 (Execution of Decrees & Orders) of the Civil

Procedure Rules 2010 . As an impetus to align the Small Claims Court with the processes withinthe judiciary, there were discussions around aligning the Court with the Judiciary Strategic Plan andotherprocesses.

5.2.16 The Second Annual Tribunals Symposium

The Symposium brought together various members of the Tribunal held under the theme 'Towards Efficient and Innovative Tribunals: A Service Delivery Agenda'. The Symposium brought togethermembers of Tribunals that had transited to the Judiciary and those that were yet to transit. This wasin recognition of the need to standardize the services that Tribunals were offering and enhance theircapacity towards effective and efficient service delivery.

The key training modules covered were; best practices around decision making in multi membersettings, leveraging on technology for efficiency in service delivery, security practices and cyber-crime, judgment writing, court conduct and etiquette. The comparative dialogue with tribunal members from the UK was given as an insight into the workings of the Tribunal system in other countries. The status reports by each Tribunal was well appreciated as it helped the various Tribunalsto appreciate the milestones and innovations that had been made and to learn from each other.

5.2.17 Training of Judiciary Staff

5.2.17.1 Training programmes

TheJudiciarycontinuestosupportJudiciaryStafftoundertakecontinuousdevelopmentprogrammesto equip them with the requisite skills and competencies. There were six trainings undertaken for Judiciary Staff however six staff trainings could not be undertaken due to budgetary limitations. The training undertaken for Judiciary staff are highlighted in Table 5.8

Table 5.8: Training programmes undertaken for staff, FY 2020/21

| | TRAINING PROGRAMMES | MODE OF DELIVERY |
|---|---|---|
| 1 | Training on emerging issues in commercial law | VIRTUAL |
| 2 | JTI Staff Training | PHYSICAL |
| 3 | Induction for Supreme Court law clerks | PHYSICAL |
| 4 | Induction for Court of Appeal senior legal researchers | PHYSICAL |
| 5 | JTI staff training | PHYSICAL |
| 6 | JTI SP and PMMU Retreat | PHYSICAL |
| | | TOTALS |

5.2.17.2 Pupillage and Industrial Attachments

In addition to training its employees, the Judiciary plays a key role in building capacity and providing mentorship opportunities for deserving Kenyans who get the chance of understanding the working and operations of the Judiciary. During the period under review, the Judiciary provided attachment and pupilage opportunities to 1,365 students. Out of these, seven students were offered pupilage, 129 Industrial attachments and 1,229 law students were offered judicial attachments in various courts.The trend of pupilage and attachments is illustrated in Table 6.32

Table 5.9: Pupillage and industrial attachments, FY 2015/17-2020/21

| Category | 2015/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|---|---|---|---|---|---|
| Clinical attachments | 2,306 | 3,089 | 2,290 | 1,507 | 1,229 |
| Pupilage | 87 | 152 | 71 | 55 | 7 |
| Other attachments | 493 | 390 | 289 | 341 | 129 |
| Total | | | | | |

5.2.17.3 Strategies to Enhance Judicial Training Inordertoenhancetrainingofjudges,judicialofficersandstaffwithinthe Judiciary,severalstrategiesand initiatives were undertaken during the period under review. The objectives of these strategieswas to make capacity building more flexible and accessible during the COVID-19 pandemic period andfurther ensure that it was aligned to the needs of the various cadres of employees.

5.2.17.4 Development of a Curriculum for Judicial Training at JTI

Pursuant to the provisions of Article 172(1) (d) of the Constitution and further to a comprehensive needsassessment carried out in the FY 2019/2020, JTI began the process of preparing a curriculum for Judicial Training. The curriculum is a listing of the training and professional development programmes that should be available to all judges and magistrates, drawing from the training gaps and priorities brought out in the needs assessment. It seeks to ensure that judges and judicial officers have the capacity to effectively carry out their duties and responsibilities. It further seeks to ensure that there is a balance in terms of training programmes related to substantive law, judicial management, decision making, social context, information and ICT, and judicial wellness programmes. A draft was developed during the period under review and was expected to be finalized in the next reportingperiod.

5.2.17.5 Impact Assessment of Judicial Trainings

During the period under review, an impact assessment study of judicial training was conducted. The study sought to assess and evaluate the extent to which training programmes were efficacious in thedelivery of outputs and outcomes intended for the proper and efficient functioning of the judiciaryas envisioned under the Constitution of Kenya 2010 and the Judicial Service Act 2011 (No.1 of 2011). Further, the study sought to evaluate the extent to which individual Judges, Magistrates, other Judicial Officers and staff are trained at the JTI so as to guide any corrective actions by diagnosingthe strength and weaknesses of training programmes.

5.2.17.6 Development of an E-Learning System and Website

During the financial year 2020/2021, JTI developed an eLearning platform, online jti.go.ke which is integrated to video conferencing with its full implementation expected to commence in the financialyear 2021-2022. The e-learning system is expected to automate processes at JTI and ensure efficiency and effectiveness in managing training programmes. It is expected to offer access to abroad array of content and interactive self-paced learning tools and create a repository of all trainingand research. This will address the challenges of manual operations associated with mismanagement of information.

5.3 Information Communication and Technology

5.3.1 Introduction

The rapid development and use of technology in courts for the past two decades has opened up new frontiers of service delivery. The availability of stable and fast internet connectivity, web services,on-line access to legislation and case law, use of electronic filing, and electronic exchange of legaldocuments are some of the developments that have compelled judicial administrations around theworld to rethink their mode of operations in delivering their mandate. The Kenyan Judiciary throughits strategic Blueprint policy documents prioritises technological development as a key focal area to support court work. The Sustaining Judiciary Transformation (SJT): A Service Delivery Agenda(2017-2021), the Strategic Plan (2019-2023), and the ICT Master Plan outlines a roadmap for digital transformation of court processes with a view of enhancing delivery of justice. The Digital Strategyhas emphasized adoption of ICT solutions that are citizen-focused, convenient and accessible.

This review period was Characterized by the COVID-19 pandemic which necessitated a significant increase in the use of technology especially on virtual courts to support unhindered delivery of justice. The key systems and tools include: virtual courts, video conferencing,e-filing,case trackingande-receiptssystems.

5.3.2 Virtual Courts

In the wake of the COVID-19 pandemic, the Judiciary sought ways to keep courts operational despite their intermittent closures. The Judiciary used video conferencing to support virtual court sessions.Other tools that were used include the Microsoft TEAMS, Cisco Webex, Zoom and Go-to-Meeting. The tools allowed court users to join in a court session virtually. Accused persons who were in prison were not required to be present in courts for the mention of their cases but attended court sessionsthrough virtual links.

Since the commencement of virtual courts, nearly 170 court stations and Tribunals countrywide had embraced holding hearings through video and audio conferencing by the end of June 2021. Judgesand Judicial Officers handled approximately 144,000 cases through the virtual platform and delivered over 31,000 judgements and rulings through Microsoft Teams and Go-To-Meeting video conferencing applications.

5.3.3 E-filing rollout for Nairobi Courts

The e-filing system is a system designed by the Judiciary that allows court users to electronicallyfile and submit documents to the court through an internet portal. In April 2020, the Chief JusticeHon. David K. Maraga issued a directive requiring all Nairobi County courts to use an e-filing system beginning July 1, 2021. Through Bar benches, Court User Committees, and court meetings, stakeholderssuchasJudges,registrystaff,advocates,andthegeneralpublicwereabletoparticipateinthefurtherimprovementofthe system.

The e-filing system fundamentally changed the way litigants engage with the court as it reduced the need for physical access to the courts. The system has many features including e-Case registration,automated fees assessment, e-Service facilitation, e-Payment and modalities for communication with parties. To use the system, court users were required to create an account, request for theircases to be linked to their accounts or file a case. All documents submitted to the portal were thenautomatically assessed and the user allowed to make payments remotely.

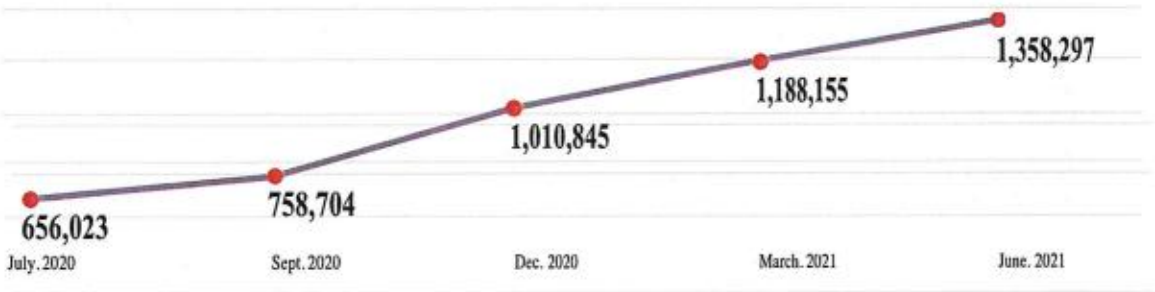
A total of 8,314 accounts had been created on the portal at the end of the reporting period, comprising4,826 individual accounts, 3,085 law firms, 333 organisations, and 70 State organizations. Using theseaccounts, 67,299 cases were submitted, 16,980 certificates of urgency were filed, 1,800 orders were created, and KSh939, 975,091 was collected in court fees, fines, and deposits using these accounts. A total of 3,097,090 papers were submitted using the system.

5.3.4 Case Tracking System

The Case Tracking System (CTS) was developed by the Judiciary and has been in use since 2017.The CTS is the internal interface to the e-filing system and allows the Judges, Judicial Officers andregistry staff to access the system. It was deployed for all the court stations in three phases. Thefirst phase was completed in the FY 2016/17, the second phase in 2018/19, and the third phase, whichcovered all courts, in the FY 2020/21. Almost 90 per cent of all active cases had been captured in CTS by the end of the period under review. The implementation of CTS also involved its linking to JudiciaryFinancial Management Information System hence creating a seamless process where e-receiptingandgenerationoforderswereoperationalized.

The CTS has revolutionised the way court registries operate. The Judges and Judicial officers usethe system to access documents filed by litigants through the e-filing system. They are then ableto review files and give directions on cases. This has enhanced efficiency since they can work ondocuments remotely. The litigants are able to instantly access the orders and other court generated documents. The system is also integrated with Short Messaging Service (SMS) communications portal which instantly alerts parties when their file is updated.

The system also allows for the creation of court reports, particularly basic caseload statistics. It also generates caseload returns using the Daily Court Return Template (DCRT) used in further data analysis. At the end of the reporting period, the CTS had received 1,359,297 cases.




Growth of cases captured in CTS during the FY 2020/21.

The Figure above shows that a total of 656,023 cases had been captured in CTS at the beginning of the FY. This grew over the review period to settle at 1,358,297 cases. The details of the cases for eachcourtisprovidedinTable1.

Table 5.10: Capturing of cases in CTS by Court, FY 2020/21

| Court | July. 2020 | Sept. 2020 | Dec. 2020 | March. 2021 | June. 2021 |
|---|---|---|---|---|---|
| Supreme Court | 323 | 336 | 351 | 365 | 395 |
| Court of Appeal | 7,547 | 9,242 | 10,017 | 11,231 | 12,210 |
| High Court | 153,442 | 163,984 | 185,624 | 196,125 | 207,252 |
| ELC | 36,827 | 39,181 | 42,780 | 44,549 | 46,292 |
| ELRC | 20,195 | 21,911 | 22,546 | 24,380 | 25,254 |
| Magistrates' Courts | 427,064 | 496,289 | 713,813 | 867,193 | 1,013,500 |
| Kadhis' Courts | 3,672 | 8,489 | 12,649 | 14,812 | 16,832 |
| Tribunals | 6,953 | 19,272 | 23,065 | 29,500 | 36,562 |
| All Courts | 656,023 | 758,704 | 1,010,845 | 1,188,155 | 1,358,297 |

In all the courts, there has been tremendous growth and use of CTS. The details of the cases capturedin CTS for specific stations is provided in the appendices.

5.3.5 Judiciary Financial Management Information System

The Judiciary Financial Management Information System (JFMIS) is a financial management system deployed in courts for management of court revenue, which includes fees and fines, court deposits and expenditure. The system is in use in all court stations. During FY 2020/21, JFMIS was integrated with the CTS which fully automated all the processes from court fees assessment and e-receipting across all stations in the Judiciary. The JFMIS has enabled the generation of digital receipts, therebyeliminating the need for manual receipt books and manual processes. Revenue leaks have been reduced because a digital trail is kept of all transactions. In addition, the system generates financialreports, allowing for timely financial reporting.

5.3.6 Court Recording and Transcription System

The Court Recording and Transcription System (CRTS) is designed to automate the courtrooms through digital recording of proceedings and provision of transcription services. The CRTS allowsJudgesandJudicialOfficerstoavoidwritingallcourtproceedingsastheyarerecordedautomatically.

This allows ample time to concentrate on the proceedings in court including making observationsrather than focusing on recording the court proceedings. Transcribers are then given access to therecording in order to provide transcripts. The system provides an electronic version of proceedingsthat accurately reflects what happened in Court, making iteasier for Judicial Officers to write rulingsand judgments.

During the reporting period, various courts and courtrooms were installed with the CRTS equipment. These included the Supreme Court and five Court of Appeal court rooms in Nairobi, Mombasa, Kisumu, Nyeri and Malindi. Other courts where the equipment were installed were: Kisumu ELRC, Nairobi ELRC, Nairobi ACEC Court at Milimani High Courts, Kisii High Court, Mombasa High Court, Nakuru High Court, Naivasha High Court, Embu High Court, Bungoma High Court, Busia High Court, three courtrooms of Milimani Anticorruption Court, Milimani Chief Magistrate Court no. 6, Makadara Law Court and Kibera Law Court. Transcripts are prepared within 48 hours of a request from a Judge or Judicial Officer. Sofar 4,193 hours has been transcribed, generating 25,445 transcripts.

The Judiciary has set-up a transcription unit to provide transcription services using recordings doneunder the CRTS. The Judiciary has o partnered with the Ministry of ICT, Youth and Innovation throughthe Ajira programme to provide transcription services. It has also greatly improved the quality andaccuracy of the proceedings which are then used as records of appeal. The system has reduced theturnaround time in the generation of transcripts for court proceedings compared to the previousmanual records.

5.3.7 Digitisation of Court Recordings

The Judiciary launched the e-filing systems which enabled court users to file all court documentselectronically through the e-filing portal. The service was available in all courts in Nairobi Countywith plans to launch in other counties. Although the court users were submitting their documentselectronically it was realised that for active cases, the bulk of the court documents were in physicalfiles in the court registries. This affected the use of the e-filing portal because Judicial Officers needed access to the information filed electronically as well as physical files at the registry.

Consequently, the Judiciary embarked on data entry and scanning services through expanding the scope of the Ajira digital Project. This project was implemented by the Kenya Private Sector Alliance (KEPSA) with funding from Mastercard Foundation. The goal of the data entry and scanning was to accurately and completely capture approximately 135,130 cases to CTS; to accurately and completely digitise approximately 280,600 court files, which will involve scanning, indexing, paginating/tagging the files, and uploading into CTS. The project has so far scanned 122,044 files comprising 4,878,491 images.

5.3.8 Enterprise Resource Planning System

The administrative functions of the Judiciary are being automated through an Enterprise ResourcePlanning (ERP) system. During the reporting period, the Judiciary re-initiated the process of acquiring an ERP system. A concept note was prepared and presented to the Management for review and approval. The concept note contained the business case and benchmarking report having visiteda number of similar institutions including the Kenya Revenue Authority, Kenya Power and LightingCompany, Kenya Ports Authority, The University of Nairobi, Cooperative Bank of Kenya, Kenya Commercial Bank, Safaricom PLC and National Social Security Fund.

5.3.9 ICT Infrastructure Development

Provisionofinternetservicesincourtsisessentialforsmoothoperationofvirtualcourts, e-receipting, e-filingandcasetrackingsystem. The Judiciary acquiredcloudservices from twoserviceproviderstohost the various systems including the e-filing and CTS. A total of nine servers with capacity of 208GBRAM, 96 Cores processing power and 37 TB Storage capacity were procured. The systems hostedon the cloud servers include E-mail service, CTS, JFMIS, e-filing, notifications and their respectivedatabases. The Judiciary plans to replace the cloud servers with the new revamped data centers.

During the reporting period, a number of court stations had Local Area Network (LAN) installations completed. These included Engineer, Molo, Makindu, Kitui, Chuka, Kigumo, Vihiga, Muhoroni, Nanyuki, Maralal, Kwale, Kajiado, Narok and Kahawa Law Courts.

During the reporting period, the Judiciary contracted a new internet service provider, which resulted in more stations being connected and the bandwidth being increased from 1.326 Gbps under theprevious contract to 4.215 Gbps under the new contract. The previous contract covered 129 stations, while the new contract covers 162 stations. The 15 large stations also had a secondary/back up internet link. The contract also included additional installation of WiFi in 22 court stations. A total of 129 sites had been migrated and connected to the new service provider.

5.3.10 Other ICT Initiatives for the FY 2020/21

a) An ICT security consultant was engaged to carry out a comprehensive examination and assessment of the security of all deployed systems. The purpose was to ensure that systems deployed are secure and robust to support the core business. The Judiciary has a comprehensive understanding on the security status of its ICT systems.

b) A training curriculum on the automation within the Judiciary was developed. The training curriculum proposed course targeting Judges, Judicial Officers, staff, advocates and other court users. A number of Standard Operating Procedures and user manuals have been developed and shared widely with all stakeholders. The Judiciary collaborated with LSK, ODPP and EACC to ensure that external stakeholders were trained on the use of the new systems especially e-filingand the virtual courts. The engagements were done through virtual meetings and webinars.

c) The Judiciary began the procurement of 298 backup UPSs and AVS for a total cost of KSh24.7million. This was done to mitigate the frequent and extended downtimes of CTS, the e-filing system, and the JFMIS. Modems and data bundles were also provided to courts at a cost of KSh7.4million.

d) The Judiciary initiated the establishment of three Data Centers, which will be designated as the Primary Data Center, Secondary Data Center, and Backup Data Center. The Data Center Services are critical for hosting the equipment and services required for the Judiciary's operation.

5.3.11 Collaborations on ICT Ventures

The Judiciary collaborated with a number of other Government agencies and partners in delivery ofthe automation vision. The Judiciary signed an MoU with the Ministry of ICT, Innovation and Youth Affairs to collaborate in facilitating transcription of court proceedings, installation of structured cabling in court stations, connecting National Optic Fibre Backbone (NOFBI) to courts and data back- up. The Judiciary is also collaborated with the Communications Authority to improve structured

cabling in selected courthouses, funded at KSh250 million grant by the Universal Service Fund.

The Judiciary also worked with a number of development partners to support the automation. These include the IDLO through the Commercial Justice Sector Reform project which provided support through court recording equipment, computers, technical book camps and training of various stakeholders. The World Bank, through the JPIP project provided support to court recording, provisionof computers and the roll-out of the CTS in 64 court stations.

5.3.12 Digitisation Strategy; Challenges experienced

The e-filing system experienced frequent downtimes because the infrastructure was still being developed causing user frustration due to delayed support and response to queries. The JFMIS faced challenges in court operations due to the fact that all matters had to be registered online and payment made before issuance of receipts. Any break in the processing chain meant that court users were frustrated and that court operations were sometimes halted. Lack of funds hampered the recruitment of transcribers to facilitate digital recordings.

It is therefore proposed that a call Center be operationalised by the Judiciary so that services maybe delivered by a single point of contact for all inquiries and customer service can be streamlined.The Judiciary should train all internal stakeholders on how to get the most out of the current ICTinfrastructure.

## CHAPTER SIX—RESOURCE MOBILISATION AND UTILIZATION

6.0 Introduction

This Chapter presents the financial allocation, expenditure, revenue and deposits. Chapter coversthe resource requirements for the Judiciary versus its allocation, approved budget estimates versus actual expenditure analysis, and expenditure analysis versus the allocation. The chapter further presents information on court revenue and deposits; automation of court revenue; expenditure and deposit processes; operationalization of the Judiciary Fund; financial challengesand recommendations for the improvement of financial allocation for the Judiciary.

6.1 Budget Preparation Process in the Judiciary

The Judiciary's budget process is anchored in Article 173 (3) of the Constitution which requires the CRJ as the accounting officer to prepare estimates of expenditure each financial year. The budgeting process including the budget format and specific timelines to be adhered to are provided for in the Public Finance Management (PFM) Act, 2012; the Judicial Service Act, 2011; the Judiciary Fund Act, 2016 and the Judiciary Fund Regulations, 2019. The process is consultative and participatory as required in Article 201 of the Constitution and Section 37(5) (a) of the PFM Act, 2012.

Duringtheperiodunderreview,theJudiciarycontinuedtoprioritiseexpeditiousdispensationofjusticeprogramme with two broad sub-programmes, namely, access to justice; and general administration, planning and support services. Drawing from these two sub-programmes, the delivery units in the Judiciary prioritised specific initiatives primarily drawn from the Sustaining Judiciary Transformation (SJT) (2017-2021), and the Key Result Areas (KRAs) of the Judiciary Strategic Plan (2019-2023).

The resource requirements were prepared by consolidating funding requests from all courts, tribunals, registrars of the various courts, directorates and other independent spending units in the Judiciary.The proposed budget for the Judiciary was further subjected to public hearings. The Judiciary's Medium Term Expenditure Framework (MTEF) budget proposal was uploaded on the Judiciary's website for the stakeholders and the general public to give feedback. The stakeholders and the public were engaged through the public hearings which were held in regions as follows: in Coast region in Mombasa; Rift Valley region in Nakuru; Mt. Kenya Region in Nyeri; in Nyanza and Western region in Kisumu and Nairobi region.

Among the Key issues raised during these public hearings were on the need to increase quality and timely service delivery to all citizens in all parts of the country (including the marginalized and personswithdisabilities)and,wherepossibletofacilitatecitizensthroughincreasedprobonoservices.Itwasnoted that all these would require additional funding.

The feedback received helped to improve the final budget proposal for the Judiciary before it wassubmittedtoParliamentforconsideration.

6.2 Judiciary Budget Requirements versus Allocation FY 2018/19- 2020/21

A comparison of the resource requirements and resource allocation for the Judiciary is presented inTable 6.1.

Table 6.1: Resource Requirements versus Allocation

| FINANCIAL YEAR | | RECURRENT | DEVELOPMENT KSH. M | OVERALL |
|---|---|---|---|---|
| 2018/19 | Requirements | 22,378 | 8,790 | 31,168 |
| | Allocation | 13,086 | 3,203 | 16,289 |
| | Funding Gap (%) | 42% | 64% | 48% |
| 2019/20 | Requirements | 16,991 | 6,295 | 23,286 |
| | Allocation | 13,797 | 3,166 | 16,963 |
| | Funding Gap (%) | 19% | 50% | 27% |
| 2020/21 | Requirements | 30,684 | 6,731 | 37,415 |
| | Allocation | 14,575 | 2,558 | 17,133 |
| | Funding Gap (%) | 52% | 62% | 54% |

Resource requirements for the Judiciary have not been met for the past fiscal years as evidenced byTable 6.1. The table shows that the overall budget deficit increased from 27 per cent to 54 per cent from FY 2019/20 to FY 2020/21. Specifically, recurrent budget deficit increased from 19 per cent to 52 per cent while the development budget deficit increased from 50 per cent to 62 per cent from FY2019/20 to FY 2020/21 respectively. Figure 6.1 is an illustration of the resource requirements versus the allocation for the past three financial years.

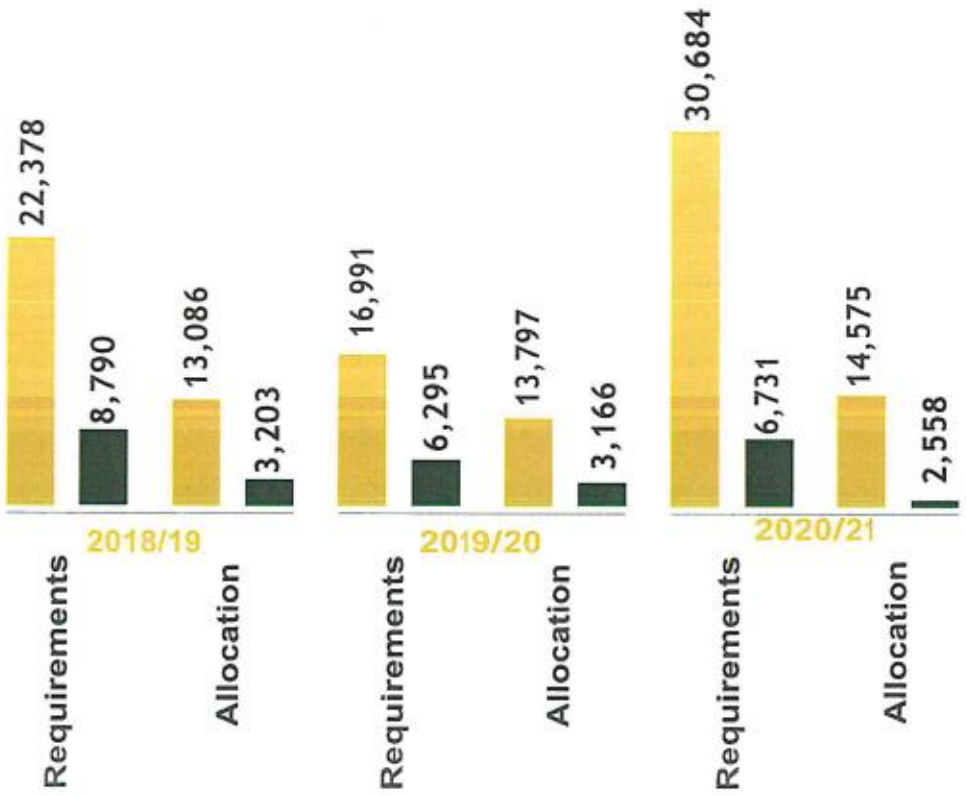



Figure 6.1: Resource Requirements versus Allocation

During the year under review, the Judiciary continued to allocate finances in line with the JSCapproved criteria. The non-discretionary budget items such as personnel emoluments (PE) and contractual obligations such as security and cleaning services, leased printers, internet services, medical cover, insurances and utilities among others were prioritized and ring-fenced. The remaining funds under the Operations and Maintenance (O&M) were shared among all the spending units at the headquarters, courts and tribunals.

At the court level, three parameters were used in sharing resources: 50 per cent weight was allocatedto case load, 30 per cent to the number of Judicial Officers and 20 per cent to the number of JudicialStaff. Allocation of the budget for the FY 2020/21 per the court levels is as presented in Table 6.2.

Table 6.2: Budget Allocation for Court Stations FY2020/21

| | | |
|---|---|---|
| 1. | Supreme Court | 47.94 |
| 2. | Court of Appeal | 92.68 |
| 3. | High Court | 280.32 |
| 4. | Employment and Labour Relations Court | 27.31 |
| 5. | Environment and Land Court | 27.09 |
| 6. | Magistrates Courts | 744.95 |
| 7. | Tribunals | 347.47 |

Allocation of the budget for all the court levels and Tribunals is as presented in Figure 6.2.

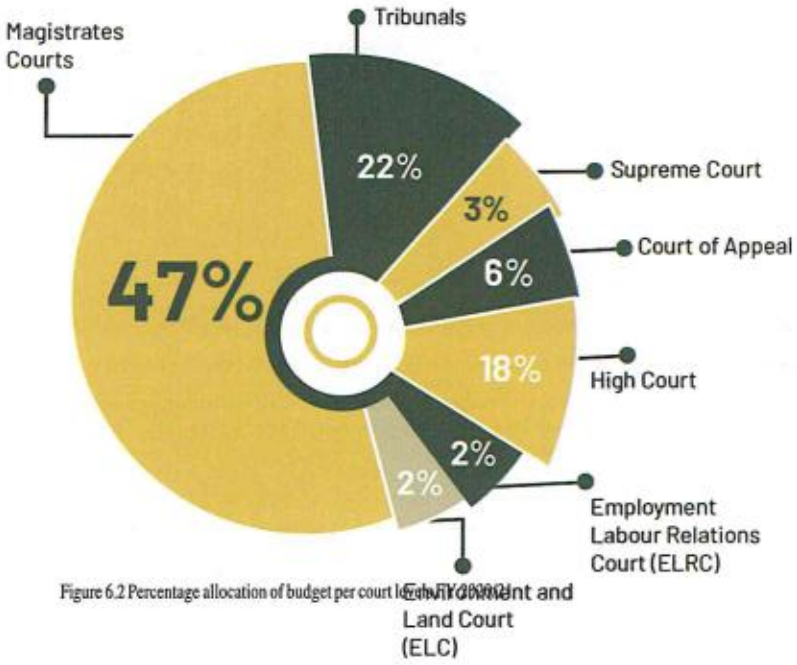



Figure 6.2 Percentage allocation of budget per court level, FY 2020/21

Figure 6.2 shows that Magistrates' Courts received the highest budget at 47 per cent, followed by the Tribunals at 22 per cent and then the High Court at 18 per cent. The allocation for the MagistratesCourts was high because it included the maintenance of all buildings, payment of utilities (water and electricity), cleaning and security services. The allocation for Tribunals was high because it includedsitting allowances for all tribunal chairpersons and members.

6.3 Approved Budget Estimates (FY 2018/19 – FY 2020/21)

The budget allocation for the Judiciary in FY 2018/19 was KSh16.095 billion which increased by 5 per cent to KSh16.963 billion in FY 2019/20 and rose by 1 per cent to KSh17.133 billion in FY 2020/21.

The recurrent budget of KSh14.575 billion was financed entirely by the exchequer.

6.4 Budget Expenditure Analysis

The overall absorption rate was at 94.3 per cent in FY 2018/19, which reduced slightly to 93.9 per centin FY 2019/20 and then dropped slightly to 92.8 per cent in FY 2020/21. The reduction in the absorptionrate can be attributed to the COVID-19 pandemic which negatively impacted the implementation of activities such as workshops, retreats and trainings.

Figure 6.3 is a presentation of the overall budget absorption rate which is further broken down intothe absorption rates for both recurrent and development budgets.

6.4.1 Analysis of Recurrent Expenditure Presentationoftherecurrentexpenditureisusuallydoneunderthefollowingeconomic classificationsis based on the different areas of spending, namely, compensation for employees; transfers;Appropriation in Aid (AIA); and Operations and Maintenance (O&M). Table 6.3 presents a breakdown ofthe approved budgetary allocation versus actual expenditure for the past three financial years.

Table 6.3: Analysis of Recurrent Budget the Judiciary (KSh M)

| | Approved Budget Versus Actual Expenditure (KSh Million) | | | | | |
|---|---|---|---|---|---|---|
| Economic Classification | 2018/19 | | 2019/20 | | 2020/21 | |
| | Approved | Actual | Approved | Actual | Approved | Actual |
| Compensation to Employees | 7,600 | 7,600 | 8,190 | 8,183 | 9,402 | 9,393 |
| Transfers | 593 | 580 | - | - | - | - |
| Other Recurrent | 4,893 | 4,663 | 5,607 | 5,351 | 5,173 | 5,021 |
| AIA | - | - | - | - | - | - |
| Total | 13,086 | 12,843 | 13,797 | 13,534 | 14,575 | 14,414 |

The Table 6.3 shows that recurrent budget allocation increased by 5 per cent in FY 2019/20 and by6 per cent in FY 2020/21. The share of compensation to employees over the total recurrent budget increased from 59.2 per cent in FY 2019/20 to 64.5 per cent in FY 2020/21 which is attributed to the reclassification of Employer's Contribution to pension under PE economic classification. The shareof other recurrent budget declined from 40.6 per cent in FY 2019/20 to 35.5 per cent in FY 2020/21.

6.4.2 Analysis of Development Expenditure

Classification of development expenditure is done as per the source of funding namely: Governmentof Kenya (GOK); Loans, Grants, and Appropriations in Aid (AIA). An analysis of approved versus actualdevelopmentexpenditureispresentedinTable6.4.

Table 6.4: Analysis of Development Approved Budget vs Actual Expenditure (KSh M)

| Economic Classification | Approved Budget 2018/19 | Actual Expenditure 2018/19 | Approved Budget 2019/20 | Actual Expenditure 2019/20 | Approved Budget 2020/21 | Actual Expenditure 2020/21 |
|---|---|---|---|---|---|---|
| GOK | 147 | 130 | 971 | 651 | 292 | 281 |
| Loans | 2,998 | 2,331 | 2,195 | 1,748 | 2,266 | 1,202 |
| Grants | 58 | 52 | - | - | - | - |
| Local AIA | - | - | - | - | - | - |
| Totals | 3,203 | 2,513 | 3,166 | 2,399 | 2,558 | 1,483 |

The Judiciary's development budget reduced by 1.2 per cent from KSh3.2 billion in FY 2018/19 toKSh3.16 billion in FY 2019/20 then decreased by 19.2 per cent in FY 2020/21 to KSh2.558 billion. Theabsorption has been on a general decline from 79 per cent in FY 2018/19 to 76 per cent in FY 2019/20and 58 percentinFY 2020/21.

### 6.4.3 Analysis of Programme Expenditure

The mandate of the Judiciary is captured under the "Dispensation of Justice" programme. This programme comprises two sub-programmes namely: Access to Justice; and General AdministrationPlanning and Support Services. The Access to Justice sub-programme was allocated a largershare of resources as it is the core mandate of the Judiciary. Expenditure analysis for the two sub-programmesisprovidedinTable6.5.

Table 6.5: Analysis of Programme Expenditure

Approved Budget Versus Expenditure (KSh Million)

| | 2018/19 | | 2019/20 | | 2020/21 | |
|---|---|---|---|---|---|---|
| | Approved | Expenditure | Approved | Expenditure | Approved | Expenditure |
| Sub- Programme. 1: Access toJustice | 12,363 | 11,503 | 12,824 | 11,873 | 13,960 | 12,804 |
| Sub- Programme.2: General Administrationand Support Services | 3,926 | 3,853 | 4,139 | 4,060 | 3,173 | 3,093 |
| Total | 16,289 | 15,356 | 16,963 | 15,933 | 17,133 | 15,897 |

Table 6.5 shows that budget allocation for the 'Access to Justice' sub-programme increased fromKSh12.82 billion in FY 2019/20 to KSh13.96 billion in FY 2020/21. The approved budget for the 'GeneralAdministration Planning and Support Services' sub-programme decreased from KSh4.12 billion in the FY 2019/20 to KSh3.17 billion. This means that the overall budget for the Judiciary increased slightly by one per cent from KSh16.96 billion to KSh17.13 billion in the fiscal year under review. The allocationofthese additional resources was undertaken in line with the core mandate of the Judiciary wherebythe overall allocation of the access to justice sub-programme increased from 76 per cent in the FY 2019/20to81 percentintheFY2020/21.

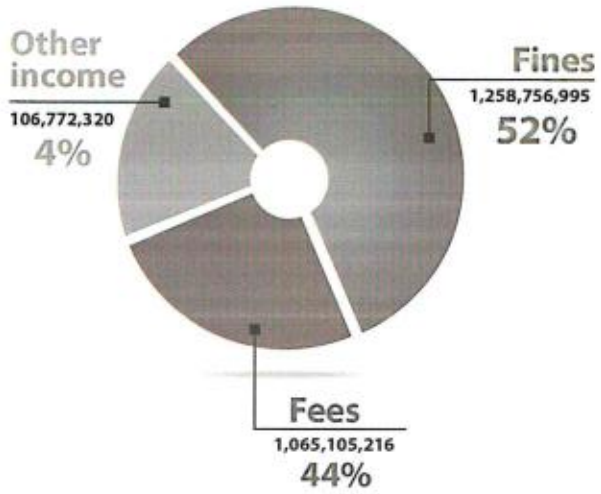
### 6.5 Court Revenue

The Judiciary is an appointed Receiver of Revenue (ROR) by the National Treasury with the power to collect revenue related to its core mandate on behalf of the Government of Kenya. The funds collectedby Judiciary are transferred to the exchequer through the Central Bank of Kenya.

Court revenue consists of fines and forfeitures fees for filing cases and for use of goods and servicesprovided by Judiciary; and revenue from government property. Court fines are imposed by the court and they also precipitate from forfeiture of legal deposits such as those from failure of individualswho paidcourt deposits to adhere to court directives on bondterms,orbytherequestofthe accusedto have part or whole of their legal deposits treated as fine.

Court fees are levied and payable by the participant in the court proceedings and after affidavitsmay include: application fees, cost of orders, service fees and fees related to exhibits, affidavits and copies among other services. Revenue from government property mainly consists of rent from government buildings and interest income on deposits among other sources.

Figure 6.4 illustrates revenue collected during the reporting period from the three sources in theJudiciary.




In the FY 2020/21, fines contributed 52 per cent (KSh. 1.26 billion) of the court revenue. Fees collectedamounted to 44 per cent (KSh. 1.07 billion) while other income from interest on court deposits and rent from property was 4 per cent (KSh. 0.11 billion) of the total revenue

6.5.1 Revenue Trends

There was however improvement in revenue collection in FY 2020/21 where KSh2.43 billion wascollected. This is illustrated in Table 6.6:

Table 6.6: Revenue collections over the last three financial years

| | FY 2018/19 | FY 2019/20 | FY 2020/21 | | Change from 2018/19-2019/20 | Change from 2019/20-2020/21 | |
|---|---|---|---|---|---|---|---|
| | KSh'000 | KSh'000 | KSh'000 | KSh'000 | % | KSh'000 | % |
| Fines | 1,638,577 | 1,263,813 | 1,258,757 | (374,764) | -23% | -5,056 | 0% |
| Fees | 1,055,227 | 932,073 | 1,065,105 | (123,153) | -12% | 133,032 | 14% |
| Other Income | 0 | 75,318 | 106,772 | 75,318 | >100% | 31,454 | 42% |
| Total | 2,693,804 | 2,271,204 | 2,430,635 | (422,599) | -16% | 159,430 | 7% |

Total revenue collection increased by seven per cent from FY 2019/20 to FY 2020/21. This improvement was attributed to increase in cases filed from 337,510 in FY 2019/20 to 356,997 in FY 2020/21 and commensurate increase in resolved cases from 289,728 in FY 2019/20 to 294,837 in FY 2020/21. In addition, revenue collection was automated and e-receipting adopted in all court stations.

Figure 6.5 shows that there was a decline in total revenue from FY 2018/19 to FY 2019/20 followed bymarginal growthinFY2020/21.

6.5.2 Comparison of Revenue Collected against Target

Section 75 (2) of the PFM Act, 2012 stipulates that a receiver of national Government revenue isresponsible to the Cabinet Secretary for its collection. Such revenue shall be separately accounted for in accordance with Articles 206 (1) and 209 (1), (2) and (4) of the Constitution. The Cabinet Secretary responsible for Finance through a Circular sets revenue projections at the beginning of each financial year to be collected by the Ministries, Departments and Agencies (MDAs) who are designated collectors of national Government revenue.

Table 6.7: Revenue Collections over the last three financial years

| FY | KSh'000' | % | KSh'000' | % | KSh'000' | % |
|---|---|---|---|---|---|---|
| 2018/19 | 4,548,208 | 56% | 2,693,804 | 30% | -1,854,404 | 59% |
| 2019/20 | 2,990,857 | -34% | 2,195,886 | -18% | -794,971 | 73% |
| 2020/21 | 1,811,796 | -39% | 2,430,635 | 11% | 618,839 | 134% |

The target set by the National Treasury reduced by 60 per cent, from KSh.4.54 billion in FY 2018/19to KSh1.81 billion in the FY 2020/21. The higher revenue realisation in FY 2020/21 was attributed to interest on court deposits that was not previously earned. Figure 6.6 is an illustration of the setrevenue target against the actual revenue collection.

Figure 6.6: Revenue Targets against Actuals Analysis for FY 2018/19– FY 2020/21

Revenue estimates have been higher than the actual revenue collections over the previous two financial years. Revenue collected is dependent on cases filed and matters resolved ina given period. Table 6.8 presents revenue collected by all courts over the past three years.

