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STATE OF THE JUDICIARY AND THE ADMINISTRATION OF JUSTICE ANNUAL REPORT 2015 – 2016

FOREWORD

The State of the Judiciary and Administration of Justice Report (SOJAR) is produced in compliance with Section 5(2) (b) of the Judicial Service Act, which requires the Chief Justice to prepare, gazette and submit the Report to Parliament for debate and adoption. This is the 4th SOJAR in the series, and it covers the 2015/2016 financial year.

This edition of the Report is coming out slightly late, largely because its production fell in between the leadership transition in the Judiciary when the Chief Justice, Hon. Dr. Willy Mutunga, retired in mid-June 2016 - which was before the end of the reporting period, while I assumed office later in October 2016 – which was well after the reporting period. This report therefore covers a period before I became Chief Justice and a short period when there was no Chief Justice in office. Nevertheless, in order to comply with the obligations of the law and the constitutional imperative of public accountability, I am happy to release it under my hand. I am, in this respect, 'holding brief' in reporting the successes and developments in the Judiciary and in justice sector in the FY2015/2016.

The very fact that the 4th edition of SOJAR is coming out in my hand is testimony to the successful transition that the Judiciary has made from one Chief Justice to another. I wish to commend the Judicial Service Commission (JSC) for successfully managing this transition in a credible and professional manner, and for giving the Kenyan people confidence and comfort in the stability of this important institution.

The 4th edition of SOJAR marks a major milestone in the history of the Judiciary as it coincides with the end of the first phase of the Judiciary transformation programme, which commenced in 2012. Therefore, it is both the traditional annual report of the FY2015/16, as well as a report of the tremendous progress that has been made over the last five years under the Judiciary Transformation Framework (JTF) whose brief scorecard I attach at the end of this document. I wish to thank the immediate former Chief Justice for his leadership, service and achievements during that period, and for putting the Judiciary on a strong transformational path.

Indeed, when one examines all the major indices of transformation, significant progress has been made. For example, case backlog has reduced from over 1 million in 2011 to 499,341 in 2016; the number of judges has increased from 53 to 136; Court of Appeal judges from 11 to 25; magistrates from 316 to 424; Kadhis from 15 to 56. The number of High Court stations has also risen from 14 to 35; the Court of Appeal has been decentralised from only 1 station in Nairobi to 4 stations in four counties in the country; mobile court stations have increased from 15 to 52; the infrastructural development has been phenomenal with over 100 court constructions going on some of which have been completed; the Judiciary Training Institute has been revived; several key policy documents have been developed, including policies on human resource management, finance, transfer policy for judges, judicial officers and staff; bail and bond policies; sentencing policy guidelines; performance management has been institutionalised; the Judiciary Fund established; the remuneration and terms and conditions of service for employees vastly improved.

Further, the Judiciary's budget has increased from Kshs. 9 billion to Kshs. 16 billion; revenue collection has shot up from Kshs. 500 million annually to Kshs 2.1 billion. A learning culture has been established evidenced by significant shifts in the education profile of the Judiciary staff: there has been a remarkable 124% increment in the number of employees now holding university degrees. A total of 9 magistrates and staff have benefitted from the Chief Justice Scholarship Initiative and JTI now conducts at least 65 training sessions every year up from a mere 5 trainings five years ago.

Beyond the quantitative figures, the Judiciary has also changed qualitatively. Culturally, the institution has become more open and friendlier to the public and has forged very productive partnerships with a wide range of stakeholders in the private and public sectors, civil society organizations and development partners. Importantly, the Judiciary has asserted its independence as a co-equal arm of government and has courageously upheld and protected the Constitution, 2010 through its jurisprudential pronouncements and public posture.

This well-beaten path of success and transformation is one we cannot afford to depart from. It is for this reason that I have christened my Blueprint, "Sustaining Judiciary Transformation: A Service Delivery Charter", in order to build on the gains already made but enhance the quality of the services we offer to the public.

This edition of SOJAR is divided into seven chapters. Chapter 1 presents the key developments in the Leadership and Management of the institution while Chapter 2 examines Access to Justice both from caseload data and policy development perspectives. Chapter 3 focuses on major jurisprudential developments in our courts while Chapters 4 and 5 look at Human Resource Management and Training, respectively. Chapter 6 discusses the state of Judiciary's Budget and Infrastructure. Chapter 7 looks at Inter-Agency collaboration in the context of the National Council on the Administration of Justice (NCAJ). Unlike previous SOJARs, the first part of this edition presents the State of the Judiciary and the second part (Chapter 7) presents the state of the administration of the Justice Sector generally.

Finally, I wish to thank the entire Judiciary family and the National Council on the Administration of Justice fraternity for the good work that they have done in the justice sector. I also wish to most sincerely thank the SOJAR Preparatory Committee and editorial team comprised of Hon. Moses Wanjala (Chair), Duncan Okello, Irene Omari, John Muriuki, Hon. Joseph Were, Hon. Lorraine Ogombe, Hon. Lyna Sarapai, Hon. Daisy Mosse, Dr. Masha Baraza, Fred Nyinguro, Anne Asuga, Moses Maranga, Leonard Audi, Jackie Mulwa, Martha Mueni, James Kyeni and Mercy Abayo.

Dated the 8th June, 2017.

JUSTICE DAVID KENANI MARAGA,
Chief Justice and President of the Supreme Court of Kenya
Chair, National Council on the Administration of Justice (NCAJ).

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LIST OF ACRONYMS

AACs	Area Advisory Councils
ACA	Anti-Counterfeit Agency
ACC	Advocates Complaints Commission
ACM	Active Case Management
ACSA	African Correctional Services Association
ACU	Aids Control Unit
ADOC	Alternative Dispute Operationalization Committee
ADR	Alternative Dispute Resolution
AG	Attorney General
AIE	Authority to Incur Expenditure
AJS	Alternative Justice System
ALB	Auctioneers Licensing Board
ANAW	Africa Network for Animal Welfare
AOC	Alternative Dispute Operationalization Committee
ASK	Agricultural Society of Kenya Shows
ATP	Advocates Training Programme
AU	African Union
BBIC	Bail and Bond Implementation Committee
BCUC	Business Court Users Committee
BIC	Best Interests of the Child
BPRT	Business Premises Rent Tribunal
CAM	Court Annexed Mediation
CBA	Collective Bargain Agreements
CCPOs	Child Care and Protection Officers
CCR	Case Clearance Rate
CDC	Center for Disease Control
CDF	Constituency Development Funds
CEO	Chief Executive Officer
CIC	Case Intake Committee
CID	Criminal Investigations Department
CJ	Chief Justice
CJE	Continuous Judicial Education
CJS	Criminal Justice System
CLE	Council of Legal Education
COA	Court of Appeal
COG	Council of Governors
CPCs	Child Protection Centres
CPIMS	Child Protection Information Management System
CPTA	Committee on the Prevention of Torture in Africa
CPUs	Child Protection Units
CR	Criminal
CRC	Convention on the Rights of the Child
CRJ	Chief Registrar of the Judiciary
CRPD	Convention on the Rights of Persons with Disability
CSO	Civil Society Organization
CTiP	Counter Trafficking in Persons
CT-OVC	Cash Transfer - Orphans and Vulnerable
CUCs	Court Users Committees
CV	Civil
DCI	Directorate of Criminal Investigation
DCJ	Deputy Chief Justice
DCRT	Daily Court Returns Template
DPAC	Directorate of Public Affairs and Communication
DPP	Directorate of Public Prosecution
DR	Deputy Registrar
EAAP	East Africa Association of Prosecutors
EABC	East Africa Business Council
EAC	East Africa Community
EACC	Ethics and Anti-Corruption Commission
EIA	Environmental Impact Assessment
ELC	Environment and Land Court
ELRC	Employment and Labour Relations Court
EMCA	Environmental Management and Co-ordination Act
FGM	Female Genital Mutilation
Fida - Kenya	Federation of Women Lawyers in Kenya
FiRe	Financial Reporting
FRC	Finance Reporting Centre
FY	Financial Year
GALCK	Gay and Lesbian Coalition of Kenya
GBV	Gender Based Violence
GIZ	Gesellschaft für Internationale Zusammenarbei
GJLOS	Governance, Justice Law and Order Sector

HAPCA	HIV and AIDS Prevention Control Act
HC	High Court
HRDs	Human Rights Defenders
IAU	Internal Affairs Unit
IC	Initiated Cases
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Commission of Jurists
ICPA	International Corrections and Prisons Association
ICT	Information and Communication Technology
IDAHOT	International Day Against Homophobia, Transphobia and Biphobia
IDLO	International Development Law Organization
IDPs	Internally Displaced Person
IEBC	Independent Electoral and Boundaries Commission
IEC	Information, Education and Communication
IFMIS	Integrated Financial Management Information System
IG	Inspector General of Police
IGAD	Intergovernmental Authority on Development
IGRA	Intergovernmental Relations Act
IJS	Informal Justice Systems
IPMAS	Integrated Performance Management and Accountability System
IPOA	Independent Policing Oversight Authority
IPSAS	International Public Sector Accounting Standard
IPT	Industrial Property Tribunal
IT	Information Technology
JATS	Judiciary Audio Transcription System
JAVIT	Judiciary Audio-Visual Transcription System
JCE	Judiciary Committee on Elections
JFMIS	Judiciary Integrated Management Information System
JICA	Japan International Cooperation Agency
JJAs	Juvenile Justice Agencies
JKUAT	Jomo Kenyatta University of Agriculture and Technology
JMVB	Judges and Magistrates Vetting Board
JNS	Justice Needs Survey
JOSS	Judiciary of South Sudan
JPIP	Judicial Performance Improvement Program
JSC	Judicial Service Commission
JTF	Judiciary Transformation Framework
JTI	Judicial Training Institute
JTSP	Judiciary Transformation Support Project
JUV	Juvenile
JWCEP	Judiciary Working Committee on Election Preparations
JWC-T	Judiciary Working Committee on the Transition and Restructuring of the Tribunals
KAM	Kenya Association of Manufacturers
KCA	Kenya Children Assembly
KEBs	Kenya Bureau of Standards
KECOBO	Kenya Copyright Board
KELIN	Kenya Legal and Ethical Issues Network
KeNHA	Kenya National Highways Authority
KESSULO	Kenya South Sudan Liaison Office
KHRC	Kenya Human Rights Commission
KIP	Kenya Integrity Plan
KIPI	Kenya Industrial Property Institute
KISCOL	Kwale International Sugar Company Limited
KLRC	Kenya Law Reform Commission
KMJA	Kenya Magistrates and Judges Association
KNCHR	Kenya National Commission on Human Rights
KNUT	Kenya National Union of Teachers
KPS	Kenya Police Service
KSL	Kenya School of Law
KUAPO	Kenyans United Against Poaching
KURA	Kenya Urban Roads Authority
KWS	Kenya Wildlife Services
LAN	Local Area Network
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex, And Questioning
LLM	Master of Laws
LRA	Land Registration Act
LRF	Legal Resource Foundation
LSK	Law Society of Kenya
MAC	Mediation Accreditation Committee
MDA's	Ministries, departments, agencies
MDR	Mediation Deputy Registrars
MKCRM	Magistrates and Kadhis Courts Registry Manual
MoU	Memorandum of Understanding
MRC	Mombasa Republican Council
MTP	Medium Term Plan
MUHURI	Muslims for Human Rights
NACC	National Aids Control Council
NACCSC	The National Anti-Corruption Campaign Steering Committee
NALEAP	National Legal Aid (and Awareness) Programme
NCAJ	National Council on the Administration of Justice

NCIC	National Cohesion and Integration Commission
NCLR	National Council on Law Reporting
NCPWD	National Council of Persons with Disability
NCRC	National Crime Research Centre
NEMA	National Environmental Management Authority
NET	National Environment Tribunal
NGEC	National Gender & Equality Commission
NGO	Non-Governmental Organisation
NHIF	National Hospital Insurance Fund
NLC	National Land Commission
NMK	Nation Media Kenya
NPS	National Police Service
NPSC	National Police Service Commission
NTSA	National Transport and Safety Authority
NVK	New Vision Kenya
NYS	National Youth Service
OAG&DOJ	Office of the Attorney General and Department of Justice
OCJ	Office of the Chief Justice
OCS	Officer Commanding Station
ODCJ	Office of the Deputy Chief Justice
ODPP	Office of the Director of Public Prosecution
OJO	Office of the Judiciary Ombudsperson Office
ORMC	Office of Registrar Magistrate Court
ORMS	Offender Records Management
P&C	Protection and Care
PAD	Project Appraisal Document
PAS	Performance Management System
PFM	Public Finance Management Act
PIL	Public Interest Litigation
PMD	Performance Management Directorate
PMMUs	Performance Management and Measurement Understandings
POCA	Proceeds of Crime and Anti-Money
POCA	Prevention of Organized Crimes Act
POCAMLA	Proceeds of Crime and Anti-Money Laundering Act
PPDT	Political Parties Disputes Tribunal
PPOA	Public Procurement Oversight Authority
PRI	Penal Reform International
PSAs	Public Service Announcements
PSC	Public Service Commission
PSTC	Prisons Staff Training College
PSV	Public Service Vehicle
PWDs	Persons Living with Disability
QMS	Queue Management System
RC	Resolved Cases
RETRAK	Retail Trade Association of Kenya
RHC	Registrar High Court
RMC	Registrar Magistrate Court
RRT	Rent Restriction Tribunal
SALWs	Small arms and light weapons
SCJ	Supreme Court Judge
SGBV	Sexual and Gender-Based Violence
SGR	Standard Gauge Railway
SIL	Strategic Impact Litigation
SLAA	Security Laws (Amendment) Act
SOA	Sexual Offences Act
SOJAR	State of the Judiciary and the Administration of Justice Report
SOPs	Standard Operating Procedures
SRC	Salary and Remuneration Commission
SSR	Security Sector Reform
SWG	Special Working Group
TA	Transition Authority
TB	Tuberculosis
TC	Technical Committee
TDGA	Transition to Devolved Government Act
TJRC	Truth Justice and Reconciliation Commission
TNA	Training Needs Assessment
TOT	Training of Trainers
TSC	Teachers Service Commission
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
UPR	Universal Periodic Review
UW	University of Washington
WAN	Wide Area Network
WHO	World Health Organisation
WPA	Witness Protection Agencies
WPP	Witness Protection Programme

STATE OF THE JUDICIARY

CHAPTER 1: LEADERSHIP AND MANAGEMENT

1.0 Leadership and Management Outlook, 2015/2016

1.1 Introduction

The leadership of the Judiciary is guided by the principles set out in Article 1 of the Constitution of Kenya. Article 1 (1) (c) provides that sovereign authority belongs to the people of Kenya and they have delegated it to various organs of state, including the Judiciary. Under Article 159 of the Constitution, the authority delegated to the Judiciary is to be exercised through the courts and tribunals. All tribunals are in the process of being transited to the Judiciary as envisaged by the Constitution.

The Chief Justice is the Head of the Judiciary, Chair of the Judicial Service Commission (JSC), Chair of the National Council on Law Reporting (NCLR) and the Chair of National Council on the Administration of Justice (NCAJ). The Chief Justice is assisted by the Deputy Chief Justice (DCJ) who is the Deputy Head of the Judiciary. Art. 161(2)(b) establishes the Office of the Deputy Chief Justice (ODCJ), and the functions, duties and responsibilities exercised by the Deputy Chief Justice are delegated by the Chief Justice. Article 161 (2) (c) of the Constitution establishes the Office of the Chief Registrar of the Judiciary who is the Accounting Officer and Chief Administrator of the Judiciary, Secretary to the JSC, NCLR and NCAJ.

The Constitution under Articles 164 (2) and 165 (2) establishes the offices of President of the Court of Appeal (PCA) and Principal Judge (PJ) of the High Court, respectively. These two offices form an integral and vital part of Judiciary leadership.

1.2 Leadership Transition in the Judiciary

This was a significant year for the Judiciary as it also marked the first leadership transition in the institution under the new Constitution. The first Chief Justice appointed under the new Constitution, Hon. Dr. Willy Mutunga, retired on 16th June 2016 upon attainment of the retirement age. The positions of Deputy Chief Justice and Judge of the Supreme Court also fell vacant following a decision of the Supreme Court whose import required that Deputy Chief Justice Lady Justice Kalpana Rawal and Hon. Justice Philip Tunoi retire immediately after attaining the retirement age of 70 years.

In the absence of the Deputy Chief Justice, and in compliance with the law, the outgoing Chief Justice handed over the leadership of the Supreme Court to the senior most judge, Hon. Justice Mohammed Ibrahim, to serve as head of the court in an acting capacity.

The process of appointing his successor commenced on the 17th June 2016. The process was due for finalization in October 2016. The JSC was also to interview for and nominate a candidate to fill the position of Deputy Chief Justice and Judge of the Supreme Court (SCJ).

1.3 Policy-Strategic Transition

In the FY 2015/2016, the Judiciary finalized the transition from the Judiciary Transformation Framework (JTF), to the Strategic Plan 2014-2018. The Strategic Plan takes up the reform agenda commenced by the JTF and will be due for review in the next financial year.

It is worth noting that the Judiciary spending units successfully completed their Work Plan sessions by December 2015, allowing for the consolidation of the Work Plans and Procurement Plans, and implementation of the budgets for presentation to Parliament, Treasury and the Public Procurement Oversight Authority (PPOA). The Performance Management and Measurement Understanding (PMMU) and Performance Appraisal System (PAS) were also successfully undertaken in the first year.

1.4 Major Policy Developments

The Judiciary developed several procedural, administrative and policy documents during the reporting period. These documents were a product of very elaborate consultative processes involving internal and external stakeholders. Some of these policies were developed in fulfilment of the requirements of the law while others were administrative interventions reflecting the leadership priorities of the institution in pursuance of public good of promoting access to justice.

The following Policy documents were developed and launched in the FY2015/16.

1. The Judiciary Strategic Plan
2. The Judicial Service Commission Charter
3. The Human Resource Manual
4. Finance Procedures Manual
5. Transfer Policy for Judges, Judicial Officers and Staff
6. Transfer Policy for Judges of the Court of Appeal
7. Bail and Bond Policy Guidelines
8. The Supreme Court Registry Manual
9. The Supreme Court Rules, 2016
10. The High Court Registry Operations Manual
11. The Magistrates' and Kadhis' Courts Registry Manual
12. Employment and Labor Relations Court Service Delivery Charter
13. Guidelines for Active Case Management in Criminal Proceedings
14. NCAJ The Guidelines on Handling of Traffic Matters

i. Active Case Management Guidelines

In order to improve on the case management in criminal proceedings in Kenya, the Judiciary Training Institute (JTI) and NCAJ, with the support of International Development Law Organization (IDLO), United Nations Office on Drugs and Crime (UNODC) and British High Commission, developed the Active Case Management Guidelines under the leadership of Hon. Mr. Justice Anyara Emukule. The Guidelines are being piloted in four selected courts.

ii. Sentencing Policy Guidelines

The Chief Justice received the report of the Taskforce on the Sentencing Policy Guidelines from the Chair of the Taskforce, Hon. Mr. Justice Mbogholi, in January 2016. The Guidelines seek to provide a framework within which judicial officers can exercise their discretion during sentencing in a manner which is objective, impartial, accountable, transparent and which would promote consistency and uniformity in the sentences imposed. They are designed to ensure that the sentencing process contributes towards meeting the objectives of sentencing.

1.5 External Engagements

External engagements and collaborations with stakeholders and partners continued in the year under review on a variety of issues that affect the administration of justice and staff welfare. These engagements were done at both the corporate level and at the Registrars' level.

(a) Executive and Independent Offices

The Judiciary participated in the taskforce formed by the Attorney General (AG) to review the Legal, Policy and Legislative framework to combat corruption. The taskforce successfully completed its work and one of the major outcomes was the establishment of a High Court Division to deal with Anti-Corruption matters. The purpose was to expedite the hearing and determination of Applications and Appeals relating to Anti-Corruption matters.

The Judiciary, through the Office of the Chief Registrar actively participated in the Advisory Board of the Director of Public Prosecution where the CRJ is a member of the board.