Table 6.8: Revenue collected by all courts FY 2018/19 – FY 2020/21

| S/ No | Court Station | Fines 2020-2021 KSh | Fines 2019-2020 KSh | Fines 2018-2019 KSh | Fees 2020-2021 KSh | Fees 2019-2020 KSh | Fees 2018-2019 KSh |
|---|---|---|---|---|---|---|---|
| 1 | Baricho | 4,721,467 | 3,428,342 | 9,712,679 | 3,184,307 | 2,356,883 | 3,487,397 |
| 2 | Bomet | 9,893,228 | 9,658,536 | 17,753,467 | 3,279,676 | 2,347,171 | 2,714,610 |
| 3 | Bondo | 7,293,451 | 3,872,871 | 6,515,645 | 4,348,176 | 2,861,118 | 3,091,406 |
| 4 | Bungoma | 8,166,610 | 10,521,009 | 11,327,833 | 11,011,589 | 10,247,917 | 12,521,287 |
| 5 | Busia | 17,672,724 | 11,964,164 | 9,595,756 | 11,033,204 | 7,649,987 | 7,509,176 |
| 6 | Butali | 1,430,699 | 1,663,854 | 2,807,984 | 3,178,874 | 1,163,629 | 2,014,970 |
| 7 | Butere | 2,532,326 | 2,726,191 | 4,626,032 | 2,625,491 | 1,729,923 | 1,970,580 |
| 8 | Court of Appeal | - | - | 2,400,000 | 13,452,068 | 22,983,146 | 19,294,496 |
| 9 | Chuka | 12,029,074 | 11,754,438 | 16,734,366 | 5,974,590 | 4,612,472 | 5,694,437 |
| 10 | Dadaab Law Courts | 190,000 | - | - | 37,665 | - | - |
| 11 | Eldama Ravine | 12,480,552 | 8,340,087 | 12,750,512 | 1,969,647 | 1,901,922 | 2,579,874 |
| 12 | Eldoret | 25,866,397 | 18,010,308 | 29,376,223 | 32,646,382 | 25,818,011 | 26,936,759 |
| 13 | Embu | 6,830,811 | 9,346,334 | 10,860,419 | 8,216,170 | 8,161,280 | 9,604,948 |
| 14 | Engineer | 14,821,833 | 6,316,375 | 6,695,920 | 4,268,150 | 2,748,248 | 2,405,542 |
| 15 | Garissa - Magistrate | 12,585,613 | 10,782,129 | 16,054,115 | 4,737,958 | 2,606,691 | 2,591,501 |
| | Garissa - Balambala Kadhi | - | - | - | 58,075 | 67,450 | 40,325 |
| | Garissa - Dadaab Kadhi | - | - | - | 152,000 | 160,935 | 161,150 |
| | Garissa - IjaraKadhi | - | - | - | 124,330 | 169,635 | 302,015 |
| | Garissa - ModogasheKadhis | - | - | - | 54,995 | 148,028 | - |
| | Garissa - Bura/ Fafi Kadhi Court | - | - | - | 51,450 | 37,200 | - |
| 16 | Garsen | 3,016,309 | 1,928,850 | 746,670 | 1,365,325 | 1,333,180 | 1,201,220 |
| 17 | Gatundu | 14,566,859 | 8,162,906 | 11,175,329 | 7,185,079 | 4,135,687 | 5,660,407 |
| 18 | Gichugu | 4,819,135 | 3,769,249 | 6,159,473 | 2,167,779 | 1,087,535 | 1,479,739 |
| 19 | Githongo | 4,189,726 | 3,518,760 | 6,392,297 | 2,035,422 | 1,244,150 | 1,603,181 |
| 20 | Githunguri | 5,786,467 | 3,023,182 | 6,822,731 | 2,719,248 | 2,686,150 | 3,443,186 |
| 21 | Hamisi | 3,383,148 | 2,671,996 | 2,094,087 | 822,667 | 753,677 | 907,872 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 22 | Hola | 2,216,598 | 1,136,018 | 982,619 | 633,783 | 517,722 | 420,437 |
| 23 | Homa Bay | 7,767,707 | 4,838,163 | 6,784,463 | 4,839,660 | 4,363,514 | 3,624,936 |
| | Isiolo - Magistrate Court | 12,738,008 | 8,169,755 | 11,284,272 | 2,490,756 | 1,912,205 | 1,796,590 |
| | Isiolo - Garbatullah Kadhi | - | - | - | 110,465 | 85,315 | - |
| 24 | Isiolo - Merti Kadhi Court | - | - | - | 282,525 | 113,475 | - |
| 25 | Iten | 5,248,642 | 9,896,974 | 9,455,602 | 1,942,649 | 1,129,764 | 1,196,056 |
| 26 | JKIA | 3,789,210 | 4,974,774 | 8,280,102 | 158,285 | 176,222 | 135,635 |
| 27 | Kabarnet | 2,916,584 | 2,309,976 | 3,982,112 | 1,280,505 | 1,026,499 | 1,325,253 |
| 28 | Kajiado | 5,511,835 | 14,713,081 | 22,064,179 | 12,766,769 | 8,802,482 | 11,343,121 |
| 29 | Kahawa | 100,000 | - | - | 4,490 | - | - |
| 30 | Kakamega | 6,367,548 | 7,853,128 | 9,784,537 | 10,429,153 | 9,808,549 | 11,777,871 |
| 31 | Kakuma | 1,350,028 | 881,855 | 1,218,481 | 221,565 | 108,735 | 49,306 |
| 32 | Kaloleni | 1,567,538 | 884,619 | 1,591,428 | 2,503,210 | 2,290,667 | 1,146,640 |
| 33 | Kandara | 11,236,015 | 8,727,584 | 7,463,815 | 5,699,245 | 3,928,157 | 3,542,882 |
| 34 | Kangema | 5,819,522 | 3,474,990 | 6,764,880 | 1,563,906 | 1,530,052 | 1,576,288 |
| 35 | Kangundo | 12,064,864 | 6,190,392 | 10,905,244 | 5,565,301 | 4,959,835 | 4,643,821 |
| 36 | Kapenguria | 7,125,333 | 5,466,102 | 6,906,382 | 1,693,562 | 1,196,408 | 1,088,919 |
| 37 | Kapsabet | 7,099,684 | 15,563,593 | 29,069,936 | 4,888,060 | 3,984,772 | 3,363,341 |
| 38 | Karatina | 5,747,649 | 3,844,769 | 6,374,549 | 3,811,224 | 2,283,745 | 3,047,853 |
| 39 | Kehancha | 6,243,448 | 2,420,162 | 5,335,801 | 739,933 | 726,416 | 581,560 |
| 40 | Kericho | 12,344,424 | 14,235,127 | 26,384,455 | 8,544,796 | 7,445,187 | 9,435,023 |
| 41 | Keroka | 8,734,151 | 2,499,929 | 3,457,400 | 2,524,373 | 813,298 | 1,353,969 |
| 42 | Kerugoya | 3,852,387 | 2,925,898 | 5,778,846 | 8,119,691 | 6,700,114 | 7,609,913 |
| 43 | Kiambu | 34,311,121 | 13,569,843 | 22,598,134 | 16,504,353 | 13,496,892 | 13,686,578 |
| 44 | Kibera | 50,779,939 | 47,009,226 | 58,192,779 | 695,285 | 901,869 | 770,393 |
| 45 | Kigumo | 4,812,017 | 5,765,939 | 12,395,997 | 4,507,903 | 3,209,563 | 4,164,010 |
| 46 | Kikuyu | 7,248,446 | 6,477,472 | 8,121,538 | 8,933,058 | 7,911,704 | 8,220,926 |
| 47 | Kilgoris | 6,470,283 | 6,241,580 | 7,058,463 | 1,660,042 | 1,240,775 | 1,814,842 |
| 48 | Kilifi | 4,136,158 | 4,661,178 | 4,534,892 | 8,369,178 | 6,708,410 | 5,505,769 |
| 49 | Kilungu | 15,461,892 | 12,842,022 | 25,075,174 | 4,747,675 | 4,069,748 | 4,659,906 |
| 50 | Kimilili | 2,045,674 | 5,225,502 | 6,440,780 | 2,783,402 | 1,863,804 | 1,975,375 |
| 51 | Kisii | 6,321,498 | 8,360,095 | 22,517,686 | 15,661,583 | 13,962,043 | 18,077,507 |
| 52 | Kisumu | 14,851,711 | 6,931,835 | 13,378,392 | 27,963,810 | 22,195,475 | 25,157,161 |
| 53 | Kitale | 19,598,314 | 17,043,659 | 31,840,157 | 9,740,072 | 10,292,817 | 11,719,850 |
| 54 | Kithimani | 5,548,683 | 6,127,468 | 9,813,662 | 3,562,136 | 3,273,170 | 4,054,954 |
| 55 | Kitui | 7,582,253 | 7,538,568 | 11,253,417 | 7,934,319 | 6,076,548 | 6,780,262 |
| 56 | Kwale | 4,583,639 | 8,385,910 | 18,927,057 | 5,994,497 | 4,861,012 | 6,775,298 |
| 57 | Kyuso | 915,773 | 1,163,700 | 3,546,794 | 426,427 | 489,273 | 541,950 |
| 58 | Lamu - Magistrate Court | 5,104,510 | 2,131,316 | 2,804,962 | 779,195 | 938,257 | 531,469 |
| | Lamu - Faza Kadhi Court | - | - | - | - | - | - |
| 59 | Limuru | 9,236,190 | 7,181,059 | 11,965,206 | 10,448,965 | 6,463,580 | 7,759,018 |
| 60 | Lodwar | 3,263,603 | 2,199,557 | 2,538,517 | 676,672 | 547,370 | 355,880 |
| 61 | Loitokitok | 1,544,717 | 3,494,881 | 5,813,828 | 966,263 | 597,231 | 1,302,367 |
| 62 | Machakos | 18,133,979 | 10,693,070 | 20,190,595 | 24,398,678 | 19,096,858 | 24,312,704 |
| 63 | Makadara | 75,920,529 | 198,281,119 | 98,743,809 | 209,117 | 443,556 | 719,355 |
| 64 | Makindu | 16,620,241 | 13,113,940 | 25,193,119 | 6,827,180 | 6,366,468 | 7,184,257 |
| 65 | Makueni | 6,781,775 | 4,287,643 | 7,747,842 | 5,943,332 | 5,505,950 | 5,886,405 |
| 66 | Malindi | 6,354,588 | 5,311,979 | 6,690,523 | 14,153,857 | 12,601,059 | 14,928,864 |
| | Mandera - Magistrate Court | 6,839,339 | 4,042,800 | 4,745,041 | 562,108 | 476,413 | 1,840,295 |
| 67 | Mandera - Elwak Kadhi Court | - | - | - | 334,250 | 315,350 | - |
| | Mandera - Tabaka KadhiCourt | - | - | - | 14,350 | 128,790 | - |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 68 | Maralal | 3,239,055 | 1,912,610 | 1,859,761 | 593,752 | 482,496 | 560,691 |
| 69 | Mariakani | 8,040,611 | 8,593,476 | 19,002,488 | 4,389,799 | 3,870,664 | 4,614,694 |
| 70 | Marimanti | 2,168,541 | 1,728,606 | 1,795,720 | 1,567,615 | 714,249 | 714,076 |
| 71 | Marsabit | 2,753,396 | 2,810,497 | 1,698,048 | 981,494 | 915,985 | 1,385,191 |
| 72 | Maseno | 6,203,131 | 4,349,223 | 5,397,390 | 2,590,655 | 2,225,435 | 1,877,100 |
| 73 | Maua | 9,368,462 | 7,936,819 | 11,122,768 | 5,956,019 | 4,199,661 | 5,245,683 |
| 74 | Mavoko | 30,417,086 | 29,274,491 | 45,877,569 | 15,226,423 | 15,868,437 | 14,231,473 |
| 75 | Mbita | 3,730,548 | 3,332,052 | 4,878,645 | 1,184,846 | 892,270 | 973,044 |
| 76 | Meru | 7,958,572 | 10,771,755 | 18,474,682 | 14,200,267 | 11,926,361 | 15,326,689 |
| 77 | Migori | 6,439,184 | 2,953,736 | 5,120,340 | 6,838,836 | 5,774,184 | 7,330,828 |
| 78 | Milimani Commercial Court | - | 80,000 | 40,000 | 202,186,594 | 201,825,611 | 229,491,369 |
| 79 | Milimani ELRC | - | 700,000 | - | 9,343,546 | 7,765,873 | 9,750,153 |
| 80 | Milimani LawCourt | 130,098,423 | 194,481,201 | 222,492,337 | 90,136,115 | 87,758,158 | 125,446,918 |
| 81 | Molo | 19,358,247 | 9,929,906 | 10,316,620 | 6,723,758 | 4,923,037 | 4,669,381 |
| 82 | Mombasa | 39,269,979 | 27,673,872 | 48,857,932 | 67,507,598 | 56,080,462 | 73,701,060 |
| 83 | Moyale | 5,212,879 | 6,877,224 | 7,476,817 | 607,728 | 457,969 | 482,255 |
| 84 | Mpeketoni - Magistrate | 763,202 | 230,710 | 616,489 | 474,991 | 373,270 | 381,055 |
| | Mpeketoni - Witu Kadhis Court | - | - | - | 198,055 | 58,375 | - |
| 85 | Msambweni | 3,722,830 | 3,473,743 | - | 1,932,926 | 1,091,929 | - |
| 86 | Mukurwe-ini | 2,576,564 | 1,242,335 | 2,965,844 | 903,294 | 973,068 | 1,073,150 |
| 87 | Mumias | 2,895,779 | 4,397,010 | 5,790,251 | 2,868,868 | 2,378,998 | 3,106,680 |
| 88 | Murang'a | 6,899,915 | 5,289,345 | 8,319,035 | 12,746,176 | 8,773,337 | 9,220,921 |
| 89 | Mutomo | 2,676,706 | 1,771,368 | 2,095,873 | 785,349 | 791,743 | 914,562 |
| 90 | Mwingi | 11,378,278 | 8,467,220 | 4,237,660 | 3,502,705 | 1,946,872 | 3,667,575 |
| 91 | Naivasha | 11,360,898 | 19,285,976 | 37,676,681 | 17,110,070 | 14,884,835 | 16,449,620 |
| 92 | Nakuru | 29,984,296 | 28,465,791 | 31,962,271 | 33,628,982 | 25,193,979 | 29,538,342 |
| 93 | Nanyuki | 13,799,503 | 7,683,103 | 18,026,635 | 5,499,102 | 4,311,911 | 5,699,849 |
| 94 | Narok | 8,888,119 | 8,381,964 | 12,603,914 | 6,669,794 | 5,826,793 | 8,390,815 |
| 95 | Ndhiwa | 1,414,999 | 1,905,667 | 1,059,270 | 1,383,807 | 952,974 | 1,408,504 |
| 96 | Ngong | 13,400,486 | 8,503,210 | 20,421,361 | 6,908,574 | 5,396,217 | 6,512,253 |
| 97 | Nkubu | 6,080,205 | 8,788,271 | 9,616,765 | 3,608,927 | 2,861,429 | 3,071,507 |
| 98 | Nyahururu | 11,085,197 | 11,654,502 | 12,122,751 | 9,936,316 | 7,584,882 | 8,904,550 |
| 99 | Nyamira | 12,967,640 | 7,770,633 | 9,594,104 | 4,452,859 | 3,723,246 | 3,253,048 |
| 100 | Nyando | 3,213,349 | 1,743,307 | 3,008,021 | 4,074,964 | 2,664,002 | 1,925,987 |
| 101 | Nyeri | 14,539,750 | 13,409,763 | 15,125,872 | 15,914,862 | 13,868,235 | 16,929,210 |
| 102 | Ogembo | 4,856,223 | 6,260,149 | 13,208,956 | 4,195,546 | 3,579,927 | 4,306,861 |
| 103 | Othaya | 1,783,164 | 1,487,256 | 1,930,943 | 1,825,352 | 1,039,946 | 1,461,458 |
| 104 | Oyugis | 6,419,774 | 5,158,839 | 6,643,043 | 5,525,770 | 4,197,770 | 3,662,242 |
| 105 | Rongo | 3,692,345 | 1,881,808 | 3,533,889 | 2,499,333 | 2,656,040 | 2,793,610 |
| 106 | Ruiru | 27,105,099 | 15,064,813 | 2,459,759 | 12,325,531 | 7,752,198 | 1,485,483 |
| 107 | Runyenjes | 13,299,903 | 3,541,496 | 7,078,776 | 2,191,605 | 2,202,379 | 1,783,185 |
| 108 | Shanzu | 13,253,928 | 12,206,759 | 23,760,774 | 51,445 | 93,550 | 86,585 |
| 109 | Siakago | 4,976,405 | 4,046,336 | 2,926,018 | 3,549,304 | 2,829,639 | 2,564,637 |
| 110 | Siaya | 4,845,904 | 3,964,009 | 5,343,010 | 4,651,393 | 3,613,018 | 3,841,016 |
| 111 | Sirisia | 1,829,193 | 3,118,006 | 4,893,854 | 993,347 | 740,637 | 1,083,413 |
| 112 | Sotik | 5,348,504 | 4,915,827 | 6,201,140 | 2,461,316 | 1,601,085 | 2,296,548 |
| 113 | Tamu | 1,897,079 | 1,162,392 | 1,513,239 | 1,287,416 | 902,995 | 821,479 |
| 114 | Taveta | 5,706,744 | 12,125,086 | 9,777,249 | 836,824 | 807,950 | 358,827 |
| 115 | Tawa | 1,289,420 | 941,232 | 2,047,296 | 1,870,247 | 1,648,998 | 2,001,471 |
| 116 | Thika | 40,094,273 | 24,429,258 | 55,567,925 | 21,421,155 | 17,302,915 | 24,009,108 |
| 117 | Tigania | 5,200,465 | 6,400,182 | 14,609,458 | 3,681,983 | 2,135,679 | 2,166,228 |
| 118 | Tononoka | 60,000 | 7,000 | - | 967,681 | 646,962 | - |
| 119 | Tribunals | - | - | - | 17,177,162 | 23,366,595 | - |
| 120 | Ukwala | 5,139,844 | 3,543,700 | 4,099,274 | 1,724,725 | 1,743,579 | 1,607,349 |
| 121 | Vihiga | 3,114,579 | 2,477,665 | 5,793,465 | 3,932,044 | 3,123,825 | 2,850,754 |
| 122 | Voi | 10,702,282 | 7,126,052 | 10,372,870 | 5,856,421 | 4,849,568 | 5,534,252 |
| | Wajir - Magistrate | 7,281,501 | 8,701,205 | 10,108,316 | 1,604,431 | 748,965 | 1,303,038 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | Court | | | | | | |
| 123 | Wajir - EldasKadhis Court | - | - | - | 27,975 | 13,855 | - |
| | Wajir - Bute Kadhis Court | - | - | - | 89,420 | 76,020 | - |
| | Wajir - Habaswein Kadhis Court | - | - | - | 52,300 | 87,975 | - |
| 124 | Wang'uru | 6,115,895 | 4,396,947 | 10,306,817 | 3,811,361 | 3,160,160 | 2,918,828 |
| 125 | Webuye | 5,358,793 | 5,637,157 | 8,362,815 | 2,463,814 | 2,259,991 | 2,339,947 |
| 126 | Winam | 6,858,879 | 5,398,782 | 6,438,412 | 2,216,124 | 1,934,291 | 2,176,355 |
| 127 | Wundanyi | 4,036,493 | 3,403,805 | 5,346,970 | 866,601 | 670,850 | 524,823 |

The top 10 collectors of fines for FY 2020/21 were Milimani, Makadara, Kibera, Thika, Mombasa, Kiambu, Mavoko, Nakuru,Ruiru and Eldoret Law Courts while top 10 collectors of fees were: Milimani Commercial, Milimani Law, Mombasa, Nakuru,Eldoret,Kisumu,Machakos,Thika,TribunalsandNaivashaLawCourts.

6.6 Court Deposits

Court deposits are payments of funds or property to the court as a precautionary measure. Deposits are refundedat the conclusion of legal proceedings. Cash bail, bond (security), land title, log book, fixed deposit certificate, traveldocuments,andpayslipsareallexamplesofdeposits.

Deposits management has improved in the past three financial years. Since the delinking of the management of financialmattersfromtheSub-CountyTreasuries,therehasbeen greaterefficiency,effectiveness,transparencyand accountability in collection, refund and accounting for court deposits in the period under review. In order to finalize the de-linking from Sub-County Treasuries, 'reconciliation of deposits were carried out in the majority ofcourts during this period to establish the correct deposits liability.

In deposit collection and accounting, the Judiciary employs the Case Tracking System (CTS) and the JudiciaryFinancial Management Information System (JFMIS), while payments and refunds are processed through the KCB QuickPay(Q-pay)electronicpaymentsystem.

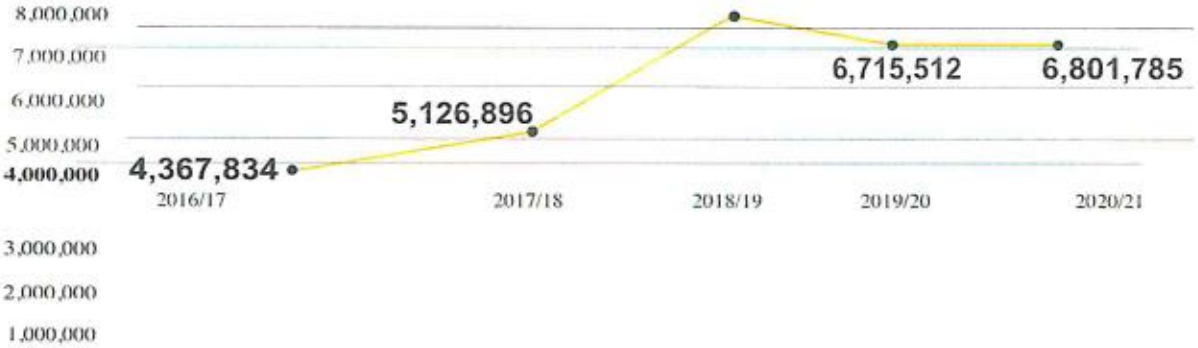



Figure 6.7: Trends in amounts of deposits held by the Judiciary from FY2016/17 – 2020/21

The court deposits held by the Judiciary have progressively increased from KSh4.37 billion in FY 2016/17 to KSh6.8billion inFY 2020/21.

Table 6.9 details the funds held as cash bails in each court station as at the end of the FY 2020-2021 and the percentage change in this amount as compared to the FY 2019/2020.

Table 6.9: Court Deposits held by court stations and end of FY 2020/21

| No | Station Name | FY 2019/20 KShs | FY 2020/21 KShs | Change KShs | %age |
|---|---|---|---|---|---|
| 1. | Baricho | 12,436,912 | 14,940,775 | 2,503,863 | 17% |
| 2. | Bomet | 17,195,854 | 19,370,265 | 2,174,411 | 11% |
| 3. | Bondo | 2,967,321 | 3,481,321 | 514,000 | 15% |
| 4. | Bungoma | 26,672,811 | 24,683,325 | (1,989,487) | -8% |
| 5. | Busia | 16,873,176 | 26,813,416 | 9,940,240 | 37% |
| 6. | Butali | 7,683,138 | 9,476,632 | 1,793,494 | 19% |
| 7. | Butere | 3,073,810 | 2,367,309 | (706,501) | -30% |
| 8. | Chuka | 17,046,151 | 18,212,494 | 1,166,343 | 6% |
| 9. | Dadaab | - | 195,000 | 195,000 | - |
| 10. | Eldama Ravine | 19,546,105 | 17,814,657 | (1,731,448) | -10% |
| 11. | Eldoret | 92,132,719 | 119,254,991 | 27,122,273 | 23% |
| 12. | Embu | 33,678,307 | 29,313,675 | (4,364,632) | -15% |
| 13. | Engineer | 11,807,112 | 12,939,512 | 1,132,400 | 9% |
| 14. | Garissa | 19,822,559 | 21,007,841 | 1,185,282 | 6% |
| 15. | Garsen | 3,819,641 | 2,810,335 | (1,009,306) | -36% |
| 16. | Gatundu | 17,065,433 | 19,508,993 | 2,443,560 | 13% |
| 17. | Gichugu | 6,095,508 | 9,701,308 | 3,605,800 | 37% |
| 18. | Githongo | 3,423,529 | 4,305,290 | 881,760 | 20% |
| 20. | Hamisi | 2,740,878 | 3,536,010 | 795,132 | 22% |
| 21. | Hola | 1,135,060 | 1,755,985 | 620,925 | 35% |
| 22. | Homa Bay | 13,272,391 | 13,168,391 | (104,000) | -1% |
| 23. | Isiolo | 22,649,745 | 22,441,089 | (208,657) | -1% |

| | | | | | |
|---|---|---|---|---|---|
| 24. | Iten | 4,842,624 | 4,357,624 | (485,000) | -11% |
| 25. | JKIA | 10,628,400 | 15,926,400 | 5,298,000 | 33% |
| 26. | Kabarnet | 3,089,669 | 3,640,585 | 550,916 | 15% |
| 27. | Kahawa | - | 1,885,000 | 1,885,000 | - |
| 28. | Kajiado | 161,990,014 | 170,731,500 | 8,741,486 | 5% |
| 29. | Kakamega | 27,198,258 | 28,933,776 | 1,735,518 | 6% |
| 30. | Kakuma | 1,743,000 | 2,288,000 | 545,000 | 24% |
| 31. | Kaloleni | 3,165,457 | 4,706,737 | 1,541,280 | 33% |
| 32. | Kandara | 17,861,441 | 19,049,797 | 1,188,356 | 6% |
| 33. | Kangema | 7,448,334 | 8,147,554 | 699,220 | 9% |
| 34. | Kangundo | 12,120,726 | 18,968,086 | 6,847,360 | 36% |
| 35. | Kapenguria | 4,707,915 | 6,435,693 | 1,727,778 | 27% |
| 36. | Kapsabet | 18,106,395 | 23,360,030 | 5,253,634 | 22% |
| 37. | Karatina | 10,555,311 | 10,198,811 | (356,500) | -3% |
| 38. | Kehancha | 3,708,664 | 5,087,916 | 1,379,252 | 27% |
| 39. | Kericho | 42,098,207 | 41,458,737 | (639,469) | -2% |
| 41. | Kerugoya | 17,066,792 | 22,644,180 | 5,577,388 | 25% |
| 42. | Kiambu | 146,543,683 | 172,155,010 | 25,611,327 | 15% |
| 44. | Kigumo | 22,269,967 | 26,890,286 | 4,620,319 | 17% |
| 45. | Kikuyu | 42,413,150 | 49,236,487 | 6,823,337 | 14% |
| 46. | Kilgoris | 9,369,306 | 11,622,306 | 2,253,000 | 19% |
| 47. | Kilifi | 25,781,127 | 30,092,401 | 4,311,274 | 14% |
| 48. | Kilungu | 3,036,602 | 2,907,752 | (128,850) | -4% |
| 49. | Kimilili | 7,155,120 | 6,956,738 | (198,382) | -3% |
| 50. | Kisii | 29,659,340 | 34,654,242 | 4,994,902 | 14% |
| 51. | Kisumu | 51,202,199 | 72,100,335 | 20,898,136 | 29% |
| 52. | Kitale | 24,872,975 | 37,162,994 | 12,290,020 | 33% |
| 53. | Kithimani | 16,315,631 | 18,769,326 | 2,453,694 | 13% |
| 54. | Kitui | 36,732,634 | 39,045,768 | 2,313,134 | 6% |
| 55. | Kwale | 26,765,321 | 28,560,419 | 1,795,098 | 6% |
| 56. | Kyuso | 1,340,400 | 1,293,500 | (46,900) | -4% |
| 57. | Lamu | 10,352,173 | 11,626,020 | 1,273,847 | 11% |
| 58. | Limuru | 31,548,906 | 32,524,316 | 975,410 | 3% |
| 59. | Lodwar | 5,369,368 | 7,097,868 | 1,728,500 | 24% |
| 60. | Loitokitok | 912,500 | 1,384,500 | 472,000 | 34% |
| 61. | Machakos | 79,180,206 | 85,610,004 | 6,429,798 | 8% |
| 62. | Makadara | 370,877,821 | 398,486,733 | 27,608,912 | 7% |
| 64. | Makueni | 15,605,738 | 14,648,265 | (957,473) | -7% |
| 65. | Malindi | 91,304,951 | 88,089,875 | (3,215,076) | -4% |
| 66. | Mandera | 2,257,275 | 1,303,775 | (953,500) | -73% |
| 67. | Mararal | 2,885,732 | 3,143,201 | 257,469 | 8% |
| 68. | Mariakani | 21,252,175 | 26,096,818 | 4,844,643 | 19% |
| 69. | Marimanti | 2,455,000 | 2,992,000 | 537,000 | 18% |
| 70. | Marsabit | 22,202,119 | 20,706,894 | (1,495,225) | -7% |
| 71. | Maseno | 6,002,039 | 7,057,184 | 1,055,146 | 15% |
| 72. | Maua | 32,350,165 | 28,684,867 | (3,665,298) | -13% |
| 73. | Mavoko | 68,189,764 | 84,757,320 | 16,567,556 | 20% |
| 74. | Mbita | 3,251,444 | 3,413,275 | 161,831 | 5% |
| 75. | Meru | 46,502,831 | 55,852,489 | 9,349,658 | 17% |
| 76. | Migori | 13,035,686 | 16,271,210 | 3,235,524 | 20% |
| 77. | Milimani Law Court | 2,329,131,409 | 2,090,289,472 | (238,841,938) | -11% |
| 78 | Milimani Commercial Court | 215,484,697 | 218,412,931 | 2,928,234 | 1% |
| 79 | Molo | 48,021,663 | 57,570,414 | 9,548,751 | 17% |
| 80 | Mombasa | 303,736,584 | 330,143,120 | 26,406,536 | 8% |
| 81 | Mutomo | 5,186,639 | 1,560,384 | (3,626,255) | -232% |
| 82 | Moyale | 3,709,890 | 4,027,890 | 318,000 | 8% |
| 83 | Mpeketoni | 1,122,000 | 1,524,000 | 402,000 | 26% |
| 85. | Mukurweini | 1,966,999 | 1,806,525 | (160,474) | -9% |
| 86. | Mumias | 8,378,724 | 7,679,073 | (699,651) | -9% |
| 88. | Mwingi | 11,139,344 | 19,340,198 | 8,200,854 | 42% |
| 89. | Naivasha | 105,833,505 | 103,333,982 | (2,499,523) | -2% |
| 90. | Nakuru | 226,929,620 | 249,677,028 | 22,747,408 | 9% |
| 91. | Nanyuki | 29,335,929 | 34,206,171 | 4,870,242 | 14% |
| 92. | Narok | 24,758,502 | 35,758,017 | 10,999,514 | 31% |
| 93. | Ndhiwa | 1,393,500 | 1,699,944 | 306,444 | 18% |
| 94. | Ngong | 37,129,858 | 47,377,202 | 10,247,344 | 22% |
| 95. | Nkubu | 8,119,551 | 8,675,207 | 555,656 | 6% |
| 96. | Nyahururu | 37,680,018 | 42,897,086 | 5,217,068 | 12% |
| 97. | Nyamira | 17,044,996 | 14,004,171 | (3,040,825) | -22% |
| 98. | Nyando | 3,548,628 | 3,392,628 | (156,000) | -5% |
| 99. | Nyeri | 58,834,522 | 61,390,152 | 2,555,630 | 4% |
| 100. | Ogembo | 15,136,485 | 23,928,823 | 8,792,338 | 37% |
| 101. | Othaya | 2,159,445 | 1,612,437 | (547,008) | -34% |
| 102. | Oyugis | 3,629,200 | 4,882,700 | 1,253,500 | 26% |
| 103. | Rongo | 3,504,846 | 4,446,105 | 941,260 | 21% |
| 104. | Ruiru | 9,708,000 | 13,081,813 | 3,373,813 | 26% |
| 106. | Shanzu | 95,991,736 | 111,408,236 | 15,416,500 | 14% |
| 107. | Siakago | 12,356,540 | 14,093,440 | 1,736,900 | 12% |

| | | | | | |
|---|---|---|---|---|---|
| 108. | Siaya | 12,661,526 | 14,785,261 | 2,123,735 | 14% |
| 109. | Sirisia | 2,845,379 | 4,770,249 | 1,924,870 | 40% |
| 110. | Sotik | 4,817,105 | 6,469,605 | 1,652,500 | 26% |
| 111. | Tamu | 1,095,500 | 1,464,500 | 369,000 | 25% |
| 112. | Taveta | 2,159,045 | 1,856,045 | (303,000) | -16% |
| 113. | Tawa | 3,738,772 | 4,323,773 | 585,001 | 14% |
| 114. | Thika | 128,092,455 | 120,426,451 | (7,666,004) | -6% |
| 115. | Tigania | 10,549,969 | 10,939,769 | 389,800 | 4% |
| 116. | Tononoka | 398,000 | 618,000 | 220,000 | 36% |
| 117. | Tribunals | 40,366,926 | 39,804,781 | (562,145) | -1% |
| 118. | Ukwala | 2,453,268 | 3,367,190 | 913,923 | 27% |
| 119. | Vihiga | 6,029,378 | 6,015,242 | (14,136) | 0% |
| 120. | Voi | 15,682,563 | 12,118,505 | (3,564,059) | -29% |
| 121. | Wajir | 3,343,540 | 3,544,000 | 200,460 | 6% |
| 122. | Wang'uru | 7,679,152 | 5,720,497 | (1,958,655) | -34% |
| 123. | Webuye | 10,966,648 | 12,477,185 | 1,510,537 | 12% |
| 124. | Winam | 14,637,156 | 13,977,366 | (659,790) | -5% |
| 125. | Wundanyi | 2,588,740 | 1,939,682 | (649,058) | -33% |
| 126. | Supreme Court /Court of Appeal/HQs | 585,984,121 | 533,606,921 | (52,377,200) | -10% |
| | | | | | |

Table 6.9 shows that the outstanding deposits during FY 2020/21 increased marginally by one per cent from KSh6.72 billion in FY 2019/20 to KSh6.80 billion in FY 2020/21.

6.7 Monetary Value of Cases Handled Through Court Annexed Mediation

The value of the matters that were settled through Court Annexed Mediation (CAM) was KSh382million. The growth in value of matters referred to CAM over time is illustrated in Figure 6.8.

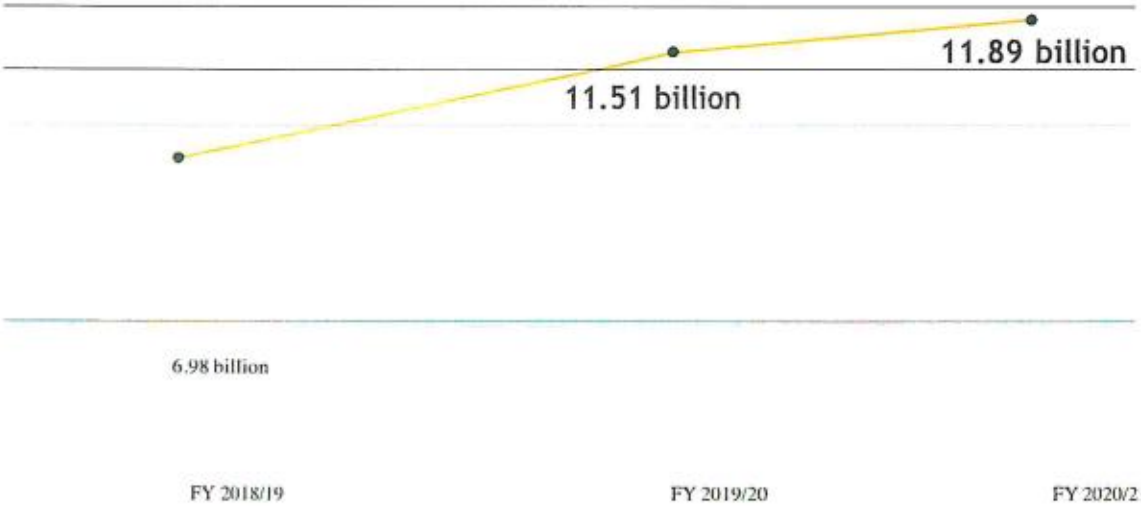



Figure 6.8: Trend of monetary value of matters settled through mediation

The monetary amount that has been released back to the economy has shown a positive trajectory from KSh6.98 billion in FY 2018/19 to KSh11.51 billion in 2019/20 to KSh11.89 billion in FY 2020/21. The mild growth during the period under review is attributed to the reduced settlement of matters through the mainstream court process during the COVID-19 pandemic. Detailed statistics on monetary value of matters handled under CAM are presented in Table 6.10.

Table 6.10: Monetary value of matters referred to mediation, FY 2020/21

| No. | Court name | Cumulative value of matters referred to mediation asat 30th June2020 | Value of matters referred to mediation, FY2020/21 | Cumulative value of matters referred to mediation as at 30th June 2021 | Cumulative value of matters with settlement agreements asat 30th June 2020 | Value of matters withsettlement agreements,FY 2020/21 | Cumulative value of matters with settlement agreements asat 30th June 2021 |
|---|---|---|---|---|---|---|---|
| | | | | | | | HIGH COURT |
| 1 | Eldoret | 1,685,114,162 | 434,090,000 | 2,119,204,162 | 719,317,282 | 24,700,000 | 744,017,282 |
| 2 | Embu | 747,867 | 3,100,000 | 3,847,867 | 40,167 | 2,100,000 | 2,140,167 |
| 3 | Garissa | 731,419 | - | 731,419 | 556,000 | - | 556,000 |
| 4 | Kakamega | 327,163,048 | 102,500,000 | 429,663,048 | 70,574,219 | 32,441,902 | 103,016,121 |
| 5 | Kerugoya | - | 26,000,000 | 26,000,000 | - | 4,000,000 | 4,000,000 |
| 6 | Kisii | 380,488 | 12,459,400 | 12,839,888 | - | 18,107,108 | 18,107,108 |
| 7 | Kisumu | 265,864,884 | 344,000,000 | 609,864,884 | 13,261,353 | - | 13,261,353 |
| 8 | Machakos | 187,309,123 | 158,300,000 | 345,609,123 | 66,879,006 | - | 66,879,006 |
| 9 | Malindi | 15,669,663 | 20,000,000 | 35,669,663 | - | - | - |
| 10 | Milimani Civil Division | 995,254,234 | 195,300,000 | 1,190,554,234 | 1,509,150 | - | 1,509,150 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 11 | Milimani Commercial Division | 24,347,675,688 | 1,367,000,000 | 25,714,675,688 | 3,531,243,120 | 216,530,836 | 3,747,773,956 |
| 12 | Milimani Family Division | 12,910,945,835 | 503,300,000 | 13,414,245,835 | 4,936,821,914 | 10,562,480 | 4,947,384,394 |
| 13 | Mombasa | 59,953,326 | 16,649,288 | 76,602,614 | - | - | - |
| 14 | Nakuru | 135,989,981 | 1,844,278 | 137,834,259 | 3,894,123 | - | 3,894,123 |
| 15 | Nyamira | 4,687,500 | - | 4,687,500 | 2,222,222 | - | 2,222,222 |
| 16 | Nyeri | 1,006,585,018 | 3,108,000,000 | 4,114,585,018 | 1,061,944,436 | 17,352,645 | 1,079,297,081 |
| | Total HighCourts | 41,944,072,236 | 6,292,542,966 | 48,236,615,202 | 10,408,262,992 | 325,794,971 | 10,734,057,963 |
| 1 | Eldoret | - | - | - | - | - | - |
| 2 | Kisumu | 74,093,492 | - | 74,093,492 | - | - | - |
| 3 | Milimani | 1,805,124,869 | 170,400,000 | 1,975,524,869 | 242,684,818 | 39,293,890 | 281,978,708 |
| 4 | Mombasa | 9,992,221 | 150,000 | 10,142,221 | - | - | - |
| 5 | Nyeri | 41,253,484 | 314,814 | 41,568,298 | 11,669,719 | - | 11,669,719 |
| | Total ELRC | 1,930,464,066 | 170,864,814 | 2,101,328,880 | 254,354,537 | 39,293,890 | 293,648,427 |
| | | | | | | | ELC |
| 1 | Eldoret | - | - | - | - | - | - |
| 2 | Embu | 923,836 | - | 923,836 | 40,167 | - | 40,167 |
| 3 | Garissa | | | | | | |
| 4 | Kakamega | 59,484,191 | 12,500,000 | 71,984,191 | 9,537,057 | 5,733,918 | 15,270,975 |
| 5 | Kerugoya | - | 1,000,000 | 1,000,000 | - | - | |
| 6 | Kisii | 1,078,048 | - | 1,078,048 | - | - | - |
| 7 | Kisumu | 58,838,950 | - | 58,838,950 | 2,340,239 | - | 2,340,239 |
| 8 | Machakos | 51,671,482 | - | 51,671,482 | - | - | - |
| 9 | Malindi | - | - | - | - | - | - |
| 10 | Milimani | 768,454,645 | 585,100,000 | 1,353,554,645 | - | - | - |
| 11 | Mombasa | 26,645,923 | - | 26,645,923 | - | - | - |
| 12 | Nyeri | 90,757,666 | - | 90,757,666 | 11,669,719 | - | 11,669,719 |
| | Total ELC | 1,057,854,741 | 598,600,000 | 1,656,454,741 | 23,587,182 | 5,733,918 | 29,321,100 |
| | | | | | | | MAGISTRATE'S COURTS |
| 1 | Eldoret | 1,327,665,703 | 10,160,265 | 1,337,825,968 | 553,320,987 | 4,922,000 | 558,242,987 |
| 2 | Embu | 1,539,727 | 2,802,205 | 4,341,932 | 160,667 | 2,471,600 | 2,632,267 |
| 3 | Garissa | - | - | - | - | - | - |
| 4 | Kakamega | 90,791,659 | 335,000 | 91,126,659 | 20,981,525 | 452,678 | 21,434,203 |
| 5 | Kerugoya | - | 4,000,000 | 4,000,000 | - | 1,000,000 | 1,000,000 |
| 6 | Kisii | 2,441,463 | - | 2,441,463 | - | - | - |
| 7 | Kisumu | 82,810,374 | - | 82,810,374 | 14,821,512 | - | 14,821,512 |
| 8 | Machakos | - | - | - | - | | - |
| 9 | Malindi | 33,750,044 | 445,078 | 34,195,122 | - | - | - |
| 10 | Milimani Children's | 66,264,697 | - | 66,264,697 | 8,833,262 | - | 8,833,262 |
| 11 | Milimani Commercial | 103,184,618 | 2,227,059 | 105,411,677 | 23,762,645 | - | 23,762,645 |
| 12 | Mombasa MC | 346,396,997 | 24,250,547 | 370,647,544 | 22,507,726 | - | 22,507,726 |
| 13 | Nakuru MC | 123,038,555 | 789,888 | 123,828,443 | 11,682,368 | 750,000 | 12,432,368 |
| 14 | Nyamira MC | 55,312,500 | - | 55,312,500 | 17,777,778 | - | 17,777,778 |
| 15 | Nyeri MC | 280,523,693 | 250,000 | 280,773,693 | 151,706,348 | 377,231 | 152,083,579 |
| 16 | Siakago MC | - | 4,000,000 | 4,000,000 | - | 1,000,000 | 1,000,000 |
| 17 | Tononoka MC | - | - | - | - | - | - |
| | Total Magistrate's Courts | 2,513,720,030 | 49,260,042 | 2,562,980,072 | 825,554,818 | 10,973,509 | 836,528,327 |
| | Grand TotalAll Courts | 47,446,111,073 | 7,111,267,822 | 54,557,378,895 | 11,511,759,529 | 381,796,288 | 11,893,555,817 |

The total cumulative value of matters referred to mediation stood at KSh54.6 billion at the end of FY 2020/21, up from KSh47.4 billion at the end of FY 2019/20. The value of matters that were referred to mediation in the FY 2020/21 was Ksh7.1 billion down from KSh13.5 billion for the matters referred to CAM in the previous period. The cumulative value of matters with settlement agreements stood at KSh11.9 billion at the end of the FY 2020/21 up from KSh11.5 billion that was recorded at the end of theFY 2019/20.

6.8 Management of pending Bills

The Judiciary has continued to apply prudent measures to ensure minimal accumulation of pendingbills and in each financial year prioritises the payment of pending bills as a first charge unless thereis a limited budget. Table 6.11 shows the level of pending bills held at the end of the last two financialyears.

Table 6.11: Pending bills at close of financial years

| | FY 2019/20 | FY 2020/21 | ChangeKShs | |
|---|---|---|---|---|
| Description | Kshs | Kshs | | % |
| Development Pending Bills | 76,730,898 | 332,483,560 | 255,752,662 | 330% |
| Recurrent Pending Bills | 711,933,892 | 206,940,266.67 | (504,993,625) | (71%) |
| Recurrent & Development | 788,664,790 | 539,423,826 | (249,240,964) | (32%) |
| Court Awards & Arbitration | - | 1,138,713,450 | 1,138,713,450 | >100% |
| Total | 788,664,790 | 1,678,137,276 | 889,472,486 | >100% |

The pending bills under the development budget increased by KSh255.8 million from KSh76.7 million in FY 2019/20 to KSh332.4 million. This was mainly due to budget cuts on the development budget thataffected the implementation of ICT infrastructure projects.

In addition, liabilities arose from court and tribunal arbitration awards to suppliers due to delayedpayments for development projects. These could not be settled due to limited budgetary allocation thus leading to pending bills.

The recurrent pending bills reduced from KSh711.9 million in FY 2019/20 to KSh206.9 million in FY 2020/21 being a reduction of KSh505 million. This reduction was achieved through stringent measuresto ensure suppliers were paid on time. However, budget cuts in the recurrent budget resulted inpending bills at the end of the financial year.

6.9 Automation of Revenue, Expenditure and Deposits Management

The Judiciary uses the JFMIS as the operational system for accounting in all the court stations. Thesystem has undergone continued improvement and links with CTS at court registries thus providing convergence of information that ensures seamless collections, e-receipting and accounting for revenue, deposits and court expenditure. The JFMIS further provides compatible information for loading court station financial information into IFMIS. This ensures all Judiciary financial information is centrally collated for reporting and use by management.

The automation of registry and accounting processes has reduced instances of misappropriation ofrevenue, deposits andexpenditure.

6.10 The Judiciary Fund

Article 173 of the Constitution establishes the Judiciary Fund. It requires the Judiciary's estimatesof expenditure approved by the National Assembly become a direct charge to the Consolidated Fund and that the funds be paid directly into the Judiciary Fund. The enactment of the Judiciary Fund Act2016 and its regulations in 2019 laid the ground for operationalisation of the Fund. There have been ongoing engagements between the Judiciary, the National Treasury, the Ministry of ICT, Controller of Budget, and the Central Bank of Kenya to operationalise the Judiciary Fund.

6.11 Challenges Insufficient Funding

The Judiciary has been underfunded over the years: where its allocation has consistently been less than half of the resource requirements. This budget shortfall has affected administration of justice in key areas such as construction of courts, facilitation of benches to hear cases, and the operationalisation of the Small Claims Courts, and full implementation of the Court Annexed Mediationand Alternative Justice Systems in all courts. Additionally, service weeks, pro bono services, mobilecourts and circuits have been scaled down in order to fit within the limited resources. The Judiciary is also unable to recruit adequate number of judges, judicial officers and staff that are required to effectively handle the workload since the current staffing levels fall below the optimal number as perthe Judiciary establishment.

6.12 Recommendations

To sustain and build on the successes that have already been achieved, the Judiciary recommendsthe following measures be undertaken during the coming MTEF period: increase resource allocationto Judiciary to facilitate the recruitment of the required human resources at all levels; expand andcomplete courtinfrastructureinallthecountiesforthe HighCourtandcourtsofequalstatus;supportdigitisation of court processes and automation of registry operations; facilitate court programmessuch as mobile courts, ADR, AJS and the roll out of the of Small Claims Courts into the counties including recruitment and facilitation of Adjudicators.

## CHAPTER 7—AGENCY COLLOBORATION IN THE JUSTICE SECTOR

7.0 Introduction

The justice sector comprises several institutions and agencies that must work together in a highly coordinated manner so as to ensure that they execute their mandate and provide efficient and qualityservice delivery. In the criminal justice sector, offenders are apprehended by police in the upstreamand then taken to court downstream where the prosecutors prosecute cases and advocates play the representation function. In some instances, offenders are put on probation bringing into the play the Probation Department while children officers are involved where there are children in conflict withthe law. Upon conviction, offenders are then taken to prison for custody.

This scenario articulates the inter-institutional linkages and demonstrates the need for the agenciesto team up foreffective administration of justice.

7.1 The National Council on Administration of Justice

NCAJ is mandated to coordinate the administration of justice and reforms in the justice sector in an efficient, effective, and consultative manner. This is done through the formulation of policies as wellas the implementation and evaluation of various strategies aimed at proper administration of justice.

During the period under review, the Council deliberated on key issues and programmes aimed atenhancing the expeditious delivery of Justice, and on emerging challenges to the administration of justice. Among these was the COVID-19 pandemic which emerged in the third quarter of FY 2019/20 and continued to adversely affect service delivery during the reporting period. The NCAJ became animportant platform for inter-agency collaboration on justice sector responses to the pandemic.

The Council held two meetings to address the impact of the pandemic on the dispensation of justice andappointed an adhoc committee with representatives from all justice sector institutions tomonitor the situation. The NCAJ sub-committee on the administration of justice to monitor the administrative and contigency management plan to mitigate covid-19 in Kenya's justice sector chaired by Hon. Justice William Ouko held three meetings during the reporting period to review and advise the Council on the policy directions that were issued by the Council on containing the pandemic. At court level, the Court Users Committees (CUCs) also organised several meetings to deliberate on localised strategies for ensuring continuity in service delivery while observing the health and safety of all court users.

7.2 Reports from NCAJ Committees

Through the Secretariat, the NCAJ also coordinated activities aimed at fostering partnerships among different agencies through the various thematic Technical and Special Working Committees. Thework of some of these committees is presented below.

7.2.1 National Steering Committee on Implementation of Alternative Justice Systems Policy(NaSCI-AJS)

Article 159 of the Constitution requires the Judiciary to promote traditional dispute resolution mechanisms among other alternative forms of dispute resolution. Pursuant to this directive, Chief Justice (Rtd) Dr. Willy Mutunga appointed the Taskforce on Alternative Justice Systems (AJS Taskforce) to develop recommendations and measures to be taken in order to mainstream alternativejustice systems in the administration of justice while ensuring respect for human rights, especially the rights of women, youth and people living with disabilities.

The Taskforce concluded its work during the reporting period, coming up with the Alternative Justice Systems Baseline Policy and the AJS Framework Policy. The Hon. Chief Justice David Maraga launched both policies on 27th August 2020, a date that was deliberately chosen to coincide with the 10th anniversary of the Constitution of Kenya, 2010.

The two policy documents are crucial in Unbundling the meaning of Article 159 (2) (c) of the Constitution of Kenya. They have offered clarity on the duties of the Judiciary and other stakeholders with respect to AJS mechanisms towards advancing the requirements of the Constitution. This way, the AJS Policy makes a significant contribution to the current strategic commitment of the Judiciary to advance itstransformation.

The launch of these policies marked the beginning of mainstreaming AJS. Following this launch, the Chief Justice appointed a committee to oversee the implementation of the AJS Policy. The National Steering Committee on Implementation was mandated to cascade the AJS policy at the county levels with the aid of County Action Plans; enhance the role of CUCs in coordinating and linking AJS initiatives at the county levels; accelerate socialisation of the various AJS mechanisms in the country with the human rights minimum core content as defined by the Constitution of Kenya; and develop guidelines and monitoring mechanisms that shall enhance the work of the various AJS initiatives and their innovative models in the counties.

As part of this mandate the Committee undertook the following during the reporting period:

- Developed an operational plan based on the concentric model of outreach and development of the AJS County Action Plans.
- Distributed 1,000 copies of the policy with the support of PLEAD through UNODC to raise awareness on the existence of the AJS Policy.
- Conducted a sensitisation session for members of the Lands Committee in Turkana County In partnership with the County Government of Turkana, the National Land Commission and Pamoja Trust. Kituo Cha Sheria conducted a similar awareness session for actors involved in AJS in Trans Nzoia County.
- Developed a detailed training curriculum on AJS that shall be used in training judicial officers as well as AJS champions who work mainly with non-State actors. The training aims to model AJS and promote the use of AJS models at the County level.
- In partnership with the Food and Agriculture Organization (FAO), the County Government of Kajiado and the National Land Commission, the Committee has developed an AJS model that is aimed at resolving 2,740 land cases that have been pending for over five years. The Committee together with Justice actors in Kajiado, established 10 AJS panels in Kajiado South (Irkisonko), Kajiado Central (Matapato), Kajiado Central (Ildamat), Kajiado Central (Purko 1), Kajiado Central (Dalalekutuk), Kajiado West (Purko 2 Mosiro), Kajiado West (Keekonyokie), Kajiado West (Iloodokilani), Kajiado East (Ilkaputei), Kajiado North (Cosmopolitan).

722 Special Working Group on Anti-Illicit Trade

The Committee was established and mandated to develop an Enforcement Manual to Combat Illicit Trade in Kenya which will be a quick one-point-of-reference for organised officers on matters of illicit trade. During the review period, sensitisation forums were conducted across the country where 400 enforcement officers were trained about illicit trade.

The Committee developed the 2nd Enforcement Manual, to serve as a quick reference point on matters of illicit trade including protection and enforcement of intellectual property rights. It is intended as an aid for law enforcement agencies, including those involved in the prosecution of crimes related to illicit trade and the enforcement of the laws against offenders. The manual is also a useful resource for investigators, courts and the general public. It aims to create awareness of the problem and the existing mechanisms for reporting and handling cases when they occur. The retired Hon. Chief Justice David Maraga launched the manuals which was then followed by a series of virtual training for judges and magistrates on various forms of illicit trade in Kenya.