(b) Parliament

The Constitution requires all State Organs to be accountable to the people. Consequently, as required by the Judicial Service Act, the Chief Justice transmitted the Annual State of the Judiciary and the Administration of Justice Report (SOJAR) for 2013-2014 to the Speakers of the National Assembly and Senate for debate and adoption. One of the outstanding engagements that the Judiciary had with Parliament is when the Chief Justice Dr. Willy Mutunga paid a courtesy call to the Speaker of the Senate and gave an Official Address in the Senate on 14th June 2016.

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

The Judiciary, in collaboration with the Justice and Legal Affairs Committee of Parliament, managed to have five important Bills enacted into law:

1. The Court of Appeal (Organization and Administration) Act, 2015
2. The High Court (Organization and Administration) Act, 2015
3. Magistrates Court Act 2016
4. The Small Claims Court Act, 2016
5. The Judiciary Fund Act, 2016

(c) Court and Prison Visits

The leadership visited various courts to inspect ongoing constructions of courts and also the laying of the foundation stones for others. Courts visited included Muhoroni (Tamu), Nyando, Molo, Siaya, Oyugis, Hola, and Lamu. Prisons visited included Langata Women's Prison and Kamiti Maximum Prison. All these courts are financed by the Judicial Performance Improvement Program (JPIP), which is supported by the World Bank. They are due for completion in the coming financial year. In addition, new courts and sub-registries were established. A High Court was established in Kiambu while Magistrates' Courts were gazetted at JKIA, Ngong, Loitoktok and Mpeketoni.

(d) Outreach to Learning Institutions

As part of its outreach to law schools and other learning institutions, the Judiciary facilitated moot court competitions, public lectures and inter-varsity law Challenge at Strathmore, Riara and Kenyatta Universities Schools of Law. Further, a total of 718 students visited the Milimani Law Courts. An East African Regional Colloquium on Environmental Protection and Jurisprudence was hosted by OCJ and JTI on the sides of Lake Victoria Naam Festival 2016.

(e) Stakeholder Consultations and Visitations

The Chief Justice held several meetings with stakeholders, agencies and partners including the Inspector General, Commissioners of the Kenya National Commission on Human Rights, the Supreme Council of Kenya Muslims, the Law Society of Kenya, Judiciary delegations from Sierra Leone and Malawi, members of the Nigerian Bar Association, and Senior Counsel. The Deputy Chief Justice also held meetings with stakeholders and dignitaries including the African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression, Mr. Jose Ugaz, the Chair of Transparency International, and members of Solidarity for African Women's Rights coalition.

The Chief Justice launched the Milimani Law Courts Business CUC; the Kadhis & Magistrates Courts Registry Manual; the Industrial Court Service Charter; the Milimani Criminal Court Users Committee at Kamiti Prison; the Disability Policy, Pilot Court-Annexed Mediation Programme Alternative Dispute Resolution, and the E-Diary and Model Registry at Milimani Law Courts.

The Chief Justice and the Inspector General of Police developed new directions on traffic cases in June 2015 and launched the Traffic Pocket Size Guidelines in October 2015. These Guidelines are aimed at fast tracking traffic cases, and dealing with the decongestion and bottlenecks in processing and adjudication of traffic cases.

(f) International Speakers Programmes

The Deputy Chief Justice was invited to give a keynote address at the Commonwealth Magistrates and Judges Association triennial conference in New Zealand on 13-18 September 2015 on sexual violence, exploitation and human trafficking. The Deputy Chief Justice was represented by Hon. Mr. Justice Kiage JA.

The DCJ led a delegation of judicial officers to the annual Southern Africa Chief Justice's Forum held at Victoria Falls, Zimbabwe on 27-30 August 2015 where she made presentations on the role of the judicial service commission in enhancing judicial independence; the right to fair trial; and judicial reforms introduced by the 2010 Constitution of Kenya.

1.6 Major Administration of Justice Programmes and Initiatives

The Chief Justice appointed several committees to work on policy and judicial reforms. These included:

a. *Bail and Bond Implementation Committee:*

Appointed in October 2015 to oversee the implementation of the Bail and Bond Policy Guidelines and Recommendations of the Bail and Bond Taskforce. The Implementation Committee will conduct sensitization and training exercises; undertake sector-wide stakeholder engagement; and monitor, evaluate and report on the implementation of the Bail and Bond Policy Guidelines. It is chaired by Lady Justice Jessie Lessit.

b. *Taskforce on Traditional, Informal and Other Mechanisms used to Access Justice in Kenya:*

Appointed in March 2016 to pilot and bench-mark existing models of Court-Annexed Alternative Justice System, the Committee is expected to document their functioning to glean best practices to be used to develop a potential national model, to consolidate best practices from selected traditional justice systems of selected communities, and to highlight challenges and effects of inter-linkage between traditional justice systems and the formal justice system. It was chaired by Justice Prof. Joel Ngugi.

c. *Committee of Inquiry on the Status of Judiciary Land in Kenya:*

Was appointed in July 2015 to identify and study all the conveyance documents relating to ownership of all Judiciary assets in terms of land, court buildings and residential property. The Committee was also to inquire into the unlawful allocation of Judiciary assets including land, court buildings and residential property, ascertaining the beneficiaries and identify any persons, judicial officers or staff, involved in such illegal allocations. It is chaired by Hon. Justice John Mwera.

d. *Judiciary Technical Committee to Develop a Criminal Procedure Benchbook.*

This Committee was appointed in November 2015 to develop a Criminal Procedure Bench Book for the Judiciary. It will provide judicial officers with a comprehensive guide and reference resource on all aspects of criminal procedure. It is chaired by Lady Justice Hannah Okwengu.

e. *Special Task Force on Children Matters.*

Was appointed in January 2016 to review and report on the status of children in the administration of justice; examine the operative policy and legal regimes as well as the emerging case law to identify the challenges and make appropriate recommendations; and prepare draft rules of procedure for enforcement of fundamental rights of children. It is chaired by Lady Justice Martha Koome.

1.7 Ceremonial and Statutory Duties

a. *Swearing in of Commission's and Advocates*

The Chief Justice carried out the ceremonial and statutory duties required of the office by law. These included the admission of 1187 Advocates, the swearing in of the CEO of the Teachers Service Commission, members of the Salaries and Remuneration Commission, the Ethics and Anti Corruption Commission and the Kenya Law Reform Commission, Kadhis, Magistrates and members of the HIV and Industrial Property Tribunal.

b. *Launch of Judiciary Museum*

The Judiciary Museum, collaboration between the Judiciary and the National Museum of Kenya (NMK), was launched on 13th June 2016. The facility, one of its kind in East Africa and beyond, showcases the rich history of the Kenyan Judiciary. The Museum is in the Eastern Wing of the Supreme Court Building basement and features key documents and objects of great judicial heritage value.

c. *Restorative Justice and Dedan Kimathi File*

The Report of the Truth, Justice and Reconciliation Commission (TJRC) recommended that the Judiciary issues an apology to the historical injustices that courts had committed against Kenyans over time. It is partly in this spirit that the Judiciary collaborated with NMK to explore the viability of honoring colonial era Human rights crusader, Elijah Masinde wa Nameme. A draft report on this project has been prepared. The Chief Justice also dispatched a delegation comprising the Chief of Staff, Duncan Okello and Director of Communications, Naim Bilal, to London to retrieve the original court file relating to the trial and death of Mau Mau leader, Dedan Kimathi. The Papers were handed over to his widow, Ms. Mukami Kimathi, and also to the Mau Mau Veterans Association.

Table 1.1: Key Events Presided over by the Chief Justice 2015/2016

DATE	**EVENT**
July	
1st July, 2015	Swearing in Political Parties Disputes Tribunal (PPDT)
17th July,	Court visits to Makadara and Kibera Law Courts
24th – 28th July, 2015	Visit to Hola and Lamu Law Courts
30th July, 2015	Swearing in Teachers Service Commission (TSC) CEO
October	
2nd October, 2015	Visit to Kamiti Maximum Prison
22nd or 22nd October, 2015	Launch of Pocket Traffic Directions
19th October, 2015	Launch of the Courage Project
21st October, 2015	Signing of Performance Management Memoranda of Understanding
November	
10th November, 2015	Swearing in of Kadhis
18th November, 2015	Swearing in Standards Tribunal
24th November, 2015	Launch of the HeforShe Campaign
December	
1st December, 2015	Launch of ACM Guidelines
7th December, 2015 11th December, 2015	Swearing in of PPDT member Launch of the Business Court User Committee
January	
18th January, 2016	Swearing in EACC
	Admission of Advocates
25th January, 2016	Swearing in HIV Tribunal Industrial Property Tribunal Report of the Sentencing Task Force

March	
3rd March, 2016	Launch of the Industrial Court Service Charter
10th – 11th March, 2016	NCAJ-Council of Governors Conference
16th March, 2016	Visit to Langata Women's Prison and Kamiti Maximum prison
17th – 21st March, 2016	Tour of courts and prisons in Western Kenya
22nd March, 2016	Launch of the Milimani Criminal Court Users Committee at Kamiti Maximum Prison
23rd March, 2016	Swearing in of magistrates Swearing in of KLRC member
April	
30th March – 1st April, 2016	Admission of Advocates
4th April, 2016	Handing over of Dedan Kimathi Papers to Mau Mau veterans Launch of Disability Policy
29th April, 2016	Launch of ELC Rules Launch of the Anti-Corruption and Economic Crimes Division of the High Court
May	
4th May, 2016	Admission of Advocates
June	
13th June, 2016	Launch of Judiciary Museum
14th June, 2016	Official Address to the Senate

1.8 Chief Justice Scholarship Initiative

The Initiative was premised on the vision of an institution that embraces knowledge and growth of professionalism for improved service delivery under Pillar 2 of the Judiciary Transformation Framework, 2012 -2016. The Judiciary of Kenya and the University of Washington, Seattle, USA have jointly supported the Program. The support has been rendered through the Sustainable International Development (SID) program and the TRACE Anti-corruption and Transparency LLM programs. The SID program run through the Barer Institute for Law and Global Human Services and was created in 2010 by a gift from UW Regent and Law School Campaign Chair, Stan Barer, and his wife, Alta. The Institute supports interdisciplinary research aimed at promoting the effectiveness of legal frameworks as essential elements in achieving goals for human health, education, and social justice and economic well being in developing countries. Under the Initiative, the Judiciary has an opportunity to continually recommend eligible and deserving Judicial Officers to the Programs.