723 National Committee on Criminal Justice Reforms

The National Committee on Criminal Justice Reforms (NCCJR) was established in June 2017 as a multi-agency initiative to spearhead comprehensive review and reform of Kenya's entire criminal justice system and to oversee the full implementation of the findings and recommendations of the "Audit Report on Criminal Justice System in Kenya." During the period under review; the Committee:

- Conducted extensive stakeholder engagements to identify the legal, institutional, administrative and financial barriers that impede the efficient functioning of the criminal justice system.
- Reviewed Kenya's penal laws and prepared draft Bills with proposed amendments to the Criminal Procedure Code and the Penal Code.
- Developed publications and other resource material intended for use and creation of awareness for practitioners within the criminal justice system to narrow the gap between law and practice and ensure compliance with human rights and the rule of law. The resource materials included; The National Policy on Criminal Justice in Kenya.

  Law and Practice Guidelines on Arrest and Conditions of Pre-trial Detention; Law and Practice Guidelines on the Management of the Petty Offenders: Fair Trial Guide and Checklist: Report on the Status of Persons with Mental Illness in the Criminal Justice System: Report on the Status of Intersex Persons in the Criminal Justice System; and Baseline Survey on State Regulated Offences.

- Held strategic engagement with the Cabinet Secretary, Ministry of Defence, and the legal team from Kenya Defence Forces (KDF) with the view to deepening the Committee's understanding and appreciation of KDF operations and the Court Martial process. Flowing from this engagement, the Committee is now working on validation of the Court Martial Rules of Procedure and Appeals Rules.
- Engaged with representatives from the Kenya Police Service Reforms Office and experts and further engaged with police officers and prosecutors drawn from Nakuru, Isiolo, Marsabit, Meru, Samburu, Kitui, Mwingi, Kwale, Mombasa, Kilifi, Lamu and Tana River. The focus was on the findings of the Audit Report and on the criminal justice reform initiative. The key areas of deliberation included: pre-trial processes (investigation, evidence, arrest, detention, arraignment, 24hr rule); petty & State regulated offences; emerging issues: gender mainstreaming, GBV, intersex, children and mental health; victim and witness handling; police excesses and interagency collaboration.
- Engaged representatives from the Witness Protection Agency (WPA) and the Victim Protection Board (VPB) on handling and protection of victims and witnesses, and the review of laws and policies related to them. The discussions also covered the need to fast-track the development of the Victims' Rights Charter and facilitate civic education to actors in the criminal justice sector when handling vulnerable victims of crime. Further, the prominence of embracing the virtual platform and harnessing the use of technology to expedite the hearing of cases was deliberated.

724 Special Working Committee on Traffic

The Ministry of Transport, Infrastructure Housing, Urban Development and Public Works established the Taskforce on Minor Traffic Offences Instant Fines System in 2016 and mandated it to: Propose appropriate reforms to the legal, policy and institutional framework for the development and operationalisation of a minor traffic offences instant fines system; Consider and propose appropriate mechanisms for the payment of instant fines for minor traffic offences; and undertake public participation for the proposed statutory instrument.

The Task Force was subsequently absorbed into NCAJ as a Special Working Committee on Traffic with the objective of streamlining the handling of traffic matters towards enhancing road safety, eradicating corruption and corrupt practices and ensuring expediency, certainty and convenience of road traffic offenders and other road users.

725 Special Task Force on Children Matters

The NCAJ Special Taskforce on Children Matters was mandated to address gaps in the administration of justice with regard to children, focusing on legislation, policy, procedural and practice directions reforms, compilation of data, monitoring of infrastructure and co-ordination of all the actors. The Taskforce achieved the following during FY 2020/21:

1. Published resource materials aimed at streamlining the administration of justice for children. These are: Curriculum for Child Protection Officers; Diversion Toolkit, Child Protection Units Standard Operating Procedures; the Children Court Practice Directions; and Policy on Mandatory Continuous Professional

Development Programme.

2. Sensitised 5 CUCs from Western Kenya on the Status Report on Children in the Justice System in Kenya iIn collaboration with the CUC Working Group.

4. Provided input in the Disrupting Harm Report which was done by UNICEF Innocenti. The Disrupting Harm project was established to generate high-quality evidence on technology-facilitated sexual exploitation and abuse of children. It is a 14-country research project conducted in partnership with ECPAT International and INTERPOL, funded by the Global Partnership to End Violence against Children. The report highlights the recommendations to ensure online child protection. It also sets out actions to be executed by the child justice sector to protect children who are vulnerable to online child sexual abuse and exploitation.

6. Trained 30 prosecutors from various regions in the country on handling children cases using plea bargaining and diversion. The training also covered categories of children, introduction to the P&C form, child trafficking cases, psychology of children and developmental stages.

8. Involved in costing of the Children Bill which was undertaken by consultants who were engaged by UNICEF to document budgeting practices in child justice agencies.

9. Donated 14 laptops, 1,120 litres of hand sanitizer and 840 bars of soap to the Directorate of Children Services courtesy of the EU funded PLEAD Project.

10. Held a consultative forum with the Zimbabwe Judicial Service Commission on lessons learnt and the best way of handling children during the pandemic.

11. Participated in the development of the National Plan of Action on Child Online Protection.

726 Special Working Group on (Court Users Committees)

The Court Users Committees CUCs are institutionalised in Section 35 of the Judicial Service Act (No.1 of 2011) under the NCAJ of Justice. The CUCs bring together justice actors and users of the justice system at the station level to enhance public participation, stakeholder engagement, develop public understanding of court operations and promote effective justice sector partnerships. They work towards a coordinated, efficient, effective and consultative approach in the administration of justice at each station. There are 127 CUCs at the Magistracy and 42 County CUCs already established. The following achievements were realised during the period under review:-

1. Three new CUCs were established and operationalised during the reporting period. These are Kahawa Law Courts, Sports Disputes Tribunal and HIV & Aids Tribunal. The Special Working Group(SWG) inducted the members of these CUCs on the mandate, procedures and operations of CUCs. The induction also covered the mandate of NCAJ, CUC trends in the last 10 years, CUC guidelines and the reporting requirements for the quarterly meetings.

2. The SWG conducted a sampling survey within various CUCs to determine the ICT needs of justice agencies. With regard to up-scaling of court operations, court users lauded the COVID-19 management measures that were put in place as well as the increased utilization of online services by a majority of the justice sector actors. However, various challenges were noted in the use and uptake of ICT and as such most court users preferred to hold physical meetings as opposed to virtual ones. This is partly due to insufficiency of ICT equipment and limited internet accessibility. Some of the other challenges related to ICT were: limited availability of ICT equipment resulting in employees utilizing their personal equipment and even airtime; disparity in availability of ICT resources between agencies; and unstable internet connections. Going forward, NCAJ plans to undertake a comprehensive needs assessment on ICT status covering available hardware, software, systems, training needs, integration of systems, among other issues. There is need to enhance funding for coordinated growth of ICT uptake and skills development so as to ensure better interoperability.

4. The membership of the CUC Special Working Group was revamped and reconstituted to include representation from all justice agencies. The terms of reference and mandate of the working group were drafted and the induction for new members conducted.

5. The Standard Operating Guidelines on Sexual and Gender Based Violence (GBV) Case Management were developed which focus on prevention and response to sexual gender-based violence management within the justice sector especially in times of crisis. The Guidelines were necessitated by the reported increase in SGBV cases across the country.

6. Jointly with the National Legal Aid Service, the working group championed the sensitisation on the National Legal Aid Act 2016 (No.6 of 2016) and the Legal Aid Regulations 2020. The NLAS was co-opted into various CUCs. Further, the forum allowed the CUCs to address the challenges faced with provision of legal aid services for the indigent. The forums were held in various CUCs in Nairobi, Mandera, Wajir, Lamu, Isiolo Kisumu, Garsen, Mombasa, Eldoret, Marsabit, Nakuru and Garissa. The National Legal Aid Service also committed to open offices in the respective counties. Fifteen percent of CUCs conducted trainings for members of the public on various topics including on AJS, sexual offences and gender based violence and the Children s Act 2001( No. 8 of 2001). Twenty three percent of the CUCs requested to have training on various topics targeted at various justice actors.

The SWG conducted spot checks aimed at assessing and consolidating best practices and emerging policy concerns for tabling to the NCAJ. The checks were done in Bomet, Tamu, Hamisi, Winam, Machakos and Kerugoya, Kandara and Gatundu Law Court CUC.

7261 Reports from CUC

Quarterly Meetings by CUCs in FY 2020/21

The CUCs are required to conduct a minimum of four quarterly meetings each year. Eighty six percent of the CUCs met this requirement as demonstrated below.

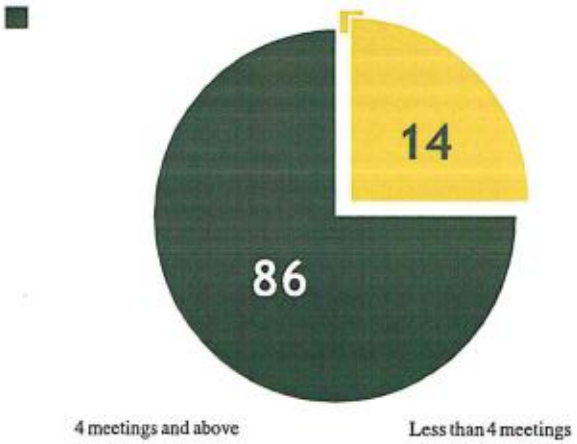


Figure 7.1: Percentage of CUCs that held the required minimum of 4 CUC meetings

During the period under review, a total of 536 CUC meetings were held across courts. The details onthe number of meetings per court are given on Table 1.

Table 7.1: Number of CUC meetings held, FY 2020/21

| Law Court | No. of CUC Meetings held | Law Court | NO. of CUC Meetings held |
|---|---|---|---|
| Baricho | 4 | Makindu | 4 |
| Bomet | 4 | Makueni | 4 |
| Bondo | 4 | Malindi | 4 |
| Bungoma | 2 | Mandera | 5 |
| Busia | 7 | Mararal | 4 |
| Butali | 4 | Mariakani | 4 |
| Butere | 15 | Marimanti | 4 |
| Chuka | 5 | Marsabit | 4 |
| City Court | 2 | Maseno | 4 |
| Daadab | 5 | Maua | 6 |
| Eldama Ravine | 4 | Mavoko | 5 |
| Eldoret | 5 | Mbita | 4 |
| Embu | 3 | Meru | 4 |
| Engineer | 4 | Migori | 4 |
| Garissa | 5 | Mil.Anti-Corruption | 2 |
| Garsen | 6 | Mil. Commercial | 4 |
| Gatundu | 5 | Mil. Children's | 4 |
| Gichugu | 4 | Milimani | 4 |
| Githongo | 5 | Molo | 4 |
| Githunguri | 4 | Mombasa | 4 |
| Hamisi | 4 | Moyale | 4. |
| Hola | 4 | Mpeketoni | 5 |
| Homa-Bay | 4 | Msambweni | 4 |
| Isiolo | 5 | Mukurwe-ini | 5 |
| Iten | 4 | Mumias | 5 |
| JKIA | 3 | Murang'a | 5 |
| Kabarnet | 4 | Mutomo | 4 |
| Kahawa | 4 | Mwingi | 4 |
| Kajiado | 3 | Naivasha | 2 |
| Kakamega | | Nakuru | 4 |
| Kakuma | 4 | Nanyuki | 4 |
| Kaloleni | 4 | Narok | 5 |
| Kandara | 4 | Ndhiwa | 4 |
| Kangema | 2 | Ngong | 4 |
| Kangundo | 4 | Nkubu | 4 |
| Kapenguria | 4 | Nyahururu | 4 |
| Kapsabet | 20 | Nyamira | 4 |
| Karatina | 4 | Nyando | 3 |
| Kehancha | 4 | Nyeri | 9 |
| Kericho | 6 | Ogembo | 3 |
| Keroka | 5 | Othaya | 4 |
| Kerugoya | 5 | Oyugis | 5 |
| Kiambu | 4 | Rongo | 4 |
| Kibera | 4 | Ruiru | 4 |
| Kigumo | 1 | Runyenjes | 4 |
| Kikuyu | 3 | Shanzu | 6 |
| Kilgoris | | Siakago | 4 |
| Kilifi | 3 | Siaya | 4 |
| Kilungu | 4 | Sirisia | 4 |
| Kimilili | 4 | Sotik | 3 |
| Kisii | 4 | Tamu | 4 |
| Kisumu | | Taveta | 4 |
| Kitale | 4 | Tawa | 4 |
| Kithimani | 4 | Thika | 6 |
| Kitui | 3 | Tigania | 3 |
| Gichugu | 4 | Milimani | 4 |
| Kwale | 4 | Tononoka | 4 |
| Kyuso | 4 | Ukwala | 2 |
| Lamu | 8 | Vihiga | 4 |
| Limuru | 3 | Voi | 4 |

| | | | |
|---|---|---|---|
| Lodwar | 4 | Wajir | 6 |
| Loitoktok | 4 | Wang'uru | 4 |
| Machakos | 1 | Webuye | 4 |
| Makadara | 5 | Winam | 4 |
| | | Wundanyi | 4 |
| TOTAL | | | 536 |

7262 Achievements by Court User Committees

The CUCs help ensure a coordinated, efficient, effective and consultative approach in the administration of justice, providing an avenue to address matters in the administration of justice while enhancing public participation and stakeholder engagement. Below are some of the key milestones that were realised by various CUCs during the period.

- Improved relationship between court users and stakeholders.
- Better coordination of stakeholders leading to expeditious delivery of justice.
- Coordinated approach of handling clients during the COVID-19 pandemic.
- Reduction of prison and remand population following coordinated plea-bargain, reduced sentences and reduced bond/bail terms.
- Enhanced maintenance, rehabilitation and construction of infrastructure for the justice sec-tor institutions.
- Training on a multi-sectoral approach to addressing SGBV.
- Participation in diverse celebrations for instance Day of the African Child on 16th June, 2021.
- Inter-institutional sharing of work equipment like laptops, modems, printing materials among other materials.
- Lobbying of funds and land for construction of justice sector agencies offices at grassroots level.
- Holding of Service Weeks.
- Holding of community dialogue forums for instance with boda boda leaders and legal aware-ness on drug and sexual offences in schools.
- Coordinated destruction of dangerous exhibits especially illicit alcohol and drugs.
- Coordinated training of personnel in the justice sector.
- Reduced growth of case backlog in courts due to joint backlog clearance efforts.
- Holding of team building exercise with representation from various agencies.
- Improved administration of justice through minimised adjournment of cases.
- Improved knowledge of the court processes among stakeholders and the public.
- Improved court attendance by the relevant parties.
- Increased uptake of IT in proceedings and virtual hearings.
- Improved understanding of children and family laws.
- Streamlining of transport of remandees to and from prison.
- Streamlining of refund of police cash bail to suspects before plea taking.
- Creating awareness within local communities on access to justice systems.
- Facilitation of COVID-19 vaccination of CUC Members
- Coordinated fumigation of justice sector offices at the grassroots.
- Timely preparation of reports with cross cutting importance for instance probations and chil-dren's officers' reports, expert reports, P3 forms among others.
- Training of village elders and nyumba kumi officials on diverse issues on the administration of justice.
- Offering of pro bono services to indigent inmates and to the aged.

7263 Challenges experienced by Court Users Committees

In undertaking their mandate, CUCs encountered diverse challenges that affected their optimal performance. Some notable challenges include, inter alia;

- Insufficient funding for CUC activities e.g targeted trainings.
- Inadequate women prisons.
- Inadequate holding area for children who are in conflict with the law.
- Unsuccessful virtual court sessions due to unreliable internet and frequent power outages.
- Inadequate staffing across all justice sector institutions.
- High rate of sexual offence victims' failure to attend court and the possibility of coercion and intimidation prompting cases to collapse.
- Logistical transport challenges from the prisons department to produce remandees on a daily basis.

- Little knowledge of ADR among some Advocates.
- Police incurring expenses to take exhibits to Government Chemists.
- Presence of many brokers who take advantage of citizens.
- Incidents of laxity among investigating officers to bond prosecution witnesses to attend court.
- Sexual offence cases take long to conclude because victims or witnesses disappear after reporting of the offence.
- Long distance of travel to access justice chain actors' officers in some areas.
- Inadequate provision of PPEs for COVID-19 protection.
- Inadequate vehicles in some of the areas hampering their execution of their mandate.
- Different stakeholders have different ways of operation creating bottlenecks in coordination.
- Incidents of late registration of pleas and sneaking in files to the prosecutor when court is in session.
- Incidents of delay in dispatch of police files and warrants of arrest from ODPP to police stations.
- Congestion in prison.
- Mismatch between number of judicial officers and prosecutors.
- Inadequate ICT equipment.
- Need for additional training on presentation of evidence for police officers.

7264 Recommendations by CUCs on Efficient Administration of Justice

Provision of reliable internet across all institutions.

- Provision of reliable power supply to justice sector institutions including backup generators.
- Hold more open days to sensitise the general public on diverse offences, evidence sharing and related issues.
- A coordinated approach for pPromotion of AJS mechanisms but in coordinated way.
- Enhanced training and capacity building on AJS for community elders.
- Increased public sensitization on Engagement with the public to help them understand ADR avenues of dispute resolution.
- Coordinated closure of offices due to COVID-19 pandemic to avoid inconvenience.
- Increased resource mobilization, especially targeting donors and reach out to development partners to finance the challenged institutions.
- More funds should be allocated for efficient service delivery and other activities of CUCs.
- More sensitisation should be done with regard to the CUC's activities and roles to ensure wider support and cooperation by relevant stakeholders.
- Allocate funds to equip prisons with ICT equipment for purposes of enabling the virtual Court operations.
- Hold training and capacity building of elders on AJS.
- Develop additional policy directions from NCAJ.
- Enhance human resource capacity of justice sector the institutions.
- Embedding and deepening technology use amongst CUC members to embrace technology

73 Reports from NCAJ Agencies

731 Commission on Administrative Justice

The Commission on Administrative Justice (CAJ) is established under Article 59(4) of the Constitution and the Commission on Administrative Justice Act, 2011 (No. 23 of 2011). The Commission investigates any conduct in State affairs or any act or omission in public administration within Government. The Commission also handles complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct.

During the period under review, the Commission;

- Handled 10,678 complaints related to delay in service delivery, abuse of power, unresponsive offi-cial conduct, unfair treatment, oppressive official conduct, discourtesy and inefficiency. Among these complaints, 35 were commenced by the Commission on its own motion.
- Undertook five investigations relating to abuse of power, unfair treatment, oppressive conduct and unresponsive conduct. Among the investigations, two were commenced on the Commission's own motion and three arose from complaints lodged.
- Ensured that public institutions continue to proactively disclose information on their websites for ease of access by members of the public and reactively disclose upon request.
- Guided National Government institutions and County Governments to establish Committees for implementation of access to information.
- Ensured conferment of delegated powers of Information Access Officers (IAO) to a total of 46 County Officers in 46 County Governments.
- Received over 369 applications for review of decisions on access to information made by public entities. A total of 332 applications representing 90 per sent were successfully resolved, whereby the concerned entities provided the requested information.

- Developed the 'Access to Information in Kenya: A Journalists Handbook' to aid in public education and guide journalists and citizens in general on proactive disclosure of information.
- Through partnership with the Kenya School of Government, the Commission developed and launched an 'Access to Information Curriculum' targeting senior public officers involved in imple- mentation of access to information, which will equip them with essential knowledge, skills and competences to enhance their effectiveness.
- Trained 80 public institutions and 1,652 public officers drawn from different sectors in public ser-vice. Technical support was offered to 5 public institutions on strengthening of complaints han- dling and access to information infrastructure i.e. Complaints & Access to Information Policies, and Citizen Service Delivery Charters. The Commission also engaged nine County Governments on various aspects touching on administrative justice and access to information, aimed at boost-ing their capacities.
- Sensitised over 500,000 people on complaints handling and access to information by using main- stream media, social media platforms and by visiting Makueni, Taita-Taveta, Nandi, Nyandarua, Mombasa, Garissa and Wajir Counties.
- Issued and published an advisory opinion on the administrative issues surrounding the handling of the COVID-19 pandemic in the country.
- Participated in a number of public Interest litigation cases either as respondents or interested parties.

732 Community Service Orders Committee

The National Community Service Orders (CSO) Committee is established to co-ordinate, direct and supervise the work of community service officers. The committee is further mandated to improve the national policy on Community Service Orders. During the period under review, Hon. Lady Justice Cecilia Githua was appointed the Chairperson and Hon Ocharo Momanyi as a member of the National CSO Committee.

The key achievements for the Committee during the period under review are;

- Commenced a prison decongestion exercise in June 2021 targeting 6,000 inmates to be finalised in 2021/22 FY.
- Prepared and presented to courts a total of 22,514 social inquiries report as detailed in table 7.2 below;

Table 7.2: Distribution of CSO Reports

| | MALE | FEMALE | TOTAL |
|---|---|---|---|
| Adult | 18,941 | 3,088 | 22,029 |
| Juvenile | 433 | 52 | 485 |
| TOTAL | 19,374 | 3,140 | 22,514 |

Following the submission of the social inquiry reports, 13,173 convicts were placed under CSO as provided for in the CSO Act as summarised below. The breakdown by gender and age category is provided in Table 7.3

Table 7.3: Supervision of CSO

| | MALE | FEMALE | TOTAL |
|---|---|---|---|
| Adult | 10,500 | 2,435 | 12,935 |
| Juvenile | 221 | 17 | 238 |
| TOTAL | 10,721 | 2,452 | 13,173 |

733 Council for Legal Education

The Council of Legal Education (CLE) is established under the Legal Education Act 2012 (No. 27 of 2012), with the primary purpose of promoting legal education and training through maintenance of the highest possible standards in legal education, licensing legal education providers, administration of the Bar Examination, and the recognition of foreign legal qualifications for enrollment to the Bar in Kenya.

The Council licensed 18 Legal Education Providers and administered Bar examinations to a total of 3,851 candidates. Table 3 provides the details on exam outcomes.

Table 7.4: Overall Performance in the Advocates Training Programme Examination June 2021

| | No. of Candidates | PASS | |
|---|---|---|---|
| | | No. | % |
| Regular/1st Sitting | 1851 | 758 | 40.95 |
| Resit | 2000 | 762 | 38.10 |

734 Directorate of Children's Services

The Directorate of Children's Services is mandated to establish, promote, co-ordinate and supervise services and facilities designed to advance the well being of children and their families. The Directorate manages 30 statutory children's institutions which cater for the needs of various categories of children in need of rehabilitation, care and protection. The institutions comprise fouteen Children Remand Homes, nine Rehabilitation Schools, two Reception, Classification and Placement Centres and 5 Children Rescue Centres.

In FY 2020/21, the Directorate achieved the following towards the administration of justice and services to children.

- The Children Bill was approved by the Cabinet and submitted to the National Assembly.
- Piloting of care reform programme for orphaned and abandoned children in Kisumu, Kiambu, Kil- ifi, Nyamira and Murang'a Counties.
- A total of 207 officers were employed at the level of Children Officer II and Children Assistant to strengthen service delivery to children and their families.
- A total of 413 Children Officers at Headquarters, County offices, Sub-County offices and Statutory Children's Institutions were trained on Bail and Bond, Plea bargaining, Diversion and Active Case Management through a programme supported by the US Government.
- A comprehensive assessment of organisational ICT capacities of Children organisations in all 47 Counties DCS offices was done. There was ICT Capacity strengthening through purchase of com- puters and printers for children points of service done in 30 counties with support from UNICEF/SOSCV/USAID partners.
- The process of developing guidelines for missing children in Kenya commenced in the 2020/2021 FY.
- Child Protection Volunteers were trained on child protection in collaboration with Child Justice Agencies.

- Handled 172,630 children's cases. 87,629 of these were boys while 85,001 were girls. The 10 most handled cases are illustrated in Table 7.5

Table 7.5: Children cases handled in 2020/2021, 10 highest case categories

| S/N | CASE CATEGORY | BOYS | GIRLS | TOTAL |
|---|---|---|---|---|
| 1. | Neglect | 55825 | 56937 | 112762 |
| 2. | Custody | 11577 | 11442 | 23019 |
| 3. | Abandonment | 2498 | 2733 | 5231 |
| 4. | Defilement | 2929 | 440 | 3369 |
| 5. | Orphan-hood | 1466 | 1387 | 2853 |
| 6. | Parental child abduction | 1197 | 1132 | 2329 |
| 7. | Physical abuse/violence | 1063 | 1055 | 2118 |
| 8. | Child truancy | 828 | 811 | 1639 |
| 9. | Missing child/lost and found | 694 | 559 | 1253 |
| 10. | Child pregnancy | 1125 | 0 | 1125 |
| | Total | 79202 | 76496 | 155698 |

The breakdown per county is provided in Table 7.6

Table 7.6: Children cases handled in FY 2020/2021 by County

| COUNTY | BOYS | GIRLS | TOTAL |
|---|---|---|---|
| 1. Nairobi | 8253 | 8231 | 16484 |
| 2. Meru | 4292 | 4215 | 8507 |
| 3. Nakuru | 4000 | 3761 | 7761 |
| 4. Kiambu | 3793 | 3744 | 7537 |
| 5. Kisumu | 3747 | 3578 | 7325 |
| 6. Bungoma | 3544 | 3743 | 7287 |
| 7. Siaya | 3784 | 3400 | 7184 |
| 8. Kisii | 3544 | 3201 | 6745 |
| 9. Kakamega | 3286 | 3322 | 6608 |
| 10. Machakos | 3339 | 3107 | 6446 |
| 11. Trans Nzoia | 2731 | 3109 | 5840 |
| 12. Migori | 3050 | 2730 | 5780 |
| 13. Murang'a | 2844 | 2654 | 5498 |
| 14. Busia | 2686 | 2395 | 5081 |
| 15. Homa Bay | 2448 | 2427 | 4875 |
| 16. Mombasa | 2239 | 2224 | 4463 |

| COUNTY | BOYS | GIRLS | TOTAL |
|---|---|---|---|
| 17. Makueni | 2243 | 2127 | 4370 |
| 18. Kilifi | 2009 | 1718 | 3727 |
| 19. Baringo | 1758 | 1740 | 3498 |
| 20. Laikipia | 1624 | 1440 | 3064 |
| 21. West Pokot | 1378 | 1642 | 3020 |
| 22. Uasin Gishu | 1492 | 1509 | 3001 |
| 23. Bomet | 1502 | 1495 | 2997 |
| 24. Nyeri | 1491 | 1383 | 2874 |
| 25. Mandera | 1177 | 1479 | 2656 |
| 26. Kajiado | 1327 | 1175 | 2502 |
| 27. Vihiga | 1177 | 1117 | 2294 |
| 28. Kirinyaga | 1134 | 1077 | 2211 |
| 29. Tharaka - Nithi | 1157 | 1022 | 2179 |
| 30. Turkana | 1053 | 1075 | 2128 |
| 31. Nyamira | 947 | 915 | 1862 |
| 32. Kericho | 942 | 916 | 1858 |
| 33. Kitui | 949 | 873 | 1822 |
| 34. Elgeyo/Marakwet | 647 | 698 | 1345 |
| 35. Taita Taveta | 677 | 576 | 1253 |
| 36. Embu | 631 | 579 | 1210 |
| 37. Kwale | 629 | 502 | 1131 |
| 38. Lamu | 536 | 595 | 1131 |
| 39. Garissa | 562 | 544 | 1106 |
| 40. Nandi | 537 | 547 | 1084 |
| 41. Narok | 595 | 453 | 1048 |
| 42. Nyandarua | 467 | 495 | 962 |
| 43. Tana River | 438 | 444 | 882 |
| 44. Samburu | 257 | 318 | 575 |

| | | | |
|---|---|---|---|
| 45. Marsabit | 265 | 292 | 557 |
| 46. Isiolo | 255 | 218 | 473 |
| 47. Wajir | 193 | 196 | 389 |
| Grand Total | 87629 | 85001 | 172630 |

735 Directorate of Criminal Investigations (DCI)

The DCI is established under section 28 of the National Police Service (NPS) Act (No. 11a of 2011) as thelead investigative agency of all criminal matters. The key achievements for the Directorate during the period under review include;

- Launched 'Fichua Kwa DCI' which is an encrypted telephone platform for reporting of crime.
- Launched the 'DCI Magazine' to inform and sensitise the public on matters of law and createconfidence and trust between the DCI and the public.
- Created Criminal Research and Intelligence Bureau to back-up investigators through crimeresearch and intelligence in real time.
- Established the Anti-Terrorism Tactical Response Team and Counter Terrorism Centre ofExcellence with an aim of combating terrorism and associated crimes.
- Investigated fraud involving housing and land leading to recovery of KSh14 billion.
- Partnered with the Asset Recovery Agency (ARA) to recover proceeds of crime totaling to KSh1,283million.
- Partnered with the KRA Investigation Unit to investigate cases with a revenue implication ofKSh1,093,655,268.

736 Ethics and Anti-Corruption Commission

The Ethics and Anti-Corruption Commission (EACC) is a statutory body established under the Ethics and Anti-Corruption Commission Act (No. 22 of 2011) with a mandate to combat and prevent corruptionandeconomiccrimes.

The EACC enhanced administration of justice through investigations and enforcement tasks as enumeratedbelow.

Table 7.7: Achievements on investigations and enforcement

| PARTICULARS | ACHIEVEMENT |
|---|---|
| No. of reports received and processed | 4,894 |
| No. of reports taken up by the Commission | 2,025 |
| Completed investigations | 211 |
| No. of investigation reports submitted to DPP | 104 |
| No. of cases taken to court for prosecution | 70 |
| Finalized prosecution cases with conviction | 23 |
| Value of illegally acquired and unexplained assets traced | KShs 13.01099 Bbillion |
| Proactive investigations (approximate averted loss) | KShs 6.022 Billion |
| Value of illegally acquired assets: land/immovable property and cash | KShs 16.,36 Billions |
| Applications for preservation of assets made | 19 |
| No. of recovery suits filed during the period | 76 |
| Value of assets preserved | KSh501.,83 Million |
| No. of cases filed against the Commission | 75 |

The Commission promoted ethics and integrity through enforcement of Chapter Six of the Constitution.The specific achievements are provided in Table 7.8

Table 7.8: Achievements on promotion of ethics and integrity

| PARTICULARS | ACHIEVEMENTS |
|---|---|
| Ethics cases supported in court | 26 on-going cases supported |
| Signing and commitment to the leadership andintegrity codes by state officers | Facilitated 42 State officers to sign and commit to codes |
| Development of codes of conduct and ethics for publicofficers | Facilitated 22 public entities to develop their codes ofconduct and ethics |
| Monitor compliance with Chapter 6 of the constitution,LIA and POEA | Conducted an online assessment on 22 Responsible Commissions in the National Government and 3 ResponsibleCommissions at Nairobi City County |
| Technical support to public entities on the implementation of Leadership and integrity laws | • Undertook 25 capacity building forums reaching 1979officers<br>• Held 3 capacity building forums with County Public Service Boards on implementation of Chapter 6 of theConstitution and related integrity laws<br>• Facilitated 12 forums facilitated reaching 337 County Assemblies Committee of Powers and Privileges andCounty Assembly Service Boards<br>• Finalized 4 guidelines<br>• Guidelines for compliance with the legal requirementson DIALs<br>• Guidelines on frequently asked questions on DIALS<br>• Guidelines on Registrable interests<br>• Guidelines for public entities on Chapter Six of theConstitution and other integrity legislation |
| Cautions to public officers on violation of Leadershipand Integrity laws | • Issued 194 cautions to various state and public officers |
| Notices to public officers on violation of Leadershipand integrity laws | • Issued 24 public officers issued with notices |
| Compliance notices to responsible Commissions thatdid not submit returns for the 2019 Declaration year | • Issued 26 compliance notices (7 County Public ServiceBoards, 7 County Assembly Service Boards and 12 responsible commissions in the National Government |

| | |
|---|---|
| | • Issued reminder Notice to County Public Service Boardsof Vihiga and Kirinyaga |
| Development and gazettement of administrative procedures on Declaration of Income, Assets andliabilities (DIALs) | • Facilitated 46 Responsible Commissions to gazette theirprocedures (14 in National Government, 7 CPSBs, 14 CASBs and 11 CAPPC) |
| Advisories pursuant to Chapter Six of the Constitution | • Issued 117 advisories to various individuals and publicentities |
| Audit on compliance with the law on Declaration of Income, Assets and Liabilities (DIALs) during the 2019Declaration year | • 1 status report developed |
| Integrity verification and clearance for appointmentand election to Public Office | • Received and processed 8,049 integrity verification requests (4,501 from National Government, 3,454 from County Governments and 94 from private organizations) |
| Approval of bank accounts held outside the CountryKenya by State and Public Officers | • Processed 322 bank applications |
| Compliance notices to public officers serving in foreign missions currently operating unapproved bankaccounts or who have not submitted annual bank statements | • 191 notices issued to public officers who did not seek approval from EACC to operate bank account outsidethe country |

a. Corruption Prevention

1. Systems Review

The Commission undertook systems reviews in various organisations and finalised 11 examination reports. The purpose for systems reviews is to identify systemic weaknesses in functional areas andto advise the organisations on methods of sealing the loopholes and promoting ethical culture in the workplace. The systems reviews undertaken during the period are:

i. State Department of Technical and Vocational Education and Training - The review of system,policies, procedures and practices of the Department intended to identify loopholes in dis-bursement of funds, operational and guidance manuals, nominees' composition and internal audit function;

ii. Ministry of Transport, Infrastructure, Housing Urban Development National Hygiene Pro- gramme

iii. Kenyatta National Hospital – The review targeted the areas of procurement requisitions, NHIF Losses, Staff Deployments, un-surrendered imprests, Disaster Recovery and Business Conti-nuity and Public Participation Framework.

iv. The State Department of Housing and Urban Development – Affordable Housing Programme;

v. National Youth Service – the review targeted all the functional areas of the school.

vi. Agricultural Settlement Fund Trustee.

2. Corruption Risk Assessments

The Commission finalised four Reports on Corruption Risk Assessments (CRAs) conducted in Nyamira and Nandi County Assembly.

3. Advisory Services

The Commission provides advisory services towards enhancing anti-corruption in the public and private sectors. The following advisory activities were undertaken-

- Advisories to 45 MDAs on Prevention of Corruption and Bribery under the Bribery Act, 2016
- Advisories under the Public Service Performance Contracting Framework to oversee the imple- mentation of corruption prevention indicators in the Performance Contracts MDAs signed withthe National Government. During the reporting period/
- The Commission analysed a total of 877 quarterly reports submitted by MDAs under the Corrup- tion Prevention criteria in the Performance Contract.

4. Corruption Prevention Guidelines

The Commission developed three Corruption Prevention Guidelines. Two guidelines were developed in the functional areas of Project Management and Supply Chain Management, and are ready fordiscussion and dissemination.

b. Public Education and Awareness

The Commission conducted robust media programmes where 58 print media articles were published and 26 electronic media programmes reaching approximately 40,055,000 people. Itdisseminated 42,000 IEC materials both in soft and hardcopies.

Under the targeted networks and community professionals, the Commission reached out to a total of 44 networks and a total of 501,907 participants drawn from Human Rights network, Community Based Anti-Corruption Monitors among others.

A total of 60 members of various civil society organisations were sensitised by the Commission such as Kwale Civil Society Organisations, members of Community Based Anti-Corruption Monitors (CBAM) drawn from Kisii and First Action Summit organisation in Mombasa.

The Commission conducted general sensitisation workshops in MDAs and County Governments. Members of the public and community-based groups were also reached through integrity sensitisations. The Commission conducted a total of 91 general sensitisation sessions targeting a total of 4,320 participants drawn from various public sector institutions.

c. Review of the Legal and Policy Framework in the Fight against Corruption

The Commission participated in the review and development of the legal framework in the fight against corruption and enforcement of integrity and ethics. The major achievements in this are a include-

1. Development of Proposed New Anti-Corruption Laws

The Commission spearheaded the multi-stakeholder to develop the proposed Conflict of Interest Bill, 2020 which seeks to consolidate and strengthen the legal, policy and administrative framework for management of conflict of interest in Kenya as a strategy in the fight against corruption. The Commission also made extensive contributions contribution to the ongoing development of a law on conducting lifestyle audits, which is spearheaded by the Senate, namely the Lifestyle Audit Bill, 2021.

2. Development of the Regulatory Framework under the Bribery Act, 2016

The Bribery Act 2016 . (No 47 of 2016) was enacted through a multi-stakeholder approach which wasdriven by the private sector in consultation with the Executive and relevant government agencies. It contains elaborate provisions for suppression and combating of bribery, both in public and private sectors, replacing the provisions on briberypreviouslycontainedintheAnti-CorruptionandEconomicCrimes Act.

3. Amendment of the Ethics and Anti-Corruption Commission Act

Through the Statute Law (Miscellaneous Amendments) Act, 2020 (Act No. 20 of 11th December, 2020),the Ethics and Anti-Corruption Commission Act was amended at section 11(1)(j) to give the Commissionpower to institute proceedings for recovery of property or proceeds of corruption located outsideKenya. Previously, the Act was silent on this aspect, hence the proposal by the Commission for thisamendment.

4. Seized Assets Management Policy and Guidelines

One of the principal mandates of the Commission under section 11 of the Ethics and Anti-Corruption Commission Act (No. 22 of 2011) is to institute court proceedings for the recovery and protection of public property, or for the freeze or confiscation of proceeds of corruption or related to corruption.Section 51 of Anti-Corruption and Economic Crimes Act, 2003.

737 FIDA Kenya

In exercise of its mandate, FIDA-Kenya undertook the following in support of the administration ofjustice;

- Attended to 6,510 women seeking legal assistance. Out of these 2,507 were new clients. A total of494 cases were taken and filed in court while others were handled through other interventions.
- Referred 215 matters to pro bono advocates where 26 matters were concluded.
- Provided training to 341 clients and filed 300 cases in court, some matters being for clients who were making a come-back to follow up on their cases. Forty-five clients successfully completedtheircasesthroughself-representation.
- Developed an informal justice systems strategy manual and further held five trainings for elderson the current provisions of the Constitution and Alternative Dispute Resolution.
- Organised psychosocial support to women who suffered mental and emotional trauma due to the infringement of their rights whether physically, economically or emotionally. A total of 712 clients were given counselling services of which 492 were new clients. A total of 64 couple therapy ses-sions were held with 37 beingsuccessful.
- Set-up virtual justice centers in Lang'ata, Thika, Nyeri and Kisii prisons where the inmates areoffered self-representation training, group therapy as well as attend virtual courts.

738 Independent Electoral and Boundaries Commission

Following the launch of the post-election report, the Independent Electoral and Boundaries Commission (IEBC) rolled out the next cycle to the 2022 General Election which is to be conducted in the within itsconstitutionalmandate.

As a necessity, the Commission needs to have a robust legal framework, structures, systems andresources to effectively deliver on its mandate. The electoral cycle approach imposes an obligationupon the Commission to shift from treating elections as an event and embrace a long term strategyinelectoralprocessmanagement.

The Commission achieved the following in the FY 2019/2020:

1 Developed and submitted to Parliament the Electoral Law Reform Report; The IEBC Experience

2 Finalizeddraftproposalsoftheelectorallawsandregulationstoaddressthechallengeswitnessedin2017.

3 Engagement with the Political Parties Disputes Tribunal (PPDT) and the Judicial Committee onElections (JCE) towards establishing a workable Electoral Dispute Resolution (EDR) framework.

4 Finalized the electoral para-legal programmes/curriculum on electoral processes and dispute resolution.

5 Development of an effective interface framework for early engagement with the National Police; ODPP, PPDT; Judiciary; Ethics and Anti-Corruption Commission (EACC); Office of the AttorneyGeneral and the Council of Governors.

6 Review of existing electoral laws the Commission submitted the following draft Bills to Parliament Draft Referendum Bill, 2020; Draft IEBC (Amendment) Bill, 2020; Draft Election Campaign Financing (Amendment) Bill, 2020, and Draft Election Campaign Financing Regulations, 2020. Additionally, the Commission finalised and forwarded to Parliament a report titled, "Report on Electoral LawReform in Kenya: The IEBC Experience," which contains a raft of proposals for consideration.

7 Submission of the comprehensive matrix of proposals to JLAC on the electoral reform agenda which also included amendment bills to Parliament for validation and enactment.

8 Facilitation of public participation on electoral laws.

739 Independent Policing Oversight Authority

The Independent Policing Oversight Authority (IPOA) is established to provide civilian oversight over the work of the Police. In the FY 2020/21, the authority received 2,881 complaints which were processed through the internal Complaints Intake Committee.

The trend of complaints is shown in Figure 7.2

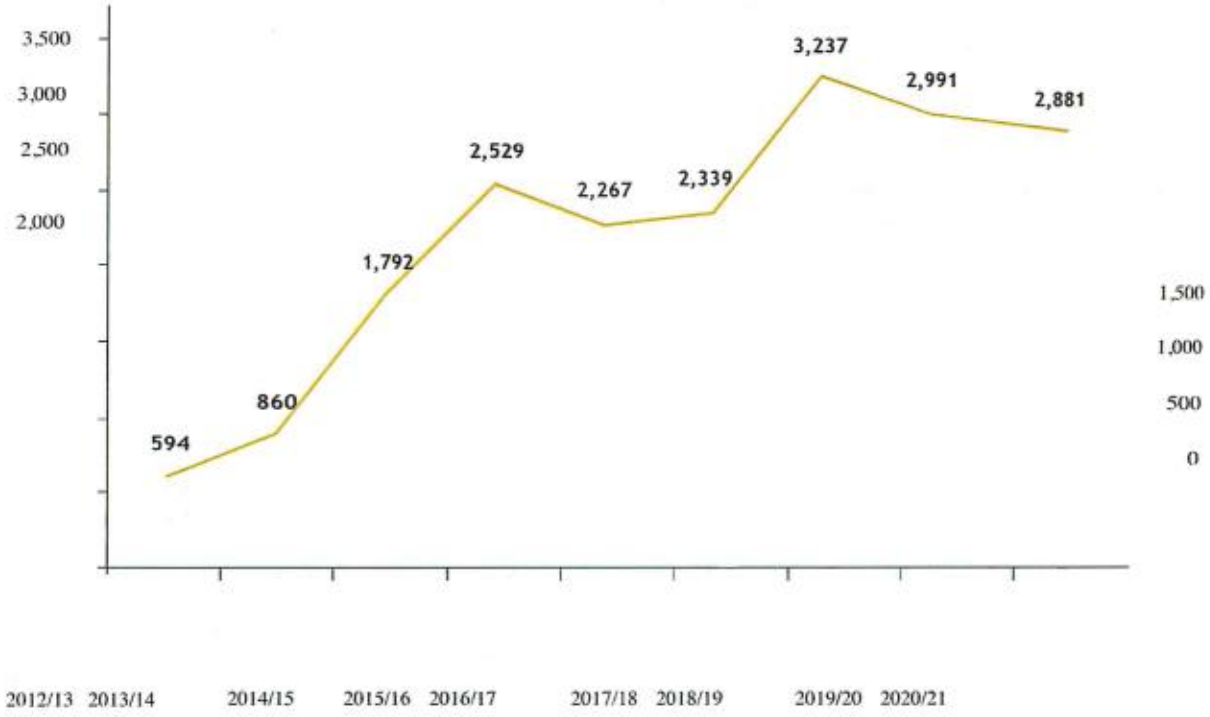



Figure 7.2: Complaints received and processed

The Authority conducted a total of 727 investigations. Out of which 148 investigation case files wereforwarded to the ODPP for further processing. The trend of investigation is illustrated in Figure 4.

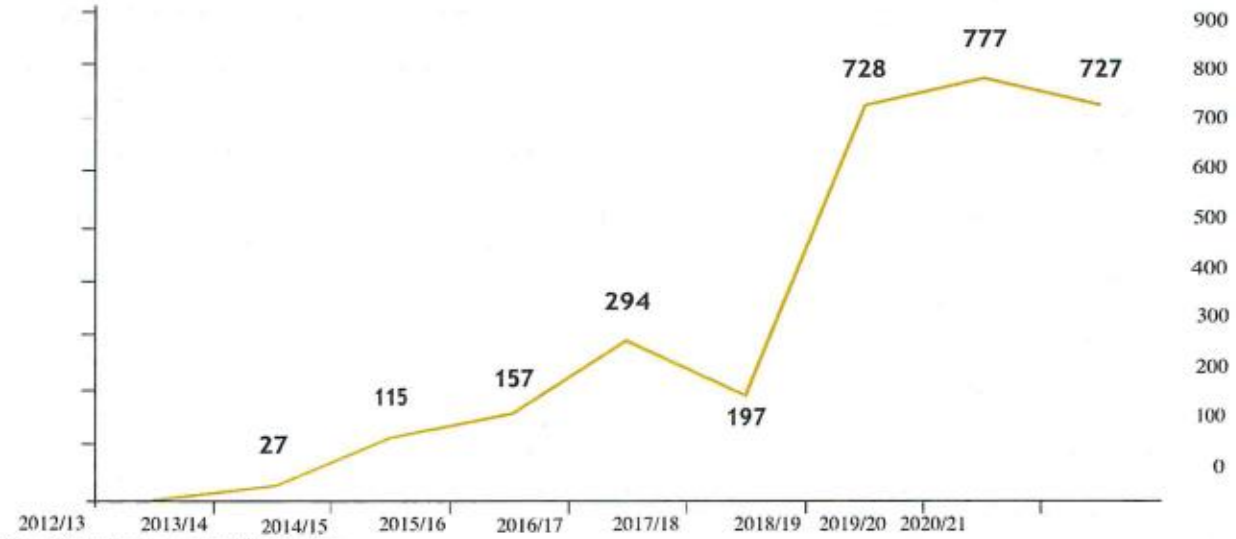



Figure 7.3: Investigations completed since inception

The Authority monitored 67 policing operations, which included 4 monitoring provision of security during by-elections, 8 security operations, 28 public order management operations, 10 CIC referral 4on Beats and Patrols operations, 11 on traffic management and 2 on police recruitment.

7310 Kenya Association of Manufacturers

The Kenya Association of Manufacturers (KAM) is the representative organisation for manufacturing value-add industries in Kenya, comprising more than 1,000 members across 16 sectors. The Association promotes trade and investment at national, county, and international levels; upholds standards, encourages the formulation,enactmentandadministrationofsoundpoliciesthatfacilitatea competitive business environment and promote the reduction of the cost of doing business.

During the period under review, KAM launched the Guidebook on Company and Corporate Insolvency Law to support Judges and Magistrates to expeditiously review the relevant legal provisions in thelaws as they settle commercial cases.

7311 Kenya Human Rights Commission

The Kenya Human Rights Commission (KHRC) is a Non-Governmental Organisation (NGO) with the mandate of enhancing human rights centred governance. The Commission:

- Championed the recognition of 1,670 Shona's and 1,300 Rwandese people as Kenyan citizens.
- Filed a case in pursuit of compensation by 5,000 victims of the Solai Dam tragedy.
- As part of the Civic Space Protection Platform led the process of developing a compilation of laws related to protection of civic space/ civil and political rights in Kenya.
- Engaged in a comprehensive human rights monitoring process that culminated in the publication of a report titled 'Wanton Impunity and Exclusion.'

7312 Kenya Magistrates and Judges Association

During the period under review the Kenya Magistrates and Judges Association (KMJA) undertook the activities highlighted in Table 7.9

Table 7.9: Kenya Magistrates & Judges Association Activities/Training

| NO. | TITLE |
|---|---|
| 1 | Child online protection and influence management |
| 2 | Sensitisation of Chairpersons of CUC on SGBVi |
| 3 | Electronic Fraud Prevention |
| 4 | Sensitisation of Judicial Officers on Indigenous Peoples' Property Rights and Conservation Standards |
| 5 | Sensitisation/ Discussions on the State of Juvenile Justice in Kenya and Debriefing for Judicial Officers |
| 6 | Digital Forensics for Legal Professionals I: Digital Evidence |
| 7 | Digital Forensics for Legal Professionals II: Digital Forensics Process |
| 8 | Sensitisation of the Eldoret CUC on Sexual Minority Rights |
| 9 | Development of messages and Communication materials on crime scene management |
| 10 | Digital Forensics for Legal Professionals III: Expert Witnesses in Court |
| 11 | Sensitisation of the Kajiado CUC on Sexual Minority Rights |
| 12 | Sensitisation on the Rights of the Sexual Minorities for the Nairobi Region |
| 13 | Adjudicating Cases of Transnational Corruption in Kenya |
| 14 | The Big Debate for the elections of representative to the JSC |
| 15 | KMJA AGM and Elections of the representative to the JSC and Vice President of KMJA |
| 16 | General aspects and legal perspective of digital forensics, cybercrimes and emerging technologies, threats ,trends and tools of cyber-crime |
| 17 | Consultative Forum on Transnational Corruption and Cyber-security |
| 18 | Civil Society Farewell Luncheon for the Retired Chief Justice David Maraga |
| 19 | Sensitisation on COVID-19 Vaccination roll out |
| 20 | Sensitisation of the Kisumu CUC on Sexual Minority Rights |
| 21 | Child Online Protection and Influence Management II – Child Welfare Tips |
| 22 | Electronic Frauds Resolved |
| 23 | Equality and Non-Discrimination Workshop on Sexual Minority Rights |
| 24 | The National Dialogue on Elections in Kenya |
| 25 | Sensitisation on 5G Networks |
| 26 | Sensitised select Chairpersons of Court Users Committees on Sexual and Gender Based Violence on challenges within the courts in the attainment of justice for SGBV victims. |
| 27 | Through partnership with the Legal Resources Foundation Trust (LRF), held a sensitisation workshop for Mag-istrates on improving juvenile justice. |
| 28 | Sensitised Judicial Officers on Indigenous Peoples' Property Rights and Conservation Standards. |
| 29 | With the Independent Medico-Legal Unit (IMLU), designed to improve access to justice with special focus on access to justice for victims of torture, collection of evidence at crime scenes, evidential standards required for successful prosecutions using information collected from crime scenes; and for reference materials for investigators at crime scenes. |
| 30 | Sensitisation on 5G Networks |

In collaboration with the KHRC, and the Minority Rights Group International, is implementing a project whose objectives are to guarantee the respect of indigenous peoples' rights to land and their role in conservation and prevention of climate change.

7313 Kenya Law Reform Commission

The Kenya Law Reform Commission (KLRC) has a statutory role of reviewing the laws of Kenya to ensure that they are modernised, relevant and harmonised with the Constitution. During the period under review, the Commission achieved the following;

Table 7.10: List of Draft Legislation, Policies and other Documents that KLRC has worked on in the FY 2020/2021

| BILLS DEVELOPED OR REVIEWED | STATUS |
|---|---|
| A. BILLS DEVELOPED OR REVIEWED | |
| Constitution | |
| Develop Constitution of Kenya (Amendment) Bill, 2020 | Completed* |
| Electoral Laws | |
| Elections (Amendment) Bill, 2020 | Completed |
| Political Parties (Amendment) Bill. 2020 | Completed |
| Political Parties Primaries Bill, 2020 | Completed |
| Campaign Financing (Amendment) Bill, 2020 | Completed |

| | |
|---|---|
| Devolution Laws | |
| Reviewed the County Governments Act | Completed |
| Reviewed the Intergovernmental Relations Act | Completed |
| Public Finance Laws | |
| Public Finance Management (Amendment) Bill, 2020 | Ongoing |
| Restorative Justice Fund Bill, 2020 | Ongoing |
| Urban Development Fund Bill, 2020 | Ongoing |
| Constitutional Commissions Laws | |
| Anti-Corruption and Economic Crimes Commission Bill, 2020 | Ongoing |
| Ethics and Integrity Commission Bill, 2020 | Ongoing |
| Independent Electoral and Boundaries Commission (Amendment) Bill, 2020 | Ongoing |
| Technical Assistance to Ministries, Departments and Agencies | |
| Kenya Film Bill, 2020 | Completed |
| Huduma Bill, 2020 | Completed |
| Conflict of Interest Bill, 2020 | Completed |
| Anti-Doping (Amendment) Bill, 2020 | Completed |
| Review of the legislative and regulatory instruments establishing State Corporations | Ongoing |
| Review of the financial laws in partnership with the Capital Markets Authority (CMA) | Ongoing |
| Review of the Nuclear Regulatory Act, No. 29 of 2019 | Ongoing |

| | |
|---|---|
| Technical Assistance to Ministries, Departments and Agencies | |
| Framework to merge the Kenya Industrial Property Institute (KIPI), Anti-Counterfeit Agency (ACA) andKenya Copyright Board (KECOBO) | Ongoing |
| Review of the Kenya Plant Health Inspectorate Service Act, No. 54 of 2012 | Ongoing |
| Review of the Agriculture Development Corporation Act, Cap. 444 | Ongoing |
| Review of the Interpretation and General Provisions Act, Cap. 2 | Ongoing |
| Review of the laws relating to the Power of Mercy | Ongoing |
| Review of the Persons Deprived of Liberty Act, No. 23 of 2014 | Ongoing |
| Review of the Wildlife Conservation and Management Act, No. 47 of 2013 | Ongoing |
| A. SUBSIDIARY LEGISLATION DEVELOPED OR REVIEWED | STATUS |
| Referendum Regulations, 2020 | Completed |
| Huduma Regulations, 2020 | Completed |
| County Governments Regulations, 2020 | Completed |
| Intergovernmental Relations Regulations, 2020 | Completed |
| Anti-Doping Rules, 2020 | Completed |
| Kenya Institute of Curriculum Development Regulations, 2020 | Ongoing |
| Kenya Civil Aviation Authority Regulations, 2020 | Ongoing |
| Salaries and Remuneration Commission (Remuneration of State and Public Officers) Regulations,2020 | Ongoing |
| B. COUNTY BILLS DEVELOPED OR REVIEWED | STATUS |
| Baringo County Pre-Primary Meals and Nutrition Bill, 2021 | Completed |
| Baringo County Disaster Management Bill, 2020 | Completed |
| Nairobi City Development Bill, 2020 | Completed |
| Wajir County Persons with Disabilities Bill, 2020 | Completed |
| C. COUNTY SUBSIDIARY LEGISLATION DEVELOPED OR REVIEWED | STATUS |
| Public Finance Management (Kakamega County Health Facilities Improvement Fund) Regulations,2020 | Completed |
| D. LEGAL AUDITS | STATUS |
| Kenya School of Government Legal Audit | Completed |
| E. POLICIES REVIEWED (NATIONAL) | STATUS |
| National Correctional Services Policy, 2020 | Completed |
| Kenya Film Policy | Completed |
| Anti-Doping Policy | Completed |
| Kenya Institute of Curriculum Development Policy | Ongoing |
| National Relief Management Policy | Ongoing |
| Building Code, 2020 | Ongoing |
| F. GUIDELINES DEVELOPED OR REVIEWED | STATUS |
| Implementation Framework on the Audit of the National and County Legislation | Ongoing |
| G. POLICIES REVIEWED (COUNTY) | STATUS |

| | |
|---|---|
| Kitui County Donkey Policy | Completed |
| H. RESEARCH | STATUS |
| Researched on Access to Justice in Magistrates' Courts | Completed |
| Researched on the legal and institutional framework of County Partnerships in Kenya | Completed |
| Developed the World Bank Ease of doing Business Report | Completed |
| Researched on the legal and institutional framework of County Partnerships in Kenya | Completed |
| Reviewed the Protocol on Publication of County Legislation | Completed |
| Identified and researched on obsolete laws | Ongoing |
| I. PUBLIC EDUCATION ON LAW REFORM | STATUS |
| Disseminated the Guide to the Legislative Process in Kenya in seven counties | Completed |
| Sensitized the seven county governments on the county model laws | Completed |

*'Completed' refers to draft legislation or policy finalised by KLRC and submitted either to the Attorney-General, an instructing MDAs or a County Government.

7314 Kenya National Commission on Human Rights

The Kenya National Commission on Human Rights (KNCHR) is an independent National Human RightsInstitution created under Article 59 of the Constitution of Kenya 2010 and established through theKenya National Commission on Human Rights Act, 2011 (No. 14 of 2011). It is the State's lead agency inthepromotion andprotection of humanrights.

The key achievements of the Commission were;

- Seventy-eight (78) investigations on alleged violation of various categories of rights were con- ducted and reports with findings and recommendations prepared.
- Processed 23 complaints on alleged violation of human rights during the enforcement of dusk to dawncurfewinthepandemicperiod.
- Attended to 21 PIL cases on human rights violations within the reporting period. The KNCHR was joined in two new petitions and made an application to be joined as an interested party in One (1)new PIL case. The KNCHR was able to conduct 18 Court trial observations.
- Provided 150 victims of SGBV with psychosocial support and empowerment through individualcounselling sessions and training on economic activities suitable for their locations.
- Supported 24 CUCs on the thematic areas of petty offences and SGBV case management. TheCUCs were introduced to Human Rights Based Approach (HRBA) as an approach to development that adopts human rights standards and principles in development.
- Reviewed and issued 23 advisories to various House Committees in the Senate and the National Assembly to seek compliance with Human Rights Standards.
- Prepared and submitted its statutory report on the Prevention of Torture Act in line with the lawand the additional mandate assigned by this law.
- Conducted institutional audits, compliance finalisation and the launch of nationwide survey onHuman Rights for the Vulnerable Groups during the COVID 19 period.
- Further, KNCHR conducted a nationwide research-based study on how COVID-19 had impacted the enjoyment of rights for various vulnerable groups in Kenya. The groups identified included; children, women, youth, the elderly, Persons With Disabilities (PWDs), detainees, intersex persons, orphans & vulnerablechildren.

7315 Kenya Prisons Service

The Kenya Prisons Service (KPS) is established and governed by the Prisons Act (Cap 90) and Borstal Institutions Act (Cap 92). It contributes to public safety and security by ensuring there is safe custodyof all persons who are lawfully committed to prison facilities, as well as facilitating the rehabilitationof custodial sentenced offenders for community reintegration. The number of inmates in prisons isprovided inTable 7.11.

Table 7.11: Total number of inmates FY 2020/21

| CATEGORY | FY 2020/2021 | | |
|---|---|---|---|
| | MALE | FEMALE | TOTAL |
| Convicted | 26,917 | 1,438 | 28,355 |
| In remand | 20,052 | 1,215 | 21,267 |
| Borstal Institution | 211 | 19 | 230 |
| Youth Corrective Training Centre | 32 | | 32 |
| Children | | | 216 |
| TOTAL POPULATION | 47,212 | 2,672 | 50,100 |

During the year under review, the KPS undertook various activities namely:-

- Carried out an exercise where Resident Judges issued revisionary orders that placed petty offenders on community service with a view of easing overcrowding in prison facilities.
- Trained 135 prison officers and 280 inmates as paralegal officers. The trainings were done inMachakos, Kiambu, Thika, Naivasha, Kisii, Eldoret and Siaya among others.
- KPS through the help of ICRC and the Red Cross Society enabled the setting up of quarantinefacilities in 46 stations such as Nairobi Remand, Kakamega Main and Women, Shimo Max/Women/Shimo B.I/Malindi/Nyeri Max/ Lodwar Main among others.
- Gazetted new women prisons including Kapsabet, Kapenguria, Isiolo and Siaya Women Prisons.
- Trained 20,000 inmates on vocational training Programmes while 4,000 of them completed their tradetests.
- The Kenya Prisons Service (Legal Unit) in liaison with other stakeholders such as Kituo Cha Sheria,Christian Lawyersamong others rendered probonoservices to prisoners who cannot hire privateadvocates to represent them in court. This was done in Machakos, Thika, Shimo La Tewa, andLang'ata Women Prisons Kamiti Remand for Youthful offenders among other institutions.

7316 Legal Resources Foundation

Legal Resources Foundation Trust (LRF) promotes access to justice among vulnerable, indigent and marginalised groups, with a view to establish legal inclusivity. LRF employs the paralegal approachto deliver its programmes across the country. Paralegals are stationed in different communities including prisons.

The foundation undertook key activities during the FY 2020/21

- LRF is partnering with the Judiciary through the NCAJ's Task Force on Children Matters to develop a friendly handbook for use by actors that work with children under the Juvenile Justice System(JJS) to promote child safeguarding and protection.
- LRF hosted a global webinar titled; Justice In The Eye Of The Child in partnership with the NCAJ and the Institute of Child Psychology – Canada. The webinar delved on Child Therapy as a therapeutic jurisprudence intervention. This webinar attracted over 500 virtual participants.
- Supported the Nakuru Children Court CUC on the application of child therapy as an innovation to promote juvenile justice system in Nakuru.
- Trained 42 elders Chiefs and Assistant Chiefs drawn from Starehe and Lang'ata sub-counties in Nairobi on AJS policy. Further, LRF facilitated a sensitisation session on the AJS policy for Nairobi City Court and Kibera CUCs in March and June 2021 respectively.
- Established virtual court infrastructure (computers, projectors, internet) in Isiolo, Kitui and Kericho prisons to mitigate effects of COVID-19 on access to justice.
- Trained 56 elders drawn from far flung areas in Kyuso and Mutomo, Kitui County, who are now equipped to resolve minor disputes.
- Introduced a prison AJS model in Isiolo Prison that uses elders in resolving disputes between complainants and accused persons already detained in prison.
- Did a documentary on the Alternative Justice System Policy.
- Conducted a training for 26 Magistrates who handle children matters as well as supported Child Focused Court Users Committees (CCUC) meetings in Nakuru to help address children's issues.
- Supported the process of setting up an independent Special Nairobi City CUCs hence delinking itself from the Milimani CUC.
- Trained 25 Medical Officers in Kitui County on their role as expert witnesses and how to develop informative forensic reports that are critical in dispensing justice for SGBV Conducted radio talk shows on legal framework supporting children, diversion policy guidelines, medical-legal management of SGBV, legal aid and alternative care to children by children officers, ODPP, NLAS, RVLS, medical experts and paralegals.
- Conducted training for 300 Prison Officers from eight Penal Institutions in Nairobi and Mombasa Counties on countering violent extremism and reduction of radicalisation in penal institutions.
- Created awareness to 4,823 prisoners on manifestation of violent extremism in Kenya, signs of radicalisation, and importantly, the manner in which a prisoner can navigate through the criminal justice system.
- Facilitated the development of an Integrated Prisoners' Management Manual.
- Trained 630 new paralegals in all the 47 Counties.
- Trained a total 120 county law enforcement officers from Meru and Kisii Counties on human

  rights and due process.
- LRF trained Nairobi County law enforcement officers and Nairobi City Court CUC Members on plea bargaining, the use of ADR and the Legal Aid Act 2016 to sort out State regulated offences with regards to non-compliance with licensing requirements.
- Provided legal aid assistance to over 5,000 pre-trial inmates.
- Conducted online/virtual training for men, women and girls' champions for the three communities.(Kitet, Mai mahiu, and Narasha community) on matters of land and environmental rights.

7317 National Crime Research Centre

During the review period, the Council:

a. Conducted an Assessment of the Impact of COVID-19 on Crime and Security Management in Kenya. The Assessment established that breach of curfew and movement restrictions (17%);,Gender Based Violence (13%); engaging in riots (10%); murder (11%); Al Shabaab terror related attacks (10%); stealing (10%); child defilement (6%) as the leading crime committed during the COVID-19 pandemic in Kenya.

b. Conducted a study on "Protecting the Family in the Time of COVID-19 Pandemic: Addressing the Escalating Cases of GBV, Girl Child Disempowerment and Violation of Children's Rights in Kenya".

c. Conducted the National State of Crime and its Prevention in Kenya Conference 2021. The NSCPK Conference, 2021 was co-convened by the National Crime Research Centre (NCRC), RE-IN- VENT-Kenya and other Governance, Justice and Law and Order Sector (GJLOS) agencies. The con- ference was attended by 84 delegates physically while about 100 followed virtually. The objective of the conference was to discuss and give the way forward on the state of crime in Kenya and crime prevention initiatives under the following thematic areas: home-based crimes and family violence in the context of COVID-19; Governance and leadership in the context of Government fight against corruption; election crimes and offenses; and countering violent extremism and terrorism.

d. Conducted a study on "Status of Child Protection in Charitable Children's Institutions in Kenya". This study was conducted in 24 counties in Kenya. The objective of the study was to establish the status of child care and protection system in charitable children's institutions in Kenya. The main factors contributing to placement of children in Charitable Children's Institutions (CCIs) as reported by the social workers were orphanhood , abandonment , neglect , parental irresponsibility

, and hunger/lack of food at home . Similarly, CCI managers reported abandonment , orphan-hood ,neglect , absentee mothers/parents ( hunger , and sexual abuse , as the main factors contributing to the placement of children in CCIs. The predominant crimes and offenses against children at the CCIs as reported by children respondents were physical abuse . Most of the social workers and CCI managers reported defilement. Drug abuse, stealing and affray, were the main offenses committed by children in these facilities. The study recommended that the CCIs management build strong internal systems that guarantee and strengthen protection of the rights of children.

e. A Study on the "Prevalence and the Patterns of the Land Related Crimes in Kenya"

This survey was conducted in 33 counties in Kenya. The sample respondents were 2,608 members of the public. The objective of this study was to explore the prevalence and patterns of land-re- lated crimes in Kenya. The study findings indicated that the most prevalent land related crimes were double or multiple allocation of land ; interfering with land boundaries ; land possession by two or more people ; trespass ; and land fraud/exploitation .Furthermore, majority of the respon- dents had either been victims or witnessed land-related crimes in their locality. The culture of corruption , high cost of processing land documents , lack of awareness on land rights , delay of land ownership matters in courts and lack of transparency in land related matters emerged as the leading challenges in handling land-related crimes. The study recommended that the Ministry of Lands and Physical Planning expedite the process of digitisation of land registry, issuance of title deeds to all

demarcated lands and roll out mechanisms to weed out cartels and their networks within the ministry; adopt multi-agency/sector collaboration of land stakeholders in addressingland-relatedchallenges.

f. A Study on "Factors Shaping Police Performance in Kenya"

This study was conducted in 18 counties in Kenya. The objective of the survey was to establish factors influencing police performance in Kenya. For gazetted officers these factors included competitive remuneration ; both availability of resources and equipment and conducive working environment ; adequate training and fair promotion (. The study recommended that the National Police Service Commission (NPSC) put in place competitive remuneration to the police officersas a motivation strategy; enhanced budgetary allocation to the National Police Service (NPS) to modernise infrastructure, office space and full automation of the NPS Services; and NPSC and NPS to review the policies that addresses placement (command and control), deployment, re- cruitment and promotion for police officers across the ranks.

7308 National Council on Law Reporting

The National Council for Law Reporting (Kenya Law) is mandated with the preparation and publicationof the reports known as the Kenya Law Reports, which shall contain judgments, rulings and opinions of the superior courts of record.

During the FY 2020/2021 Kenya Law has made significant advances in tracking Kenya's jurisprudence anddisseminatingpublic legal information.

The key accomplishments included;

1 Publication of 1,500 copies of service issues

2 publication of eight law reports and specialised law reports

3 472 statutes out of 504 were revised and updated, making a 93.5 per cent revision status. Another32 statutes were still in the process of revision.

4 Five volumes of the Laws of Kenya were published among, the Grey book, which consists of fifteen

(15) of the most frequently used Acts of Parliament.

5 Online Publication of the Laws of Kenya

6 Kenya Law tracks law reform issues emerging from case law and legislation and in addition, contributes to legal and administrative reforms by tracking and reporting judicial opinions containing pertinent pronouncements on legal and administrative reforms.

This publications facilitated judicial officers, legal practitioners and members of the public tounderstand and advance their rights and obligations. These freely accessible data also facilitatedgovernment institutions and officers to review, implement and enforce laws and regulations.

7309 National Police Service

The National Police Service(NPS) is a creation of the Constitution of Kenya 2010. Its mandate andfunctions are spelt out in the National Police Service Act 2011 and the National Police ServiceCommission Act 2011. To effectively perform its mandate, it is divided broadly into The Kenya Police Service, The Administrative Police Service and The Directorate Criminal Investigation.

Activities Undertaken

On 29 July 2020, the NPS launched the first mandatory e-learning training for police officers in Kenya.The training, supported by UNODC through the Programme for Legal Empowerment and Aid Delivery in Kenya seeks to address the unique challenges that police officers face in enforcing law and orderduring the COVID-19 pandemic and comprises seven e-learning modules that police officers cancomplete at their own pace on a computer, tablet or smart phone.

Among the topics covered are the use of force, human rights approaches to crowd control, handlingof SGBV violence cases, bail and bond, and how to deal with special interest groups such as persons with disabilities and children in conflict with the law. As at 21st July 2021, 32,534 police officers had enrolled in the course, with 16,498 having completed and received the online generated certificates.of these 4,189 female officers enrolled, of whom 1,741 completed the course.

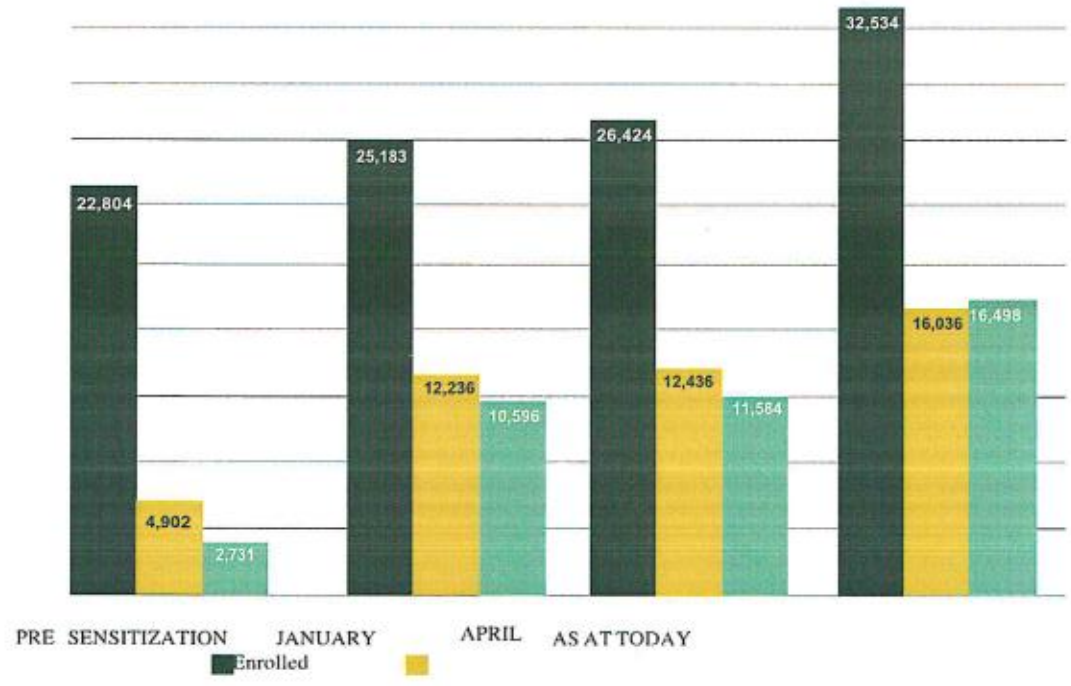



Figure 7.4: Statistics on learners

Figure 7.4 Statistics on Learners

- Apprehension of 64,215 offenders.
- Operationalisation of Administrative Police Posts into Police stations.

Table 7.12: Comparative Crime Figures

| OFFENCE | 2019/2020 | 2020/2021 | DIF. | % DIFF |
|---|---|---|---|---|
| a) Murder | 1,870 | 2,074 | 204 | 11 |
| b) Manslaughter | 86 | 82 | -4 | -5 |
| c) Infanticide | 49 | 53 | 4 | 8 |
| d) Procuring Abortion | 41 | 28 | -13 | -32 |
| e) Concealing Birth | 76 | 54 | -22 | -29 |
| f) Suicide | 503 | 621 | 118 | 23 |
| g) Causing Death by Dangerous Driving | 341 | 376 | 35 | 10 |
| Sub - Total | 2966 | 3288 | 322 | 11 |
| a) Rape | 972 | 1004 | 32 | 3 |
| b) Defilement | 6,305 | 7,464 | 1,159 | 18 |
| c) Incest | 333 | 342 | 9 | 3 |
| Un-natural offences sodomy | 79 | 72 | -7 | -9 |
| OFFENCE | 2019/2020 | 2020/2021 | DIF. | % DIFF |
| e) Beastiality | 21 | 11 | -10 | -48 |
| f) Indecent assault | 270 | 302 | 32 | 12 |
| g) Abduction | 65 | 65 | 0 | 0 |
| h) Bigamy | 31 | 101 | 70 | 226 |
| Sub - Total | 8,076 | 9,361 | 1,285 | 16 |
| a) Assault | 15,643 | 15,759 | 116 | 1 |
| b) Creating Disturbance | 5,784 | 5,104 | -680 | -12 |
| c) Affray | 689 | 896 | 207 | 30 |
| Sub - Total | 22,116 | 21,759 | -357 | -2 |
| a) Robbery | 642 | 575 | -67 | -10 |
| b) Robbery with Violence | 1944 | 1666 | -278 | -14 |
| c) Carjacking | 44 | 29 | -15 | -34 |
| d) Robbed of Motor/vehicle | 21 | 14 | -7 | -33 |
| e) Cattle Rustling | 19 | 24 | 5 | 26 |
| | | | | |
| A) House Breaking | 2366 | 1948 | -418 | -18 |
| B) Burglary | 1417 | 1136 | -281 | -20 |
| C) Other Breaking | 1565 | 1303 | -262 | -17 |
| | | | | |
| Stock theft | 1728 | 1739 | 11 | 1 |
| | | | | |
| a) Handling stolen property | 430 | 417 | -13 | -3 |
| b) Stealing from Person | 681 | 524 | -157 | -23 |
| c) Stealing by Tenants/lodgers | 53 | 40 | -13 | -25 |
| d) Stealing from a building | 269 | 275 | 6 | 2 |
| e) General Stealing | 9,992 | 8,490 | -1,502 | -15 |
| | | | | |
| a) Stealing by Directors | 101 | 235 | 134 | 133 |
| b) Stealing by Agents | 173 | 137 | -36 | -21 |
| c) Stealing by employee/servant | 1463 | 1335 | -128 | -9 |
| | | | | |
| a) Theft of M/V | 330 | 330 | 0 | 0 |
| b) Theft from M/V | 145 | 112 | -33 | -23 |
| c) Theft of M/V parts | 146 | 165 | 19 | 13 |
| c) Theft of MotorCycle | 445 | 612 | 167 | 38 |
| | | | | |
| a) Possession | 5755 | 3798 | -1957 | -34 |
| b) Handling | 126 | 81 | -45 | -36 |
| c) Trafficking | 912 | 639 | -273 | -30 |
| d) Cultivating | 166 | 169 | 3 | 2 |
| e) Usage | 59 | 51 | -8 | -14 |
| | | | | |
| a) Taking vehicle without lawful authority | 131 | 70 | -61 | -47 |
| b) Driving under influence of alcohol | 164 | 41 | -123 | -75 |
| | | | | |
| a) Malicious damage | 3,158 | 3,338 | 180 | 6 |
| b) Arson | 478 | 620 | 142 | 30 |
| c) Other criminal damage | 68 | 77 | 9 | 13 |
| d) Negligent acts | 208 | 259 | 51 | 25 |
| | | | | |
| a) Obtaining by false pretences | 3,334 | 3,150 | -184 | -6 |
| | | | | |
| b) Currency forgery | 133 | 108 | -25 | -19 |
| c) False accounting | 19 | 24 | 5 | 26 |
| d) Other fraud/forgery offences | 595 | 539 | -56 | -9 |
| | | | | |
| a) Soliciting for Bribe | 42 | 75 | 33 | 79 |

| | | | | |
|---|---|---|---|---|
| b) Accepting Bribe | 6 | 8 | 2 | 33 |
| c) Accepting free gifts | 1 | 7 | 6 | 0 |
| d) Demanding by false pretence | 12 | 10 | -2 | -17 |
| e) Other Corruption Offences | 39 | 42 | 3 | 8 |
| | | | | |
| a) Soliciting for Bribe | 9 | 1 | -8 | -89 |
| b) Accepting Bribe | 2 | 1 | -1 | -50 |
| c) Accepting Free Gifts | 0 | 2 | 2 | >100 |
| d) Demanding by false pretence | 5 | 7 | 2 | 40 |
| e) Other Criminal Offences | 69 | 49 | -20 | -29 |
| | | | | |
| a) Bag Snatching | 3 | 10 | 7 | 0 |
| b) Other offences Against tourists | 7 | 1 | -6 | -86 |
| c) Other Offences Involving Tourists | 20 | 22 | 2 | 10 |
| | | | | |
| Other penal code offences | 7,559 | 7,780 | 221 | 3 |

Table 7.13: Types of Offences

| | | | | |
|---|---|---|---|---|
| 1 | Homicide | 2966 | 3288 | 322 | 11 |
| 2 | Offences against morality | 8076 | 9361 | 1285 | 16 |
| 3 | Other offences against persons | 22116 | 21759 | -357 | -2 |
| 4 | Robbery | 2670 | 2308 | -362 | -14 |
| 5 | Breakings | 5348 | 4387 | -961 | -18 |
| 6 | Theft of stock | 1728 | 1739 | 11 | 1 |
| 7 | Stealing | 11425 | 9746 | -1679 | -15 |
| 8 | Theft by servant | 1,737 | 1,707 | -30 | -2 |
| 9 | Vehicle and other thefts | 1,066 | 1,219 | 153 | 14 |
| 10 | Dangerous drugs | 7018 | 4,738 | -2,280 | -32 |
| 11 | Traffic offences | 295 | 111 | -184 | -62 |
| 12 | Criminal damage | 3,912 | 4,294 | 382 | 10 |
| 13 | Economic crimes | 4,081 | 3,821 | -260 | -6 |
| 14 | Corruption | 100 | 142 | 42 | 42 |
| 15 | Offences involving police officers | 85 | 60 | -25 | -29 |
| 16 | Offences involving tourist | 30 | 33 | 3 | 10 |
| 17 | Other penal code offences | 7559 | 7780 | 221 | 3 |

7320 National Transport and Safety Authority

The National Transport and Safety Authority (NTSA) was established through an Act of Parliament;Act of 2012 Number 33 with harmonise the operations of the key road transport departments andhelp in effectively managing the road transport sub-sector and minimising loss of lives through roadcrashes.

During the period under review, NTSA undertook diverse activities that support administration ofjustice as follows;

- Undertook Look out! #TuvukeSalama which is a Road Safety campaign done together with Vivio Energy that is aimed at promoting a safe environment around schools. Thecampaign reached 100 schools within 7 counties; in Nairobi, Mombasa, Nakuru, Kericho, Embu, Kisumu, and Nyeri, which received reflective STOP signs to assist children in safelycrossing theroads.
- The NTSA Teams in various parts of the country sensitised road users, calling upon themto join the global movement for low speeds in liveable cities worldwide.

7321 Office of the Director of Public Prosecutions

The strategic focus of the ODPP for the year under review was guided by the ODPP Excellence Charter: Our Strategic Commitments 2020 - 2023. The Excellence Charter outlines the ODPP vision, mission, strategic commitments and activities identified to help the ODPP realize its mandate and serve itsdiverse stakeholders better.

This Excellence Charter identifies 6 strategic commitments namely independence & integrity; lifelong learning; reshaping prosecutions; leadership; organizational effectiveness; and inter-agency networks. The overall aim is to transform the ODPP into a 21st century prosecution service which is more responsive to the needs of Mwananchi.

Despite the myriad of challenges faced by the Office as a result of COVID-19, the Office achieved the following:

1 Developed and reviewed a number of in-house policy documents and strategies geared towards enhancing accountability, transparency and consistency in the Office operations. These includethe Office of Change Management, Risk Management Strategy, Stakeholder Engagement Strategy,ODPP Screening Guidelines, Branding Guidelines, Document Tracking Manual

2 The Office inducted 49 new Prosecution Counsel and Research Officers.

3 The ODPP in partnership with UNODC/PLEAD acquired a boat, MV ADIL to facilitate access tojustice forthepeopleofLamu.

4 Integrated of the ODPP Uadilifu case intake system with the Judiciary system;

5 Installated servers in readiness of digitization of all ODPP records and rolled of the Uadilifu CMS;

7322 Power of Mercy Advisory Committee

ThePowerofMercy AdvisoryCommitteeisaconstitutionalcommitteeestablishedpursuanttoArticle133 of the Constitution whose core mandate is to advise the President on the exercise of the power ofmercy. During the period under review the committee;

- Received a total of 62 petitions from convicted offenders across correctional facilitiesinthecountry.
- 202 petitions were procedurally reviewed by the Committee out of which 148 were recommended for interview and further consideration.
- Conducted virtual hearings and interviews with 132 petitioners in 26 correctional facilities and made necessary recommendations.
- Commissioned a research survey titled 'Follow up Study on Pardoned Offenders in Kenya'.This was comprehensive research on convicted offenders who

received Executive clemency after promulgation of the Constitution of Kenya 2010.

- Monitored the persons released and interacted with nineteen ex-offenders released under the Power of Mercy from various parts of the country, ten ex-offenders in Eastern and Central regions, and 9 in Coast region.

7323 Probation and Aftercare Services

Probation and Aftercare Service (PAS) is mandated to manage community corrections. The service implements three main programmes namely Probation, CSO and After Care as provided for in the Probation of Offenders Act Cap (64) and the Community Service Orders Act Cap (93). To support the administration of justice, the service received referrals and provided a total of 50,351 social inquiry reports to the wide justice sector.

Table 7.14: Nature of social inquiry reports and gender distribution

| Nature of referral/ Social Inquiry Report | Gender | | | | Total |
|---|---|---|---|---|---|
| | Male | | Female | | |
| | Adults | Juvenile | Adult | Juvenile | |
| Probation social inquiry report | 15366 | 1211 | 3429 | 182 | 20188 |
| CSO Social inquiry Report | 18941 | 433 | 3088 | 52 | 22514 |
| Bail information | 5481 | 380 | 497 | 12 | 6370 |
| Alternative Dispute Resolution | 153 | 4 | 48 | 1 | 206 |
| Victim Impact | 384 | 2 | 39 | 5 | 430 |
| Resentencing | 276 | - | 8 | - | 284 |
| Aftercare | 25 | 133 | 0 | 5 | 163 |
| Power of Mercy | 115 | - | 9 | - | 124 |
| Plea-bargaining | 45 | 0 | 1 | 0 | 46 |
| Diversion | 8 | 9 | 1 | 2 | 20 |
| Care and protection | - | 4 | - | 2 | 6 |
| Total | 40794 | 2176 | 7120 | 261 | 50351 |

As a result of the social inquiry report submitted to the wider justice sector, 24,166 offenders were placed on non-custodial supervision orders. This included 10,799 probation orders, 13,173 CSO orders and 194 released on the Aftercare Programme. A total of 6,154 accused persons were recommended and admitted to bail/bond terms as shown below.

Table 7.15: Placement on Supervision Orders and Recommended Bail/Bonds

| Type Of Placement | Gender | | | | Total |
|---|---|---|---|---|---|
| | Male | | Female | | |
| | Adult | Juveniles | Adult | Juveniles | |
| Probation Order | 8580 | 1007 | 1046 | 166 | 10799 |
| Community service order | 10500 | 221 | 2435 | 17 | 13173 |
| After Care | 28 | 142 | 19 | 5 | 194 |
| Total | 19108 | 1370 | 3500 | 188 | 24166 |
| Bail/Bond recommended and admitted | 5281 | 380 | 479 | 12 | 6154 |

A total of 433 needy offenders serving non-custodial orders were empowered in various ways as shown in Table 3.

Table 7.16: Type and beneficiaries of empowerment programmes

| Type of Empowerment | Male | Female | Total |
|---|---|---|---|
| School fees | 190 | 52 | 242 |
| Working Tools | 12 | 11 | 23 |
| Vocational Training | 113 | 55 | 168 |
| Total | 315 | 118 | 433 |

300 probation officers were recruited and deployed to field stations while 157 probation officers were promoted to higher ranks.

Diverse training for staff were undertaken as follows;

Table 7.17: Areas of Trainings

| AREA OF TRAINING | NUMBER TRAINED | PARTNER SUPPORT |
|---|---|---|
| Counselling awareness for middle level managers | 22 | Amani Counselling Centre |
| Research methodologies for Kenya correctional services | 12 | RWI |
| Leadership Training on Human rights | 40 | RWI |
| Kenya Probation Risk Assessment for Violent Extremism Tool (KP-RAVET) as a measure in the prevention and countering of violent extremism | 26 | Plead Project |
| Refresher course for Drivers | 9 | GOK |
| Prevention and countering violent extremism | 60 | Plead Project |
| Management of Community Probation Volunteer programme | 33 | Plead Project |

Received 12 vehicles, 28 laptops, 1 tablet, and 30 desktop computer monitors which were allocated to stations and officers working in the 12 focal counties.

Undertook a Children Art Competition on the theme of 'Probation: A New Beginning' under the four sub themes of Change, Lessons Learnt, Future, and COVID-19, which they described in a brief write- up. Through the competition, the children provided feedback on their experience as they navigated the justice system.

7324 State Law Office and Department of Justice

The Honourable Attorney General is the Government's principal legal advisor, responsible for representing the National Government in court or any other legal proceedings to which the National Government is a party (other than criminal proceedings) and for performing any other functions conferred to the Office by an Act of Parliament or by the President. The key achievements for the FY2020/21 included;

- Finalised and launched the Victim Protection Board Strategic Plan 2018/19-2022/23.
- Developed and forwarded to Parliament after public and stakeholders participation, the Victim Protection (General) Regulations, 2021.
- Developed and forwarded to Parliament after public and stakeholders participation, the Victim Protection (Trust Fund) Regulations, 2021.
- Prepared and forwarded to the legislative drafting department, the Victim Protection (Amendment) Bill, 2020.
- Prepared and forwarded to the legislative drafting, the Victim Protection Act priority amendments.
- Developed the Victim Rights Charter as per Section 32(2)(d) and the Board Charter that is intended to guide the conduct of the Board.
- The approval by Cabinet of the National Action Plan on Business and Human Rights in February 2021. This is a comprehensive policy document that seeks to provide protection to all Kenyans from human rights violations by businesses, whether public or privately owned. The policy also provides guidance to businesses on their duty to respect human rights.
- Developed the Conflict of Interest Bill that aims at providing a framework for management of conflict of interest in collaboration with EACC and other stakeholders.
- Launched the National Ethics and Anti-Corruption Policy which seeks to reduce prevalence of corruption and unethical practices by among others, synergising efforts of all stakeholders involved in the fight against corruption.
- The Nairobi Centre for International Arbitration (NCIA) administered thirteen (13) disputes with a value of over Kshs. 13 Billion (USD 130 Million).
- The NCIA together with a network of China-Africa Joint Arbitration Centres' (CAJAC) developed and adopted a Constitution and Rules for arbitration of disputes of Sino- African origin within the five member Centres. The Centre developed and shared a panel of arbitrators, mediators and neutrals for panel-listing to the shared CAJAC Panel.
- The NCIA Centre developed and published the Nairobi Centre for International Arbitration (Virtual Hearings) Rules, 2020
- Negotiated Mutual Legal Assistance (MLA), Extradition and Transfer of Sentenced Persons Treaties with several Countries.
- Finalised the model treaty on MLA, Extradition and Transfer of Sentenced Persons in consultation with the various competent authorities.
- Commenced the drafting of Transfer of Sentenced Persons Regulations.
- Received and processed a number of incoming and outgoing MLA, Extradition and Transfer of Sentenced Persons requests.

7325 Witness Protection Agency

The Witness Protection Agency (WPA) provides special protection, on behalf of the State, to witnesses who are facing potential risk or intimidation due to their co-operation with law enforcement agencies. The WPA provides the framework and procedures for giving special protection to witnesses to ensure an effective and efficient administration of justice in the country. During the period under review, WPA undertook the following;

- Held National Coordination Mechanism Consultative Forum
- Protected 80 witnesses under the WPP and 161 related persons. Futher, four cases involving witnesses who are protected were concluded and judgment passed.
- Received 118 new applications into the WPP compared to 192 during the 2019 - 2020 period. This decline is attributed to the effects of COVID-19 pandemic, which lead to scaled down operations in the justice system.
- Undertook sensitisation activities of The World Day Against Human Trafficking 2020.
- Held the National Coordination Mechanism on migration quarterly consultation forum between 18th – 28th August 2020.
- Presented recourse available for whistleblower protection under the Witness Protection system.
- Held validation workshop on the guidelines on management of petty offenders, arrest and conditions on pre-trial detention.
- Held Victim Protection Board public participation programme on the Victim Protection (General) Regulations, 2020 in Kisumu, Bomet and Kisii.

7326 The CRADLE

The Children's Foundation is a non-partisan, non-profit making and Non-Governmental Organisation committed to the protection, promotion and enhancement of the rights of the child through advocacy, legal representation, and law reform. The CRADLE works to realise a just society for children. The CRADLE undertook the following activities during the period under review to enhance access to justice for children;

- Supported 400 clients on self-representation through training, drafting pleadings and ICT support.
- Trained 40 lawyers on child rights
- Referred 120 cases to pro bono lawyers.
- Trained 60 paralegals on handling children during emergencies and pandemics.
- Took up 503 new cases and supported 672 previous cases. This involved direct legal representation, legal advice, diversion, pre-trial briefing etc.
- Offered psychosocial support through individual and group therapy to 413 children both in conflict with the law and child survivors of rape,
- Undertook training for 60 practitioners in the months of November 2020 and April 2021. The webinar series were conducted every Thursday within those months.
- Offered a Massive Open Online Courses (MOOCs) on Child Rights in Kenya with support from two academic institutions,
- Launched an online platform for children to enhance advocacy and awareness on the rights of the child benefiting 3,000 children so far.