In the year under review, Hon. Amos Mokoross, Senior Resident Magistrate at Kilgoris was a beneficiary of the Chief Justice's Scholarship Initiative and is expected to graduate early in the coming financial year. Hon. Mokoross, was awarded a full scholarship to the brand-new TRACE Anti-corruption and Transparency LL.M. program scholarship aimed at developing exceptional young leaders in the field of anti-corruption who will be committed to advancing commercial transparency. He joins the program at a time when the institution is under pressure to facilitate Ease of Business in the Justice Sector and to enhance its capacity to handle corruption cases. This will bring to 9 the number of beneficiaries to the scholarship since its inception.

In the year under review, the Chief Justice hosted the scholars for an appraisal and received on behalf of the Initiative, a book donation from the Institute in honour of the relationship that the Institute has now established with the Judiciary and the people of Kenya through these Barer and Trace Scholars. It is the vision of the entire Barer Fellowship that this donation will be the seed for a library section containing materials on development that can be accessed primarily by development scholars from the Justice Sector.

1.9 Tributes

The practice of paying tribute to retiring retired and departed judges and advocates are a legal tradition that emphasizes the unity and harmony amongst and between the bar, the bench and across the legal profession. It is a tradition that reflects the great value of humanity and the constitutional value of equity. In July 2015, the Chief Justice held a tribute session for the late Justice Shaikh Amin, a distinguished judge with a reputation for integrity, fairness, independence, courage and compassion.

1.10 Streamlining Internal Management

The Office of the Chief Registrar initiated training for Heads of Station on Procurement processes and procedures. The main objective of the training was to streamline procurement procedures at the court station level especially since Court Stations are considered as procurement entities under the Public Procurement and Disposal Act, 2005. The Judiciary also initiated the process of de-linking court stations from the District Treasury. 50 court stations were delinked in the first phase of the process. This process will enable courts to undertake revenue activities and participate in procurement processes more efficiently and avoid the delays caused by the liaisons with the district treasury. The training had been scheduled to take place in 3 Phases, the first Phase having been conducted in Nairobi, Nakuru and Kisumu in August, September and October 2015 respectively.

The second and third Heads of Station forums were held in September 2015 and June 2016 respectively in Mombasa. The objective of the forum was to train heads of stations' on effective management of their court stations. The forums provided an opportunity to the heads of station for consultation, learning and consensus building geared towards improving their work environment.

1.11 Development of the Sexual Offenders Register

The Sexual Offences Act places upon the Chief Registrar of the Judiciary the mandate to maintain a register of all convicted sexual offenders. Currently, the courts have been submitting this information in hard copy. This process has been inconsistent and inefficient.

During the period under review, the CRJ, through the Registrar Magistrates Court (RMC) and the Information and Communication Technology (ICT) Directorate, developed a prototype automated Sexual Offenders Register which will capture all the details of convicted offenders as prescribed by the Sexual Offences Act. This is designed to help make the information readily available to any interested party. The tool was to be subjected to stakeholders' review in the month of October 2015 for validation and will be piloted in 10 stations before a national rollout is undertaken.

1.12 ICT Developments

The Judiciary has committed itself to automate its services at all levels. Through the acquisition of hardware, training and initiation of pilot projects, significant progress was made in this regard during the reporting period.

Four significant ICT Pilot projects were launched by the Chief Justice including:-

(a) The Judiciary Audio-Visual Transcription System (JAVIT) in the Milimani Commercial Division of the High Court,

(b) e-Diary System currently in use in the Family, Commercial, Criminal, Civil, Judicial Review, Constitutional Review and Human Rights Divisions, ELC Divisions of High Court at Milimani

(c) Judiciary Integrated Management Information System (JFMIS),

(d) Queue Management System and Public Information Kiosk; piloted at Mombasa Law Courts and Family Division of Milimani High Court in Nairobi.

An ICT Policy was developed and reviewed, and is due for adoption and implementation in the coming Financial Year. Similarly, a draft ICT Strategic Roadmap was prepared and presented to Directors, Registrars and ICMS Committee.

On the infrastructure front, 34 courts were connected to WAN and another 66 courts to the internet by modem. Structured cabling of Kisumu, Embu and Narok Law Courts was undertaken, and 616 equipment consisting of 240 desktops, 326 laptops and 50 printers acquired. 352 leased computers were purchased and distributed to all the 120 court stations. This has had the effect of reducing the Judiciary's annual expenditure on computers, and also offering reliable services to all our courts

1.13 Performance Management

During the reporting period, all Courts and administrative units negotiated, set targets and signed Performance Management and Measurement Understandings (PMMUs) for the FY2015/2016. All staff have signed Performance Appraisal System. Further, the Integrated Performance Management and Accountability System (IPMAS) was developed as part of entrenching accountability process.

In FY2015/16, an institution-wide Case Census and Institutional Capacity Survey was undertaken between March and May 2016. The Customer Satisfaction/Employee and Work Environment Survey report was published and disseminated to all Courts and Directorates. It is noteworthy that the outcome was an impressive 66.8% for the customer satisfaction survey.

1.14 Expanding and Strengthening Audit Functions

The Judiciary has been strengthening and expanding its audit functions in order to institutionalize integrity and accountability. A fully-fledged Directorate of Internal Risk and Audit was established in the last financial year that is directly answerable to the JSC and the Chief Justice. A total of four meetings were held with the JSC Internal Risk, Audit and Governance Committee.

During the FY2015/16, audit reports were conducted and completed for 31 court stations, Political Parties Dispute Tribunal (PPDT), Auctioneers Licensing Board (ALB), JSC and JTI. A draft Internal Audit Policies and Procedures Manual as well as a draft Internal Audit Charter were prepared. It followed up on the implementation of internal audit recommendations for Mariakani, Sotik, Kisumu, Eldoret, Nyeri, Busia, Bungoma, Isiolo and Naivasha Law Courts.

The Directorate provided advisory services to the Accounts Directorate on refund of court fines, probate and fees totaling **KShs. 58,498,377.50** arising from court stations during the 2014/15 financial year as well as to the Directorate of Finance on workmen's compensation receipting procedure at Milimani Commercial Courts

1.15 Office of Judiciary Ombudsperson

The Office of the Judiciary Ombudsperson (OJO) has now been in operation for about 5 years. Since its creation, the Judiciary has had tremendous improvement in service delivery to the public. In line with its mandate, the office receives all nature of complaints from Kenyans concerning the operations and the employees of the institution, and attempts to resolve them within the shortest time possible.

In the FY2015/16, the OJO received a total of **3586** complaints. Out of these**, 2347** cases were processed and closed successfully, 15 complaints were closed unsuccessfully and another 162 were closed though not successfully resolved (closed with workaround). The office had a successful closure rate of 65% on complaints received in 2015/2016.

During the reporting period, the office introduced various activities with the aim of bringing its services closer to the public. These included visits to prisons, public awareness campaigns as well as conducting public clinics.

Table 1.2: OJO Data on Complaint Processing

STATES	**2014/2015**	**2015/2016**
Closed successful	2013	2347
Closed unsuccessful	18	15
Closed with workaround	111	162
Merged	49	57
New	271	253
Open	426	752
Total	**2888**	**3586**

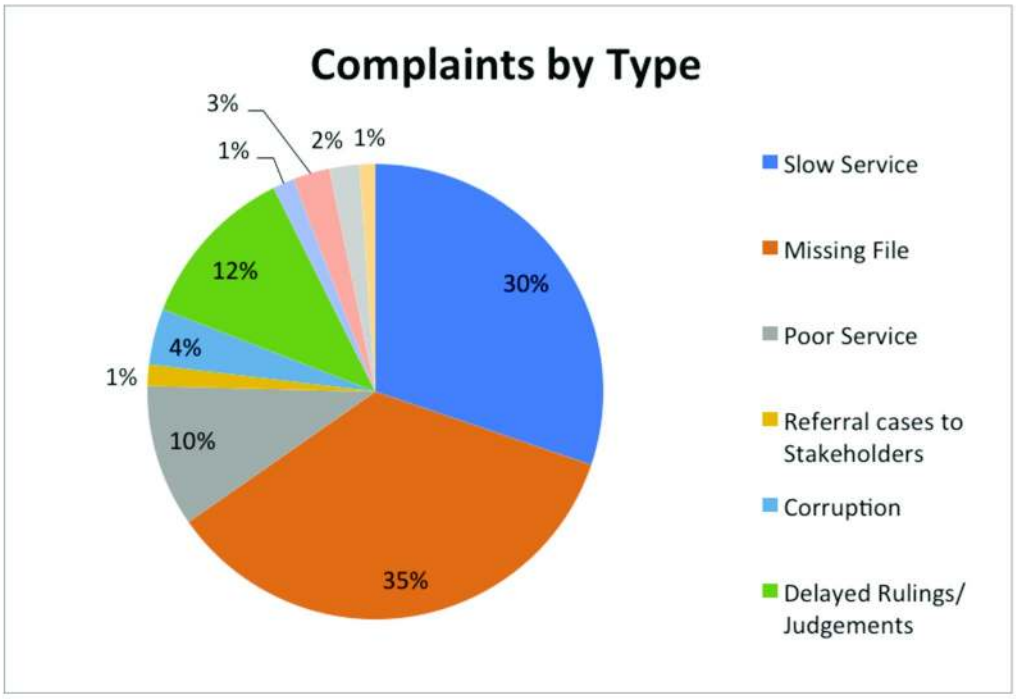
Table 1.2 above shows that, overall, there has been a significant increase in all the complaints received during the reporting period with the exception of those that required referral to stakeholders. This can be attributed to the sensitization of public on the appropriate offices to channel such complaints.

Table 1.3: Comparative Chart of Prevalent Complaints

Services	**2014/2015**	**2015/2016**	**Change**
Slow Service	155	242	87
Missing File	149	281	132
Poor Service	13	81	68
Referral cases to Stakeholders	14	12	-2
Corruption	29	32	3
Delayed Rulings/Judgments	28	94	66
Date allocation	8	12	4
Delayed Orders	11	21	10
Cash Bail Refunds	8	17	9
Cannibalized files	4	9	5

Table 1.3 Poor service and delayed ruling and judgments increased by 68 and 66 respectively. This is mainly attributed to public awareness due to the various initiatives the office undertook. In addition, reports received on missing files also increase from 149 received in 2014/2015 to 281 complaints in 2015/2016. It is clear from these figures that the public has enough confidence in the office of the Judiciary Ombudsperson to resolve their issues, while on the other hand it is a wakeup call to the Judiciary on the disturbing direction these trends took during the period under review.

Figure 1.2: Complaints by type



At 35% and 30 % respectively, missing files and Slow Services were the highest number of complaints received during the reporting period.

All in all, service Delivery of the Judiciary to the Kenyan according to the data declined greatly. This information provides a reality check to the Judiciary to relook into their service level agreements and ensure they are adhered to at all levels in the institution.

Table 1.4: Complaint Trends in Percentage

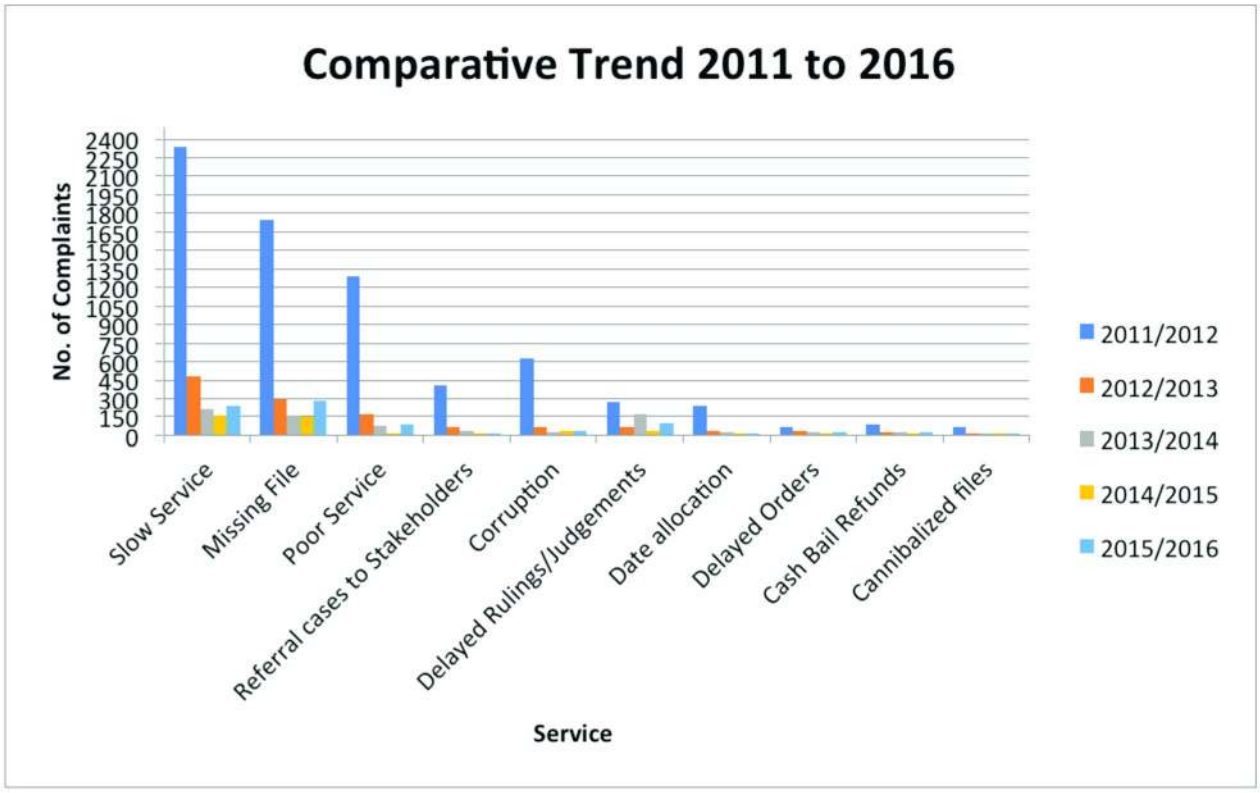
SERVICES	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016
Slow Service	33%	39%	29%	37%	30%
Missing File	24%	24%	22%	36%	35%
Poor Service	18%	13%	10%	3%	10%
Referral cases to Stakeholders	6%	5%	4%	3%	1%
Corruption	9%	5%	3%	7%	4%
Delayed Rulings/Judgements	4%	5%	23%	7%	12%
Date allocation	3%	3%	2%	2%	1%
Delayed Orders	1%	2%	3%	3%	3%
Cash Bail Refunds	1%	2%	3%	2%	2%
Cannibalized files	1%	1%	1%	1%	1%

Table 1.5: Complaint Trends

SERVICES	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016
Slow Service	2331	473	212	155	242
Missing File	1740	294	161	149	281
Poor Service	1286	163	75	13	81
Referral cases to Stakeholders	404	66	28	14	12
Corruption	621	64	21	29	32
Delayed Rulings/Judgements	267	62	167	28	94
Date allocation	242	36	18	8	12
Delayed Orders	61	29	20	11	21
Cash Bail Refunds	86	21	22	8	17
Cannibalized files	66	7	10	4	9

Over the past 5 years, despite the high consolidated numbers, there had been a steady decline in the complaints received. However, complaints related to delayed rulings, missing files and slow service have continued to increase steadily.

Figure 1.3: Comparative Trends 2011 to 2016



1.15.2 OJO Outreach and Partnerships

To provide opportunities to engage with the public and other stakeholders as well as create awareness and enhance public participation, the Office of the Judiciary Ombudsperson participated in 7 major Agricultural Society of Kenya Shows (ASKs) and 5 Judiciary open days in the reporting period. During these initiatives, the public can submit their complaints to OJO staff as well as seek clarifications on the work of the office.

The Judiciary Ombudsperson continued to partner with the Kenya National Human Rights Commission (KNHRC) in complaints management by establishing a complaints referral mechanism. During the period under review OJO participated in several clinics hosted by KNHRC as well as a 5-day public clinic at Igembe North in Meru County.

OJO also partnered with Transparency International in supporting Judiciary to develop a complaints management manual.

1.15.3 Monitoring Compliance with Practice Directions and Service Charters

During the reporting period, the office conducted 20 public clinics in various court stations. The objective of the public clinics was to create awareness to the members of the public on the role of OJO as well as receive and process any complaints. Public clinics are conducted with support from the CUC who create awareness to their members on upcoming public clinic.

The office conducted 46 spot checks aimed at monitoring the running of the courts in line with the timelines in the service charters that guide the provision of administrative services as well as addressing complaints at source. These spot checks create an avenue for the office to have open discussions with the employees and train the liaison persons on the use of the complaints management system while investigating integrity concerns where applicable.

CHAPTER 2: ACCESS TO JUSTICE

PART II: CASE LOAD DATA

2.0 INTRODUCTION

a. Access to justice is a fundamental constitutional right of all Kenyans and a core tenet of democracy. Indeed, access to justice is the overriding objective of the Judiciary. The Judiciary Transformation Framework (JTF) 2012-2016, made access to justice its central pillar and made administrative procedure, infrastructual harmony and finanial interventions to realise it.

In exercising judicial authority, courts are required under the Constitution to do justice to all, without delay and undue regard to procedural technicalities. Moreover, courts are required to promote and use alternative forms of dispute resolution including reconciliation, mediation, arbitration, and traditional dispute resolution mechanisms.

In this chapter, access to Justice is discussed under two parts. Part I provide the status on dispensation of justice and courts performance. This is presented by use of caseload statistics for the period under reference. Statistics on caseload in the Judiciary are collected at court level by court assistants under supervision of judicial officers and judges, and analyzed at the headquarters by the Performance Management Directorate. In particular, the section covers the filed and resolved cases, pending cases, case backlog and Case Clearance Rate (CCR) for all court stations.

Part II provides the strategic efforts and initiatives adopted during this reporting period to improve access to justice and judicial practice. Broadly, these initiatives include increase of judges, magistrates and kadhis; establishment of new court stations, sub registries and mobile courts; reduction of case backlog; Infrastructure development; improvement of service delivery at the Registry; use of ICT as an enabler of justice; embracing alternative forms of dispute resolution; easing of procedural and administrative barriers to justice; continuous public engagement; and enhancement of legal and policy environment.

2.1 Dispensation of justice and courts performance

Case statistics is a visible quantitative indicator of service delivery and courts performance. Data collection and analysis by the Judiciary has greatly improved over the past five years. All the State of Judiciary and Administration of Justice Reports for previous financial years have presented statistics on court performance. The data is presented below on a court-by-court analysis.

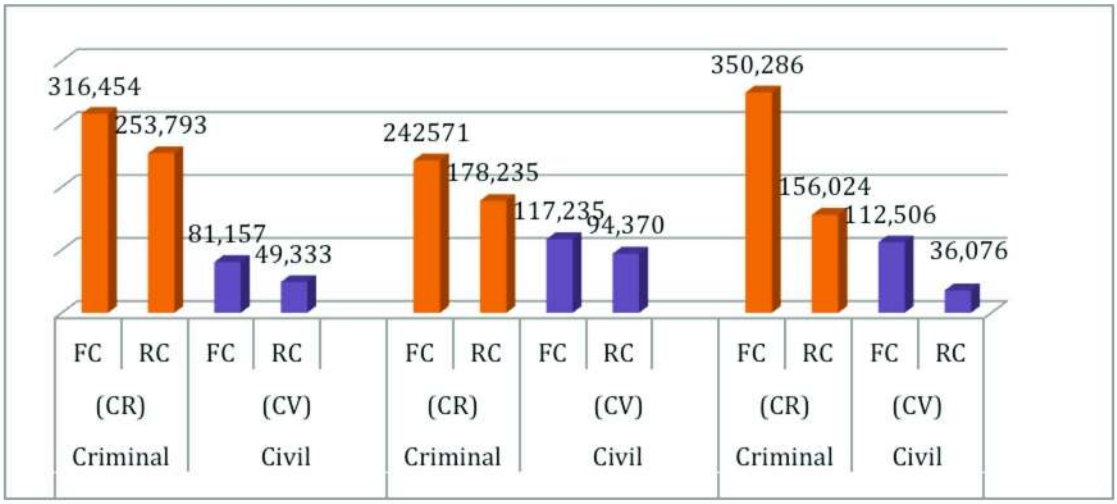
2.1.1 Filed and Resolved Cases

Filed cases (FC), represent the incoming demand for justice. The total caseload of a court to determine by the number of newly filed cases in a year plus cases carried over from the previous years.