APPENDICES

Appendix 1: Filed Civil Cases by Case Type in High Court, FY 2020/21

| High Court Station | Adoption | Civil Appeals | Civil Misc | Civil Matters | Commercial Matters | Commercial Miscella-neous | Const Human& Rights | Divorce | Family Ap-peals | Family Misc | Income Tax Appeals | Judicial Misc | Judicial Review | Probate Admin | All civil cases |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bomet | 1 | 12 | 12 | 11 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 35 | 74 |
| Bungoma | 1 | 56 | 73 | 59 | 12 | 0 | 0 | 0 | 1 | 0 | 0 | 3 | 6 | 20 | 231 |
| Busia | 0 | 36 | 100 | 107 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 3 | 9 | 21 | 286 |
| Chuka | 0 | 19 | 15 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 4 | 6 | 67 |
| Eldoret | 4 | 14 | 37 | 22 | 1 | 0 | 34 | 7 | 1 | 5 | 0 | 4 | 8 | 26 | 163 |
| Embu | 9 | 34 | 56 | 9 | 0 | 0 | 50 | 0 | 0 | 0 | 0 | 4 | 7 | 11 | 180 |
| Garissa | 0 | 8 | 12 | 7 | 0 | 0 | 14 | 0 | 0 | 0 | 0 | 4 | 6 | 13 | 64 |
| Garsen | 0 | 3 | 1 | 1 | 7 | 0 | 2 | 0 | 0 | 0 | 0 | 3 | 3 | 3 | 23 |
| Homa Bay | 1 | 70 | 43 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 11 | 176 |
| Kabarnet | 0 | 15 | 5 | 3 | 0 | 0 | 1 | 0 | 0 | 3 | 0 | 1 | 3 | 17 | 48 |
| Kajiado | 3 | 42 | 52 | 34 | 1 | 0 | 18 | 0 | 0 | 0 | 0 | 0 | 6 | 73 | 229 |
| Kakamega | 4 | 59 | 153 | 160 | 3 | 3 | 27 | 0 | 12 | 0 | 0 | 0 | 6 | 24 | 451 |
| Kapenguria | 0 | 3 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 2 | 4 | 5 | 16 |
| Kericho | 1 | 28 | 50 | 39 | 1 | 0 | 9 | 0 | 0 | 0 | 0 | 2 | 3 | 83 | 216 |
| Kerugoya | 7 | 46 | 43 | 7 | 0 | 0 | 11 | 3 | 0 | 0 | 0 | 4 | 13 | 12 | 146 |
| Kiambu | 16 | 206 | 307 | 32 | 6 | 0 | 37 | 25 | 0 | 0 | 0 | 0 | 9 | 133 | 771 |
| Kisii | 6 | 51 | 31 | 6 | 0 | 0 | 24 | 0 | 0 | 0 | 0 | 1 | 8 | 4 | 131 |
| Kisumu | 8 | 134 | 225 | 17 | 12 | 0 | 107 | 10 | 8 | 0 | 0 | 6 | 14 | 34 | 575 |
| Kitale | 0 | 57 | 33 | 29 | 0 | 0 | 11 | 0 | 0 | 29 | 0 | 0 | 17 | 78 | 254 |
| Kitui | 4 | 52 | 85 | 11 | 0 | 1 | 8 | 0 | 0 | 0 | 0 | 1 | 4 | 10 | 176 |
| Lodwar | 0 | 0 | 7 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 |
| Machakos | 10 | 168 | 239 | 32 | 0 | 0 | 61 | 1 | 0 | 6 | 0 | 13 | 20 | 60 | 610 |
| Makueni | 1 | 64 | 71 | 7 | 0 | 0 | 14 | 3 | 3 | 0 | 0 | 2 | 5 | 10 | 180 |
| Malindi | 1 | 91 | 118 | 49 | 1 | 0 | 53 | 7 | 0 | 1 | 0 | 1 | 9 | 31 | 362 |
| Marsabit | 1 | 17 | 15 | 27 | 0 | 0 | 21 | 1 | 0 | 0 | 0 | 0 | 0 | 6 | 88 |
| Meru | 4 | 141 | 102 | 26 | 0 | 0 | 47 | 0 | 0 | 0 | 0 | 0 | 4 | 32 | 356 |
| Migori | 0 | 51 | 50 | 54 | 0 | 0 | 16 | 0 | 0 | 0 | 0 | 0 | 2 | 15 | 188 |
| Mil. Anti-corr. Div. | 0 | 0 | 47 | 6 | 0 | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 62 |
| Mil. Civil Div. | 0 | 710 | 777 | 492 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1,979 |
| Mil. Comm. Div. | 0 | 314 | 0 | 0 | 939 | 1,797 | 0 | 0 | 0 | 0 | 201 | 0 | 0 | 0 | 3,251 |
| Mil. Const. Div | 0 | 0 | 0 | 0 | 0 | 0 | 454 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 454 |
| Mil. Crim.Div. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mi. Family Div. | 135 | 0 | 0 | 0 | 0 | 0 | 6 | 130 | 97 | 0 | 0 | 0 | 0 | 2,253 | 2,621 |
| Mil. Jud. Rev. Div. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 94 | 248 | 0 | 342 |
| Mombasa | 4 | 109 | 191 | 127 | 16 | 0 | 274 | 3 | 7 | 10 | 0 | 6 | 81 | 8 | 836 |
| Muranga | 1 | 47 | 69 | 14 | 0 | 0 | 11 | 3 | 6 | 0 | 0 | 8 | 11 | 23 | 193 |
| Naivasha | 1 | 50 | 50 | 8 | 0 | 0 | 4 | 5 | 2 | 3 | 0 | 1 | 7 | 16 | 147 |
| Nakuru | 14 | 95 | 201 | 34 | 1 | 3 | 40 | 26 | 9 | 1 | 0 | 0 | 23 | 108 | 555 |
| Nanyuki | 1 | 8 | 24 | 3 | 0 | 0 | 7 | 1 | 0 | 0 | 0 | 2 | 1 | 2 | 49 |
| Narok | 2 | 13 | 5 | 9 | 0 | 0 | 10 | 2 | 0 | 0 | 0 | 0 | 2 | 9 | 52 |
| Nyamira | 2 | 66 | 17 | 19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 6 | 113 |
| Nyandarua | 2 | 0 | 3 | 4 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 13 |
| Nyeri | 6 | 50 | 96 | 9 | 0 | 0 | 25 | 24 | 21 | 3 | 1 | 9 | 21 | 23 | 288 |
| Siaya | 0 | 36 | 39 | 48 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 4 | 7 | 16 | 153 |
| Vihiga | 1 | 48 | 8 | 12 | 0 | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 2 | 109 | 191 |
| Voi | 0 | 39 | 12 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 4 | 72 |
| All courts | 251 | 3,062 | 3,474 | 1,619 | 1,003 | 1,805 | 1,431 | 251 | 167 | 62 | 202 | 181 | 581 | 3,351 | 17,440 |

Appendix 2: Resolved civil cases by case type in High Court, FY 2020/21

| High Court Station | Adoption | Civil Appeals | Civil Misc | Civil Matters | Commercial Matters | Commercial Miscella-neous | Const Human& Rights | Divorce | Family Ap-peals | Family Misc | Income Tax Appeals | Judicial Misc | Judicial Review | Probate Admin | All civil cases |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bomet | 1 | 0 | 5 | 3 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 28 | 39 |
| Bungoma | 2 | 53 | 75 | 6 | 1 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 34 | 184 |
| Busia | 0 | 27 | 97 | 3 | 0 | 0 | 0 | 0 | 1 | 7 | 0 | 0 | 7 | 72 | 214 |

| | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chuka | 0 | 37 | 9 | 12 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 1 | 2 | 40 | 103 |
| Eldoret | 11 | 104 | 60 | 23 | 3 | 1 | 34 | 2 | 0 | 0 | 0 | 1 | 8 | 224 | 471 |
| Embu | 8 | 108 | 27 | 11 | 0 | 0 | 78 | 0 | 0 | 0 | 0 | 2 | 4 | 90 | 328 |
| Garissa | 0 | 8 | 0 | 7 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 27 |
| Garsen | 0 | 1 | 3 | 1 | 0 | 0 | 7 | 0 | 0 | 1 | 0 | 0 | 0 | 2 | 15 |
| Homa Bay | 2 | 45 | 73 | 11 | 0 | 0 | 26 | 0 | 0 | 2 | 0 | 0 | 4 | 237 | 400 |
| Kabarnet | 1 | 9 | 38 | 1 | 0 | 0 | 2 | 0 | 0 | 4 | 0 | 1 | 1 | 9 | 66 |
| Kajiado | 4 | 33 | 28 | 24 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 76 | 172 |
| Kakamega | 5 | 34 | 38 | 5 | 0 | 0 | 4 | 0 | 2 | 5 | 0 | 0 | 7 | 123 | 223 |
| Kapenguria | 0 | 3 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 7 | 12 |
| Kericho | 1 | 24 | 22 | 7 | 1 | 0 | 2 | 0 | 0 | 0 | 0 | 1 | 2 | 44 | 104 |
| Kerugoya | 15 | 84 | 23 | 8 | 0 | 0 | 23 | 0 | 0 | 0 | 0 | 1 | 4 | 21 | 179 |
| Kiambu | 26 | 89 | 177 | 7 | 1 | 0 | 17 | 7 | 0 | 0 | 0 | 0 | 4 | 173 | 501 |
| Kisii | 2 | 81 | 61 | 18 | 0 | 0 | 36 | 0 | 0 | 0 | 0 | 2 | 7 | 42 | 249 |
| Kisumu | 5 | 122 | 358 | 39 | 79 | 0 | 46 | 0 | 0 | 0 | 0 | 3 | 8 | 115 | 775 |
| Kitale | 0 | 3 | 17 | 14 | 0 | 0 | 7 | 0 | 0 | 5 | 0 | 0 | 1 | 69 | 116 |
| Kitui | 7 | 38 | 74 | 4 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 1 | 4 | 7 | 155 |
| Lodwar | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Machakos | 13 | 160 | 279 | 41 | 1 | 0 | 57 | 1 | 0 | 6 | 0 | 8 | 3 | 166 | 735 |
| Makueni | 0 | 18 | 43 | 1 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 1 | 2 | 10 | 78 |
| Malindi | 1 | 76 | 70 | 33 | 3 | 0 | 38 | 4 | 0 | 0 | 0 | 0 | 8 | 27 | 260 |
| Marsabit | 0 | 2 | 1 | 1 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 9 |
| Meru | 6 | 144 | 138 | 39 | 0 | 0 | 61 | 0 | 0 | 0 | 0 | 0 | 9 | 186 | 583 |
| Migori | 0 | 116 | 28 | 32 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 2 | 28 | 209 |
| Mil. Anti-corr. Div. | 0 | 16 | 30 | 6 | 0 | 0 | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 66 |
| Mil. Civil Div. | 0 | 306 | 1,274 | 285 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1,869 |
| Mil. C. & Tax Div. | 0 | 117 | 0 | 0 | 1,579 | 2,397 | 0 | 0 | 0 | 0 | 76 | 0 | 0 | 0 | 4,169 |
| Mil. Const. Div | 0 | 0 | 0 | 0 | 0 | 0 | 407 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 407 |
| Mil. Criminal Div. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mi. Family Div. | 208 | 0 | 0 | 0 | 0 | 0 | 2 | 21 | 13 | 19 | 0 | 0 | 0 | 1,293 | 1,556 |
| Mil. Jud. Rev. Div. | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 91 | 183 | 0 | 276 |
| Mombasa | 18 | 67 | 80 | 82 | 10 | 0 | 162 | 31 | 18 | 44 | 0 | 3 | 20 | 348 | 883 |
| Muranga | 1 | 36 | 20 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 53 | 112 |
| Naivasha | 5 | 95 | 151 | 13 | 0 | 0 | 9 | 7 | 0 | 6 | 0 | 0 | 6 | 15 | 307 |
| Nakuru | 16 | 198 | 271 | 66 | 0 | 0 | 24 | 9 | 4 | 0 | 0 | 0 | 27 | 310 | 925 |
| Nanyuki | 1 | 1 | 21 | 2 | 0 | 0 | 9 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 37 |
| Narok | 0 | 42 | 2 | 13 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 15 | 75 |
| Nyamira | 2 | 36 | 74 | 2 | 0 | 0 | 9 | 0 | 0 | 3 | 0 | 1 | 3 | 6 | 136 |
| Nyandarua | 3 | 4 | 2 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 24 |
| Nyeri | 6 | 69 | 64 | 29 | 0 | 0 | 17 | 2 | 1 | 1 | 3 | 3 | 12 | 214 | 421 |
| Siaya | 1 | 45 | 49 | 6 | 1 | 0 | 17 | 0 | 0 | 3 | 0 | 2 | 2 | 13 | 139 |
| Vihiga | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 36 | 38 |
| Voi | 0 | 13 | 14 | 1 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 44 |
| All courts | 371 | 2,468 | 3,796 | 862 | 1,679 | 2,398 | 1,186 | 85 | 39 | 109 | 79 | 122 | 343 | 4,155 | 17,692 |

Appendix 3: Filed and Resolved Criminal Cases by Case Type in High Court, FY 2020/21

| High Court Station | Murder | Criminal Application | Criminal Appeal | Criminal Revision | All | Murder | Criminal Application | Criminal Appeal | Criminal Revision | All |
|---|---|---|---|---|---|---|---|---|---|---|
| Bomet | 21 | 25 | 13 | 38 | 97 | 3 | 10 | 12 | 5 | 30 |
| Bungoma | 58 | 52 | 99 | 120 | 329 | 44 | 21 | 25 | 51 | 141 |
| Busia | 26 | 51 | 20 | 57 | 154 | 38 | 21 | 17 | 2 | 78 |
| Chuka | 14 | 28 | 18 | 77 | 137 | 7 | 33 | 22 | 53 | 115 |
| Eldoret | 60 | 54 | 19 | 74 | 207 | 100 | 30 | 103 | 82 | 315 |
| Embu | 35 | 34 | 24 | 124 | 217 | 15 | 33 | 67 | 141 | 256 |
| Garissa | 3 | 20 | 18 | 87 | 128 | 4 | 33 | 37 | 53 | 127 |
| Garsen | 10 | 17 | 18 | 65 | 110 | 4 | 19 | 15 | 55 | 93 |
| Homa Bay | 50 | 43 | 31 | 66 | 190 | 27 | 53 | 38 | 71 | 189 |
| Kabarnet | 33 | 31 | 29 | 38 | 131 | 13 | 9 | 36 | 26 | 84 |
| Kajiado | 18 | 36 | 18 | 38 | 110 | 3 | 23 | 25 | 52 | 103 |
| Kakamega | 50 | 51 | 23 | 50 | 174 | 11 | 44 | 17 | 22 | 94 |
| Kapenguria | 18 | 18 | 3 | 37 | 76 | 14 | 20 | 7 | 6 | 47 |
| Kericho | 30 | 39 | 11 | 97 | 177 | 33 | 35 | 37 | 3 | 108 |
| Kerugoya | 31 | 6 | 5 | 119 | 161 | 16 | 1 | 17 | 154 | 188 |
| Kiambu | 60 | 75 | 93 | 279 | 507 | 26 | 32 | 50 | 111 | 219 |
| Kisii | 30 | 13 | 13 | 10 | 66 | 28 | 18 | 53 | 36 | 135 |
| Kisumu | 30 | 62 | 33 | 89 | 214 | 29 | 42 | 48 | 36 | 155 |
| Kitale | 59 | 206 | 54 | 268 | 587 | 17 | 58 | 22 | 201 | 298 |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Kitui | 41 | 45 | 18 | 93 | 197 | 21 | 53 | 44 | 90 | 208 |
| Lodwar | 6 | 0 | 0 | 1 | 7 | 3 | 1 | 6 | 1 | 11 |
| Machakos | 40 | 91 | 65 | 167 | 363 | 31 | 64 | 80 | 47 | 222 |
| Makueni | 23 | 54 | 63 | 121 | 261 | 37 | 46 | 77 | 72 | 232 |
| Malindi | 63 | 54 | 57 | 104 | 278 | 35 | 14 | 60 | 65 | 174 |
| Marsabit | 19 | 6 | 2 | 4 | 31 | 5 | 5 | 8 | 2 | 20 |
| Meru | 73 | 92 | 109 | 227 | 501 | 74 | 91 | 92 | 236 | 493 |
| Migori | 16 | 25 | 27 | 45 | 113 | 14 | 8 | 14 | 24 | 60 |
| Mil. Anti-corr. Div. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | 9 |
| Mil. Civil Div. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mil. C. & Tax Div. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mil. Const. Div | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mil. Criminal Div. | 90 | 344 | 104 | 380 | 918 | 36 | 134 | 71 | 156 | 397 |
| Mi. Family Div. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mil. Jud. Rev. Div. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mombasa | 42 | 108 | 40 | 31 | 221 | 27 | 36 | 58 | 15 | 136 |
| Muranga | 39 | 29 | 19 | 189 | 276 | 8 | 6 | 30 | 169 | 213 |
| Naivasha | 27 | 228 | 23 | 60 | 338 | 7 | 31 | 42 | 22 | 102 |
| Nakuru | 46 | 63 | 18 | 121 | 248 | 36 | 100 | 80 | 68 | 284 |
| Nanyuki | 12 | 27 | 34 | 10 | 83 | 4 | 14 | 24 | 12 | 54 |
| Narok | 6 | 19 | 20 | 131 | 176 | 4 | 47 | 33 | 127 | 211 |
| Nyamira | 20 | 5 | 23 | 45 | 93 | 21 | 3 | 24 | 42 | 90 |
| Nyandarua | 5 | 4 | 0 | 3 | 12 | 3 | 2 | 11 | 4 | 20 |
| Nyeri | 20 | 43 | 23 | 150 | 236 | 25 | 25 | 83 | 235 | 368 |
| Siaya | 26 | 73 | 26 | 130 | 255 | 41 | 100 | 66 | 101 | 308 |
| Vihiga | 60 | 0 | 56 | 15 | 131 | 2 | 0 | 1 | 15 | 18 |
| Voi | 1 | 96 | 20 | 157 | 274 | 2 | 29 | 18 | 68 | 117 |
| All courts | 1,311 | 2,267 | 1,289 | 3,917 | 8,784 | 868 | 1,344 | 1,570 | 2,740 | 6,522 |

**Appendix 4:** Pending Civil Cases by Case Type in High Court, 30th June 2021

| High Court Station | Adoption | Civil Appeals | Civil Misc | Civil Matters | Commercial Matters | Commercial Miscellaneous | Const. Human & Rights | Divorce | Family Appeals | Family Misc | Income Tax Appeals | Judicial Misc | Judicial Re-view | Probate Admin | All civil cases |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bomet | 2 | 35 | 89 | 28 | 1 | 1 | 10 | 0 | 0 | 5 | 0 | 0 | 2 | 223 | 396 |
| Bungoma | 4 | 492 | 516 | 235 | 21 | 0 | 40 | 1 | 2 | 3 | 0 | 11 | 20 | 1,014 | 2,359 |
| Busia | 0 | 57 | 643 | 172 | 1 | 1 | 17 | 2 | 4 | 10 | 0 | 5 | 50 | 1,127 | 2,089 |
| Chuka | 0 | 10 | 46 | 41 | 0 | 1 | 8 | 1 | 2 | 47 | 0 | 1 | 173 | 143 | 473 |
| Eldoret | 3 | 89 | 494 | 159 | 1 | 1 | 47 | 32 | 2 | 30 | 0 | 9 | 31 | 189 | 1,087 |
| Embu | 5 | 90 | 247 | 27 | 0 | 0 | 57 | 6 | 0 | 282 | 0 | 4 | 7 | 1,554 | 2,279 |
| Garissa | 0 | 7 | 36 | 93 | 0 | 0 | 33 | 1 | 0 | 0 | 0 | 4 | 7 | 76 | 257 |
| Garsen | 1 | 23 | 6 | 10 | 7 | 0 | 1 | 0 | 0 | 2 | 0 | 4 | 5 | 23 | 82 |
| Homa Bay | 5 | 34 | 22 | 40 | 1 | 0 | 20 | 0 | 1 | 1 | 0 | 3 | 18 | 334 | 479 |
| Kabarnet | 1 | 20 | 44 | 8 | 1 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 13 | 57 | 150 |
| Kajiado | 2 | 60 | 26 | 76 | 12 | 1 | 22 | 3 | 1 | 24 | 0 | 11 | 27 | 21 | 286 |
| Kakamega | 5 | 275 | 810 | 202 | 4 | 3 | 123 | 17 | 15 | 22 | 0 | 0 | 9 | 1,061 | 2,546 |
| Kapenguria | 0 | 4 | 4 | 4 | 0 | 0 | 3 | 0 | 0 | 3 | 0 | 7 | 11 | 1 | 37 |
| Kericho | 16 | 44 | 136 | 116 | 119 | 0 | 68 | 0 | 0 | 0 | 0 | 12 | 16 | 613 | 1,140 |
| Kerugoya | 3 | 40 | 110 | 101 | 1 | 2 | 5 | 7 | 2 | 12 | 0 | 4 | 22 | 1,802 | 2,111 |
| Kiambu | 29 | 386 | 564 | 128 | 47 | 4 | 115 | 29 | 0 | 8 | 1 | 0 | 40 | 118 | 1,469 |
| Kisii | 8 | 66 | 51 | 4 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 3 | 24 | 160 |
| Kisumu | 22 | 129 | 85 | 188 | 23 | 0 | 199 | 11 | 9 | 1 | 0 | 20 | 78 | 122 | 887 |
| Kitale | 10 | 365 | 282 | 59 | 6 | 1 | 10 | 2 | 2 | 45 | 0 | 0 | 59 | 327 | 1,168 |
| Kitui | 1 | 130 | 60 | 18 | 5 | 11 | 2 | 0 | 0 | 0 | 0 | 0 | 2 | 30 | 259 |
| Lodwar | 0 | 2 | 9 | 1 | 0 | 0 | 2 | 2 | 1 | 0 | 0 | 1 | 2 | 14 | 34 |
| Machakos | 66 | 466 | 660 | 148 | 6 | 2 | 90 | 4 | 0 | 1 | 0 | 31 | 144 | 592 | 2,210 |
| Makueni | 1 | 82 | 135 | 24 | 5 | 0 | 19 | 3 | 7 | 4 | 0 | 1 | 4 | 100 | 385 |
| Malindi | 2 | 128 | 283 | 120 | 1 | 18 | 90 | 13 | 0 | 12 | 3 | 8 | 24 | 145 | 847 |
| Marsabit | 1 | 15 | 19 | 27 | 0 | 0 | 18 | 1 | 0 | 0 | 0 | 0 | 0 | 6 | 87 |
| Meru | 3 | 244 | 302 | 1,262 | 2 | 3 | 1 | 13 | 1 | 59 | 0 | 17 | 508 | 286 | 2,701 |
| Migori | 2 | 38 | 81 | 33 | 1 | 31 | 23 | 0 | 0 | 4 | 0 | 1 | 55 | 177 | 446 |
| Mil. Anti-corr. Div. | 0 | 15 | 30 | 3 | 0 | 0 | 23 | 0 | 0 | 0 | 0 | 71 | 0 | 0 | 142 |
| Mil. Civil Div. | 0 | 2,635 | 2,128 | 2,218 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6,985 |
| Mil. C. & Tax Div. | 0 | 200 | 30 | 3 | 3,420 | 2,732 | 7 | 0 | 0 | 0 | 187 | 0 | 0 | 0 | 6,579 |
| Mil. Const. Div | 0 | 0 | 0 | 0 | 0 | 0 | 643 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 643 |
| Mil. Criminal Div. | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mi. Family Div. | 103 | 3 | 0 | 436 | 1 | 0 | 5 | 136 | 186 | 251 | 0 | 2 | 0 | 4,461 | 5,584 |
| Mil. Jud. Rev. Div. | 0 | 0 | 1 | 91 | 59 | 0 | 73 | 0 | 0 | 0 | 0 | 33 | 962 | 0 | 1,219 |
| Mombasa | 7 | 2,156 | 2,841 | 100 | 41 | 5 | 520 | 78 | 72 | 124 | 16 | 733 | 227 | 425 | 7,345 |

| | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Muranga | 38 | 581 | 558 | 124 | 2 | 0 | 148 | 8 | 18 | 40 | 0 | 21 | 56 | 1,131 | 2,725 |
| Naivasha | 1 | 110 | 104 | 10 | 0 | 0 | 2 | 2 | 2 | 6 | 0 | 2 | 4 | 72 | 315 |
| Nakuru | 21 | 710 | 1,001 | 734 | 6 | 4 | 22 | 26 | 9 | 41 | 2 | 4 | 237 | 2,536 | 5,353 |
| Nanyuki | 2 | 39 | 20 | 10 | 0 | 2 | 12 | 3 | 3 | 0 | 1 | 4 | 4 | 38 | 138 |
| Narok | 4 | 10 | 101 | 22 | 5 | 0 | 26 | 2 | 0 | 4 | 0 | 4 | 7 | 58 | 243 |
| Nyamira | 0 | 39 | 46 | 23 | 11 | 0 | 20 | 0 | 0 | 3 | 0 | 1 | 0 | 29 | 172 |
| Nyandarua | 5 | 50 | 99 | 33 | 2 | 0 | 21 | 0 | 0 | 10 | 0 | 1 | 4 | 6 | 231 |
| Nyeri | 24 | 209 | 685 | 232 | 1 | 1 | 51 | 43 | 38 | 9 | 2 | 15 | 27 | 717 | 2,054 |
| Siaya | 0 | 31 | 39 | 7 | 0 | 0 | 2 | 0 | 0 | 2 | 0 | 1 | 2 | 4 | 88 |
| Vihiga | 1 | 48 | 8 | 12 | 0 | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 2 | 73 | 155 |
| Voi | 1 | 48 | 5 | 25 | 56 | 1 | 2 | 0 | 0 | 0 | 0 | 1 | 8 | 52 | 199 |
| All courts | 399 | 10,215 | 13,456 | 7,407 | 3,871 | 2,825 | 2,617 | 446 | 377 | 1,071 | 212 | 1,047 | 2,870 | 19,781 | 66,594 |

Appendix 5: Pending Criminal Cases by Case Type in High Court. 30th June 2021

| High Court Station | Murder | Criminal Application | Criminal Appeal | Criminal Revision | All CR cases |
|---|---|---|---|---|---|
| Bomet | 106 | 56 | 36 | 112 | 310 |
| Bungoma | 147 | 170 | 265 | 196 | 778 |
| Busia | 57 | 34 | 24 | 67 | 182 |
| Chuka | 66 | 44 | 28 | 77 | 215 |
| Eldoret | 470 | 193 | 220 | 137 | 1,020 |
| Embu | 167 | 88 | 70 | 209 | 534 |
| Garissa | 62 | 148 | 62 | 178 | 450 |
| Garsen | 30 | 25 | 41 | 17 | 113 |
| Homa Bay | 172 | 2 | 7 | 118 | 299 |
| Kabarnet | 164 | 103 | 13 | 105 | 385 |
| Kajiado | 55 | 48 | 4 | 177 | 284 |
| Kakamega | 372 | 107 | 183 | 85 | 747 |
| Kapenguria | 32 | 22 | 14 | 75 | 143 |
| Kericho | 172 | 85 | 80 | 297 | 634 |
| Kerugoya | 67 | 17 | 4 | 194 | 282 |
| Kiambu | 220 | 380 | 182 | 768 | 1,550 |
| Kisii | 62 | 89 | 22 | 17 | 190 |
| Kisumu | 115 | 136 | 92 | 317 | 660 |
| Kitale | 196 | 577 | 308 | 981 | 2,062 |
| Kitui | 136 | 8 | 130 | 107 | 381 |
| Lodwar | 31 | 33 | 11 | 4 | 79 |
| Machakos | 203 | 356 | 137 | 466 | 1,162 |
| Makueni | 19 | 20 | 4 | 189 | 232 |
| Malindi | 72 | 130 | 4 | 319 | 525 |
| Marsabit | 24 | 1 | 2 | 2 | 29 |
| Meru | 410 | 334 | 374 | 439 | 1,557 |
| Migori | 21 | 105 | 19 | 99 | 244 |
| Mil. Anti-corr. Div. | 3 | 46 | 2 | 14 | 65 |
| Mil. Civil Div. | 0 | 0 | 0 | 0 | 0 |
| Mil. C. & Tax Div. | 0 | 0 | 0 | 0 | 0 |
| Mil. Const. Div | 0 | 0 | 0 | 0 | 0 |
| Mil. Criminal Div. | 309 | 739 | 345 | 756 | 2,149 |
| Mi. Family Div. | 0 | 0 | 0 | 0 | 0 |
| Mil. Jud. Rev. Div. | 0 | 0 | 0 | 0 | 0 |
| Mombasa | 352 | 544 | 813 | 611 | 2,320 |
| Muranga | 323 | 162 | 596 | 309 | 1,390 |
| Naivasha | 64 | 214 | 19 | 111 | 408 |
| Nakuru | 342 | 16 | 267 | 192 | 817 |
| Nanyuki | 74 | 140 | 186 | 310 | 710 |
| Narok | 20 | 76 | 3 | 28 | 127 |
| Nyamira | 26 | 5 | 6 | 7 | 44 |
| Nyandarua | 86 | 63 | 18 | 25 | 192 |
| Nyeri | 72 | 205 | 157 | 94 | 528 |
| Siaya | 30 | 7 | 27 | 11 | 75 |

| | | | | | |
|---|---|---|---|---|---|
| Vihiga | 48 | 0 | 47 | 0 | 95 |
| Voi | 23 | 114 | 15 | 188 | 340 |
| All courts | 5,420 | 5,642 | 4,837 | 8,408 | 24,307 |

Appendix 6: Average Time to Disposition in High Court. FY 2020/21

| High Court Station | Average time to ( disposition-CR (Days) | Average time to disposition-CC (Days) | Average time to disposition-ALL (days) |
|---|---|---|---|
| Bomet | 536 | 804 | 706 |
| Bungoma | 536 | 1,458 | 1,059 |
| Busia | 346 | 2,140 | 1,683 |
| Chuka | 187 | 769 | 501 |
| Eldoret | 864 | 2,055 | 1,577 |
| Embu | 321 | 1,664 | 1,034 |
| Garissa | 365 | 567 | 401 |
| Garsen | 248 | 461 | 279 |
| Homa Bay | 369 | 1,499 | 1,138 |
| Kabarnet | 398 | 304 | 356 |
| Kajiado | 252 | 538 | 434 |
| Kakamega | 644 | 2,777 | 2,286 |
| Kapenguria | 337 | 942 | 458 |
| Kericho | 790 | 1,839 | 1,411 |
| Kerugoya | 358 | 1,442 | 965 |
| Kiambu | 420 | 491 | 470 |
| Kisii | 345 | 1,234 | 928 |
| Kisumu | 429 | 1,616 | 1,417 |
| Kitale | 185 | 2,230 | 754 |
| Kitui | 437 | 486 | 458 |
| Lodwar | 621 | 212 | 584 |
| Machakos | 585 | 1,492 | 1,284 |
| Makueni | 379 | 429 | 391 |
| Malindi | 473 | 753 | 643 |
| Marsabit | 192 | 164 | 164 |
| Meru | 319 | 1,668 | 1,093 |
| Migori | 233 | 693 | 590 |
| Mil. Anti-corr. Div. | | 355 | 355 |
| Mil. Civil Div. | | 1,715 | 1,715 |
| Mil. C. & Tax Div. | | 1,931 | 1,931 |
| Mil. Const. Div | | 937 | 937 |
| Mil. Criminal Div. | 642 | | 642 |
| Mi. Family Div. | | 1,373 | 1,373 |
| Mil. Jud. Rev. Div. | | 702 | 702 |
| Mombasa | 851 | 1,624 | 1,505 |
| Muranga | 266 | 1,739 | 774 |
| Naivasha | 648 | 1,035 | 930 |
| Nakuru | 709 | 1,932 | 1,662 |
| Nanyuki | 547 | 522 | 537 |
| Narok | 258 | 1,036 | 467 |
| Nyamira | 138 | 286 | 227 |
| Nyandarua | 731 | 685 | 705 |
| Nyeri | 420 | 2,573 | 1,606 |
| Siaya | 261 | 338 | 287 |
| Vihiga | 1,419 | 1,400 | 1,402 |
| Voi | 149 | 542 | 256 |
| All Courts | 455 | 1,143 | 893 |

Appendix 7: Average Time to Disposition in ELRC, FY 2020/21

| ELRC Station | Average time to disposition |
|---|---|
| Eldoret | 988 |
| Kericho | 573 |
| Kisumu | 1,102 |
| Mombasa | 1,158 |
| Nairobi | 1,221 |
| Nakuru | 1,262 |
| Nyeri | 468 |
| All Courts | 967 |

Appendix 8: Average Time to Disposition in ELC, FY 2020/21

| ELC Station | Average time to disposition |
|---|---|
| Bungoma | 1,704 |
| Busia | 1,690 |
| Chuka | 306 |
| Eldoret | 1,582 |
| Embu | 1,963 |
| Garissa | 1,052 |
| Kajiado | 989 |
| Kakamega | 1,105 |
| Kericho | 1,255 |
| Kerugoya | 1,314 |
| Kisii | 1,698 |
| Kisumu | 748 |
| Kitale | 1,531 |
| Machakos | 964 |
| Makueni | 945 |
| Malindi | 1,567 |
| Meru | 662 |
| Migori | 961 |
| Milimani | 1,711 |
| Mombasa | 1,398 |
| Muranga | 845 |
| Nakuru | 1,393 |
| Narok | 1,313 |
| Nyandarua | 788 |
| Nyeri | 736 |
| Thika | 843 |
| All Courts | 1,195 |

Appendix 9: Filed, Resolved and Pending Cases in Magistrates' Courts, FY 2020/21

| Court Station | Pending Cases June 2020 | | | Filed Cases | | | Resolved Cases | | | Pending Cases June 2021 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Criminal | Civil | All | Criminal | Civil | All | Criminal | Civil | All | Criminal | Civil | All |
| Baricho | 1,560 | 1,114 | 2,674 | 1,368 | 317 | 1,685 | 1,112 | 305 | 1,417 | 1,816 | 1,126 | 2,942 |
| Bomet | 1,366 | 578 | 1,944 | 2,111 | 222 | 2,333 | 2,161 | 229 | 2,390 | 1,316 | 571 | 1,887 |
| Bondo | 609 | 456 | 1,065 | 1,877 | 694 | 2,571 | 1,754 | 586 | 2,340 | 732 | 590 | 1,322 |
| Bungoma | 942 | 1,151 | 2,093 | 1,990 | 1,207 | 3,197 | 1,764 | 433 | 2,197 | 1,168 | 1,925 | 3,093 |
| Busia | 5,363 | 1,732 | 7,095 | 4,423 | 1,243 | 5,666 | 3,331 | 697 | 4,028 | 6,455 | 2,278 | 8,733 |
| Butali | 1,221 | 890 | 2,111 | 834 | 500 | 1,334 | 444 | 221 | 665 | 1,611 | 1,169 | 2,780 |
| Butere | 876 | 1,080 | 1,956 | 771 | 459 | 1,230 | 753 | 619 | 1,372 | 894 | 1,144 | 2,038 |
| Chuka | 1,698 | 915 | 2,613 | 1,139 | 527 | 1,666 | 1,585 | 447 | 2,032 | 1,252 | 995 | 2,247 |
| Dadaab | N/A | N/A | N/A | 52 | 3 | 55 | 19 | 3 | 22 | 77 | 0 | 77 |
| Eldama Ravine | 706 | 195 | 901 | 2,077 | 210 | 2,287 | 1,620 | 126 | 1,746 | 1,163 | 279 | 1,442 |
| Eldoret | 9,219 | 4,053 | 13,272 | 6,255 | 2,713 | 8,968 | 5,177 | 1,736 | 6,913 | 10,297 | 5,030 | 15,327 |
| Embu | 2,244 | 510 | 2,754 | 1,922 | 573 | 2,495 | 1,941 | 553 | 2,494 | 2,225 | 530 | 2,755 |
| Engineer | 540 | 158 | 698 | 4,174 | 378 | 4,552 | 4,025 | 329 | 4,354 | 689 | 229 | 918 |
| Garissa | 1,439 | 303 | 1,742 | 1,985 | 147 | 2,132 | 2,058 | 58 | 2,116 | 1,366 | 392 | 1,758 |
| Garsen | 473 | 122 | 595 | 367 | 61 | 428 | 279 | 18 | 297 | 561 | 165 | 726 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Gatundu | 944 | 939 | 1,883 | 1,674 | 1,040 | 2,714 | 1,547 | 589 | 2,136 | 1,073 | 1,390 | 2,463 |
| Gichugu | 600 | 454 | 1,054 | 1,280 | 250 | 1,530 | 1,131 | 219 | 1,350 | 749 | 485 | 1,234 |
| Githongo | 1,083 | 152 | 1,235 | 630 | 205 | 835 | 1,098 | 157 | 1,255 | 615 | 200 | 815 |
| Githunguri | 708 | 411 | 1,119 | 955 | 322 | 1,277 | 861 | 488 | 1,349 | 802 | 565 | 1,367 |
| Hamisi | 1,068 | 70 | 1,138 | 942 | 140 | 1,082 | 868 | 42 | 910 | 1,142 | 168 | 1,310 |
| Hola | 390 | 33 | 423 | 746 | 34 | 780 | 728 | 52 | 780 | 408 | 31 | 439 |
| Homa Bay | 1,428 | 969 | 2,397 | 2,032 | 619 | 2,651 | 1,761 | 677 | 2,438 | 1,699 | 911 | 2,610 |
| Isiolo | 1,457 | 132 | 1,589 | 968 | 169 | 1,137 | 731 | 133 | 864 | 1,694 | 168 | 1,862 |
| Iten | 392 | 67 | 459 | 1,115 | 217 | 1,332 | 1,074 | 116 | 1,190 | 433 | 170 | 603 |
| JKIA | 144 | 0 | 144 | 179 | 0 | 179 | 183 | 0 | 183 | 140 | 0 | 140 |
| Kabarnet | 340 | 21 | 361 | 1,174 | 112 | 1,286 | 978 | 56 | 1,034 | 536 | 83 | 619 |
| Kahawa | 0 | 0 | 0 | 47 | 0 | 47 | 29 | 0 | 29 | 18 | 0 | 18 |
| Kajiado | 2,287 | 2,296 | 4,583 | 1,475 | 719 | 2,194 | 1,102 | 281 | 1,383 | 2,660 | 2,734 | 5,394 |
| Kakamega | 2,382 | 4,778 | 7,160 | 2,328 | 1,353 | 3,681 | 2,052 | 498 | 2,550 | 2,658 | 5,633 | 8,291 |
| Kakuma | 333 | 65 | 398 | 360 | 0 | 360 | 226 | 1 | 227 | 467 | 64 | 531 |
| Kaloleni | 239 | 367 | 606 | 463 | 420 | 883 | 451 | 627 | 1,078 | 251 | 540 | 791 |
| Kandara | 1,700 | 1,040 | 2,740 | 2,290 | 764 | 3,054 | 2,207 | 705 | 2,912 | 1,783 | 1,099 | 2,882 |
| Kangema | 550 | 339 | 889 | 1,038 | 171 | 1,209 | 989 | 183 | 1,172 | 599 | 327 | 926 |
| Kangundo | 1,418 | 227 | 1,645 | 2,718 | 671 | 3,389 | 2,297 | 381 | 2,678 | 1,839 | 517 | 2,356 |
| Kapenguria | 1,927 | 241 | 2,168 | 1,362 | 54 | 1,416 | 1,047 | 58 | 1,105 | 2,242 | 237 | 2,479 |
| Kapsabet | 3,885 | 1,368 | 5,253 | 2,162 | 698 | 2,860 | 2,028 | 576 | 2,604 | 4,019 | 1,490 | 5,509 |
| Karatina | 1,177 | 1,186 | 2,363 | 981 | 527 | 1,508 | 913 | 326 | 1,239 | 1,245 | 1,387 | 2,632 |
| Kehancha | 524 | 245 | 769 | 1,892 | 247 | 2,139 | 1,880 | 190 | 2,070 | 536 | 302 | 838 |
| Kericho | 3,326 | 1,261 | 4,587 | 4,183 | 572 | 4,755 | 3,862 | 340 | 4,202 | 3,647 | 1,493 | 5,140 |
| Keroka | 986 | 279 | 1,265 | 1,957 | 412 | 2,369 | 1,779 | 166 | 1,945 | 1,164 | 525 | 1,689 |
| Kerugoya | 1,103 | 1,512 | 2,615 | 1,102 | 856 | 1,958 | 921 | 554 | 1,475 | 1,284 | 1,814 | 3,098 |
| Kiambu | 1,013 | 988 | 2,001 | 3,209 | 1,521 | 4,730 | 2,848 | 836 | 3,684 | 1,374 | 1,673 | 3,047 |
| Kibera | 12,764 | 0 | 12,764 | 6,152 | 0 | 6,152 | 5,105 | 0 | 5,105 | 13,811 | 0 | 13,811 |
| Kigumo | 3,372 | 457 | 3,829 | 1,724 | 631 | 2,355 | 1,155 | 288 | 1,443 | 3,941 | 800 | 4,741 |
| Kikuyu | 2,804 | 2,421 | 5,225 | 1,349 | 1,004 | 2,353 | 863 | 453 | 1,316 | 3,290 | 2,972 | 6,262 |
| Kilgoris | 461 | 178 | 639 | 705 | 47 | 752 | 590 | 114 | 704 | 576 | 167 | 743 |
| Kilifi | 1,707 | 452 | 2,159 | 1,534 | 1,066 | 2,600 | 976 | 467 | 1,443 | 2,265 | 1,055 | 3,320 |
| Kilungu | 736 | 467 | 1,203 | 1,976 | 495 | 2,471 | 1,760 | 243 | 2,003 | 952 | 719 | 1,671 |
| Kimilili | 1,751 | 617 | 2,368 | 989 | 392 | 1,381 | 1,014 | 171 | 1,185 | 1,726 | 838 | 2,564 |
| Kisii | 3,368 | 3,797 | 7,165 | 3,170 | 2,045 | 5,215 | 2,571 | 1,147 | 3,718 | 3,967 | 4,695 | 8,662 |
| Kisumu | 6,756 | 4,211 | 10,967 | 1,712 | 2,290 | 4,002 | 1,320 | 1,078 | 2,398 | 7,148 | 5,423 | 12,571 |
| Kitale | 6,541 | 1,173 | 7,714 | 5,748 | 579 | 6,327 | 4,412 | 761 | 5,173 | 7,877 | 991 | 8,868 |
| Kithimani | 1,661 | 261 | 1,922 | 1,715 | 233 | 1,948 | 1,201 | 174 | 1,375 | 2,175 | 324 | 2,499 |
| Kitui | 1,452 | 2,392 | 3,844 | 1,690 | 1,040 | 2,730 | 1,726 | 800 | 2,526 | 1,416 | 2,632 | 4,048 |
| Kwale | 1,997 | 2,068 | 4,065 | 962 | 410 | 1,372 | 1,159 | 263 | 1,422 | 1,800 | 2,287 | 4,087 |
| Kyuso | 90 | 70 | 160 | 263 | 51 | 314 | 248 | 65 | 313 | 105 | 56 | 161 |
| Lamu | 580 | 38 | 618 | 715 | 43 | 758 | 573 | 27 | 600 | 137 | 85 | 222 |
| Limuru | 961 | 2,092 | 3,053 | 1,808 | 1,038 | 2,846 | 1,695 | 430 | 2,125 | 1,074 | 2,700 | 3,774 |
| Lodwar | 1,167 | 85 | 1,252 | 762 | 62 | 824 | 575 | 23 | 598 | 1,354 | 136 | 1,490 |
| Loitoktok | 104 | 111 | 215 | 363 | 140 | 503 | 330 | 104 | 434 | 137 | 149 | 286 |
| Machakos | 2,450 | 2,821 | 5,271 | 4,998 | 1,721 | 6,719 | 4,193 | 1,320 | 5,513 | 3,255 | 3,222 | 6,477 |
| Makadara | 10,694 | 0 | 10,694 | 9,174 | 0 | 9,174 | 6,254 | 0 | 6,254 | 13,616 | 0 | 13,616 |
| Makindu | 840 | 1,576 | 2,416 | 1,989 | 514 | 2,503 | 1,610 | 228 | 1,838 | 1,219 | 1,862 | 3,081 |
| Makueni | 509 | 406 | 915 | 448 | 456 | 904 | 454 | 198 | 652 | 503 | 664 | 1,167 |
| Malindi | 3,203 | 430 | 3,633 | 1,382 | 828 | 2,210 | 912 | 417 | 1,329 | 3,673 | 841 | 4,514 |
| Mandera | 237 | 37 | 274 | 711 | 46 | 757 | 658 | 46 | 704 | 290 | 37 | 327 |
| Maralal | 274 | 37 | 311 | 834 | 99 | 933 | 799 | 67 | 866 | 309 | 69 | 378 |
| Mariakani | 848 | 931 | 1,779 | 1,536 | 446 | 1,982 | 877 | 309 | 1,186 | 1,507 | 1,092 | 2,599 |
| Marimanti | 867 | 136 | 1,003 | 1,143 | 114 | 1,257 | 1,072 | 74 | 1,146 | 938 | 176 | 1,114 |
| Marsabit | 804 | 21 | 825 | 724 | 92 | 816 | 744 | 88 | 832 | 784 | 31 | 815 |
| Maseno | 1,238 | 392 | 1,630 | 1,256 | 428 | 1,684 | 1,148 | 251 | 1,399 | 1,346 | 569 | 1,915 |
| Maua | 4,119 | 378 | 4,497 | 2,469 | 390 | 2,859 | 2,676 | 409 | 3,085 | 3,912 | 359 | 4,271 |
| Mavoko | 1,566 | 3,839 | 5,405 | 2,755 | 1,744 | 4,499 | 2,020 | 1,012 | 3,032 | 2,301 | 4,571 | 6,872 |
| Mbita | 869 | 70 | 939 | 1,235 | 188 | 1,423 | 1,147 | 165 | 1,312 | 957 | 105 | 1,062 |
| Meru | 1,715 | 4,327 | 6,042 | 2,861 | 717 | 3,578 | 2,774 | 763 | 3,537 | 1,802 | 4,281 | 6,083 |
| Migori | 1,170 | 2,597 | 3,767 | 1,558 | 372 | 1,930 | 1,329 | 674 | 2,003 | 1,399 | 2,295 | 3,694 |
| Mil. Anti corruption | 168 | 0 | 168 | 66 | 0 | 66 | 21 | 0 | 21 | 213 | 0 | 213 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mil. Childrens | 1,310 | 7,503 | 8,813 | 33 | 1,885 | 1,918 | 30 | 1,664 | 1,694 | 1,313 | 7,724 | 9,037 |
| Mil. Commercial | 0 | 48,510 | 48,510 | 0 | 11,324 | 11,324 | 0 | 5,135 | 5,135 | 0 | 54,743 | 54,743 |
| Milimani CM | 33,089 | 0 | 33,089 | 15,376 | 0 | 15,376 | 12,184 | 0 | 12,184 | 5,537 | 0 | 5,537 |
| Molo | 3,386 | 956 | 4,342 | 3,648 | 617 | 4,265 | 3,027 | 457 | 3,484 | 4,007 | 1,116 | 5,123 |
| Mombasa | 19,549 | 28,546 | 48,095 | 5,736 | 2,056 | 7,792 | 4,694 | 1,810 | 6,504 | 20,591 | 28,792 | 49,383 |
| Moyale | 113 | 55 | 168 | 639 | 37 | 676 | 682 | 65 | 747 | 70 | 27 | 97 |
| Mpeketoni | 90 | 68 | 158 | 965 | 56 | 1,021 | 827 | 48 | 875 | 228 | 94 | 322 |
| Msambweni | 375 | 184 | 559 | 633 | 335 | 968 | 606 | 148 | 754 | 402 | 371 | 773 |
| Mukurwe-ini | 210 | 730 | 940 | 1,117 | 199 | 1,316 | 1,131 | 138 | 1,269 | 196 | 795 | 991 |
| Mumias | 1,248 | 557 | 1,805 | 1,072 | 349 | 1,421 | 1,078 | 370 | 1,448 | 1,242 | 536 | 1,778 |
| Murang'a | 2,840 | 4,425 | 7,265 | 1,821 | 1,340 | 3,161 | 1,668 | 876 | 2,544 | 2,993 | 4,889 | 7,882 |
| Mutomo | 661 | 64 | 725 | 609 | 96 | 705 | 642 | 152 | 794 | 634 | 166 | 800 |
| Mwingi | 1,330 | 497 | 1,827 | 955 | 289 | 1,244 | 865 | 272 | 1,137 | 1,420 | 514 | 1,934 |
| Nairobi City | 444 | 159 | 603 | 170 | 249 | 419 | 316 | 596 | 912 | 298 | 196 | 494 |
| Naivasha | 4,147 | 3,259 | 7,406 | 2,969 | 1,317 | 4,286 | 2,359 | 1,285 | 3,644 | 4,757 | 3,291 | 8,048 |
| Nakuru | 12,941 | 19,232 | 32,173 | 6,421 | 3,001 | 9,422 | 4,651 | 972 | 5,623 | 14,711 | 21,261 | 35,972 |
| Nanyuki | 2,175 | 1,654 | 3,829 | 1,929 | 371 | 2,300 | 1,960 | 245 | 2,205 | 2,144 | 1,780 | 3,924 |
| Narok | 1,115 | 1,920 | 3,035 | 1,652 | 482 | 2,134 | 1,227 | 331 | 1,558 | 1,540 | 2,071 | 3,611 |
| Ndhiwa | 659 | 428 | 1,087 | 495 | 328 | 823 | 345 | 128 | 473 | 809 | 628 | 1,437 |
| Ngong' | 2,148 | 220 | 2,368 | 2,017 | 631 | 2,648 | 1,197 | 316 | 1,513 | 2,968 | 535 | 3,503 |
| Nkubu | 778 | 311 | 1,089 | 1,005 | 380 | 1,385 | 1,165 | 331 | 1,496 | 618 | 360 | 978 |
| Nyahururu | 2,761 | 2,495 | 5,256 | 2,258 | 115 | 2,373 | 1,233 | 230 | 1,463 | 3,786 | 2,476 | 6,262 |
| Nyamira | 1,514 | 896 | 2,410 | 1,776 | 436 | 2,212 | 1,863 | 640 | 2,503 | 1,427 | 720 | 2,147 |
| Nyando | 2,293 | 2,572 | 4,865 | 1,777 | 918 | 2,695 | 1,640 | 853 | 2,493 | 2,430 | 2,637 | 5,067 |
| Nyeri | 1,711 | 2,579 | 4,290 | 3,654 | 1,188 | 4,842 | 4,042 | 1,077 | 5,119 | 1,323 | 2,690 | 4,013 |
| Ogembo | 2,241 | 1,595 | 3,836 | 2,395 | 561 | 2,956 | 1,849 | 342 | 2,191 | 2,787 | 1,814 | 4,601 |
| Othaya | 565 | 164 | 729 | 1,097 | 53 | 1,150 | 1,128 | 146 | 1,274 | 536 | 73 | 609 |
| Oyugis | 1,433 | 273 | 1,706 | 1,147 | 884 | 2,031 | 956 | 289 | 1,245 | 1,624 | 868 | 2,492 |
| Rongo | 336 | 959 | 1,295 | 733 | 291 | 1,024 | 673 | 307 | 980 | 396 | 943 | 1,339 |
| Ruiru | 433 | 163 | 596 | 2,607 | 815 | 3,422 | 1,920 | 795 | 2,715 | 1,120 | 187 | 1,307 |
| Runyenjes | 815 | 174 | 989 | 731 | 158 | 889 | 669 | 349 | 1,018 | 877 | 129 | 1,006 |
| Shanzu | 4,038 | 0 | 4,038 | 2,478 | 0 | 2,478 | 2,730 | 0 | 2,730 | 3,786 | 0 | 3,786 |
| Siakago | 1,460 | 504 | 1,964 | 1,183 | 407 | 1,590 | 1,099 | 455 | 1,554 | 505 | 1,135 | 1,640 |
| Siaya | 954 | 1,126 | 2,080 | 1,390 | 825 | 2,215 | 1,168 | 225 | 1,393 | 1,176 | 1,726 | 2,902 |
| Sirisia | 963 | 206 | 1,169 | 733 | 66 | 799 | 561 | 23 | 584 | 1,135 | 249 | 1,384 |
| Sotik | 470 | 472 | 942 | 1,996 | 285 | 2,281 | 1,771 | 140 | 1,911 | 695 | 617 | 1,312 |
| Tamu | 359 | 64 | 423 | 551 | 138 | 689 | 602 | 208 | 810 | 310 | 112 | 422 |
| Taveta | 512 | 101 | 613 | 717 | 80 | 797 | 622 | 62 | 684 | 607 | 119 | 726 |
| Tawa | 648 | 114 | 762 | 590 | 107 | 697 | 463 | 112 | 575 | 775 | 109 | 884 |
| Thika | 3,856 | 6,902 | 10,758 | 4,001 | 942 | 4,943 | 3,963 | 1,402 | 5,365 | 3,894 | 6,442 | 10,336 |
| Tigania | 1,448 | 389 | 1,837 | 2,129 | 356 | 2,485 | 1,987 | 210 | 2,197 | 1,590 | 535 | 2,125 |
| Tononoka | 222 | 362 | 584 | 74 | 510 | 584 | 72 | 876 | 948 | 224 | 736 | 960 |
| Ukwala | 595 | 112 | 707 | 985 | 334 | 1,319 | 621 | 93 | 714 | 959 | 353 | 1,312 |
| Vihiga | 1,675 | 1,367 | 3,042 | 1,726 | 99 | 1,825 | 1,351 | 240 | 1,591 | 2,050 | 1,226 | 3,276 |
| Voi | 825 | 889 | 1,714 | 2,193 | 120 | 2,313 | 1,551 | 343 | 1,894 | 1,467 | 702 | 2,169 |
| Wajir | 749 | 57 | 806 | 939 | 9 | 948 | 875 | 30 | 905 | 813 | 58 | 871 |
| Wang'uru | 1,214 | 691 | 1,905 | 1,240 | 469 | 1,709 | 943 | 123 | 1,066 | 1,511 | 1,037 | 2,548 |
| Webuye | 1,679 | 604 | 2,283 | 820 | 45 | 865 | 957 | 139 | 1,096 | 1,542 | 512 | 2,054 |
| Winam | 2,410 | 471 | 2,881 | 1,641 | 413 | 2,054 | 1,560 | 414 | 1,974 | 2,491 | 470 | 2,961 |
| Wundanyi | 309 | 101 | 410 | 1,412 | 118 | 1,530 | 1,364 | 108 | 1,472 | 357 | 113 | 470 |
| All Courts | 266,599 | 217,265 | 483,864 | 233,318 | 77,152 | 310,470 | 200,462 | 52,810 | 253,272 | 267,145 | 245,309 | 512,454 |