Resolved cases (RC), represent the supply of justice by the judges and judicial officers. Resolved cases have been useful in providing information on productivity of benches, individual judges and judicial officers. Moreover, resolved cases are a good proxy for court efficiency and inefficiency which can inform policy intervention.

In the FY 2015/16, a total of **462,792 cases** were filed, while **192,100 cases** were resolved in all the courts. Information on filed cases and resolved cases by broad case type - namely criminal (CR) and civil (CV) cases - for the past 3 financial years (FYs) is provided in Figure 2.1.

Figure 2.1: Trend on Filed and Resolved Cases by broad Case Type



The trend over time for filed and resolved cases by court type is provided in Table 2.1.

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

COURT TYPE	2013/14				2014/15				2015/16			
	Criminal (CR)		Civil (CV)		Criminal (CR)		Civil (CV)		Criminal (CR)		Civil (CV)	
	FC	RC	FC	RC	FC	RC	FC	RC	FC	RC	FC	RC
Supreme Court			67	27	-	-	61	47	-	-	38	23
Court of Appeal	278	212	929	781	485	312	1,090	1,108	535	352	839	705
High Court	11,425	9,947	34,852	17,257	10,750	9,316	2,806	40,093	10,092	2,999	31,907	11,003
ELC	-	-	-	-	-	-	3,436	1,129	-	-	6,159	1,836
ELRC	-	-	-	-	-	-	5,551	2,156	-	-	5,329	2,403
Magistrate Court	304,751	243,634	41,990	28,305	231,336	168,607	77,266	48,391	339,659	152,673	64,499	18,185
Kadhi Court	-	-	3,319	2,963	-	-	1,904	1,446	-	-	3,735	1,921
All Courts	**316,454**	**253,793**	**81,157**	**49,333**	**242,571**	**178,235**	**92,114**	**94,370**	**350,286**	**156,024**	**112,506**	**36,076**

2.1.2 Pending Cases

Pending cases refer to cases where a final judicial decision has not been made by the end of the reporting period. Huge pendency of cases or rapid increase of pending cases is an undesirable phenomenon given that the Constitution provides that justice should not be delayed. Pending cases together with the filed cases represents the effective demand for justice in a given period of time.

By the end of the FY 2015/16, there were 499,341 pending cases, which comprised 148,996 criminal cases (CR) and 350,345 civil cases (CV). Pending cases reduced by 112,968 cases between FY 2014/15 to 2015/16. The trend on pending cases in the Judiciary by broad case type is summarized in Figure 2.2.

Figure 2.2: Pending Cases By Broad Case Type

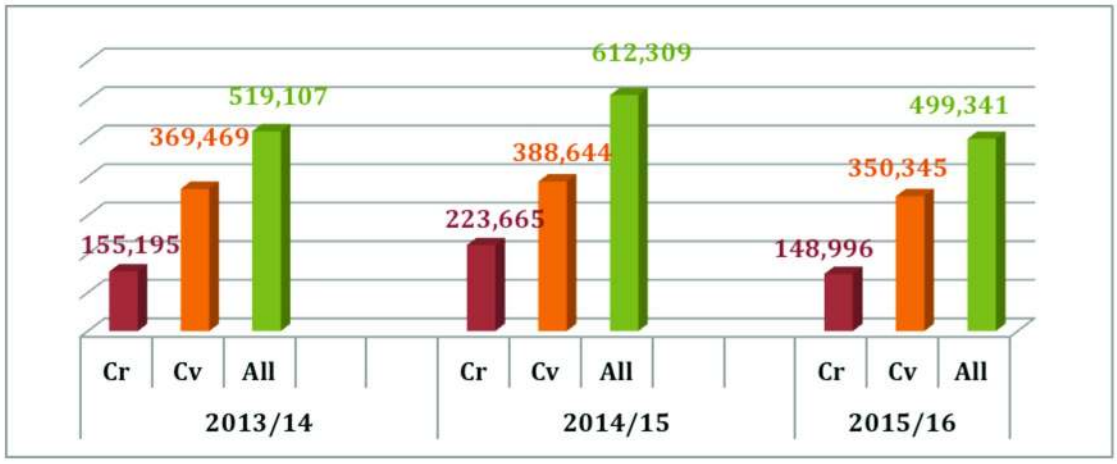


Table 2.2 expounds on the trend of pending cases for all court types and broad case category.

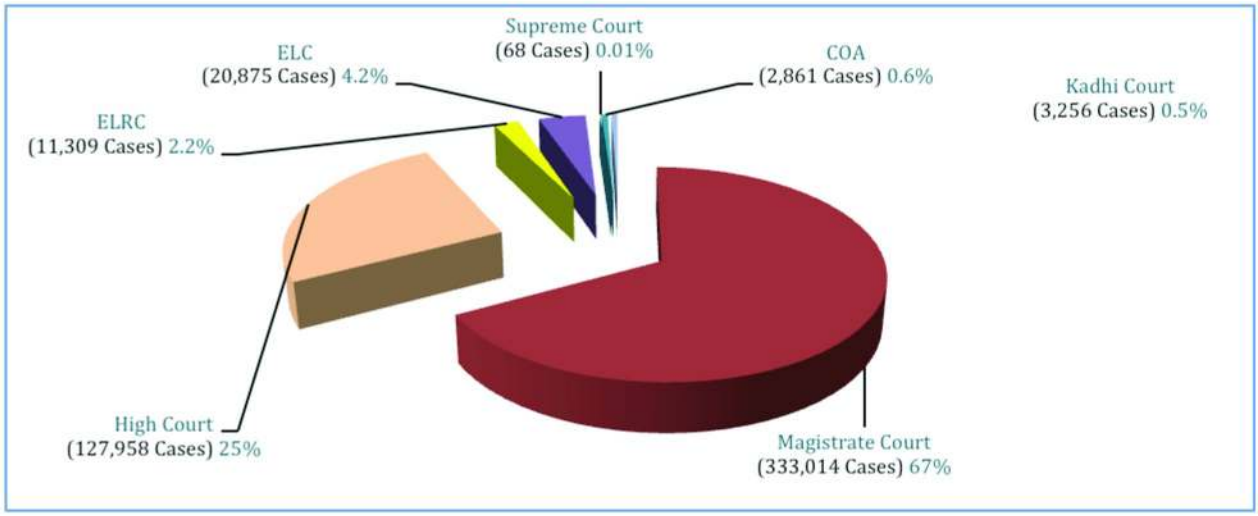
Table 2.2: Pending Cases By Court And Broad Case Type

COURT TYPE	2013/14			2014/15			2015/16		
	CR	CV	ALL	CR	CV	ALL	CR	CV	ALL
Supreme Court	-	46	46	-	60	60	-	68	68
Court of Appeal	506	2,186	2,692	641	1926	2,567	931	1,930	2861
High Court	15,144	149,525	164,669	19783	135322	155,105	14,693	113,265	127,958
ELRC	-	5,537	5,537	0	8,121	8,121	-	11,309	11,309
ELC	-	-	-	-	-	20,560	-	20,875	20,875
Magistrate Court	139,545	209,799	349,324	203,242	240,381	443,622	133,372	199,642	333,014
Kadhi Court	-	2,376	2,376	0	2,834	2,834		3,256	3,256
All Courts	**155,195**	**369,469**	**519,107**	**223,665**	**388,644**	**612,309**	**148,996**	**350,345**	**499,341**

Overall, 67 per cent of all pending cases were in Magistrate Courts, 26 per cent in High Court while the rest of the courts combined have 2 per cent. This is elaborated in Figure 2.3.

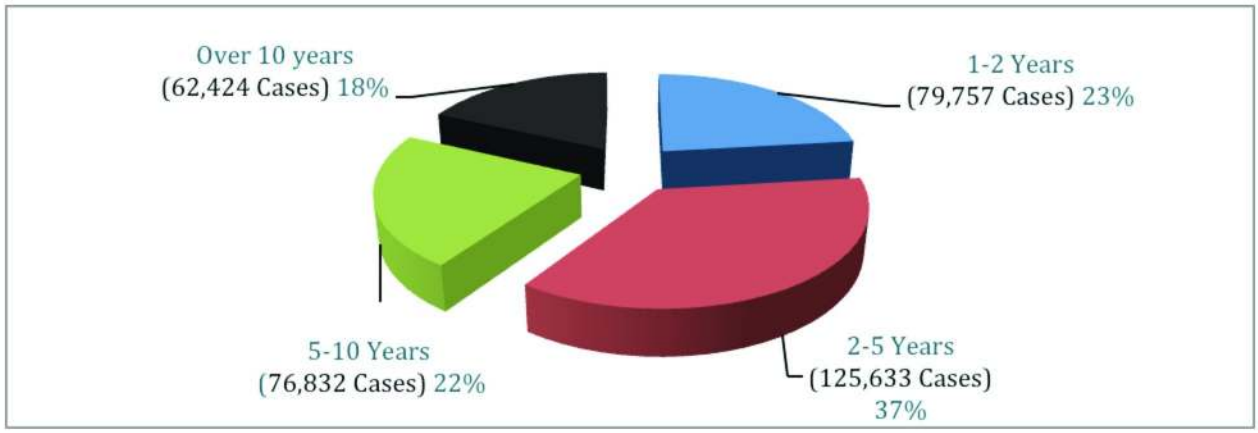
Figure 2.3: Percentage Of Pending Cases By Courts For The FY 2015/16

2.1.3 Case Backlog



Case backlog refers to the category of pending cases that have been in the courts for over one year and are still unresolved. During FY2015/16, the total case backlog (i.e. cases over one year old) stood at **344,658**. Out of this, 79,757 were between 1 – 2 years old; 125,633 cases were aged between 2 – 5 years; 76,832 cases were over 5 years and 62,424 cases were aged 10 years and above. The backlog cases by age in percentages are summarized in Figure 2.4.

Figure 2.4: Percentage Backlog Cases By Age



The Magistrates Courts and High Court have the highest backlog at 218,320 and 100,764 respectively. Of the greatest concern in the case backlog are the cases which are over 10 years old which were 62,424. Details on case backlog by age for all courts are provided in Table 2.3.

Table 2.3: Case Backlog By Age And Court Type

Case type	1-2 Years	2-5 Years	5-10 Years	Over 10 years	All Backlog
Supreme court	27	7	0	0	34
Court of Appeal	714	731	472	62	1,979
High Court	18,667	34,697	21,650	25,738	100,764
ELRC	2,815	2,667	687	25	6,194
ELC	4,801	8,733	2,267	644	16,445
Magistrate Court	52,293	78,433	51,639	35,955	218,320
Kadhi Court	440	365	117	0	922
All Courts	**79,757**	**125,633**	**76,832**	**62,424**	**344,658**

2.2 Dispensation of Justice Court type

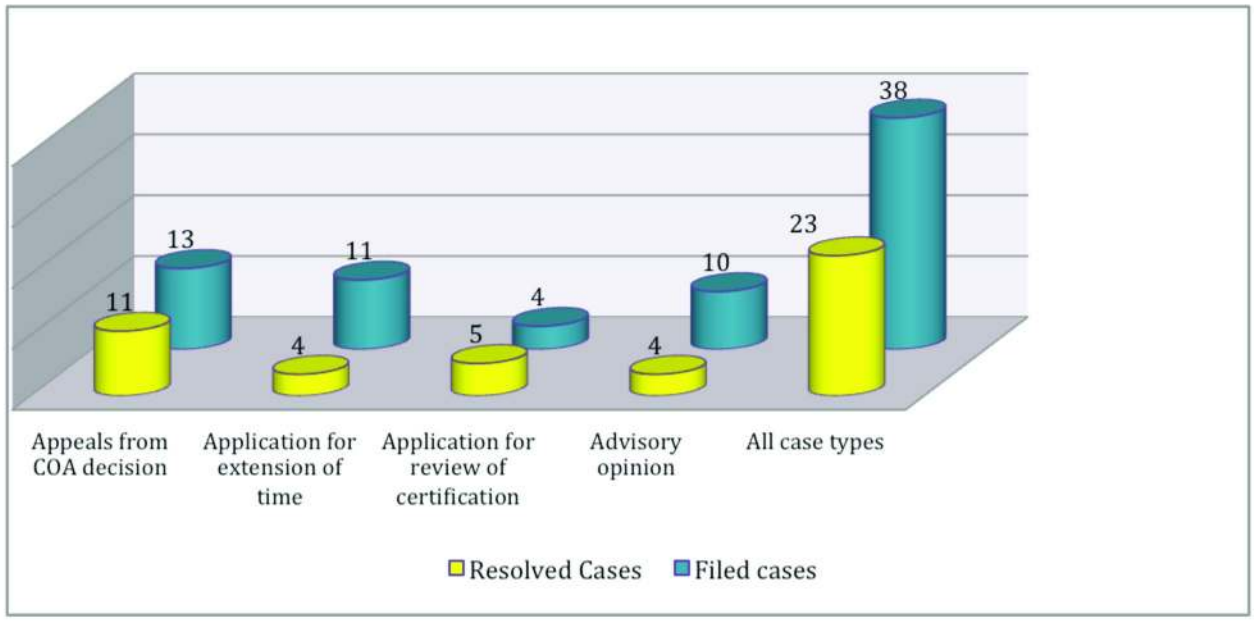
This section expounds on performance of the each court in regard to dispensation of justice. It commences with the Supreme Court, Court of Appeal, High Court, Environment and Land Court (ELC), Employment and Labour Relations Court (ELRC), Magistrates Courts, Kadhis Courts and finally discusses Tribunals.

2.2.1 Supreme Court

The Supreme Court, established pursuant to Article 163 of the Constitution of Kenya 2010 and the Supreme Court Act, 2011 is the apex court. It is composed of the Chief Justice, who is the president of the Court; the Deputy Chief Justice; and five other judges. The court has exclusive original jurisdiction to hear and determine disputes relating to the elections of the President of Kenya. It also has appellate jurisdiction to hear and determine appeals. The Supreme Court may also give advisory opinions at the request of the National Government, any State organ, or any county government.

In the FY 2015/16, 38 cases were filed while 23 were resolved. Figure 2.5 provides details on the types of the filed and resolved cases in the Supreme Court.

Figure 2.5: Filed And Resolved Cases By Type, Supreme Court



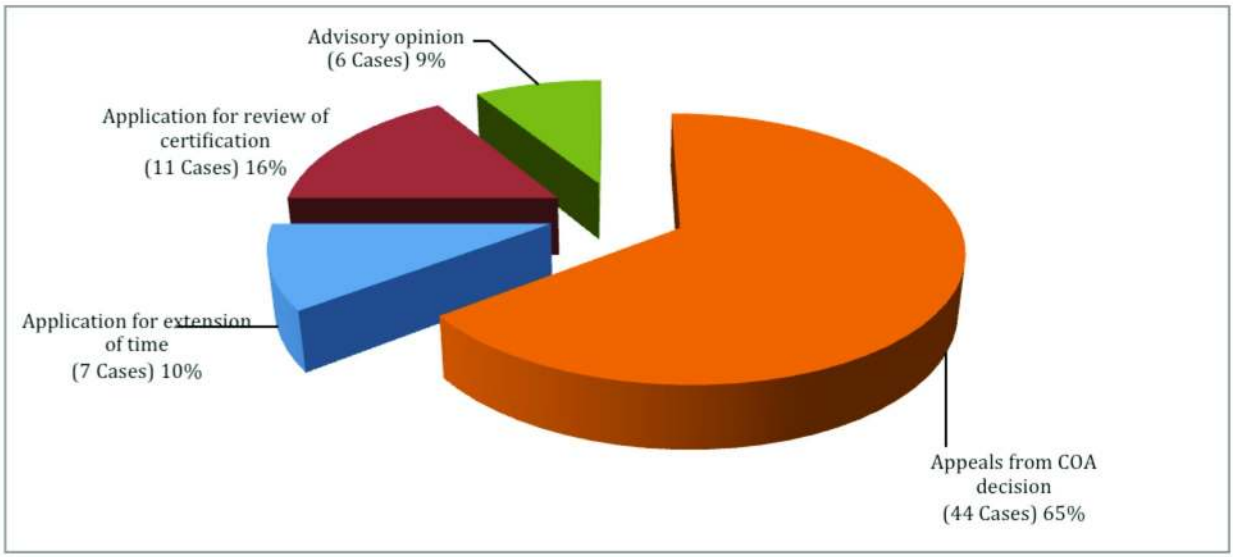
The trend on pending cases for the Supreme Court for the last four years is elaborated in Table 2.4.

Table 2.4: Trend in Pending Cases by Type, Supreme Court

Case Type	Pending 2012/13	Pending 2013/14	Pending 2014/15	Pending 2015/16
Appeals from COA decision	2	27	42	44
Application for extension of time	2	17	14	7
Application for review of certification				11
Advisory opinion	2	2	4	6
All case types	**6**	**46**	**60**	**68**

The percentage pending cases by case type for Supreme Court as at 30th June 2016 is highlighted given in Figure 2.6.

Figure 2.6: Percentage Pending Cases By Type, Supreme Court.



By the end of the FY 2015/16, there were 34 backlog cases in the Supreme Court. These cases are shown in Table 2.5.

Table 2.5: Case Backlog by Type for Supreme Court, 2015/16

Case type	Below 1 year	1-2 Years	2-5 Years	5-10 Years	Over 10 years	Total Backlog
Appeals from decision of the court of appeal	18	19	7	0	0	26
Application for extension of time	5	2	0	0	0	2
Application for review of certification	8	3	0	0	0	3
Advisory opinion	3	3	0	0	0	3
All Case types	**34**	**27**	**7**	**0**	**0**	**34**

2.2.2 Court of Appeal

The Court of Appeal (COA) is established pursuant to Article 164 (1) of the Constitution of Kenya. The Court is organized and administered under the Court of Appeal (Organization and Administration) Act of 2015. The jurisdiction of the Court is provided under the Appellate Jurisdiction Act (Cap. 9) while its practice and procedure rules are regulated by the Court of Appeal Rules, 2010. Currently, there are 4 Court of Appeal stations namely Kisumu, Malindi, Nairobi and Nyeri. In addition, there are 7 sub-registries at Bungoma, Busia, Eldoret, Kisii, Mombasa, Meru and Nakuru.

During the period under review, a total of 901 new cases were filed in the COA, made up of 246 criminal cases and 655 civil cases. Figure 2.7 highlights the trend of the filed and resolved case in the COA for the last three reporting periods.

Figure 2.7: Filed And Resolved Cases By Broad Case Type

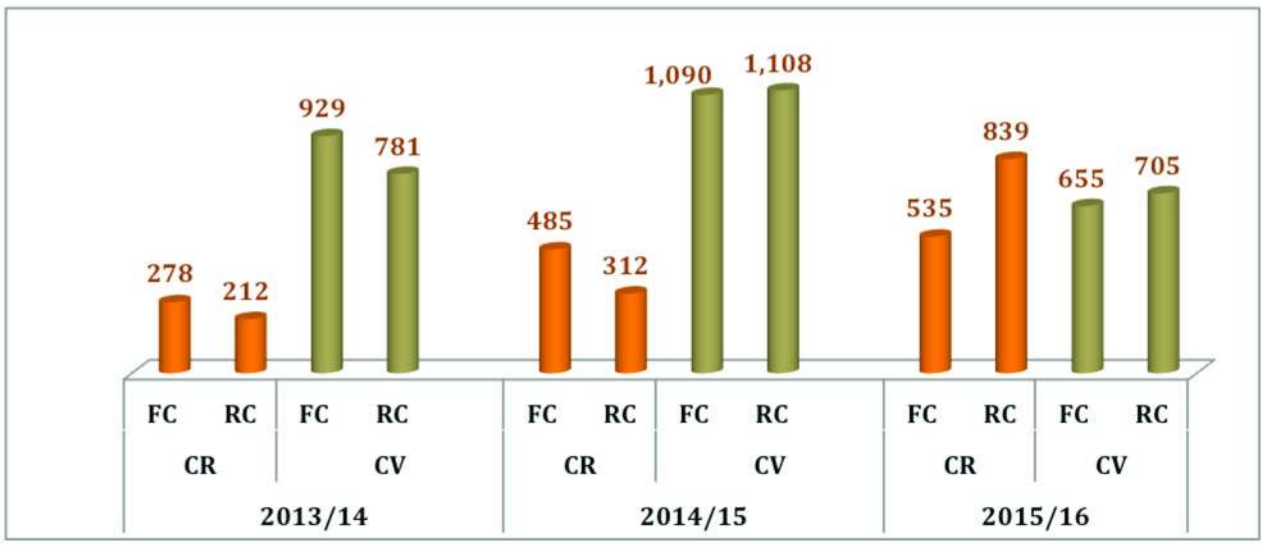


Table 2.6 summarizes the filed and resolved case in the COA for the last three FYs.