Appendix 10: Filed Criminal and Civil cases in Magistrates' Courts, FY 2020/21

| Court Station | CRIMINAL CASES | | | | | | CIVIL CASES | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Criminal Cases | Sexual Offences | Inquest | Children Criminal | Traffic | All Criminal Cases | Civil Cases | Probate And Admin | Divorce Separation | Workman Compensation | Children Civil | All Civil Cases |
| Baricho | 1,086 | 60 | 7 | 0 | 215 | 1,368 | 151 | 156 | 1 | 0 | 9 | 317 |
| Bomet | 1,834 | 76 | 4 | 2 | 195 | 2,111 | 108 | 69 | 10 | 0 | 35 | 222 |
| Bondo | 1,557 | 100 | 2 | 1 | 217 | 1,877 | 125 | 526 | 10 | 4 | 29 | 694 |
| Bungoma | 1,713 | 95 | 5 | 9 | 168 | 1,990 | 894 | 269 | 15 | 0 | 29 | 1,207 |
| Busia | 3,492 | 191 | 10 | 2 | 728 | 4,423 | 575 | 619 | 17 | 0 | 32 | 1,243 |
| Butali | 678 | 41 | 7 | 1 | 107 | 834 | 321 | 165 | 2 | 1 | 11 | 500 |
| Butere | 624 | 78 | 3 | 14 | 52 | 771 | 94 | 318 | 4 | 1 | 42 | 459 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chuka | 860 | 82 | 7 | 0 | 190 | 1,139 | 208 | 273 | 20 | 1 | 25 | 527 |
| Dadaab | 43 | 8 | 0 | 0 | 1 | 52 | 0 | 0 | 0 | 0 | 3 | 3 |
| Eldama Ravine | 1,670 | 66 | 1 | 8 | 332 | 2,077 | 76 | 100 | 5 | 1 | 28 | 210 |
| Eldoret | 4,543 | 355 | 32 | 4 | 1,321 | 6,255 | 1,953 | 451 | 138 | 0 | 171 | 2,713 |
| Embu | 1,593 | 58 | 4 | 0 | 267 | 1,922 | 218 | 216 | 33 | 0 | 106 | 573 |
| Engineer | 3,847 | 124 | 6 | 19 | 178 | 4,174 | 144 | 201 | 8 | 3 | 22 | 378 |
| Garissa | 1,303 | 47 | 6 | 0 | 629 | 1,985 | 67 | 0 | 1 | 0 | 79 | 147 |
| Garsen | 269 | 25 | 3 | 6 | 64 | 367 | 51 | 2 | 2 | 0 | 6 | 61 |
| Gatundu | 1,424 | 48 | 0 | 5 | 197 | 1,674 | 404 | 573 | 30 | 0 | 33 | 1,040 |
| Gichugu | 1,126 | 33 | 12 | 1 | 108 | 1,280 | 69 | 152 | 6 | 0 | 23 | 250 |
| Githongo | 525 | 30 | 0 | 26 | 49 | 630 | 40 | 119 | 11 | 0 | 35 | 205 |
| Githunguri | 742 | 50 | 0 | 5 | 158 | 955 | 122 | 171 | 13 | 0 | 16 | 322 |
| Hamisi | 845 | 60 | 6 | 1 | 30 | 942 | 47 | 83 | 0 | 0 | 10 | 140 |
| Hola | 654 | 38 | 1 | 10 | 43 | 746 | 18 | 5 | 0 | 2 | 9 | 34 |
| Homa Bay | 1,330 | 68 | 13 | 0 | 621 | 2,032 | 238 | 346 | 17 | 0 | 18 | 619 |
| Isiolo | 809 | 28 | 1 | 3 | 127 | 968 | 138 | 12 | 6 | 0 | 13 | 169 |
| Iten | 941 | 36 | 5 | 1 | 132 | 1,115 | 107 | 75 | 7 | 0 | 28 | 217 |
| JKIA | 171 | 3 | 0 | 0 | 5 | 179 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kabarnet | 1,006 | 50 | 2 | 8 | 108 | 1,174 | 54 | 41 | 1 | 0 | 16 | 112 |
| Kahawa | 47 | 0 | 0 | 0 | 0 | 47 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kajiado | 888 | 73 | 4 | 0 | 510 | 1,475 | 491 | 162 | 32 | 0 | 34 | 719 |
| Kakamega | 1,688 | 177 | 6 | 0 | 457 | 2,328 | 539 | 749 | 25 | 0 | 40 | 1,353 |
| Kakuma | 262 | 45 | 3 | 0 | 50 | 360 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kaloleni | 343 | 52 | 0 | 3 | 65 | 463 | 355 | 63 | 2 | 0 | 0 | 420 |
| Kandara | 1,730 | 128 | 3 | 9 | 420 | 2,290 | 299 | 439 | 8 | 2 | 16 | 764 |
| Kangema | 855 | 61 | 2 | 1 | 119 | 1,038 | 47 | 104 | 6 | 0 | 14 | 171 |
| Kangundo | 2,273 | 99 | 5 | 1 | 340 | 2,718 | 274 | 357 | 19 | 1 | 20 | 671 |
| Kapenguria | 1,114 | 73 | 9 | 31 | 135 | 1,362 | 24 | 9 | 1 | 1 | 19 | 54 |
| Kapsabet | 1,837 | 250 | 5 | 3 | 67 | 2,162 | 158 | 486 | 27 | 0 | 27 | 698 |
| Karatina | 693 | 47 | 3 | 6 | 232 | 981 | 129 | 361 | 13 | 0 | 24 | 527 |
| Kehancha | 1,419 | 79 | 0 | 60 | 334 | 1,892 | 161 | 77 | 7 | 1 | 1 | 247 |
| Kericho | 3,685 | 140 | 4 | 4 | 350 | 4,183 | 259 | 263 | 33 | 0 | 17 | 572 |
| Keroka | 1,392 | 59 | 2 | 2 | 502 | 1,957 | 299 | 64 | 12 | 0 | 37 | 412 |
| Kerugoya | 971 | 43 | 5 | 4 | 79 | 1,102 | 196 | 608 | 24 | 0 | 28 | 856 |
| Kiambu | 2,608 | 66 | 4 | 23 | 508 | 3,209 | 839 | 590 | 56 | 0 | 36 | 1,521 |
| Kibera | 2,126 | 227 | 2 | 1 | 3,796 | 6,152 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kigumo | 1,469 | 122 | 4 | 16 | 113 | 1,724 | 345 | 238 | 6 | 2 | 40 | 631 |
| Kikuyu | 945 | 61 | 7 | 0 | 336 | 1,349 | 471 | 384 | 37 | 0 | 112 | 1,004 |
| Kilgoris | 617 | 31 | 2 | 19 | 36 | 705 | 31 | 10 | 1 | 0 | 5 | 47 |
| Kilifi | 1,053 | 145 | 8 | 7 | 321 | 1,534 | 659 | 337 | 28 | 0 | 42 | 1,066 |
| Kilungu | 1,001 | 88 | 6 | 5 | 876 | 1,976 | 341 | 97 | 5 | 0 | 52 | 495 |
| Kimilili | 807 | 76 | 3 | 12 | 91 | 989 | 237 | 119 | 10 | 4 | 22 | 392 |
| Kisii | 2,720 | 145 | 1 | 3 | 301 | 3,170 | 1,162 | 723 | 65 | 2 | 93 | 2,045 |
| Kisumu | 1,207 | 45 | 2 | 27 | 431 | 1,712 | 1,175 | 939 | 97 | 0 | 79 | 2,290 |
| Kitale | 4,664 | 422 | 15 | 68 | 579 | 5,748 | 313 | 114 | 14 | 2 | 136 | 579 |
| Kithimani | 1,342 | 85 | 2 | 8 | 278 | 1,715 | 107 | 75 | 0 | 0 | 51 | 233 |
| Kitui | 1,125 | 82 | 4 | 1 | 478 | 1,690 | 430 | 535 | 44 | 0 | 31 | 1,040 |
| Kwale | 549 | 107 | 1 | 49 | 256 | 962 | 259 | 73 | 10 | 4 | 64 | 410 |
| Kyuso | 183 | 27 | 0 | 3 | 50 | 263 | 18 | 14 | 8 | 0 | 11 | 51 |
| Lamu | 586 | 44 | 0 | 23 | 62 | 715 | 27 | 5 | 0 | 0 | 11 | 43 |
| Limuru | 921 | 49 | 9 | 6 | 823 | 1,808 | 596 | 295 | 29 | 35 | 83 | 1,038 |
| Lodwar | 632 | 86 | 3 | 2 | 39 | 762 | 15 | 3 | 1 | 0 | 43 | 62 |
| Loitoktok | 239 | 26 | 1 | 50 | 47 | 363 | 44 | 34 | 2 | 0 | 60 | 140 |
| Machakos | 4,455 | 222 | 1 | 20 | 300 | 4,998 | 1,164 | 460 | 26 | 0 | 71 | 1,721 |
| Makadara | 6,053 | 363 | 3 | 11 | 2,744 | 9,174 | 0 | 0 | 0 | 0 | 0 | 0 |
| Makindu | 1,088 | 154 | 1 | 5 | 741 | 1,989 | 386 | 96 | 6 | 0 | 26 | 514 |
| Makueni | 354 | 35 | 3 | 0 | 56 | 448 | 199 | 228 | 9 | 1 | 19 | 456 |
| Malindi | 1,033 | 100 | 2 | 20 | 227 | 1,382 | 552 | 231 | 12 | 0 | 33 | 828 |
| Mandera | 519 | 38 | 3 | 1 | 150 | 711 | 33 | 1 | 0 | 0 | 12 | 46 |
| Maralal | 635 | 21 | 2 | 5 | 171 | 834 | 39 | 13 | 5 | 0 | 42 | 99 |
| Mariakani | 909 | 130 | 0 | 7 | 490 | 1,536 | 362 | 35 | 9 | 1 | 39 | 446 |
| Marimanti | 1,005 | 40 | 0 | 10 | 88 | 1,143 | 42 | 35 | 3 | 0 | 34 | 114 |
| Marsabit | 601 | 37 | 1 | 0 | 85 | 724 | 48 | 13 | 1 | 0 | 30 | 92 |
| Maseno | 941 | 85 | 3 | 3 | 224 | 1,256 | 256 | 154 | 4 | 3 | 11 | 428 |
| Maua | 2,056 | 161 | 0 | 51 | 201 | 2,469 | 174 | 147 | 9 | 0 | 60 | 390 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mavoko | 1,565 | 73 | 17 | 1 | 1,099 | 2,755 | 1,554 | 113 | 42 | 0 | 35 | 1,744 |
| Mbita | 1,059 | 60 | 6 | 0 | 110 | 1,235 | 67 | 106 | 8 | 0 | 7 | 188 |
| Meru | 2,080 | 63 | 15 | 40 | 663 | 2,861 | 383 | 238 | 37 | 0 | 59 | 717 |
| Migori | 1,310 | 112 | 12 | 1 | 123 | 1,558 | 110 | 212 | 36 | 1 | 13 | 372 |
| Mil. Anticorruption | 66 | 0 | 0 | 0 | 0 | 66 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mil. Childrens | 4 | 12 | 0 | 17 | 0 | 33 | 155 | 0 | 0 | 0 | 1,730 | 1,885 |
| Mil. Commercial | 0 | 0 | 0 | 0 | 0 | 0 | 9,989 | 86 | 1,202 | 37 | 10 | 11,324 |
| Milimani CM | 8,182 | 40 | 13 | 0 | 7,141 | 15,376 | 0 | 0 | 0 | 0 | 0 | 0 |
| Molo | 2,586 | 159 | 0 | 16 | 887 | 3,648 | 352 | 133 | 12 | 0 | 120 | 617 |
| Mombasa | 3,469 | 197 | 13 | 0 | 2,057 | 5,736 | 1,777 | 205 | 73 | 1 | 0 | 2,056 |
| Moyale | 473 | 27 | 2 | 1 | 136 | 639 | 10 | 1 | 0 | 0 | 26 | 37 |
| Mpeketoni | 837 | 55 | 0 | 11 | 62 | 965 | 11 | 38 | 1 | 0 | 6 | 56 |
| Msambweni | 446 | 88 | 0 | 8 | 91 | 633 | 261 | 23 | 1 | 0 | 50 | 335 |
| Mukurwe-ini | 996 | 23 | 4 | 1 | 93 | 1,117 | 42 | 152 | 2 | 0 | 3 | 199 |
| Mumias | 836 | 53 | 4 | 30 | 149 | 1,072 | 164 | 154 | 8 | 2 | 21 | 349 |
| Murang'a | 1,447 | 45 | 19 | 1 | 309 | 1,821 | 361 | 942 | 18 | 2 | 17 | 1,340 |
| Mutomo | 508 | 16 | 0 | 1 | 84 | 609 | 55 | 31 | 0 | 1 | 9 | 96 |
| Mwingi | 772 | 72 | 2 | 0 | 109 | 955 | 154 | 117 | 10 | 0 | 8 | 289 |
| Nairobi City | 152 | 3 | 0 | 0 | 15 | 170 | 244 | 2 | 0 | 0 | 3 | 249 |
| Naivasha | 1,800 | 98 | 14 | 29 | 1,028 | 2,969 | 785 | 364 | 27 | 1 | 140 | 1,317 |
| Nakuru | 4,160 | 252 | 17 | 153 | 1,839 | 6,421 | 1,859 | 777 | 142 | 0 | 223 | 3,001 |
| Nanyuki | 1,589 | 64 | 15 | 7 | 254 | 1,929 | 176 | 131 | 10 | 0 | 54 | 371 |
| Narok | 1,030 | 120 | 2 | 2 | 498 | 1,652 | 200 | 107 | 6 | 0 | 169 | 482 |
| Ndhiwa | 351 | 36 | 1 | 0 | 107 | 495 | 99 | 203 | 16 | 4 | 6 | 328 |
| Ngong' | 1,209 | 102 | 8 | 5 | 693 | 2,017 | 422 | 83 | 27 | 1 | 98 | 631 |
| Nkubu | 583 | 53 | 3 | 9 | 357 | 1,005 | 137 | 192 | 11 | 0 | 40 | 380 |
| Nyahururu | 1,719 | 136 | 3 | 15 | 385 | 2,258 | 62 | 17 | 1 | 0 | 35 | 115 |
| Nyamira | 1,363 | 100 | 14 | 3 | 296 | 1,776 | 279 | 123 | 16 | 0 | 18 | 436 |
| Nyando | 1,391 | 84 | 6 | 9 | 287 | 1,777 | 323 | 538 | 16 | 1 | 40 | 918 |
| Nyeri | 3,035 | 99 | 10 | 93 | 417 | 3,654 | 571 | 528 | 29 | 1 | 59 | 1,188 |
| Ogembo | 2,063 | 163 | 4 | 8 | 157 | 2,395 | 394 | 108 | 22 | 0 | 37 | 561 |
| Othaya | 1,009 | 19 | 0 | 0 | 69 | 1,097 | 18 | 28 | 3 | 0 | 4 | 53 |
| Oyugis | 873 | 77 | 1 | 1 | 195 | 1,147 | 304 | 553 | 12 | 2 | 13 | 884 |
| Rongo | 631 | 37 | 4 | 2 | 59 | 733 | 130 | 132 | 12 | 1 | 16 | 291 |
| Ruiru | 1,819 | 49 | 1 | 1 | 737 | 2,607 | 569 | 86 | 86 | 4 | 70 | 815 |
| Runyenjes | 518 | 24 | 1 | 10 | 178 | 731 | 54 | 92 | 4 | 0 | 8 | 158 |
| Shanzu | 1,373 | 164 | 2 | 5 | 934 | 2,478 | 0 | 0 | 0 | 0 | 0 | 0 |
| Siakago | 1,005 | 77 | 1 | 7 | 93 | 1,183 | 150 | 234 | 6 | 0 | 17 | 407 |
| Siaya | 1,202 | 72 | 0 | 0 | 116 | 1,390 | 226 | 580 | 6 | 0 | 13 | 825 |
| Sirisia | 650 | 51 | 0 | 6 | 26 | 733 | 45 | 9 | 1 | 2 | 9 | 66 |
| Sotik | 1,721 | 99 | 4 | 7 | 165 | 1,996 | 115 | 128 | 6 | 3 | 33 | 285 |
| Tamu | 405 | 45 | 0 | 24 | 77 | 551 | 58 | 60 | 3 | 1 | 16 | 138 |
| Taveta | 593 | 43 | 1 | 46 | 34 | 717 | 34 | 8 | 0 | 0 | 38 | 80 |
| Tawa | 474 | 57 | 0 | 1 | 58 | 590 | 79 | 21 | 2 | 0 | 5 | 107 |
| Thika | 2,792 | 128 | 19 | 1 | 1,061 | 4,001 | 555 | 214 | 49 | 0 | 124 | 942 |
| Tigania | 1,815 | 84 | 3 | 3 | 224 | 2,129 | 141 | 162 | 7 | 0 | 46 | 356 |
| Tononoka | 10 | 26 | 0 | 38 | 0 | 74 | 187 | 0 | 0 | 0 | 323 | 510 |
| Ukwala | 835 | 31 | 3 | 2 | 114 | 985 | 117 | 202 | 2 | 1 | 12 | 334 |
| Vihiga | 1,411 | 91 | 1 | 8 | 215 | 1,726 | 66 | 15 | 1 | 0 | 17 | 99 |
| Voi | 1,710 | 63 | 2 | 7 | 411 | 2,193 | 77 | 8 | 10 | 0 | 25 | 120 |
| Wajir | 659 | 21 | 1 | 0 | 258 | 939 | 3 | 2 | 0 | 0 | 4 | 9 |
| Wang'uru | 920 | 36 | 8 | 6 | 270 | 1,240 | 206 | 169 | 18 | 2 | 74 | 469 |
| Webuye | 378 | 25 | 3 | 15 | 399 | 820 | 36 | 3 | 0 | 0 | 6 | 45 |
| Winam | 1,213 | 104 | 5 | 10 | 309 | 1,641 | 166 | 108 | 12 | 2 | 125 | 413 |
| Wundanyi | 1,164 | 64 | 0 | 5 | 179 | 1,412 | 40 | 44 | 6 | 0 | 28 | 118 |
| All Stations | 170,586 | 10,388 | 545 | 1,372 | 50,427 | 233,318 | 44,149 | 23,264 | 3,082 | 142 | 6,515 | 77,152 |

Appendix 11: Resolved Criminal and Civil cases in Magistrates' Courts, FY 2020/21

| Court Station | CRIMINAL CASES | | | | | | CIVIL CASES | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Criminal Cases | Sexual Offences | Inquest | Children Criminal | Traffic | All | Civi lCases | Probate & Admin | Divorce Separation | Workman Compensation | Children Civil | All |
| Baricho | 928 | 24 | 1 | 0 | 159 | 1,112 | 131 | 172 | 2 | 0 | 0 | 305 |
| Bomet | 1,866 | 79 | 5 | 2 | 209 | 2,161 | 122 | 34 | 3 | 0 | 70 | 229 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bondo | 1,474 | 82 | 1 | 0 | 197 | 1,754 | 190 | 327 | 13 | 15 | 41 | 586 |
| Bungoma | 1,520 | 89 | 5 | 5 | 145 | 1,764 | 328 | 75 | 13 | 9 | 8 | 433 |
| Busia | 2,698 | 113 | 6 | 1 | 513 | 3,331 | 427 | 256 | 8 | 0 | 6 | 697 |
| Butali | 357 | 9 | 0 | 1 | 77 | 444 | 87 | 43 | 2 | 84 | 5 | 221 |
| Butere | 637 | 61 | 2 | 9 | 44 | 753 | 101 | 350 | 9 | 120 | 39 | 619 |
| Chuka | 1,384 | 37 | 0 | 0 | 164 | 1,585 | 143 | 222 | 22 | 2 | 58 | 447 |
| Dadaab | 14 | 4 | 0 | 0 | 1 | 19 | 0 | 0 | 0 | 0 | 3 | 3 |
| Eldama Ravine | 1,329 | 40 | 0 | 2 | 249 | 1,620 | 38 | 76 | 3 | 0 | 9 | 126 |
| Eldoret | 3,778 | 144 | 17 | 1 | 1,237 | 5,177 | 1,321 | 280 | 79 | 0 | 56 | 1,736 |
| Embu | 1,655 | 31 | 0 | 0 | 255 | 1,941 | 211 | 247 | 18 | 0 | 77 | 553 |
| Engineer | 3,752 | 80 | 4 | 21 | 168 | 4,025 | 114 | 152 | 12 | 12 | 39 | 329 |
| Garissa | 1,350 | 44 | 0 | 0 | 664 | 2,058 | 37 | 0 | 0 | 0 | 21 | 58 |
| Garsen | 210 | 16 | 0 | 3 | 50 | 279 | 6 | 0 | 0 | 0 | 12 | 18 |
| Gatundu | 1,324 | 47 | 2 | 4 | 170 | 1,547 | 269 | 271 | 16 | 16 | 17 | 589 |
| Gichugu | 1,015 | 18 | 5 | 1 | 92 | 1,131 | 62 | 136 | 8 | 0 | 13 | 219 |
| Githongo | 1,006 | 35 | 0 | 22 | 35 | 1,098 | 39 | 91 | 1 | 0 | 26 | 157 |
| Githunguri | 689 | 27 | 1 | 0 | 144 | 861 | 111 | 357 | 7 | 2 | 11 | 488 |
| Hamisi | 815 | 22 | 0 | 3 | 28 | 868 | 13 | 24 | 1 | 0 | 4 | 42 |
| Hola | 659 | 31 | 0 | 5 | 33 | 728 | 39 | 3 | 2 | 0 | 8 | 52 |
| Homa Bay | 1,152 | 75 | 15 | 0 | 519 | 1,761 | 281 | 366 | 19 | 0 | 11 | 677 |
| Isiolo | 613 | 12 | 3 | 2 | 101 | 731 | 98 | 7 | 7 | 0 | 21 | 133 |
| Iten | 901 | 38 | 0 | 0 | 135 | 1,074 | 67 | 20 | 1 | 1 | 27 | 116 |
| JKIA | 175 | 2 | 0 | 0 | 6 | 183 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kabarnet | 877 | 24 | 1 | 3 | 73 | 978 | 22 | 17 | 5 | 1 | 11 | 56 |
| Kahawa | 29 | 0 | 0 | 0 | 0 | 29 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kajiado | 613 | 23 | 0 | 1 | 465 | 1,102 | 172 | 76 | 13 | 0 | 20 | 281 |
| Kakamega | 1,525 | 77 | 1 | 0 | 449 | 2,052 | 255 | 215 | 10 | 0 | 18 | 498 |
| Kakuma | 171 | 20 | 0 | 0 | 35 | 226 | 0 | 0 | 0 | 0 | 1 | 1 |
| Kaloleni | 348 | 36 | 0 | 3 | 64 | 451 | 365 | 45 | 1 | 215 | 1 | 627 |
| Kandara | 1,710 | 90 | 1 | 12 | 394 | 2,207 | 293 | 280 | 5 | 101 | 26 | 705 |
| Kangema | 819 | 55 | 2 | 2 | 111 | 989 | 52 | 119 | 1 | 0 | 11 | 183 |
| Kangundo | 1,954 | 34 | 0 | 2 | 307 | 2,297 | 171 | 187 | 9 | 3 | 11 | 381 |
| Kapenguria | 874 | 29 | 4 | 16 | 124 | 1,047 | 38 | 14 | 1 | 0 | 5 | 58 |
| Kapsabet | 1,825 | 140 | 5 | 1 | 57 | 2,028 | 220 | 319 | 10 | 0 | 27 | 576 |
| Karatina | 634 | 32 | 8 | 4 | 235 | 913 | 103 | 190 | 9 | 2 | 22 | 326 |
| Kehancha | 1,417 | 80 | 0 | 58 | 325 | 1,880 | 127 | 51 | 9 | 0 | 3 | 190 |
| Kericho | 3,456 | 72 | 3 | 2 | 329 | 3,862 | 216 | 105 | 14 | 0 | 5 | 340 |
| Keroka | 1,315 | 29 | 0 | 1 | 434 | 1,779 | 117 | 17 | 5 | 0 | 27 | 166 |
| Kerugoya | 828 | 13 | 4 | 6 | 70 | 921 | 139 | 391 | 7 | 0 | 17 | 554 |
| Kiambu | 2,298 | 27 | 1 | 20 | 502 | 2,848 | 435 | 290 | 48 | 14 | 49 | 836 |
| Kibera | 1,669 | 81 | 3 | 0 | 3,352 | 5,105 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kigumo | 982 | 59 | 2 | 12 | 100 | 1,155 | 106 | 141 | 0 | 0 | 41 | 288 |
| Kikuyu | 572 | 4 | 0 | 0 | 287 | 863 | 190 | 219 | 23 | 0 | 21 | 453 |
| Kilgoris | 516 | 30 | 0 | 8 | 36 | 590 | 95 | 15 | 3 | 0 | 1 | 114 |
| Kilifi | 674 | 43 | 6 | 0 | 253 | 976 | 363 | 84 | 11 | 4 | 5 | 467 |
| Kilungu | 826 | 62 | 6 | 3 | 863 | 1,760 | 203 | 20 | 5 | 1 | 14 | 243 |
| Kimilili | 803 | 98 | 6 | 9 | 98 | 1,014 | 89 | 56 | 7 | 2 | 17 | 171 |
| Kisii | 2,261 | 65 | 5 | 0 | 240 | 2,571 | 792 | 278 | 43 | 3 | 31 | 1,147 |
| Kisumu | 977 | 22 | 2 | 11 | 308 | 1,320 | 590 | 405 | 40 | 0 | 43 | 1,078 |
| Kitale | 3,593 | 294 | 2 | 36 | 487 | 4,412 | 567 | 88 | 17 | 13 | 76 | 761 |
| Kithimani | 888 | 61 | 7 | 2 | 243 | 1,201 | 119 | 49 | 2 | 0 | 4 | 174 |
| Kitui | 1,197 | 99 | 4 | 1 | 425 | 1,726 | 526 | 204 | 31 | 0 | 39 | 800 |
| Kwale | 849 | 49 | 1 | 18 | 242 | 1,159 | 175 | 14 | 3 | 43 | 28 | 263 |
| Kyuso | 177 | 23 | 1 | 1 | 46 | 248 | 36 | 10 | 7 | 0 | 12 | 65 |
| Lamu | 484 | 26 | 2 | 5 | 56 | 573 | 19 | 0 | 0 | 0 | 8 | 27 |
| Limuru | 874 | 43 | 2 | 1 | 775 | 1,695 | 189 | 174 | 11 | 2 | 54 | 430 |
| Lodwar | 512 | 38 | 1 | 0 | 24 | 575 | 6 | 9 | 1 | 2 | 5 | 23 |
| Loitoktok | 263 | 24 | 0 | 13 | 30 | 330 | 50 | 37 | 4 | 1 | 12 | 104 |
| Machakos | 3,839 | 58 | 0 | 4 | 292 | 4,193 | 1,075 | 191 | 22 | 5 | 27 | 1,320 |
| Makadara | 4,370 | 187 | 19 | 14 | 1,664 | 6,254 | 0 | 0 | 0 | 0 | 0 | 0 |
| Makindu | 854 | 64 | 2 | 2 | 688 | 1,610 | 201 | 23 | 2 | 0 | 2 | 228 |
| Makueni | 322 | 69 | 1 | 0 | 62 | 454 | 97 | 92 | 6 | 0 | 3 | 198 |
| Malindi | 653 | 33 | 3 | 4 | 219 | 912 | 281 | 54 | 9 | 2 | 71 | 417 |
| Mandera | 491 | 21 | 0 | 0 | 146 | 658 | 37 | 0 | 0 | 0 | 9 | 46 |
| Maralal | 620 | 17 | 0 | 5 | 157 | 799 | 37 | 3 | 5 | 0 | 22 | 67 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mariakani | 504 | 38 | 3 | 4 | 328 | 877 | 221 | 1 | 1 | 67 | 19 | 309 |
| Marimanti | 929 | 51 | 1 | 17 | 74 | 1,072 | 35 | 18 | 4 | 0 | 17 | 74 |
| Marsabit | 619 | 37 | 0 | 3 | 85 | 744 | 56 | 1 | 5 | 0 | 26 | 88 |
| Maseno | 862 | 61 | 2 | 6 | 217 | 1,148 | 124 | 109 | 2 | 0 | 16 | 251 |
| Maua | 2,272 | 129 | 1 | 84 | 190 | 2,676 | 218 | 141 | 3 | 0 | 47 | 409 |
| Mavoko | 1,117 | 30 | 2 | 0 | 871 | 2,020 | 939 | 17 | 22 | 2 | 32 | 1,012 |
| Mbita | 983 | 44 | 0 | 0 | 120 | 1,147 | 74 | 68 | 16 | 0 | 7 | 165 |
| Meru | 2,033 | 54 | 2 | 36 | 649 | 2,774 | 411 | 225 | 64 | 0 | 63 | 763 |
| Migori | 1,130 | 82 | 0 | 2 | 115 | 1,329 | 547 | 95 | 26 | 0 | 6 | 674 |
| Mil. Anticorruption | 21 | 0 | 0 | 0 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mil. Childrens | 14 | 1 | 0 | 15 | 0 | 30 | 152 | 0 | 0 | 0 | 1,512 | 1,664 |
| Mil. Commercial | 0 | 0 | 0 | 0 | 0 | 0 | 4,146 | 4 | 663 | 282 | 40 | 5,135 |
| Milimani CM | 6,534 | 23 | 15 | 0 | 5,612 | 12,184 | 0 | 0 | 0 | 0 | 0 | 0 |
| Molo | 2,176 | 80 | 0 | 7 | 764 | 3,027 | 343 | 55 | 14 | 0 | 45 | 457 |
| Mombasa | 2,787 | 108 | 9 | 0 | 1,790 | 4,694 | 1,552 | 99 | 85 | 74 | 0 | 1,810 |
| Moyale | 516 | 27 | 3 | 1 | 135 | 682 | 28 | 0 | 0 | 0 | 37 | 65 |
| Mpeketoni | 734 | 27 | 0 | 10 | 56 | 827 | 19 | 12 | 1 | 1 | 15 | 48 |
| Msambweni | 462 | 40 | 0 | 2 | 102 | 606 | 94 | 3 | 2 | 0 | 49 | 148 |
| Mukurwe-ini | 1,012 | 23 | 3 | 0 | 93 | 1,131 | 24 | 106 | 1 | 0 | 7 | 138 |
| Mumias | 881 | 48 | 3 | 9 | 137 | 1,078 | 126 | 216 | 2 | 15 | 11 | 370 |
| Murang'a | 1,331 | 25 | 3 | 2 | 307 | 1,668 | 272 | 588 | 12 | 0 | 4 | 876 |
| Mutomo | 538 | 17 | 3 | 1 | 83 | 642 | 134 | 2 | 5 | 0 | 11 | 152 |
| Mwingi | 718 | 36 | 0 | 0 | 111 | 865 | 159 | 90 | 17 | 0 | 6 | 272 |
| Nairobi City | 302 | 0 | 1 | 0 | 13 | 316 | 595 | 0 | 0 | 0 | 1 | 596 |
| Naivasha | 1,374 | 40 | 6 | 14 | 925 | 2,359 | 600 | 201 | 8 | 446 | 30 | 1,285 |
| Nakuru | 2,827 | 85 | 16 | 18 | 1,705 | 4,651 | 619 | 280 | 32 | 0 | 41 | 972 |
| Nanyuki | 1,681 | 47 | 5 | 2 | 225 | 1,960 | 82 | 91 | 19 | 1 | 52 | 245 |
| Narok | 768 | 21 | 0 | 7 | 431 | 1,227 | 174 | 29 | 3 | 7 | 118 | 331 |
| Ndhiwa | 247 | 15 | 0 | 0 | 83 | 345 | 40 | 79 | 3 | 2 | 4 | 128 |
| Ngong' | 712 | 31 | 2 | 0 | 452 | 1,197 | 130 | 56 | 25 | 1 | 104 | 316 |
| Nkubu | 790 | 54 | 3 | 6 | 312 | 1,165 | 150 | 150 | 5 | 1 | 25 | 331 |
| Nyahururu | 951 | 54 | 1 | 4 | 223 | 1,233 | 84 | 116 | 4 | 0 | 26 | 230 |
| Nyamira | 1,456 | 89 | 18 | 1 | 299 | 1,863 | 535 | 48 | 13 | 0 | 44 | 640 |
| Nyando | 1,279 | 58 | 1 | 6 | 296 | 1,640 | 408 | 384 | 11 | 20 | 30 | 853 |
| Nyeri | 3,506 | 55 | 11 | 64 | 406 | 4,042 | 561 | 434 | 28 | 0 | 54 | 1,077 |
| Ogembo | 1,624 | 88 | 0 | 7 | 130 | 1,849 | 309 | 17 | 3 | 0 | 13 | 342 |
| Othaya | 1,042 | 14 | 3 | 1 | 68 | 1,128 | 29 | 109 | 2 | 1 | 5 | 146 |
| Oyugis | 734 | 34 | 0 | 2 | 186 | 956 | 100 | 181 | 4 | 0 | 4 | 289 |
| Rongo | 592 | 24 | 3 | 2 | 52 | 673 | 198 | 80 | 15 | 0 | 14 | 307 |
| Ruiru | 1,336 | 14 | 5 | 0 | 565 | 1,920 | 611 | 29 | 83 | 7 | 65 | 795 |
| Runyenjes | 477 | 21 | 0 | 11 | 160 | 669 | 105 | 223 | 3 | 1 | 17 | 349 |
| Shanzu | 1,773 | 52 | 1 | 2 | 902 | 2,730 | 0 | 0 | 0 | 0 | 0 | 0 |
| Siakago | 897 | 66 | 3 | 3 | 130 | 1,099 | 190 | 241 | 9 | 1 | 14 | 455 |
| Siaya | 1,019 | 36 | 0 | 3 | 110 | 1,168 | 99 | 113 | 4 | 0 | 9 | 225 |
| Sirisia | 499 | 24 | 0 | 9 | 29 | 561 | 11 | 7 | 1 | 0 | 4 | 23 |
| Sotik | 1,568 | 38 | 0 | 4 | 161 | 1,771 | 92 | 21 | 6 | 0 | 21 | 140 |
| Tamu | 449 | 53 | 4 | 26 | 70 | 602 | 114 | 47 | 4 | 32 | 11 | 208 |
| Taveta | 538 | 36 | 0 | 20 | 28 | 622 | 32 | 2 | 1 | 0 | 27 | 62 |
| Tawa | 398 | 18 | 0 | 0 | 47 | 463 | 98 | 11 | 1 | 0 | 2 | 112 |
| Thika | 2,813 | 126 | 7 | 1 | 1,016 | 3,963 | 981 | 240 | 61 | 0 | 120 | 1,402 |
| Tigania | 1,718 | 67 | 2 | 3 | 197 | 1,987 | 102 | 73 | 7 | 0 | 28 | 210 |
| Tononoka | 25 | 25 | 0 | 22 | 0 | 72 | 558 | 0 | 0 | 0 | 318 | 876 |
| Ukwala | 534 | 22 | 0 | 0 | 65 | 621 | 44 | 35 | 1 | 0 | 13 | 93 |
| Vihiga | 1,126 | 33 | 2 | 8 | 182 | 1,351 | 118 | 103 | 10 | 0 | 9 | 240 |
| Voi | 1,180 | 28 | 6 | 0 | 337 | 1,551 | 282 | 21 | 19 | 13 | 8 | 343 |
| Wajir | 613 | 21 | 2 | 0 | 239 | 875 | 10 | 2 | 0 | 0 | 18 | 30 |
| Wang'uru | 710 | 10 | 0 | 0 | 223 | 943 | 35 | 62 | 3 | 0 | 23 | 123 |
| Webuye | 529 | 21 | 4 | 3 | 400 | 957 | 87 | 23 | 6 | 2 | 21 | 139 |
| Winam | 1,186 | 75 | 0 | 5 | 294 | 1,560 | 211 | 66 | 8 | 16 | 113 | 414 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Wundanyi | 1,130 | 56 | 1 | 3 | 174 | 1,364 | 36 | 42 | 5 | 2 | 23 | 108 |
| All Stations | 149,836 | 6,043 | 329 | 818 | 43,436 | 200,462 | 30,907 | 13,457 | 1,997 | 1,669 | 4,780 | 52,810 |

Appendix 12: Pending Criminal and Civil cases in Magistrates' Courts, 30th June 2021

| Court Station | Criminal Cases | Sexual Offences | Inquest | Children Criminal | Traffic | All Criminal Cases | Civil Cases | Probate And Admin | Divorce Separation | Workman Compensation | Children Civil | All Civil Cases |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Baricho | 1,061 | 201 | 7 | 38 | 509 | 1,816 | 1,015 | 33 | 2 | 3 | 73 | 1,126 |
| Bomet | 1,049 | 188 | 3 | 3 | 73 | 1,316 | 312 | 172 | 8 | 4 | 75 | 571 |
| Bondo | 562 | 125 | 1 | 1 | 43 | 732 | 166 | 411 | 2 | 0 | 11 | 590 |
| Bungoma | 846 | 243 | 31 | 18 | 30 | 1,168 | 1,161 | 685 | 17 | 25 | 37 | 1,925 |
| Busia | 4,935 | 660 | 85 | 105 | 670 | 6,455 | 522 | 1,670 | 9 | 21 | 56 | 2,278 |
| Butali | 1,311 | 205 | 14 | 9 | 72 | 1,611 | 470 | 386 | 3 | 233 | 77 | 1,169 |
| Butere | 644 | 150 | 4 | 66 | 30 | 894 | 575 | 400 | 1 | 112 | 56 | 1,144 |
| Chuka | 572 | 224 | 10 | 28 | 418 | 1,252 | 837 | 101 | 30 | 2 | 25 | 995 |
| Dadaab | 63 | 13 | 1 | 0 | 0 | 77 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eldama Ravine | 785 | 108 | 3 | 36 | 231 | 1,163 | 72 | 144 | 5 | 17 | 41 | 279 |
| Eldoret | 7,053 | 1,425 | 57 | 72 | 1,690 | 10,297 | 3,895 | 700 | 64 | 61 | 310 | 5,030 |
| Embu | 1,576 | 215 | 12 | 53 | 369 | 2,225 | 320 | 1 | 28 | 6 | 175 | 530 |
| Engineer | 518 | 77 | 3 | 12 | 79 | 689 | 71 | 142 | 5 | 6 | 5 | 229 |
| Garissa | 959 | 152 | 6 | 19 | 230 | 1,366 | 184 | 0 | 2 | 1 | 205 | 392 |
| Garsen | 411 | 79 | 3 | 16 | 52 | 561 | 154 | 4 | 3 | 0 | 4 | 165 |
| Gatundu | 860 | 93 | 1 | 20 | 99 | 1,073 | 848 | 441 | 17 | 64 | 20 | 1,390 |
| Gichugu | 595 | 46 | 8 | 19 | 81 | 749 | 355 | 104 | 2 | 2 | 22 | 485 |
| Githongo | 354 | 156 | 2 | 11 | 92 | 615 | 109 | 49 | 13 | 2 | 27 | 200 |
| Githunguri | 591 | 161 | 8 | 11 | 31 | 802 | 336 | 160 | 7 | 18 | 44 | 565 |
| Hamisi | 956 | 132 | 10 | 5 | 39 | 1,142 | 37 | 105 | 2 | 1 | 23 | 168 |
| Hola | 299 | 61 | 4 | 22 | 22 | 408 | 8 | 4 | 4 | 2 | 13 | 31 |
| Homa Bay | 1,138 | 177 | 20 | 14 | 350 | 1,699 | 343 | 405 | 4 | 2 | 157 | 911 |
| Isiolo | 1,449 | 109 | 7 | 11 | 118 | 1,694 | 152 | 6 | 3 | 4 | 3 | 168 |
| Iten | 369 | 19 | 7 | 14 | 24 | 433 | 82 | 75 | 8 | 1 | 4 | 170 |
| JKIA | 131 | 2 | 1 | 0 | 6 | 140 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kabarnet | 388 | 88 | 1 | 15 | 44 | 536 | 37 | 30 | 3 | 1 | 12 | 83 |
| Kahawa | 18 | 0 | 0 | 0 | 0 | 18 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kajiado | 1,992 | 164 | 19 | 78 | 407 | 2,660 | 1,937 | 126 | 25 | 629 | 17 | 2,734 |
| Kakamega | 1,868 | 466 | 10 | 110 | 204 | 2,658 | 2,257 | 3,194 | 63 | 1 | 118 | 5,633 |
| Kakuma | 400 | 30 | 3 | 2 | 32 | 467 | 43 | 15 | 0 | 0 | 6 | 64 |
| Kaloleni | 163 | 33 | 1 | 15 | 39 | 251 | 277 | 71 | 2 | 190 | 0 | 540 |
| Kandara | 1,302 | 241 | 3 | 47 | 190 | 1,783 | 426 | 581 | 6 | 82 | 4 | 1,099 |
| Kangema | 459 | 88 | 3 | 3 | 46 | 599 | 47 | 244 | 7 | 1 | 28 | 327 |
| Kangundo | 1,512 | 221 | 12 | 19 | 75 | 1,839 | 269 | 198 | 23 | 1 | 26 | 517 |
| Kapenguria | 1,863 | 193 | 17 | 95 | 74 | 2,242 | 178 | 1 | 1 | 5 | 52 | 237 |
| Kapsabet | 2,929 | 950 | 28 | 61 | 51 | 4,019 | 964 | 298 | 36 | 161 | 31 | 1,490 |
| Karatina | 948 | 109 | 16 | 16 | 156 | 1,245 | 823 | 420 | 6 | 117 | 21 | 1,387 |
| Kehancha | 379 | 117 | 1 | 7 | 32 | 536 | 173 | 119 | 2 | 1 | 7 | 302 |
| Kericho | 2,704 | 413 | 22 | 106 | 402 | 3,647 | 1,003 | 376 | 64 | 19 | 31 | 1,493 |
| Keroka | 781 | 179 | 17 | 26 | 161 | 1,164 | 341 | 144 | 8 | 6 | 26 | 525 |
| Kerugoya | 1,029 | 72 | 21 | 4 | 158 | 1,284 | 1,245 | 525 | 22 | 2 | 20 | 1,814 |
| Kiambu | 1,126 | 209 | 4 | 26 | 9 | 1,374 | 1,178 | 456 | 22 | 6 | 11 | 1,673 |
| Kibera | 6,789 | 632 | 31 | 29 | 6,330 | 13,811 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kigumo | 2,839 | 376 | 69 | 12 | 645 | 3,941 | 552 | 227 | 6 | 5 | 10 | 800 |
| Kikuyu | 2,412 | 263 | 20 | 89 | 506 | 3,290 | 1,960 | 569 | 80 | 126 | 237 | 2,972 |
| Kilgoris | 465 | 85 | 2 | 20 | 4 | 576 | 27 | 20 | 1 | 4 | 115 | 167 |
| Kilifi | 1,424 | 575 | 27 | 47 | 192 | 2,265 | 617 | 339 | 32 | 2 | 65 | 1,055 |
| Kilungu | 610 | 173 | 3 | 46 | 120 | 952 | 457 | 186 | 3 | 11 | 62 | 719 |
| Kimilili | 1,490 | 173 | 5 | 32 | 26 | 1,726 | 379 | 380 | 23 | 3 | 53 | 838 |
| Kisii | 3,162 | 416 | 19 | 301 | 69 | 3,967 | 3,236 | 1,186 | 88 | 27 | 158 | 4,695 |
| Kisumu | 3,832 | 165 | 16 | 114 | 3,021 | 7,148 | 3,809 | 912 | 77 | 136 | 489 | 5,423 |
| Kitale | 6,375 | 900 | 35 | 110 | 457 | 7,877 | 192 | 164 | 99 | 40 | 496 | 991 |
| Kithimani | 1,770 | 242 | 7 | 35 | 121 | 2,175 | 179 | 83 | 2 | 3 | 57 | 324 |
| Kitui | 1,122 | 167 | 11 | 1 | 115 | 1,416 | 1,362 | 1,160 | 62 | 1 | 47 | 2,632 |
| Kwale | 1,035 | 446 | 1 | 91 | 227 | 1,800 | 1,808 | 314 | 24 | 36 | 105 | 2,287 |
| Kyuso | 74 | 7 | 2 | 8 | 14 | 105 | 30 | 21 | 1 | 0 | 4 | 56 |
| Lamu | 106 | 24 | 0 | 1 | 6 | 137 | 52 | 4 | 0 | 0 | 29 | 85 |
| Limuru | 734 | 100 | 19 | 29 | 192 | 1,074 | 1,608 | 704 | 56 | 175 | 157 | 2,700 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lodwar | 959 | 282 | 9 | 45 | 59 | 1,354 | 9 | 5 | 1 | 1 | 120 | 136 |
| Loitoktok | 50 | 26 | 5 | 37 | 19 | 137 | 50 | 46 | 0 | 1 | 52 | 149 |
| Machakos | 2,229 | 422 | 9 | 141 | 454 | 3,255 | 2,216 | 750 | 67 | 122 | 67 | 3,222 |
| Makadara | 10,627 | 987 | 1 | 112 | 1,889 | 13,616 | 0 | 0 | 0 | 0 | 0 | 0 |
| Makindu | 986 | 142 | 6 | 5 | 80 | 1,219 | 1,473 | 213 | 25 | 111 | 40 | 1,862 |
| Makueni | 351 | 84 | 19 | 13 | 36 | 503 | 318 | 292 | 17 | 4 | 33 | 664 |
| Malindi | 2,503 | 494 | 56 | 46 | 574 | 3,673 | 388 | 320 | 9 | 12 | 112 | 841 |
| Mandera | 175 | 93 | 3 | 3 | 16 | 290 | 27 | 2 | 1 | 0 | 7 | 37 |
| Maralal | 222 | 15 | 2 | 18 | 52 | 309 | 29 | 12 | 0 | 0 | 28 | 69 |
| Mariakani | 937 | 234 | 1 | 18 | 317 | 1,507 | 934 | 89 | 8 | 12 | 49 | 1,092 |
| Marimanti | 737 | 99 | 0 | 42 | 60 | 938 | 37 | 40 | 4 | 1 | 94 | 176 |
| Marsabit | 630 | 82 | 1 | 4 | 67 | 784 | 3 | 22 | 1 | 0 | 5 | 31 |
| Maseno | 951 | 239 | 11 | 16 | 129 | 1,346 | 355 | 165 | 3 | 33 | 13 | 569 |
| Maua | 3,046 | 350 | 6 | 144 | 366 | 3,912 | 62 | 115 | 29 | 10 | 143 | 359 |
| Mavoko | 1,512 | 154 | 56 | 28 | 551 | 2,301 | 2,443 | 240 | 28 | 1,845 | 15 | 4,571 |
| Mbita | 727 | 117 | 13 | 4 | 96 | 957 | 56 | 39 | 6 | 1 | 3 | 105 |
| Meru | 1,363 | 90 | 23 | 114 | 212 | 1,802 | 2,481 | 369 | 49 | 578 | 804 | 4,281 |
| Migori | 1,042 | 236 | 13 | 20 | 88 | 1,399 | 1,739 | 471 | 45 | 2 | 38 | 2,295 |
| Mil. Anticorruption | 179 | 0 | 0 | 34 | 0 | 213 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mil. Childrens | 480 | 33 | 0 | 800 | 0 | 1,313 | 451 | 0 | 2 | 41 | 7,230 | 7,724 |
| Mil. Commercial | 0 | 0 | 0 | 0 | 0 | 0 | 43,716 | 84 | 6,201 | 4,720 | 22 | 54,743 |
| Milimani CM | 4,091 | 69 | 55 | 0 | 1,322 | 5,537 | 0 | 0 | 0 | 0 | 0 | 0 |
| Molo | 2,610 | 497 | 60 | 47 | 793 | 4,007 | 795 | 235 | 0 | 3 | 83 | 1,116 |
| Mombasa | 11,245 | 663 | 98 | 31 | 8,554 | 20,591 | 22,665 | 676 | 299 | 5,150 | 2 | 28,792 |
| Moyale | 49 | 17 | 2 | 0 | 2 | 70 | 20 | 3 | 0 | 0 | 4 | 27 |
| Mpeketoni | 159 | 60 | 0 | 1 | 8 | 228 | 43 | 40 | 2 | 1 | 8 | 94 |
| Msambweni | 173 | 201 | 0 | 26 | 2 | 402 | 317 | 27 | 3 | 2 | 22 | 371 |
| Mukurwe-ini | 118 | 42 | 3 | 10 | 23 | 196 | 173 | 617 | 3 | 0 | 2 | 795 |
| Mumias | 922 | 137 | 1 | 99 | 83 | 1,242 | 75 | 425 | 8 | 0 | 28 | 536 |
| Murang'a | 2,379 | 114 | 37 | 54 | 409 | 2,993 | 3,155 | 1,583 | 19 | 4 | 128 | 4,889 |
| Mutomo | 519 | 78 | 3 | 6 | 28 | 634 | 73 | 81 | 5 | 6 | 1 | 166 |
| Mwingi | 1,002 | 242 | 8 | 5 | 163 | 1,420 | 327 | 176 | 0 | 2 | 9 | 514 |
| Nairobi City | 219 | 13 | 5 | 23 | 38 | 298 | 192 | 2 | 0 | 0 | 2 | 196 |
| Naivasha | 2,485 | 394 | 30 | 299 | 1,549 | 4,757 | 1,778 | 407 | 67 | 917 | 122 | 3,291 |
| Nakuru | 9,593 | 972 | 85 | 378 | 3,683 | 14,711 | 16,485 | 1,243 | 337 | 1,513 | 1,683 | 21,261 |
| Nanyuki | 1,659 | 263 | 24 | 73 | 125 | 2,144 | 1,562 | 118 | 38 | 16 | 46 | 1,780 |
| Narok | 947 | 411 | 36 | 42 | 104 | 1,540 | 1,554 | 303 | 39 | 82 | 93 | 2,071 |
| Ndhiwa | 562 | 183 | 7 | 4 | 53 | 809 | 314 | 267 | 25 | 13 | 9 | 628 |
| Ngong | 2,231 | 366 | 9 | 108 | 254 | 2,968 | 415 | 69 | 16 | 0 | 35 | 535 |
| Nkubu | 412 | 74 | 6 | 27 | 99 | 618 | 180 | 83 | 20 | 8 | 69 | 360 |
| Nyahururu | 2,458 | 384 | 61 | 513 | 370 | 3,786 | 2,084 | 48 | 37 | 46 | 261 | 2,476 |
| Nyamira | 1,068 | 206 | 31 | 7 | 115 | 1,427 | 498 | 178 | 19 | 11 | 14 | 720 |
| Nyando | 1,450 | 343 | 6 | 96 | 535 | 2,430 | 1,929 | 344 | 16 | 304 | 44 | 2,637 |
| Nyeri | 801 | 191 | 17 | 168 | 146 | 1,323 | 1,466 | 918 | 82 | 13 | 211 | 2,690 |
| Ogembo | 2,266 | 411 | 4 | 8 | 98 | 2,787 | 1,364 | 278 | 51 | 5 | 116 | 1,814 |
| Othaya | 456 | 17 | 1 | 35 | 27 | 536 | 57 | 9 | 2 | 1 | 4 | 73 |
| Oyugis | 1,244 | 154 | 11 | 14 | 201 | 1,624 | 278 | 553 | 22 | 5 | 10 | 868 |
| Rongo | 271 | 97 | 5 | 1 | 22 | 396 | 811 | 125 | 1 | 3 | 3 | 943 |
| Ruiru | 715 | 119 | 1 | 1 | 284 | 1,120 | 49 | 74 | 25 | 2 | 37 | 187 |
| Runyenjes | 684 | 70 | 1 | 5 | 117 | 877 | 51 | 68 | 5 | 0 | 5 | 129 |
| Shanzu | 2,477 | 584 | 12 | 60 | 653 | 3,786 | 0 | 0 | 0 | 0 | 0 | 0 |
| Siakago | 390 | 69 | 19 | 1 | 26 | 505 | 514 | 453 | 14 | 124 | 30 | 1,135 |
| Siaya | 1,001 | 123 | 5 | 2 | 45 | 1,176 | 812 | 863 | 3 | 34 | 14 | 1,726 |
| Sirisia | 909 | 182 | 7 | 15 | 22 | 1,135 | 160 | 64 | 4 | 4 | 17 | 249 |
| Sotik | 460 | 153 | 8 | 4 | 70 | 695 | 298 | 137 | 4 | 10 | 168 | 617 |
| Tamu | 224 | 54 | 1 | 22 | 9 | 310 | 37 | 46 | 1 | 22 | 6 | 112 |
| Taveta | 465 | 70 | 12 | 39 | 21 | 607 | 88 | 6 | 6 | 0 | 19 | 119 |
| Tawa | 496 | 172 | 6 | 4 | 97 | 775 | 83 | 17 | 4 | 0 | 5 | 109 |
| Thika | 2,659 | 158 | 16 | 2 | 1,059 | 3,894 | 5,345 | 874 | 19 | 118 | 86 | 6,442 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Tigania | 1,369 | 70 | 5 | 54 | 92 | 1,590 | 385 | 100 | 0 | 0 | 50 | 535 |
| Tononoka | 33 | 17 | 0 | 174 | 0 | 224 | 370 | 0 | 0 | 0 | 366 | 736 |
| Ukwala | 785 | 93 | 5 | 16 | 60 | 959 | 127 | 168 | 2 | 1 | 55 | 353 |
| Vihiga | 1,436 | 241 | 5 | 32 | 336 | 2,050 | 953 | 142 | 3 | 15 | 113 | 1,226 |
| Voi | 1,224 | 121 | 9 | 22 | 91 | 1,467 | 621 | 8 | 1 | 9 | 63 | 702 |
| Wajir | 656 | 56 | 3 | 12 | 86 | 813 | 43 | 3 | 0 | 1 | 11 | 58 |
| Wang'uru | 1,052 | 167 | 11 | 123 | 158 | 1,511 | 523 | 261 | 23 | 8 | 222 | 1,037 |
| Webuye | 1,118 | 124 | 46 | 44 | 210 | 1,542 | 452 | 17 | 1 | 27 | 15 | 512 |
| Winam | 1,841 | 307 | 17 | 260 | 66 | 2,491 | 247 | 137 | 5 | 9 | 72 | 470 |
| Wundanyi | 219 | 67 | 3 | 27 | 41 | 357 | 44 | 5 | 3 | 1 | 60 | 113 |
| All Stations | 184,495 | 27,133 | 1,784 | 6,836 | 46,897 | 267,145 | 166,089 | 34,790 | 8,813 | 18,362 | 17,255 | 245,309 |

Appendix 13: Case Backlog in Magistrates' Courts by age, 30th June 2021

| Court Station | 1-3 years | 3-5 years | Over 5 years | All backlog |
|---|---|---|---|---|
| Baricho | 1,316 | 73 | 4 | 1,393 |
| Bomet | 608 | 10 | 6 | 624 |
| Bondo | 442 | 17 | 5 | 464 |
| Bungoma | 1,035 | 47 | 275 | 1,357 |
| Busia | 1,763 | 1,243 | 62 | 3,068 |
| Butali | 921 | 526 | 1 | 1,448 |
| Butere | 629 | 150 | 35 | 814 |
| Chuka | 1,013 | 81 | 8 | 1,102 |
| Dadaab | 33 | 4 | 0 | 37 |
| Eldama Ravine | 469 | 17 | 0 | 486 |
| Eldoret | 4,813 | 375 | 1,467 | 6,655 |
| Embu | 634 | 47 | 329 | 1,010 |
| Engineer | 167 | 134 | 11 | 312 |
| Garissa | 1,092 | 15 | 10 | 1,117 |
| Garsen | 359 | 24 | 2 | 385 |
| Gatundu | 133 | 168 | 14 | 315 |
| Gichugu | 520 | 15 | 12 | 547 |
| Githongo | 305 | 5 | 25 | 335 |
| Githunguri | 356 | 10 | 48 | 414 |
| Hamisi | 681 | 90 | 5 | 776 |
| Hola | 153 | 21 | 3 | 177 |
| Homa Bay | 332 | 263 | 10 | 605 |
| Isiolo | 703 | 22 | 2 | 727 |
| Iten | 136 | 126 | 14 | 276 |
| JKIA | 51 | 7 | 2 | 60 |
| Kabarnet | 137 | 17 | 3 | 157 |
| Kahawa | 0 | 0 | 0 | 0 |
| Kajiado | 1,710 | 1,202 | 291 | 3,203 |
| Kakamega | 2,017 | 1,766 | 829 | 4,612 |
| Kakuma | 237 | 11 | 0 | 248 |
| Kaloleni | 67 | 3 | 4 | 74 |
| Kandara | 603 | 50 | 15 | 668 |
| Kangema | 45 | 14 | 9 | 68 |
| Kangundo | 432 | 31 | 2 | 465 |
| Kapenguria | 1,188 | 33 | 1 | 1,222 |
| Kapsabet | 1,362 | 1,073 | 227 | 2,662 |
| Karatina | 624 | 304 | 198 | 1,126 |
| Kehancha | 345 | 27 | 1 | 373 |
| Kericho | 2,672 | 107 | 194 | 2,973 |
| Keroka | 40 | 5 | 12 | 57 |
| Kerugoya | 934 | 201 | 9 | 1,144 |
| Kiambu | 489 | 114 | 41 | 644 |
| Kibera | 8,531 | 16 | 102 | 8,649 |
| Kigumo | 1,279 | 1,101 | 10 | 2,390 |
| Kikuyu | 2,233 | 1,630 | 49 | 3,912 |
| Kilgoris | 22 | 51 | 11 | 84 |
| Kilifi | 635 | 111 | 49 | 795 |
| Kilungu | 427 | 54 | 2 | 483 |
| Kimilili | 720 | 422 | 45 | 1,187 |
| Kisii | 1,829 | 1,459 | 161 | 3,449 |
| Kisumu | 4,760 | 3,732 | 79 | 8,571 |
| Kitale | 2,127 | 395 | 34 | 2,556 |
| Kithimani | 645 | 8 | 141 | 794 |
| Kitui | 1,139 | 294 | 486 | 1,919 |
| Kwale | 1,419 | 1,120 | 177 | 2,716 |
| Kyuso | 58 | 24 | 5 | 87 |
| Lamu | 64 | 8 | 1 | 73 |
| Limuru | 1,008 | 285 | 32 | 1,325 |
| Lodwar | 500 | 159 | 8 | 667 |
| Loitoktok | 116 | 10 | 0 | 126 |

| | | | | |
|---|---|---|---|---|
| Machakos | 875 | 8 | 79 | 962 |
| Makadara | 4,034 | 285 | 124 | 4,443 |
| Makindu | 629 | 192 | 46 | 867 |
| Makueni | 204 | 134 | 2 | 340 |
| Malindi | 1,178 | 988 | 141 | 2,307 |
| Mandera | 40 | 2 | 2 | 44 |
| Maralal | 70 | 0 | 1 | 71 |
| Mariakani | 484 | 128 | 7 | 619 |
| Marimanti | 338 | 8 | 7 | 353 |
| Marsabit | 267 | 2 | 5 | 274 |
| Maseno | 676 | 31 | 22 | 729 |
| Mata | 1,759 | 135 | 74 | 1,968 |
| Mavoko | 2,245 | 79 | 153 | 2,477 |
| Mbita | 481 | 57 | 1 | 539 |
| Meru | 1,101 | 1,786 | 105 | 2,992 |
| Migori | 1,615 | 347 | 121 | 2,083 |
| Mil. Anticorruption | 101 | 45 | 2 | 148 |
| Mil. Childrens | 4,005 | 2,707 | 408 | 7,120 |
| Mil. Commercial | 20,859 | 17,083 | 5,478 | 43,420 |
| Milimani CM | 1,925 | 883 | 287 | 3,095 |
| Molo | 1,376 | 436 | 490 | 2,302 |
| Mombasa | 21,646 | 14,055 | 5,891 | 41,592 |
| Moyale | 2 | 1 | 0 | 3 |
| Mpeketoni | 41 | 16 | 0 | 57 |
| Msambweni | 161 | 0 | 3 | 164 |
| Mukurwe-ini | 140 | 16 | 1 | 157 |
| Mumias | 203 | 251 | 13 | 467 |
| Murang'a | 2,492 | 2,099 | 131 | 4,722 |
| Mutomo | 243 | 13 | 63 | 319 |
| Mwingi | 329 | 315 | 114 | 758 |
| Nairobi City | 303 | 9 | 179 | 491 |
| Naivasha | 2,538 | 1,076 | 152 | 3,766 |
| Nakuru | 14,004 | 10,740 | 1,810 | 26,554 |
| Nanyuki | 2,385 | 160 | 1 | 2,546 |
| Narok | 1,020 | 277 | 187 | 1,484 |
| Ndhiwa | 446 | 168 | 1 | 615 |
| Ngong' | 571 | 279 | 7 | 857 |
| Nkubu | 183 | 27 | 12 | 222 |
| Nyahururu | 2,312 | 1,420 | 158 | 3,890 |
| Nyamira | 379 | 59 | 38 | 476 |
| Nyando | 1,565 | 1,177 | 88 | 2,830 |
| Nyeri | 542 | 160 | 3 | 705 |
| Ogembo | 1,100 | 418 | 130 | 1,648 |
| Othaya | 168 | 11 | 5 | 184 |
| Oyugis | 219 | 242 | 3 | 464 |
| Rongo | 314 | 38 | 8 | 360 |
| Ruiru | 75 | 0 | 0 | 75 |
| Runyenjes | 154 | 15 | 8 | 177 |
| Shanzu | 1,180 | 430 | 21 | 1,631 |
| Siakago | 486 | 122 | 46 | 654 |
| Siaya | 327 | 84 | 278 | 689 |
| Sirisia | 320 | 266 | 0 | 586 |
| Sotik | 247 | 66 | 6 | 319 |
| Tamu | 218 | 8 | 0 | 226 |
| Taveta | 198 | 29 | 16 | 243 |
| Tawa | 306 | 46 | 1 | 353 |
| Thika | 2,887 | 2,303 | 206 | 5,396 |
| Tigania | 663 | 245 | 127 | 1,035 |
| Tononoka | 267 | 102 | 8 | 377 |
| Ukwala | 86 | 2 | 8 | 96 |
| Vihiga | 859 | 609 | 84 | 1,552 |
| Voi | 743 | 60 | 9 | 812 |
| Wajir | 359 | 2 | 3 | 364 |
| Wang'uru | 525 | 264 | 51 | 840 |
| Webuye | 795 | 391 | 7 | 1,193 |
| Winam | 943 | 202 | 23 | 1,168 |
| Wundanyi | 293 | 31 | 7 | 331 |
| All Stations | 168,577 | 82,967 | 23,040 | 274,584 |

Appendix 14: SJT Implementation Status on Case Backlog Reduction in Magistrates' Courts, 30th June 2021

| Court Station | SJT target on reduction of case backlog older than 5 years, 1st Jan 2017 | Case backlog older than5 years, 30th June 2021 | Resolved cases older than 5 years between 1st Jan 2017 and June 2021 | % change in case backlog older than 5 years (1st Jan 2017 and 30th June 2021) |
|---|---|---|---|---|
| Baricho | 24 | 4 | 145 | -83% |
| Bomet | 52 | 6 | 143 | -88% |
| Bondo | 10 | 5 | 70 | -50% |
| Bungoma | 709 | 275 | 3,974 | -61% |

| | | | | |
|---|---|---|---|---|
| Busia | 152 | 62 | 1,072 | -59% |
| Butali | 83 | 1 | 135 | -99% |
| Butere | 17 | 35 | 195 | 106% |
| Chuka | 499 | 8 | 349 | -98% |
| Dadaab | N/A | 0 | 0 | N/A |
| Eldama Ravine | 101 | 0 | 163 | -100% |
| Eldoret | 848 | 1,467 | 1,517 | 73% |
| Embu | 776 | 329 | 1,805 | -58% |
| Engineer | 6 | 11 | 138 | 83% |
| Garissa | 34 | 10 | 481 | -71% |
| Garsen | 1 | 2 | 6 | 100% |
| Gatundu | 174 | 14 | 685 | -92% |
| Gichugu | 16 | 12 | 146 | -25% |
| Githongo | 4 | 25 | 54 | 525% |
| Githunguri | 215 | 48 | 401 | -78% |
| Hamisi | 21 | 5 | 53 | -76% |
| Hola | 12 | 3 | 50 | -75% |
| Homa Bay | 27 | 10 | 85 | -63% |
| Isiolo | 41 | 2 | 100 | -95% |
| Iten | 903 | 14 | 3,133 | -98% |
| JKIA | 0 | 2 | 8 | 200% |
| Kabarnet | 37 | 3 | 88 | -92% |
| Kahawa | | 0 | - | 0% |
| Kajiado | 1,007 | 291 | 947 | -71% |
| Kakamega | 351 | 829 | 521 | 136% |
| Kakuma | 0 | 0 | 4 | 0% |
| Kaloleni | 57 | 4 | 315 | -93% |
| Kandara | 153 | 15 | 69 | -90% |
| Kangema | 48 | 9 | 122 | -81% |
| Kangundo | 40 | 2 | 142 | -95% |
| Kapenguria | 20 | 1 | 133 | -95% |
| Kapsabet | 442 | 227 | 387 | -49% |
| Karatina | 323 | 198 | 180 | -39% |
| Kehancha | 52 | 1 | 115 | -98% |
| Kericho | 745 | 194 | 1,446 | -74% |
| Keroka | 114 | 12 | 361 | -89% |
| Kerugoya | 67 | 9 | 519 | -87% |
| Kiambu | 1,074 | 41 | 1,865 | -96% |
| Kibera | 320 | 102 | 835 | -68% |
| Kigumo | 205 | 10 | 669 | -95% |
| Kikuyu | 315 | 49 | 457 | -84% |
| Kilgoris | 36 | 11 | 258 | -69% |
| Kilifi | 729 | 49 | 1,867 | -93% |
| Kilungu | 2 | 2 | 48 | 0% |
| Kimilili | 169 | 45 | 236 | -73% |
| Kisii | 351 | 161 | 2,029 | -54% |
| Kisumu | 347 | 79 | 750 | -77% |
| Kitale | 664 | 34 | 1,635 | -95% |
| Kithimani | 33 | 141 | 267 | 327% |
| Kitui | 2,360 | 486 | 952 | -79% |
| Kwale | 345 | 177 | 361 | -49% |
| Kyuso | 33 | 5 | 41 | -85% |
| Lamu | 9 | 1 | 45 | -89% |
| Limuru | 61 | 32 | 858 | -48% |
| Lodwar | 17 | 8 | 16 | -53% |
| Loitoktok | 0 | 0 | 6 | 0% |
| Machakos | 2,659 | 79 | 3,600 | -97% |
| Makadara | 1,061 | 124 | 1,811 | -88% |
| Makindu | 637 | 46 | 930 | -93% |
| Makueni | 157 | 2 | 261 | -99% |
| Malindi | 418 | 141 | 3,488 | -66% |
| Mandera | 5 | 2 | 4 | -60% |
| Maralal | 6 | 1 | 15 | -83% |
| Mariakani | 34 | 7 | 146 | -79% |
| Marimanti | 7 | 7 | 30 | 0% |
| Marsabit | 2 | 5 | 11 | 150% |

| | | | | |
|---|---|---|---|---|
| Maseno | 322 | 22 | 945 | -93% |
| Maua | 871 | 74 | 1,409 | -92% |
| Mavoko | 22 | 153 | 197 | 595% |
| Mbita | 7 | 1 | 201 | -86% |
| Meru | 4,023 | 105 | 4,659 | -97% |
| Migori | 39 | 121 | 929 | 210% |
| Mil. Anticorruption | 34 | 2 | 125 | -94% |
| Mil. Childrens | 5,702 | 408 | 4,515 | -93% |
| Mil. Commercial | 19,836 | 5,478 | 16,915 | -72% |
| Milimani CM | 389 | 287 | 1,459 | -26% |
| Molo | 738 | 490 | 892 | -34% |
| Mombasa | 21,855 | 5,891 | 17,559 | -73% |
| Moyale | 9 | 0 | 32 | -100% |
| Mpeketoni | 1 | 0 | 1 | -100% |
| Msambweni | 0 | 3 | 3 | 300% |
| Mukurwe-ini | 8 | 1 | 28 | -88% |
| Mumias | 261 | 13 | 826 | -95% |
| Murang'a | 849 | 131 | 1,811 | -85% |
| Mutomo | 41 | 63 | 149 | 54% |
| Mwingi | 434 | 114 | 573 | -74% |
| Nairobi City | 314 | 179 | 641 | -43% |
| Naivasha | 1,638 | 152 | 1,760 | -91% |
| Nakuru | 17,950 | 1,810 | 5,930 | -90% |
| Nanyuki | 311 | 1 | 554 | -100% |
| Narok | 473 | 187 | 389 | -60% |
| Ndhiwa | 10 | 1 | 13 | -90% |
| Ngong' | 74 | 7 | 9 | -91% |
| Nkubu | 244 | 12 | 251 | -95% |
| Nyahururu | 1,400 | 158 | 600 | -89% |
| Nyamira | 145 | 38 | 787 | -74% |
| Nyando | 1,187 | 88 | 513 | -93% |
| Nyeri | 452 | 3 | 2,156 | -99% |
| Ogembo | 501 | 130 | 761 | -74% |
| Othaya | 4 | 5 | 56 | 25% |
| Oyugis | 60 | 3 | 224 | -95% |
| Rongo | 41 | 8 | 125 | -80% |
| Ruiru | 0 | 0 | 2 | 0% |
| Runyenjes | 9 | 8 | 144 | -11% |
| Shanzu | 20 | 21 | 732 | 5% |
| Siakago | 491 | 46 | 1,021 | -91% |
| Siaya | 116 | 278 | 1,231 | 140% |
| Sirisia | 7 | 0 | 1,068 | -100% |
| Sotik | 192 | 6 | 617 | -97% |
| Tamu | 12 | 0 | 25 | -100% |
| Taveta | 17 | 16 | 86 | -6% |
| Tawa | 10 | 1 | 36 | -90% |
| Thika | 3,022 | 206 | 2,916 | -93% |
| Tigania | 484 | 127 | 473 | -74% |
| Tononoka | 89 | 8 | 2,673 | -91% |
| Ukwala | 10 | 8 | 80 | -20% |
| Vihiga | 369 | 84 | 897 | -77% |
| Voi | 177 | 9 | 227 | -95% |
| Wajir | 2 | 3 | 97 | 50% |
| Wang'uru | 53 | 51 | 190 | -4% |
| Webuye | 237 | 7 | 281 | -97% |
| Winam | 326 | 23 | 963 | -93% |
| Wundanyi | 9 | 7 | 31 | -22% |
| All Stations | 106,134 | 23,040 | 125,535 | -78% |

Appendix 15: Average Time to Disposition in Magistrates' Courts, FY 2020/21

| Court Station | Average Time to Disposition (Days) | | | |
|---|---|---|---|---|
| | Overall | Criminal | Civil | Traffic |
| Baricho | 241 | 118 | 814 | 98 |
| Bomet | 192 | 135 | 504 | 63 |
| Bondo | 208 | 85 | 512 | 13 |
| Bungoma | 398 | 93 | 736 | 25 |

| | | | | |
|---|---|---|---|---|
| Busia | 265 | 136 | 951 | 34 |
| Butali | 372 | 208 | 679 | 81 |
| Butere | 557 | 180 | 884 | 43 |
| Chuka | 306 | 269 | 394 | 88 |
| Dadaab | 195 | 197 | 2 | 0 |
| Eldama Ravine | 118 | 80 | 484 | 56 |
| Eldoret | 254 | 219 | 396 | 44 |
| Embu | 346 | 165 | 840 | 140 |
| Engineer | 128 | 82 | 530 | 60 |
| Garissa | 141 | 199 | 136 | 25 |
| Garsen | 161 | 170 | 353 | 39 |
| Gatundu | 264 | 89 | 666 | 56 |
| Gichugu | 239 | 136 | 687 | 87 |
| Githongo | 179 | 171 | 198 | 64 |
| Githunguri | 508 | 167 | 1,028 | 76 |
| Hamisi | 90 | 73 | 320 | 13 |
| Hola | 184 | 139 | 358 | 109 |
| Homa Bay | 264 | 109 | 681 | 8 |
| Isiolo | 294 | 197 | 606 | 63 |
| Iten | 122 | 88 | 285 | 48 |
| JKIA | 261 | 333 | 6 | 51 |
| Kabarnet | 129 | 71 | 934 | 18 |
| Kahawa | 10 | 3 | 0 | |
| Kajiado | 288 | 225 | 607 | 48 |
| Kakamega | 364 | 263 | 806 | 72 |
| Kakuma | 139 | 164 | 53 | 54 |
| Kaloleni | 441 | 184 | 647 | 8 |
| Kandara | 296 | 187 | 637 | 87 |
| Kangema | 235 | 138 | 663 | 45 |
| Kangundo | 129 | 76 | 442 | 11 |
| Kapenguria | 129 | 117 | 253 | 35 |
| Kapsabet | 487 | 299 | 990 | 160 |
| Karatina | 386 | 195 | 760 | 308 |
| Kehancha | 85 | 71 | 307 | 32 |
| Kericho | 169 | 134 | 529 | 65 |
| Keroka | 159 | 117 | 621 | 20 |
| Kerugoya | 529 | 173 | 1,001 | 164 |
| Kiambu | 340 | 259 | 519 | 145 |
| Kibera | 250 | 444 | 0 | 152 |
| Kigumo | 268 | 178 | 580 | 283 |
| Kikuyu | 265 | 149 | 511 | 50 |
| Kilgoris | 315 | 155 | 834 | 106 |
| Kilifi | 368 | 240 | 672 | 120 |
| Kilungu | 92 | 64 | 460 | 6 |
| Kimilili | 323 | 252 | 630 | 206 |
| Kisii | 444 | 195 | 885 | 97 |
| Kisumu | 352 | 208 | 486 | 55 |
| Kitale | 275 | 161 | 816 | 103 |
| Kithimani | 270 | 206 | 843 | 66 |
| Kitui | 658 | 477 | 1,135 | 51 |
| Kwale | 324 | 378 | 473 | 78 |
| Kyuso | 335 | 280 | 606 | 20 |
| Lamu | 121 | 111 | 294 | 54 |
| Limuru | 342 | 268 | 777 | 136 |
| Lodwar | 237 | 229 | 523 | 32 |
| Loitoktok | 218 | 152 | 420 | 31 |
| Machakos | 257 | 87 | 813 | 78 |
| Makadara | 311 | 506 | 49 | 138 |
| Makindu | 317 | 358 | 915 | 46 |
| Makueni | 323 | 161 | 643 | 112 |
| Malindi | 378 | 335 | 559 | 71 |
| Mandera | 77 | 86 | 147 | 6 |
| Maralal | 84 | 73 | 270 | 5 |
| Mariakani | 416 | 355 | 748 | 105 |
| Marimanti | 117 | 96 | 461 | 68 |

| | | | | |
|---|---|---|---|---|
| Marsabit | 166 | 133 | 343 | 72 |
| Maseno | 266 | 188 | 637 | 30 |
| Maua | 444 | 380 | 743 | 123 |
| Mavoko | 174 | 102 | 447 | 24 |
| Mbita | 170 | 90 | 418 | 31 |
| Meru | 331 | 157 | 785 | 59 |
| Migori | 474 | 105 | 965 | 27 |
| Mil. Anticorruption | 1,238 | 1,267 | 0 | - |
| Mil. Childrens | 578 | 321 | 582 | - |
| Mil. Commercial | 945 | - | 945 | - |
| Milimani CM | 116 | 405 | 55 | 94 |
| Molo | 239 | 95 | 606 | 28 |
| Mombasa | 398 | 276 | 896 | 70 |
| Moyale | 97 | 89 | 216 | 5 |
| Mpeketoni | 75 | 50 | 261 | 16 |
| Msambweni | 117 | 119 | 172 | 22 |
| Mukurwe-ini | 137 | 81 | 475 | 78 |
| Mumias | 1,164 | 197 | 5,874 | 42 |
| Murang'a | 541 | 191 | 1,115 | 189 |
| Mutomo | 613 | 131 | 1,419 | 216 |
| Mwingi | 407 | 218 | 849 | 117 |
| Nairobi City | 367 | 978 | 238 | 1,245 |
| Naivasha | 456 | 144 | 1,071 | 66 |
| Nakuru | 210 | 155 | 604 | 22 |
| Nanyuki | 229 | 156 | 560 | 53 |
| Narok | 253 | 163 | 639 | 76 |
| Ndhiwa | 260 | 211 | 524 | 4 |
| Ngong' | 210 | 186 | 376 | 177 |
| Nkubu | 288 | 231 | 489 | 16 |
| Nyahururu | 262 | 223 | 664 | 57 |
| Nyamira | 390 | 232 | 786 | 83 |
| Nyando | 410 | 194 | 767 | 169 |
| Nyeri | 313 | 117 | 749 | 77 |
| Ogembo | 279 | 145 | 717 | 9 |
| Othaya | 146 | 70 | 508 | 81 |
| Oyugis | 197 | 92 | 558 | 30 |
| Rongo | 290 | 117 | 573 | 20 |
| Ruiru | 174 | 94 | 285 | 52 |
| Runyenjes | 364 | 165 | 740 | 88 |
| Shanzu | 143 | 302 | 0 | 57 |
| Siakago | 507 | 301 | 702 | 741 |
| Siaya | 192 | 112 | 465 | 42 |
| Sirisia | 94 | 90 | 152 | 66 |
| Sotik | 113 | 62 | 625 | 46 |
| Tamu | 269 | 115 | 637 | 36 |
| Taveta | 222 | 122 | 556 | 74 |
| Tawa | 226 | 170 | 488 | 39 |
| Thika | 541 | 374 | 1,008 | 179 |
| Tigania | 237 | 218 | 479 | 71 |
| Tononoka | 403 | 330 | 434 | - |
| Ukwala | 121 | 49 | 415 | 30 |
| Vihiga | 272 | 148 | 931 | 91 |
| Voi | 306 | 207 | 773 | 117 |
| Wajir | 55 | 65 | 127 | 6 |
| Wang'uru | 142 | 105 | 438 | 26 |
| Webuye | 353 | 416 | 990 | 102 |
| Winam | 286 | 232 | 593 | 46 |
| Wundanyi | 74 | 51 | 356 | 7 |
| All Stations | 289 | 194 | 608 | 84 |

Appendix 16: Average Time to Disposition in Kadhis' Courts, FY 2020/21

| | |
|---|---|
| Balambala | 1 |
| Bungoma | 1 |
| Bura/Fafi | 1 |
| Busia | 9 |
| Bute | 3 |
| Dadaab | 320 |
| Eldas | 1 |
| Eldoret | 1 |
| Elwak | 26 |
| Garbatulla | 52 |
| Garissa | 683 |
| Garsen | 31 |
| Habaswein | 111 |
| Hola | 83 |
| Homa Bay | 6 |
| Ijara | 1 |
| Isiolo | 1 |
| Kajiado | 1 |
| Kakamega | 9 |
| Kakuma | 2 |
| Kericho | 3 |
| Kibera | 220 |
| Kilifi | 11 |
| Kisumu | 9 |
| Kitui | 9 |
| Kwale | 20 |
| Lamu | 119 |
| Machakos | 1 |
| Malindi | 213 |
| Mandera | 69 |
| Mariakani | 1 |
| Marsabit | 157 |
| Maua | |
| Merti | 18 |
| Modogashe | 78 |
| Mombasa | 15 |
| Moyale | 41 |
| Msambweni | 21 |
| Nairobi | 8 |
| Nakuru | 1 |
| Nyeri | 179 |
| Takaba | 1 |
| Thika | 67 |
| Vihiga | |
| Voi | 19 |
| Wajir | 23 |
| Witu | 36 |
| All Stations | 59 |

LIST OF JUDGES, REGISTRARS, MAGISTRATES AND KADHISAS AT 30th JUNE, 2021

| NAME | STATION/TITLE |
|---|---|
| SUPREME COURT JUDGES | |
| Hon. Lady Justice Martha K. Koome | Chief Justice and President of the Supreme Court |
| Hon. Lady Justice Philomena Mwilu | Deputy Chief Justice and Vice President |
| Hon. Justice Mohamed K. Ibrahim | Judge of the Supreme Court |
| Hon. Justice (Dr.) Smokin Wanjala | Judge of the Supreme Court |
| Hon. Lady Justice Njoki Ndungu | Judge of the Supreme Court |
| Hon. Justice Isaac Lenaola | Judge of the Supreme Court |
| Hon. Justice William Ouko | Judge of the Supreme Court |
| COURT OF APPEAL JUDGES | |
| Hon. Justice Daniel K. Musinga | President, Court of Appeal |
| Hon. Lady Justice Roselyn Nambuye | Nairobi |
| Hon. Lady Justice Wanjiru Karanja | Nairobi |
| Hon. Lady Justice Hannah Okwengu | Nairobi |
| Hon. Justice Mohamed Warsame | Nairobi |
| Hon. Justice Asike Makhandia | Nairobi |
| Hon. Lady Justice Agnes K. Murgor | Nairobi |
| Hon. Lady Justice Fatuma Sichale | Nairobi |
| Hon. Lady Justice Jamila Mohammed | Nairobi |
| Hon. Justice Sankale Ole Kantai | Nairobi |
| Hon. Justice Msagha Mbogholi | Nairobi |
| Hon. Lady Justice Hellen Omondi | Nairobi |

| | |
|---|---|
| Hon. Justice Imanata Laibuta | Nairobi |
| Hon. Justice Kathurima M'inoti | Judiciary Training Institute |
| Hon. Justice Patrick Kiage | Kisumu |
| Hon. Lady Justice Mumbi Ngugi | Kisumu |
| Hon. Justice Francis Tuiyott | Kisumu |
| Hon. Justice Gatembu Kairu | Mombasa |
| Hon. Lady Justice Jessie Lesiit | Mombasa |
| Hon. Lady Justice Pauline Nyamweya | Mombasa |
| HIGH COURT JUDGES | |
| Hon. Justice Hatari Peter George Waweru | Nanyuki |
| Hon. Justice Joseph Sergon | Civil Division |
| Hon. Lady Justice Roselyne P.V. Wendoh | Migori |
| Hon. Justice George Matatia Abaleka Dulu | Makueni |
| Hon. Lady Justice Mary Kasango | Kiambu |
| Hon. Justice Fredrick Andago Ochieng | Kisumu |
| Hon. Justice Luka Kiprotich Kimaru | Kitale |
| Hon. Justice Joseph R. Karanja | Busia |
| Hon. Justice Aggrey O. Muchelule | Family Division |
| Hon. Lady Justice Florence N. Muchemi | Nyeri |
| Hon. Lady Justice Maureen Akinyi Odero | Family Division |
| Hon. Lady Justice Abida. Ali-Aroni | Garissa |
| Hon. Justice Said Juma Chitembwe | Civil Division |
| Hon. Justice Joel Mwaura Ngugi | Nakuru |
| Hon. Justice Edward Muthoga Muriithi | Meru |
| Hon. Justice Kanyi Kimondo | Murang'a |
| Hon. Justice David Amilcar S. Majanja | Commercial Division |
| Hon. Lady Justice Cecilia Wathaiya Githua | Criminal Division |
| Hon. Lady Justice Beatrice Nthiori Thuranira | Civil Division |
| Hon. Justice Weldon K. Korir | Kapenguria/Kabarnet |
| Lady. Justice Grace Nzioka | Criminal Division |
| Hon. Lady Justice Christine W. Meoli | Civil Division |
| Hon. Lady Justice Hedwig Imbosa Ong'udi | Constitution & Human Rights |
| Hon. Lady Justice Stella Ngali Mutuku | Kajiado |
| Hon. Justice James Wakiaga | Murang'a |
| Hon. Lady Justice Rose Edwina Atieno Ougo | Kisii |
| Hon. Justice Eric Kennedy O. Ogola | Eldoret |
| Hon. Justice George Vincent Odunga | Machakos |
| Hon. Justice Hilary Kiplagat Chemitei | Nakuru |
| Hon. Justice James Aaron Makau | Constitution & Human Rights |
| Hon. Lady Justice Roselyne Korir | Bomet |
| Hon. Justice Richard Mururu Mwongo | Kerugoya |
| Hon. Justice Alfred Mabeya | Presiding Judge- Commercial Division |
| Hon. Lady Justice Lydia Awino Achode | Principal Judge<br>Family Division |
| Hon. Lady Justice Abigail Mshila | Commercial Division |
| Hon. Justice William Musya | Kakamega |
| Hon. Lady Justice Jacqueline N. Kamau | Kisumu |
| Hon. Justice Ngaah Jairus | Judicial Review |
| Hon. Justice Francis Muthuku Gikonyo | Narok |
| Hon. Justice Martin Muya Mati | |
| Hon. Lady Justice Esther Nyambura Maina | Anti-corruption |
| Hon. Lady Justice Lilian Nambwire Mutende | Criminal Division |
| Hon. Lady Justice Grace Wangui Ngenye | Naivasha |
| Hon. Justice Justus Momanyi Bwonwonga | Criminal Division |
| Hon. Lady Justice Roselyne M. Ekirapa Aburili | Siaya |
| Hon. Justice Enock Chacha Mwita | Commercial Division |
| Hon. Justice Robert Kipkoech Limo | Kitui |
| Hon. Justice Charles Kariuki Mutungi | Nyahururu |
| Hon. Justice Anthony Charo Murima | Judicial Review |
| Hon. Lady Justice Janet Nzilani Mulwa | Civil Division |
| Hon. Lady Justice Farah Amin | Kakamega |
| Hon. Lady Justice Margaret Muigai | Machakos |
| Hon. Justice Stephen Riechi | Bungoma |
| Hon. Justice Olga Sewe | Mombasa |
| Hon. Lady Justice Wilfrida Osodo | Commercial Division |
| Hon. Justice Patrick Otieno | Meru |
| Hon. Justice Anthony Ndung'u | Judicial Review |
| Hon. Lady Justice Mugure Thande | Family Division |
| Hon. Lady Justice Margaret Mwangi | Mombasa |
| Hon. Justice Stephen Githinji | Malindi |
| Hon. Lady Justice Dorah O. Chepkwony | Criminal |
| Hon. Lady Justice Asenath Ongeri | Kericho |
| Hon. Justice Kiarie Waweru Kiarie | Homa Bay |
| Hon. Lady Justice Lucy Njuguna | Embu |
| Hon. Justice John Mativo | Mombasa |
| Hon. Justice Reuben Nyakundi | Eldoret |
| Hon. Mr. Justice Onyiego John Nyabuto | Mombasa |

| | |
|---|---|
| Hon. Lady Justice Cherere Thripsisa Wanjiku Wamae | Meru |
| Hon. Mr. Justice Ogola Daniel Ogembo | Criminal Division |
| Hon. Lady Justice Gitari Lucy Waruguru | Chuka |
| Hon. Lady Justice Rachel C. B Ngetich | Nakuru |
| Hon. Mr. Justice Kemei David Kipyegomen | Bungoma |
| Hon. Lady Justice Anne Adwera Colleta Apondi | Mombasa |
| Hon. Lady Justice Matheka Teresia Mumbua | Nakuru |
| Hon. Mr. Justice Nyaga Jesse Njagi | Marsabit |
| Hon. Lady Justice Antonina Kossy Bor | Nanyuki |
| Hon. Lady Justice Onyango Jane Muyoti | Kisii |
| Hon. Lady Justice Ochieng Christine E. Atieno | Machakos |
| Hon. Mr. Justice Eboso Benard Mweresa | Thika |
| Hon. Lady Justice Odeny Millicent Akinyi | Malindi |
| Hon. Lady Justice Mbugua Lucy | Milimani |
| Hon. Lady Justice Matheka Nelly Awori | Mombasa |
| Hon. Mr. Justice Angima Yuvinalis Maronga | Nyahururu |
| Hon. Mr. Justice Yano Charles Kimutai | Chuka |
| Hon. Mr. Justice Kullow Mohamed Noor | Migori |
| Hon. Mr. Justice Olola James Otieno | Nyeri |
| Hon. Lady Justice Mary Clausina Oundo | Kericho |
| Hon. Mr. Justice Njoroge Francis Mwangi | Nakuru |
| Hon. Lady Justice Kemei Kimutai Grace | Thika |
| Hon. Lady Justice Komingoi Loice Chepkemoi | Milimani |
| Hon. Mr. Justice Ohungo Dalmas Omondi | Kakamega |
| Hon. Mr. Justice Cherono Enock Chirchir | Kerugoya/Garissa |
| Hon. Mr. Justice Ongondo George Martin Atunga | Homa Bay |
| Hon. Mr. Justice Mbogo Charles Gitonga | Narok |
| Hon. Lady Justice Anne Abongo Omollo | Busia |
| Hon. Justice Oscar A. Angote | Milimani |
| Hon. Justice John M. Mutungi | Nakuru |
| Hon. Justice Boaz Nathan Olao | Bungoma |
| Hon. Justice Antony Oteng'o Ombwayo | Kisumu |
| Hon. Justice Antony Kimani Kaniaru | Embu |
| Hon. Lady Justice Lucy Nyambura Gacheru | Murang'a |
| Hon. Justice Peter Muchoki Njoroge | Isiolo |
| Hon. Justice Stephen Murigi Kibunja | Eldoret |
| Hon. Justice Samson Odhiambo Okong'o | Milimani |
| Hon. Justice Munyao Sila | Mombasa |
| Hon. Lady Justice Mary Muthoni Gitumbi | JTI |
| Hon. Justice Elijah Ogoti Obaga | Eldoret |
| Hon. Lady Justice Lucy Waithaka | Facing Tribunal |
| Hon. Justice Mboya Oguttu Joseph | Milimani |
| Hon. Justice Naikuni Lucas Leperes | Mombasa |
| Hon. Justice Mwanyale Michalel Ngolo | Kapsabet |
| Hon. Lady Justice Addraya Edda Dena | Kwale |
| Hon. Lady Justice Kimani Lilian Gathoni | Kitui |
| Hon. Justice Kamau Joseph M. Cherere | Nyamira |
| Hon. Justice Wabwoto Karoph Edward | Milimani |
| Hon. Lady Justice Koross Anne Yatich Kipingor | Siaya |
| Hon. Justice Gicheru Maxwel Ndwiga | Kajiado |
| Hon. Lady Justice Mogeni Ann J. Akhalemesi | Milimani |
| Hon. Justice Ongarora Fred Nyagaka | Bomet |
| Hon. Justice Christopher Kyania Nzili | Meru |
| Hon. Justice David Mwangi | Milimani |
| Hon. Lady Justice Lynette Achieng | Nakuru |
| Hon. Justice Washe Emmanuel Mutwana | Kilgoris |
| Hon. Lady Justice Nakuri Annet | Machakos |
| Hon. Lady Justice Murigi Theresa Wairimu | Makueni |
| Hon. Lady Justice Asati Esther | Vihiga |
| Hon. Justice Mathews Nderi Nduma | Nairobi |
| Hon. Lady Justice Maureen Onyango | Nairobi |
| Hon. Justice Nzioki Makau | Nairobi |
| Hon. Justice D.K. Njagi Marete | Nyeri |
| Hon. Lady Justice Monica Mbaru | Nairobi |
| Hon. Lady Justice Linnet Ndolo | Nairobi |
| Hon. Justice James Rika | Nairobi |
| Hon. Justice Onesmus Makau | Kericho |
| Hon. Justice Byram Ongaya | Mombasa |
| Hon. Justice Radido Stephen Okiyo | Kisumu |
| Hon. Lady Justice Hellen Seruya Wasilwa | Nakuru |
| Hon. Justice Abuodha Jorum. | Eldoret |
| Hon. Justice Jacob K. Gakeri | Nairobi |
| Hon. Lady Justice Stella C. Rutto | Nairobi |
| Hon. Lady Justice Justice Jemima W. Keli | Bungoma |
| Hon. Justice Ocharo Kebira | Nairobi |
| Hon. Lady Justice Agnes M.N. Kitiku | Mombasa |
| Hon. Justice Bernard O.M Matanga | Malindi |

| | |
|---|---|
| Hon. Lady Justice Christine N. Baari | Kisumu |
| Hon. Justice David N. Nderitu | Nakuru |
| Hon. Lady Justice Ann N. Mwaure | Nairobi |