Table 2.6: Filed And Resolved Cases By COA Station And Broad Case Type

COA STATION	2013/14				2014/15				2015/16			
	CR		CV		CR		CV		CR		CV	
	FC	RC	FC	RC	FC	RC	FC	RC	FC	RC	FC	RC
Kisumu	100	70	123	112	220	112	170	169	205	111	180	165
Malindi	138	75	97	142	87	60	162	139	46	90	213	145
Nairobi	0	0	599	422	82	123	661	699	173	45	274	309
Nyeri	40	67	110	105	96	17	97	101	111	106	172	86
All	**278**	**212**	**929**	**781**	**485**	**312**	**1,090**	**1,108**	**535**	**352**	**839**	**705**

Details of the specific filed and resolved criminal cases in the COA are given in Table 2.7.

Table 2.7: Filed And Resolved Criminal Cases By Case Type And COA Station, 2015/16

Station	Criminal Applications		Criminal Appeals		Criminal Misc.		All Cases	
	FC	RC	FC	RC	FC	RC	FC	RC
Kisumu	-	-	205	111	-	-	205	111
Malindi	1	1	44	88	1	1	46	90
Nairobi	-	-	173	45	-	-	173	45
Nyeri	11	3	100	102	-	1	111	106
All COA Stations	**12**	**4**	**232**	**346**	**1**	**2**	**535**	**352**

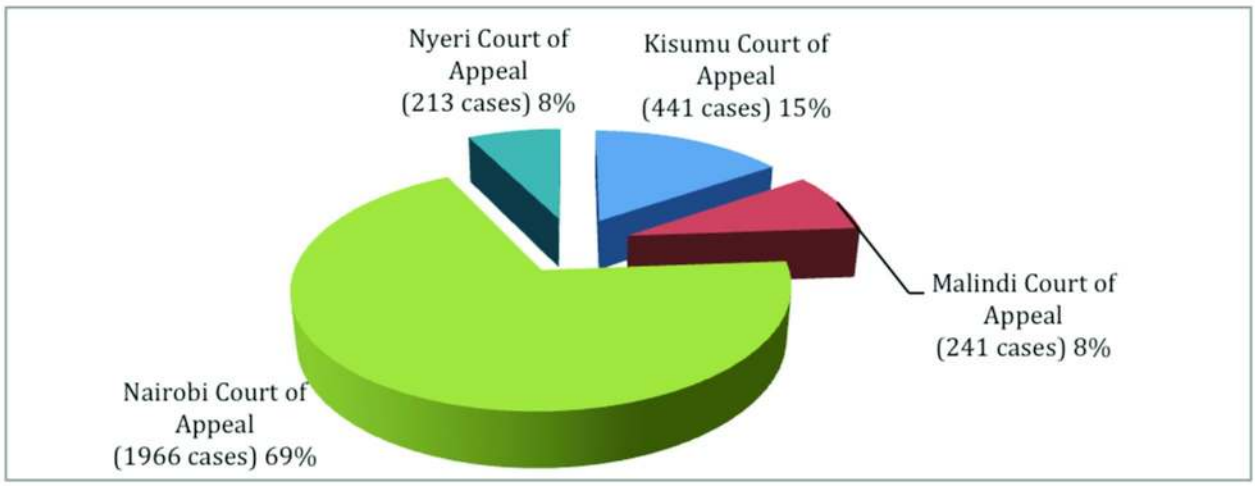
Details of the specific filed and resolved civil cases in the COA are given in Table 2.8.

Table 2.8: Filed And Resolved Civil Cases By Case Type And COA Station, 2015/16

	CASE TYPE	Kisumu	Malindi	Nairobi	Nyeri	All Stations
Certificate Applications	FC	0	6	0	1	7
	RC	2	5	32	10	49
Civil Appeals	FC	125	88	216	100	345
	RC	56	68	266	55	445
Civil Applications	FC	32	98	58	71	259
	RC	17	54	11	20	103
Commercial Appeals	FC	0	0	0	0	0
	RC	11	0	0	0	11
Election Petitions	FC	0	0	0	0	0
	RC	5	0	0	0	5
Family Appeals	FC	1	3	0	0	4
	RC	6	0	0	0	6
Labour Relations	FC	4	3	0	0	7
	RC	13	6	0	0	20
Land Appeals	FC	18	15	0	0	33
	RC	53	12	0	1	66
	FC	**180**	**213**	**274**	**172**	**839**
	RC	**165**	**145**	**309**	**86**	**705**

At the end of review period, the COA had 2,861 pending cases. The bulk of these cases, at 69 per cent, are pending before the Court of Appeal at Nairobi, followed by Kisumu Court of Appeal at 15 per cent. The percentage pending cases by COA station are provided in Figure 2.10.

Figure 2.8: Percentage Pending Cases By COA Stations



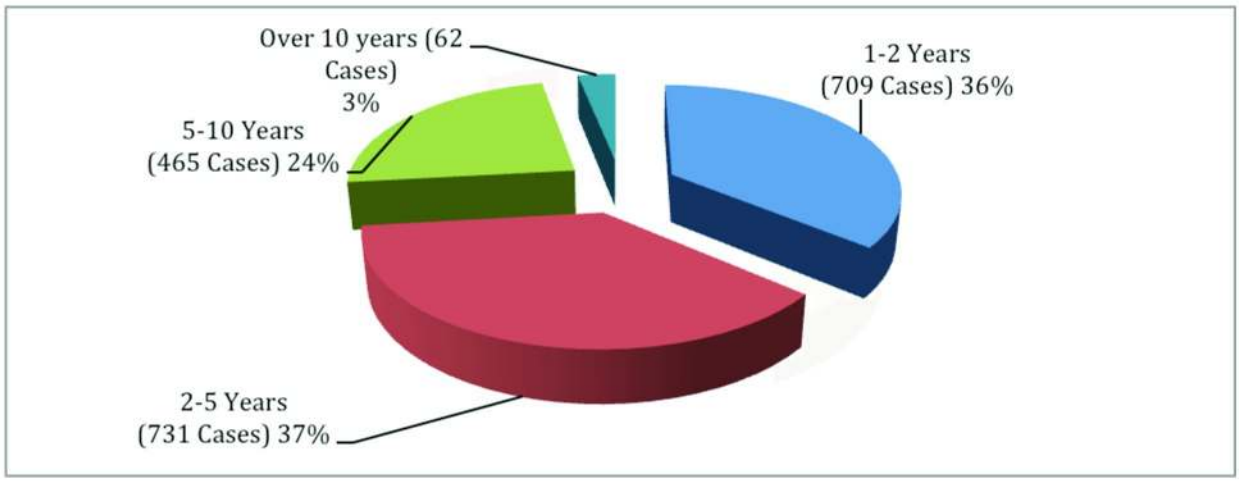
Criminal cases were the bulk of the pending cases in the COA. The pending cases by broad case type are detailed in Table 2.9

Table 2.9: Pending Cases By Broad Case Type, Court Of Appeal, 2015/16

	Civil Cases	Criminal Cases
Kisumu	193	248
Malindi	125	116
Nairobi	1512	454
Nyeri	100	113
All Court of Appeal Stations	**1930**	**931**

Out of the total pending cases in the COA, there were 1,979 backlog cases (that is cases over 1 year old). Figure 2.11 highlights the percentage case backlog in the COA by age at the end of the review period.

Figure 2.9: Percentage Case Backlog By Age In Court Of Appeal, 2015/16



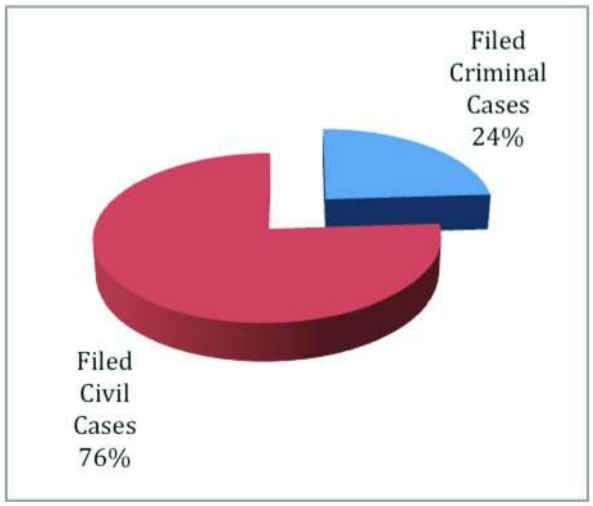
The case backlog for detailed civil and criminal case types by court stations is given in Annexures A 2.1 and A 2.2

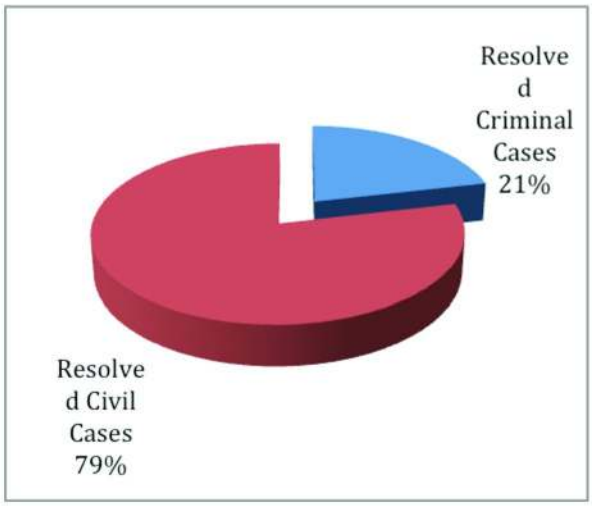
2.2.3 High Court

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

In the FY 2015/16, a total of 41,999 cases were filed in all high court stations