REGISTRARS, MAGISTRATES AND KADHIS

| | |
|---|---|
| OFFICE OF REGISTRAR SUPREME COURT | |
| Hon. Esther Nyaiyaki | Registrar |
| Hon. Daniel Ole Keiwua | Chief Magistrate (DR) |
| OFFICE OF REGISTRAR COURT OF APPEAL | |
| Hon. Moses K. Serem | Registrar |
| Hon. Lorraine Dinna Ogombe | Principal Magistrate (DR – Nairobi) |
| OFFICE OF REGISTRAR HIGH COURT | |
| Hon. Judith Omange | Registrar |
| Hon. Hannah Njeri Ndung'u | Chief Magistrate |
| Hon. Jane Kemunto Ocharo | Principal Magistrate (DR) |
| OFFICE OF PRINCIPAL JUDGE | |
| Hon. Georgina Nasaak Opakasi | Senior Resident Magistrate |
| OFFICE OF REGISTRAR EMPLOYMENT & LABOUR RELATIONS COURT | |
| Hon. Kennedy L. Kandet | Registrar |
| Hon. Daisy Chebet Mutai | Senior Resident Magistrate (DR) |
| Hon. Noelle Mutheu Kyany'a | Resident Magistrate (DR) |
| OFFICE OF REGISTRAR ENVIRONMENT & LAND COURT | |
| Hon. Rose Nyanunga Makungu | Ag. Registrar |
| OFFICE OF REGISTRAR MAGISTRATES COURT | |
| Hon. Peter Mutua Mulwa | Registrar |
| Hon. Caroline Njeri Kabucho | Senior Principal Deputy Registrar |
| Hon. Caroline Cheptoo Kemei | Principal Magistrate |
| Hon. Muktar Billow Salat | Principal Kadhi |
| OFFICE OF REGISTRAR TRIBUNALS | |
| Hon. Anne Asuga | Ag. Registrar |
| OFFICE OF REGISTRAR SMALL CLAIMS COURT | |
| Hon. Stella Waigwe Kanyiri | Ag. Registrar |
| OFFICE OF REGISTRAR JUDICIAL SERVICE COMMISSION | |
| Hon. Winfrida Mokaya | Registrar |
| Hon. Bernard O. Ochieng | Senior Principal Magistrate (DR) |
| OFFICE OF THE CHIEF JUSTICE | |
| Hon. Fredrick Momanyi | Senior Principal Deputy Registrar |
| Hon. Moses Wanyonyi Wanjala | SRM & Registrar – MAC (judicial duties at Thika Court) |
| OFFICE OF THE JUDICIARY OMBUDSMAN | |
| Hon. Herbert Inonda Mwendwa | Senior Resident Magistrate |
| OFFICE OF THE CHIEF REGISTRAR JUDICIARY | |
| Hon. Joseph Were | Senior Principal Magistrate |
| Hon. Sharon Muteitsi Mwayuli | Senior Resident Magistrate |
| COMMUNITY SERVICE ORDERS CO-ORDINATOR | |
| Hon. Ocharo Momanyi | Principal Magistrate |
| JUDICIARY TRAINING INSTITUTE | |
| Hon. Alice Wambui Macharia (Dr.) | Principal Magistrate |
| Hon. Catherine Wanjugu Mburu | Senior Resident Magistrate |
| Hon. Priscah Wamucii Nyotah | Resident Magistrate |
| MILIMANI LAW COURTS | |
| High Court Division Deputy Registrars | |
| Hon. Jacob ole Kipury | Chief Magistrate - Criminal Appeals |
| Hon. Rose A.A. Otieno | Senior Principal Magistrate - Criminal Div. |
| Hon. Elizabeth Chepkoech Tanui | Senior Principal Magistrate – DR Automation |
| Hon. Angela Njeri Thuku | Senior Principal Magistrate - JR, Const. & HR |
| Hon. Caroline J. Kendagor | Principal Magistrate – DR Mediation |
| Hon. Isabela Nekesa Barasa | Principal Magistrate - ELC |
| Hon. Sammy Aswani Opande | Principal Magistrate - Comm. & Tax Div. |
| Hon. Rosaline Adhiambo Aganyo | Principal Magistrate - Criminal Div. |
| Hon. Christine Asuna Okello | Senior Resident Magistrate - JR, Const. & HR |
| Hon. Linda Akosa Mumassabba | Senior Resident Magistrate - Civil Div. |
| Hon. Claire Nanjala Wanyama | Senior Resident Magistrate - Comm. & Tax Div. |
| Hon. Pauline Wangari Mbulika | Senior Resident Magistrate - Family Div. |
| Hon. Jane Wambui Kamau | Senior Resident Magistrate - Criminal Div. |
| Hon. Janette Wandia Nyamu | Senior Resident Magistrate - Family Div. |
| Hon. Lydia Wambui Mbacho | Resident Magistrate - Civil Div. |

| | |
|---|---|
| Hon. Diana Awino Orago | Resident Magistrate - ELC |
| Hon. Alice Mukami Wachira | Resident Magistrate - Criminal Div. |
| Hon. Maureen Munyiri Munyolo | Resident Magistrate - Family Div. |
| Hon. Stephany Wambui Githogori | Resident Magistrate - Tax Div. |
| Chief Magistrate's Court | |
| Hon. Francis Andayi | Chief Magistrate |
| Hon. Martha W. Mutuku | Chief Magistrate |
| Hon. Kenneth Kipkurui Cheruiyot | Senior Principal Magistrate |
| Hon. Bernard Ochoi | Senior Principal Magistrate |
| Hon. David Munyao Ndungi | Principal Magistrate |
| Hon. Zainab Abdul Rahaman | Senior Resident Magistrate |
| Hon. Carolyne Muthoni Njagi | Senior Resident Magistrate |
| Hon. Sinkiyian Nkini Tobiko | Senior Resident Magistrate |
| Anti-Corruption Court | |
| Hon. Douglas Nyambane Ogoti | Chief Magistrate |
| Hon. Lawrence N. Mugambi | Chief Magistrate |
| Hon. Elizabeth Nyarangi Juma | Chief Magistrate |
| Hon. Felix Kombo | Chief Magistrate |
| Hon. Thomas Nzyoki Thyaka | Chief Magistrate |
| Hon. Victor Wakumile Ndururu | Senior Principal Magistrate |
| Hon. Eunice Kagure Nyutu | Senior Principal Magistrate |
| Hon. Peter Oduor Ooko | Senior Principal Magistrate |
| Traffic Court | |
| Hon. Esther Kimilu | Senior Principal Magistrate |
| Hon. Martha Anyona Nanzushi | Principal Magistrate |
| Children's Court | |
| Hon. Gerhard Gitonga Muchege | Principal Magistrate |
| Hon. Mary Anjao Otindo | Principal Magistrate |
| Hon. Hellen Malikia Siika | Senior Resident Magistrate |
| Hon. Robert Ondieki Mbogo | Resident Magistrate |
| Hon. Festus Terer | Resident Magistrate |
| Hon. Maureen Wanjiru Kibe | Resident Magistrate |
| CITY COUNTY COURT | |
| Hon. Roselyne Oganyo | Chief Magistrate |
| Hon. Mary Wanja Njagi | Senior Principal Magistrate |
| Hon. James Omburah | Senior Principal Magistrate |
| Hon. Selina Nelima Muchungi | Senior Resident Magistrate |
| CO-OPERATIVE TRIBUNAL | |
| Hon. Beatrice Muthoni Kimemia | Chief Magistrate – Chairperson |
| BUSINESS PREMISES RENT TRIBUNAL | |
| Hon. AbdulQadir Lorot | Chief Magistrate – Chairman |
| MILIMANI COMMERCIAL COURTS | |
| Hon. Liza Lynne W. Gicheha | Chief Magistrate |
| Hon. Mildred Obura | Chief Magistrate |
| Hon. David Mburu Wanjohi | Senior Principal Magistrate |
| Hon. Edgar Matsigulu Kangoni | Principal Magistrate |
| Hon. Agnes Ndunge Makau | Principal Magistrate |
| Hon. Betty Chepkemei Koech | Principal Magistrate |
| Hon. Esther Nasimiyu Wanjala | Principal Magistrate |
| Hon. David Mbeja Obonyo | Principal Magistrate |
| Hon. Peter Omuyele Mukholi | Principal Magistrate |
| Hon. Dennis Mungai Kivuti | Principal Magistrate |
| Hon. Lilian Tsuma Lewa | Principal Magistrate |
| Hon. Margaret Wanjeri Murage | Senior Resident Magistrate |
| Hon. Agneta A. Ndege Ogonda | Senior Resident Magistrate |
| Hon. Damacline Bosibori Nyakundi | Resident Magistrate |
| NAIROBI SMALL CLAIMS COURT | |
| Hon. Susan Gakii Gitonga | Resident Magistrate/Adjudicator |
| Hon. Brenda Jaluha Ofisi | Resident Magistrate/Adjudicator |
| Hon. Judith Patience A. Omollo | Resident Magistrate/Adjudicator |
| KADHIS' COURT - UPPERHILL | |
| Hon. Sukyan Omar Hassan | Senior Principal Kadhi |
| Hon. Ishaq Abduljabar Hussein | Principal Kadhi |
| Hon. Karanja Thulkif Waweru | Kadhi I (SRK) |
| MAKADARA LAW COURTS | |
| Hon. Emily Ominde | Chief Magistrate |
| Hon. Heston N. Nyaga | Chief Magistrate |
| Hon. Angelo Kithinji Rwito | Chief Magistrate |
| Hon. Ase Meresia Opondo | Principal Magistrate |
| Hon. Stephen S. Wadida Jalang'o | Principal Magistrate |
| Hon. Eva Kanyiri Kaimenyi | Principal Magistrate |
| Hon. Jacqueline C. Kibosia | Principal Magistrate |

| | |
|---|---|
| Hon. Eunice Cherotich Kimaiyo | Principal Magistrate |
| Hon. Lewis Kamanga Gatheru | Senior Resident Magistrate |
| Hon. Mercy Achieng Ombima | Resident Magistrate |
| KIBERA LAW COURTS | |
| Hon. Joyce Mkambe Gandani | Chief Magistrate |
| Hon. Esther Boke | Senior Principal Magistrate |
| Hon. Philip Mutua | Senior Principal Magistrate |
| Hon. Monica Nyarango Nyakundi | Principal Magistrate |
| Hon. Derrick Khaemba Kuto | Principal Magistrate |
| Hon. Renee Musimbi Kitagwa | Senior Resident Magistrate |
| Hon. Charles Mwaniki Kamau | Senior Resident Magistrate |
| Hon. William Tulel Lopokoiyit | Resident Magistrate |
| JKIA LAW COURTS | |
| Hon. Lucas O. Onyina | Chief Magistrate |
| Hon. Christine Mukami Njagi | Senior Resident Magistrate |
| KISUMU LAW COURTS | |
| Hon. Peter N. Gesora | Chief Magistrate |
| Hon. Robinson Ondieki | Senior Principal Magistrate |
| Hon. Joane N. Wambilyanga | Senior Principal Magistrate (DR CoA) |
| Hon. Kemunto Winfrida Onkunya | Senior Resident Magistrate |
| Hon. Stella Nekesa Telewa | Senior Resident Magistrate |
| Hon. Martha Awidhi Agutu | Senior Resident Magistrate |
| Hon. Maureen Iberia Shimenga | Senior Resident Magistrate |
| Hon. Beryl Anyango Omollo | Resident Magistrate |
| Hon. Lina Akoth | Resident Magistrate |
| Hon. Kunyuk John Tito | Principal Kadhi |
| WINAM LAW COURTS | |
| Hon. Hezron Moibi Nyaberi | Chief Magistrate |
| Hon. Faturna Mwanza Rashid | Principal Magistrate |
| Hon. Jocelyne Rino Kimetto | Senior Resident Magistrate |
| MASENO LAW COURTS | |
| Hon. Christopher Yalwala | Senior Principal Magistrate |
| Hon. Chrispine Noel Choka Oruo | Senior Resident Magistrate |
| SIAYA LAW COURTS | |
| Hon. James Ongondo | Senior Principal Magistrate |
| Hon. Lester Simiyu | Principal Magistrate |
| Hon. Margaret Muthoni Mwangi | Resident Magistrate |
| BONDO LAW COURTS | |
| Hon. John Paul Nandi | Principal Magistrate |
| Hon. Stella Wanjiru Mathenge | Resident Magistrate |
| UKWALA LAW COURTS | |
| Hon. Calestous Sindani Nambafu | Principal Magistrate |
| Hon. Christabel Irene Agutu | Senior Resident Magistrate |
| NYANDO LAW COURTS | |
| Hon. Samson O. Temu | Senior Principal Magistrate |
| Hon. Kipngeno Reuben S. aka Sang | Principal Magistrate |
| TAMU LAW COURTS | |
| Hon. Purity Chepkorir Koskey | Principal Magistrate |
| Hon. Everlyne Makungu Onzere | Principal Magistrate |
| Homa Bay LAW COURTS | |
| Hon. Thomas Obutu Atanga | Senior Principal Magistrate |
| Hon. Ruth B. Nabwire Maloba | Principal Magistrate |
| Hon. Tom Mark Olando | Principal Magistrate (DR HC) |
| Hon. Joy Shiundu Wesonga | Principal Magistrate |
| Hon. Opacha Jamal Omodoi | Kadhi I (SRK) |
| MBITA LAW COURTS | |
| Hon. Nicodemus N. Moseti | Senior Resident Magistrate |
| Hon. Japheth Cheruiyot Bii | Senior Resident Magistrate |
| NDHIWA LAW COURTS | |

| | |
|---|---|
| Hon. Mary Ashisero Akala | Principal Magistrate |
| MIGORI LAW COURTS | |
| Hon. Dickson Odhiambo Onyango | Chief Magistrate |
| Hon. Johnstone Munguti | Senior Principal Magistrate |
| Hon. Moses Oyoko Obiero | Senior Principal Magistrate |
| Hon. Peter Nyagaka Areri | Principal Magistrate |
| Hon. Hellen Chepwogen Maritim | Resident Magistrate |
| RONGO LAW COURTS | |
| Hon. Raymond Kibet Langat | Senior Resident Magistrate |
| OYUGIS LAW COURTS | |
| Hon. Bernard Obae Omwansa | Senior Principal Magistrate |
| Hon. Celesa Asis Okore | Principal Magistrate |
| KISII LAW COURTS | |
| Hon. Nathan Shiundu Lutta | Chief Magistrate |
| Hon. Ezekiel Angaga Obina | Principal Magistrate |
| Hon. Stephen Onjoro Khachuenu | Principal Magistrate |
| Hon. Paul Kipkemoi Mutai | Senior Resident Magistrate |
| Hon. Dorcas Onam Mac'andere | Resident Magistrate |
| NYAMIRA LAW COURTS | |
| Hon. Margaret Wambani Onditi | Chief Magistrate |
| Hon. Maureen Cherono Nyigei | Principal Magistrate |
| Hon. Cyprian Waswa Wafula | Resident Magistrate |
| OGEMBO LAW COURTS | |
| Hon. Dennis Mikoyan | Chief Magistrate |
| Hon. Gloriah Nasimiyu Barasah | Resident Magistrate |
| KEROKA LAW COURTS | |
| Hon. Bethwel Kimutai Matata | Principal Magistrate |
| Hon. Simon Kaigongi Arome | Senior Resident Magistrate |
| KEHANCHA LAW COURTS | |
| Hon. Linus Nyakundi Mesa | Principal Magistrate |
| Hon. Anne Karimi Njeru | Resident Magistrate |
| KAKAMEGA LAW COURTS | |
| Hon. Bildad Ochieng | Chief Magistrate |
| Hon. Dolphina Atieno Alego | Senior Principal Magistrate |
| Hon. Hazel Wandere Musisi | Senior Principal Magistrate |
| Hon. Joseph Riitho Ndururi | Principal Magistrate |
| Hon. Malesi Eric Kidali | Principal Magistrate |
| Hon. Josephine Nyatuga Maragia | Senior Resident Magistrate |
| Hon. Noelyne Akee Reuben | Resident Magistrate |
| Hon. Sabastiany D.O. Ratori | Senior Principal Kadhi |
| MUMIAS LAW COURTS | |
| Hon. Teresia A. Odera | Chief Magistrate |
| Hon. Willy Kipkoech Cheruiyot | Senior Resident Magistrate |
| Hon. Marcella Amondi Onyango | Resident Magistrate |
| BUTERE LAW COURTS | |
| Hon. Felix Makoyo Omweri | Principal Magistrate |
| Hon. Gladys Achieng Ollimo | Resident Magistrate |
| BUTALI LAW COURTS | |
| Hon. Joseph N. Nyakundi | Senior Principal Magistrate |
| Hon. Carolyne Naliaka Njalale | Senior Resident Magistrate |
| VIHIGA LAW COURTS | |
| Hon. Samson Ongeri Omwenga | Senior Principal Magistrate |
| Hon. Rose Mugeni Ndombi | Senior Resident Magistrate |
| Hon. Mary Makena Gituma | Resident Magistrate |

| | |
|---|---|
| Hon. Zaharani M. Omar | Kadhi I (SRK) |
| HAMISI LAW COURTS | |
| Hon. Melanie Celestine A. Awino | Principal Magistrate |
| BUNGOMA LAW COURTS | |
| Hon. John G. King'ori | Chief Magistrate |
| Hon. Charles Soi Mutai | Senior Principal Magistrate |
| Hon. Stephen O. Mogute | Principal Magistrate |
| Hon. Elias Ngugi Mwenda | Principal Magistrate |
| Hon. Gabriel Peter Omondi | Principal Magistrate |
| Hon. Angeline Achieng A. Odawo | Senior Resident Magistrate |
| Hon. Sheikh Shaban Issa Muhammed | Principal Kadhi |
| WEBUYE LAW COURTS | |
| Hon. Mildred Munyekenye | Senior Principal Magistrate |
| Hon. Nancy Nang'uni Barasa | Principal Magistrate |
| KIMILILI LAW COURTS | |
| Hon. Gladys Adhiambo | Principal Magistrate |
| Hon. Dennis Onyango Ogal | Senior Resident Magistrate |
| SIRISIA LAW COURTS | |
| Hon. Caroline M. Watimmah | Senior Resident Magistrate |
| BUSIA LAW COURTS | |
| Hon. Lucy Ambasi | Chief Magistrate |
| Hon. Patrick Olengo | Senior Principal Magistrate |
| Hon. Phoebe Yiswa Kulecho | Senior Resident Magistrate |
| Hon. Tina Awino Madowo | Resident Magistrate |
| Hon. Rachel Njoki Ng'ang'a | Resident Magistrate |
| Hon. Nyaboga Idris Nyamagosa | Kadhi I (SRK) |
| NAKURU LAW COURTS | |
| Hon. Josephat Burudi Kalo | Chief Magistrate |
| Hon. Elizabeth Katiwa Usui | Chief Magistrate |
| Hon. Lilian Arika | Chief Magistrate |
| Hon. Faith Karimi Munyi | Principal Magistrate |
| Hon. Isaac Karasi Orenge | Principal Magistrate |
| Hon. Yvonne Khatambi Inyama | Principal Magistrate |
| Hon. Rose Ombata | Senior Resident Magistrate |
| Hon. Byson Benjamin Limo | Senior Resident Magistrate |
| Hon. Kelly Eunice Aoma | Senior Resident Magistrate |
| Hon. Daisy J. Mosse | Senior Resident Magistrate |
| Hon. Nancy M. Makau | Senior Resident Magistrate |
| Hon. Margaret Kathina Kyalo | Resident Magistrate |
| Hon. Juma Khamisi Tsanuo | Principal Kadhi |
| NAIVASHA LAW COURTS | |
| Hon. Kennedy Bidali | Chief Magistrate |
| Hon. Joseph Musembi Karanja | Senior Principal Magistrate |
| Hon. Lyna Sarapai | Principal Magistrate |
| Hon. Esther Wangare Mburu | Senior Resident Magistrate |
| Hon. Yusuf Mukhula Barasa | Senior Resident Magistrate |
| Hon. Martin Njeru Mutua | Resident Magistrate |
| MOLO LAW COURTS | |
| Hon. Elena Gathoni Nderitu | Chief Magistrate |
| Hon. Samuel Wahome | Chief Magistrate |
| Hon. Rhoda Yator | Principal Magistrate |
| Hon. Alice Wairimu Mukenga | Senior Resident Magistrate |
| Hon. Emmanuel Soita Siundu | Resident Magistrate |
| ELDORET LAW COURTS | |
| Hon. Linus Pogh'on Kassan | Chief Magistrate |
| Hon. Richard O. Odenyo | Senior Principal Magistrate |
| Hon. Sylvia Rajula Wewa | Senior Principal Magistrate |

| | |
|---|---|
| Hon. Naomi Wairimu | Senior Principal Magistrate |
| Hon. Grace Nasike Sitati | Senior Resident Magistrate (DR HC) |
| Hon. Barnabas Kibet Kiptoo | Senior Resident Magistrate |
| Hon. Christine Achieng Menya | Senior Resident Magistrate |
| Hon. Emily Chemeli Kigen | Senior Resident Magistrate |
| Hon. Diana Wikunza Milimu | Resident Magistrate |
| Hon. Rosemary Kemunto Onkoba | Resident Magistrate |
| Hon. Isaack Hassan Mohamed Noor | Principal Kadhi |
| KAPSABET LAW COURTS | |
| Hon. Jacinta Atieno Orwa | Senior Principal Magistrate |
| Hon. Duke Atuti Ocharo | Principal Magistrate |
| Hon. Bonface Wangai Wachira | Resident Magistrate |
| KITALE LAW COURTS | |
| Hon. Julius K. Ng'arng'ar | Chief Magistrate |
| Hon. Mary Immaculate Gwaro | Senior Principal Magistrate |
| Hon. Cheronoh M. Kesse | Principal Magistrate |
| Hon. Virginia Wambui Karanja | Principal Magistrate |
| Hon. Symphie Nekesa Makila | Principal Magistrate |
| Hon. Duncan Kiptoo Mtai | Senior Resident Magistrate |
| Hon. Mary Nyang'ara Osoro | Resident Magistrate |
| KERICHO LAW COURTS | |
| Hon. Samuel Mokua | Chief Magistrate |
| Hon. Solomon Kipkirui Ngetich | Principal Magistrate |
| Hon. Bernard Kipyegon Rugut | Principal Magistrate |
| Hon. Geoffrey Ontita Kimang'a | Senior Resident Magistrate |
| Hon. Elizabeth Wairimu Karani | Resident Magistrate |
| Hon. Aziza Ajwang | Resident Magistrate |
| Hon. Ally Wayu Bakari | Kadhi I (SRK) |
| SOTIK LAW COURTS | |
| Hon. Evans W. Muleka | Principal Magistrate |
| Hon. Jackson Obuya Omwange | Senior Resident Magistrate |
| BOMET LAW COURTS | |
| Hon. Lilian Nafula Kiniale | Principal Magistrate |
| Hon. Kibelion Kipkurui | Principal Magistrate |
| Hon. Jeal Praxades Atieno Aduke | Resident Magistrate |
| ITEN LAW COURTS | |
| Hon. Charles Ariba Kutwa | Senior Principal Magistrate |
| Hon. Caroline R. T. Ateya | Senior Resident Magistrate |
| KABARNET LAW COURTS | |
| Hon. Paul Biwott | Senior Principal Magistrate |
| Hon. Nerolyne Miraho Idagwa | Senior Resident Magistrate |
| Hon. Viennah Ong'oli Amboko | Resident Magistrate |
| ELDAMA-RAVINE LAW COURTS | |
| Hon. Richard Kipkemoi Koech | Senior Principal Magistrate |
| Hon. Alice Chemosop Towett | Senior Resident Magistrate |
| NAROK LAW COURTS | |
| Hon. George Njenga Wakahiu | Chief Magistrate |
| Hon. Adelaide Namabihi Sisenda | Resident Magistrate |
| KILGORIS LAW COURTS | |
| Hon. Robert M. Oanda | Senior Principal Magistrate |
| Hon. Wilson Kipchumba Kitur | Senior Resident Magistrate |
| KAJIADO LAW COURTS | |
| Hon. Susan M. Shitubi | Chief Magistrate |
| Hon. Irene Marcia Kahuya | Principal Magistrate |
| Hon. Becky Mulemia Cheloti | Senior Resident Magistrate |
| Hon. Edwin Mulochi | Resident Magistrate |

| | |
|---|---|
| Hon. Kutwaa Mohammed Abdalla | Senior Principal Kadhi |
| LOITOKTOK LAW COURTS | |
| Hon. Judicaster Nthambi Nthuku | Principal Magistrate |
| Hon. Caroline Wambui Ndumia | Resident Magistrate |
| NGONG LAW COURTS | |
| Hon. Pamela Achieng | Senior Principal Magistrate |
| Hon. Irene Ruguru Ngotho | Principal Magistrate |
| KAPENGURIA LAW COURTS | |
| Hon. Samuel Kiprotich Mutai | Senior Principal Magistrate |
| Hon. Margaret Nafula Makokha | Principal Magistrate |
| Hon. Godfrey Geno Okwengu Lui | Resident Magistrate |
| MARALAL LAW COURTS | |
| Hon. John Lolwatan Tamar | Senior Principal Magistrate |
| LODWAR LAW COURTS | |
| Hon. Mwangi Karimi Mwangi | Chief Magistrate |
| Hon. Christine Wekesa Mulongo | Principal Magistrate (DR HC) |
| Hon. Ken Muraguri Muchiri | Resident Magistrate |
| KAKUMA LAW COURTS | |
| Hon. Jackline Wekesa Mukhwana | Principal Magistrate |
| Hon. Rashid Kokonya Otundo | Principal Kadhi |
| NANYUKI LAW COURTS | |
| Hon. Lucy Mutai | Chief Magistrate |
| Hon. Ben Mararo | Principal Magistrate |
| Hon. Vincent Masivo Mechumo | Resident Magistrate |
| NYAHURURU LAW COURTS | |
| Hon. Judith Wanjala | Chief Magistrate |
| Hon. Charles Obulutsa | Chief Magistrate |
| Hon. Susan Njeri Mwangi | Senior Resident Magistrate |
| Hon. James H. S. Wanyanga | Senior Resident Magistrate |
| Hon. Cynthia Mercy Muhoro | Resident Magistrate |
| Hon. Vincent Kipkoech Kiplagat | Resident Magistrate |
| NYERI LAW COURTS | |
| Hon. Wendy K. Micheni | Chief Magistrate |
| Hon. James Macharia Muriuki | Senior Principal Magistrate |
| Hon. Harrison Adika Musa Sajide | Principal Magistrate (DR CoA) |
| Hon. Mathias Okuche | Principal Magistrate |
| Hon. Ruth Kefa Chebesio | Principal Magistrate |
| Hon. Nelly Wangechi Kariuki | Principal Magistrate (DR HC) |
| Hon. Faith Kawira Muguongo | Senior Resident Magistrate |
| Hon. Maisy Pauline Chesang | Resident Magistrate |
| Hon. Mercyline Nafula Lubia | Resident Magistrate (DR HC) |
| Hon. Bedzenga Said Khamis | Senior Principal Kadhi |
| OTHAYA LAW COURTS | |
| Hon. Monica Nasiche Munyendo | Principal Magistrate |
| Hon. David Muchangi Ireri | Senior Resident Magistrate |
| KARATINA LAW COURTS | |
| Hon. Agnes Mwangi Wahito | Principal Magistrate |
| Hon. Njalale Karen Mukhaye | Principal Magistrate |
| Hon. Viola Sandrah Kosgei | Resident Magistrate |
| MUKURWEINI LAW COURTS | |
| Hon. Dennis Kiprono Matutu | Principal Magistrate |
| Hon. Edina Nyaboke Angima | Resident Magistrate |
| MURANG'A LAW COURTS | |
| Hon. Benjamin A. Mitullah | Senior Principal Magistrate |

| | |
|---|---|
| Hon. Edwin Nyaga Muriuki | Senior Principal Magistrate |
| Hon. Victoria Achieng Ochanda | Senior Resident Magistrate (DR HC) |
| Hon. Sheila Karimi Nyaga | Resident Magistrate |
| KANGEMA LAW COURTS | |
| Hon. Peter N. Kiama | Senior Principal Magistrate |
| Hon. Irene Wangui Gichobi | Principal Magistrate |
| KIGUMO LAW COURTS | |
| Hon. Kibet Sambu | Senior Principal Magistrate |
| Hon. Eddah Savai Agade | Senior Resident Magistrate |
| THIKA LAW COURTS | |
| Hon. Julius Mukut Nangea | Chief Magistrate |
| Hon. Anne Mwangi | Chief Magistrate |
| Hon. Ben Mark Ekhubi | Principal Magistrate |
| Hon. Faith Mueni Mutuku | Principal Magistrate (DR ELC) |
| Hon. Vicky Adhiambo Kachuodho | Senior Resident Magistrate |
| Hon. Oscar M. Ruguru Wanyaga | Senior Resident Magistrate |
| Hon. Electer Akoth Riany | Senior Resident Magistrate |
| Hon. Valarie Emelda Adhiambo | Resident Magistrate |
| RUIRU LAW COURTS | |
| Hon. Clarence Otieno Awuor | Senior Principal Magistrate |
| Hon. Jacqueline A. Agonda | Principal Magistrate |
| Hon. Catherine K. Kisiangani | Senior Resident Magistrate |
| GATUNDU LAW COURTS | |
| Hon. Letizia M. Wachira | Chief Magistrate |
| Hon. Hosea Mwangi Ng'ang'a | Principal Magistrate |
| KANDARA LAW COURTS | |
| Hon. Manuela Wanjiru Kinyanjui | Principal Magistrate |
| Hon. Erick Musyoka Mutunga | Principal Magistrate |
| Hon. Margaret Wangare Kurumbu | Senior Resident Magistrate |
| KIAMBU LAW COURTS | |
| Hon. Patricia Gichohi | Chief Magistrate |
| Hon. Stella Atambo | Chief Magistrate |
| Hon. Theresa B. Nyangena | Senior Principal Magistrate |
| Hon. Grace A. Omodho | Principal Magistrate |
| Hon. Wilson Rading Outa | Senior Resident Magistrate (DR HC) |
| Hon. Rita Kerubo Orora | Resident Magistrate |
| GITHUNGURI LAW COURTS | |
| Hon. Barbara Ojoo | Senior Principal Magistrate |
| Hon. Victor Karago Asiyo | Senior Resident Magistrate |
| KIKUYU LAW COURTS | |
| Hon. Daniel Musyoka Ngalu | Senior Principal Magistrate |
| Hon. Zipporah Wawira Gichana | Principal Magistrate |
| Hon. Geoffrey Onsarigo Osoro | Senior Resident Magistrate |
| LIMURU LAW COURTS | |
| Hon. Everlyne S.A. Olwande | Chief Magistrate (JSC Rep) |
| Hon. Carolyne Nyaguthii M. Makari | Senior Resident Magistrate |
| Hon. Fredrick Koome Imaana | Resident Magistrate |
| KAHAWA LAW COURTS | |
| Hon. Diana Rachel K. Mochache | Chief Magistrate |
| Hon. Boaz Maura Ombewa | Senior Principal Magistrate |
| ENGINEER LAW COURTS | |
| Hon. Harrison Barasa Omwima | Senior Principal Magistrate |
| Hon. Daffline Nyaboke Sure | Senior Resident Magistrate |
| Hon. Rawlings Liluma Musiega | Resident Magistrate |
| KERUGOYA LAW COURTS | |

| | |
|---|---|
| Hon. Alex Ithuku | Chief Magistrate |
| Hon. Eric Otieno Wambo | Principal Magistrate |
| Hon. Grace Wangui Kirugumi | Principal Magistrate |
| Hon. Charity Cheruto Kipkorir | Principal Magistrate |
| BARICHO LAW COURTS | |
| Hon. Antony Kinuthia Mwicigi | Senior Principal Magistrate |
| Hon. Monicah Njoki Kivuti | Senior Resident Magistrate |
| GICHUGU LAW COURTS | |
| Hon. Leah Wandia Kabaria | Principal Magistrate |
| Hon. Keyne Odhiambo Gweno | Resident Magistrate |
| WANG'URU LAW COURTS | |
| Hon. Gerald Muuo Mutiso | Senior Principal Magistrate |
| Hon. Miriam Mugure Peter | Principal Magistrate |
| EMBU LAW COURTS | |
| Hon. Henry Nyabuto Nyakweba | Senior Principal Magistrate |
| Hon. Julian Kabugo Ndeng'eri | Senior Resident Magistrate |
| Hon. Tony Kipkorir aka Tony Kwambai | Senior Resident Magistrate |
| RUNYENJES LAW COURTS | |
| Hon. Josephat Waititu Gichimu | Senior Principal Magistrate |
| Hon. Sharon Phoebe Ouko | Resident Magistrate |
| SIAKAGO LAW COURTS | |
| Hon. Ngumi Wangeci | Principal Magistrate |
| Hon. Edwin Wasike Nyongesa | Principal Magistrate |
| MERU LAW COURTS | |
| Hon. Dominica Nyambu | Chief Magistrate |
| Hon. Stella Nabwire Abuya | Chief Magistrate |
| Hon. Thomas Mwangi Muraguri | Senior Principal Magistrate |
| Hon. Evans Ayiema Mbicha | Principal Magistrate (DR HC) |
| Hon. Leah N. Juma Kisabuli | Senior Resident Magistrate |
| Hon. Maureen Atieno Odhiambo | Resident Magistrate |
| Hon. Edward Tsimonjero | Resident Magistrate |
| Hon. Muriuki Nicholas Murithi | Kadhi I (SRK) |
| CHUKA LAW COURTS | |
| Hon. John Njoroge Muniu | Chief Magistrate |
| Hon. Mwakwambirwa M. Sudi | Principal Magistrate |
| Hon. Racheal Njoki Kahara | Senior Resident Magistrate |
| MARIMANTI LAW COURTS | |
| Hon. Peter Maina Ndwiga | Chief Magistrate |
| Hon. Stephen Munene Nyaga | Senior Resident Magistrate |
| NKUBU LAW COURTS | |
| Hon. Joan Irura Muringi | Principal Magistrate |
| Hon. Ezra Masira Ayuka | Senior Resident Magistrate |
| GITHONGO LAW COURTS | |
| Hon. Susan Ndegwa | Senior Principal Magistrate |
| Hon. Evalyne Wachera Ndegwa | Resident Magistrate |
| MAUA LAW COURTS | |
| Hon. Tito Maoga Gesora | Chief Magistrate |
| Hon. Carolyne Kenda Obara | Senior Principal Magistrate |
| Hon. Andrew Githinji Munene | Principal Magistrate |
| Hon. Millicent Chepkurui Nyigei | Senior Resident Magistrate |
| TIGANIA LAW COURTS | |
| Hon. Sogomo Gathogo | Principal Magistrate |
| Hon. Paul Matanda Wechuli | Senior Resident Magistrate |
| Hon. Rose Akoth Ongira | Resident Magistrate |

| | |
|---|---|
| MACHAKOS LAW COURTS | |
| Hon. Alfred Gethi Kibiru | Chief Magistrate |
| Hon. Evans Hezekiah Keago | Chief Magistrate |
| Hon. Carolyne Ocharo | Senior Principal Magistrate |
| Hon. Anne Wanjiku Nyoike | Principal Magistrate |
| Hon. Charles Nchore Ondieki | Principal Magistrate |
| Hon. Jerop Brenda Bartoo | Senior Resident Magistrate |
| Hon. Nelly Chelagat K. Kenei | Resident Magistrate |
| Hon. Eric Analo Musambai | Resident Magistrate |
| Hon. Khamis Ramadhani | Principal Kadhi |
| MAVOKO LAW COURTS | |
| Hon. Charity Chebii Oluoch | Chief Magistrate |
| Hon. Bernard Kasavuli | Principal Magistrate |
| Hon. Hellen Onkwani | Principal Magistrate |
| Hon. Rose Wahu Gitau | Resident Magistrate |
| KITHIMANI LAW COURTS | |
| Hon. Gilbert Omuyaku Shikwe | Principal Magistrate |
| Hon. Eva Wanjiku Wambugu | Senior Resident Magistrate |
| KANGUNDO LAW COURTS | |
| Hon. Desderias Orimba | Senior Principal Magistrate |
| Hon. Martha Akoth Opanga | Senior Resident Magistrate |
| TAWA LAW COURTS | |
| Hon. Martin Kinyua Mutegi | Principal Magistrate |
| Hon. Lawrence Kyasya Mwendwa | Principal Magistrate |
| MAKUENI LAW COURTS | |
| Hon. James N. Mwaniki | Chief Magistrate |
| Hon. George Rachemi Sagero | Senior Resident Magistrate |
| Hon. Joan Atieno Otieno | Resident Magistrate |
| KILUNGU LAW COURTS | |
| Hon. Charles Alberto O. Mayamba | Principal Magistrate |
| Hon. Elizabeth Murugi Muiru | Principal Magistrate |
| MAKINDU LAW COURTS | |
| Hon. Jared O. Magori | Senior Principal Magistrate |
| Hon. Benson Ireri | Senior Principal Magistrate |
| Hon. Anastasia Gathoni Ndung'u | Senior Resident Magistrate |
| Hon. Jacqueline Dama Karani | Resident Magistrate |
| KITUI LAW COURTS | |
| Hon. Stephen Mbungi | Chief Magistrate |
| Hon. Margaret A. Kasera | Senior Principal Magistrate |
| Hon. Felistus Nekesa Okola | Resident Magistrate |
| Hon. Maureen Mumbi Kimani | Resident Magistrate |
| Hon. Mvudi Masoud Makange | Kadhi I (SRK) |
| MUTOMO LAW COURTS | |
| Hon. Paul Mutia Mayova | Principal Magistrate |
| Hon. John Waweru Wang'ang'a | Senior Resident Magistrate |
| MWINGI LAW COURTS | |
| Hon. Mogire Onkoba | Principal Magistrate |
| Hon. Israel Gwiyo Ruhu | Resident Magistrate |
| KYUSO LAW COURTS | |
| Hon. Mercy Nasimiyu Wanyama | Principal Magistrate |
| Hon. John Ochoe Aringo | Senior Resident Magistrate |
| MARSABIT LAW COURTS | |
| Hon. Tom Mbayaki Wafula | Senior Resident Magistrate |
| Hon. Collins Ombija Apiyo | Resident Magistrate |

| | |
|---|---|
| Hon. Adan Ibrahim Tullu | Principal Kadhi |
| ISIOLO LAW COURTS | |
| Hon. Samuel M. Mungai | Chief Magistrate |
| Hon. Evanson Ngigi | Principal Magistrate |
| Hon. Athman Abduhalim Hussein | Senior Principal Kadhi |
| Hon. Galgalo Adan | Principal Kadhi – Garbatulla |
| Hon. Mustafa Guyo Shunu | Kadhi I (SRK) – Merti |
| MOYALE LAW COURTS | |
| Hon. Edward Kiprono Too | Principal Magistrate |
| Hon. Simon Kimani Mburu | Principal Magistrate |
| Hon. Ali Dida Wako | Principal Kadhi |
| MOMBASA LAW COURTS | |
| Hon. Evans K. Makori | Chief Magistrate |
| Hon. Ameyo Edna Asachi Nyaloti | Chief Magistrate |
| Hon. Francis N. Kyambia | Chief Magistrate |
| Hon. Charles Ngure Ndegwa | Senior Principal Magistrate |
| Hon. Alberty Saitabau Lesootia | Principal Magistrate (DR ELRC) |
| Hon. Maureen Lambisia Nabibya | Principal Magistrate |
| Hon. Martin Osano Achoka Rabera | Principal Magistrate |
| Hon. Vincent Okello Adet | Principal Magistrate |
| Hon. Ritah Mukungu Amwayi | Senior Resident Magistrate |
| Hon. Gideon Kiage Oenga | Senior Resident Magistrate |
| Hon. Christine Atieno Ogweno | Resident Magistrate |
| Hon. Erastus Maina Muchoki | Resident Magistrate |
| Hon. Joshua Muchera Nyakiri | Resident Magistrate |
| KADHIS' COURT MOMBASA | |
| Hon. Al Muhdhar A. Hussein | Chief Kadhi |
| Hon. Juma A. Abdalla | Senior Principal Kadhi |
| Hon. Habib Salim Vumbi | Principal Kadhi |
| TONONOKA CHILDREN'S COURT | |
| Hon. Viola Jepkorir Yator | Principal Magistrate |
| Hon. Lucy Khahendi Sindani | Senior Resident Magistrate |
| SHANZU LAW COURTS | |
| Hon. Florence Wangari Macharia | Chief Magistrate |
| Hon. Yusuf Abdalla Shikanda | Principal Magistrate |
| Hon. David Ochieng Odhiambo | Resident Magistrate |
| MALINDI LAW COURTS | |
| Hon. Julie Oseko (Dr.) | Chief Magistrate |
| Hon. William Chepseba | Chief Magistrate |
| Hon. Dorothy Ivy N.N. Wasike | Senior Resident Magistrate |
| Hon. Olga Juma Kanaiza Onalo | Resident Magistrate |
| Hon. Talib B. Mohammed | Senior Principal Kadhi |
| GARSEN LAW COURTS | |
| Hon. Paul K. Rotich | Senior Principal Magistrate |
| Hon. Eugene Melville Kadima | Senior Resident Magistrate |
| Hon. Mursal Mohamed Sizi | Kadhi I (SRK) |
| KALOLENI LAW COURTS | |
| Hon. Leah Njambi Waigera | Principal Magistrate |
| Hon. Mary Wanjiru Njuguna | Resident Magistrate |
| KILIFI LAW COURTS | |
| Hon. Justus Mulei Kituku | Senior Principal Magistrate |
| Hon. Daniel Sitati Sifuma | Resident Magistrate |
| Hon. Mwambele M. Suleiman | Kadhi I (SRK) |
| VOI LAW COURTS | |
| Hon. Dorcas Wangeci Maiteri | Principal Magistrate |
| Hon. Cecilia Karimi Kithinji | Principal Magistrate |
| Hon. Fredrick Mayaka Nyakundi | Senior Resident Magistrate |
| Hon. Abdullahi Mohammed | Senior Principal Kadhi |
| MARIAKANI LAW COURTS | |
| Hon. Stephen Kalai Ngii | Principal Magistrate |
| Hon. Nelly Chepchirchir | Senior Resident Magistrate |
| Hon. Omar Khamis Swaleh | Kadhi I (SRK) |
| WUNDANYI LAW COURTS | |
| Hon. Emily Moraa Nyakundi | Resident Magistrate |
| TAVETA LAW COURTS | |

| | |
|---|---|
| Hon. Benson Sikuku Khapoya | Principal Magistrate |
| Hon. Louser Adisa Chembeni | Resident Magistrate |
| KWALE LAW COURTS | |
| Hon. Joe Mkutu Omido | Senior Principal Magistrate |
| Hon. Patrick Wambugu Mwangi | Principal Magistrate |
| Hon. Christine Kemuma Auka | Resident Magistrate |
| Hon. Mwaito Salim Juma | Principal Kadhi |
| Hon. Wendo Shaban Wendo | Kadhi I (SRK) |
| MSAMBWENI LAW COURTS | |
| Hon. Sandra Achieng Ogot | Senior Resident Magistrate |
| Hon. Mohamed Garama Randu | Kadhi I (SRK) |
| LAMU LAW COURTS | |
| Hon. Allan Temba Sitati | Principal Magistrate |
| Hon. Martin Maina Wachira | Principal Magistrate |
| Hon. Swaleh Mohamed Ali | Principal Kadhi |
| MPEKETONI LAW COURTS | |
| Hon. Robert G. Mundia | Principal Magistrate |
| Hon. Eugene Pascal Nabwana | Resident Magistrate |
| Hon. Gavava Awadh Mohamed | Kadhi I (SRK) – Witu |
| HOLA LAW COURTS | |
| Hon. Peter Aloyce Ndege | Principal Magistrate |
| Hon. Benson Ngigi Kabanga | Resident Magistrate |
| Hon. Salim Mwidadi Abdullah | Principal Kadhi |
| GARISSA LAW COURTS | |
| Hon. Cosmas M. Maundu | Chief Magistrate |
| Hon. Timothy Ole Tanchu | Senior Resident Magistrate |
| Hon. Dennis Waweru Mbuteti | Resident Magistrate |
| Hon. Sheikh M. Hassan | Senior Principal Kadhi |
| Hon. Dogo Sheikh Dabasoo | Kadhi I (SRK) |
| Hon. Abdiaziz Maalim Mohamed | Principal Kadhi – Modogashe |
| Hon. Daffa Hassan Omar | Kadhi I (SRK) – Bura (Fafi) |
| Hon. Mohamud I. Mohamed | Kadhi I (SRK) – Balambala |
| Hon. Mohamed Kule Muhumed | Kadhi I (SRK) – Ijara |
| DAADAB LAW COURTS | |
| Hon. James Jesse Masiga | Principal Magistrate |
| Hon. Fahad Ismael Mohamed | Kadhi I (SRK) |
| WAJIR LAW COURTS | |
| Hon. Amos Kiprop Makoross | Principal Magistrate |
| Hon. Vincent Mugendi Nyaga | Senior Resident Magistrate |
| Hon. Abdi Osman Sheikh | Kadhi I (SRK) |
| Hon. Dadacha Ali Ibrahim | Kadhi I (SRK) – Bute |
| Hon. Wehliye Mohamed Sheikh | Kadhi I (SRK) – Eldas |
| HABASWEIN KADHIS COURT | |
| Hon. Malampu Abdilatif Silau | Principal Kadhi |
| MANDERA LAW COURTS | |
| Hon. Peter Wabomba Wasike | Senior Resident Magistrate |
| Hon. Mukabi Kimani | Senior Resident Magistrate |
| Hon. Sambul M. Muhiyidin | Kadhi I (SRK) |
| Hon. Hussein Mohamed Hassan | Kadhi I (SRK) – Elwak |
| Hon. Ahmed Issack Maalim | Kadhi I (SRK) –Takaba |

Dated the 15th November, 2021.

MARTHA K. KOOME,
*Chief Justice and President of the Supreme Court.*



PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI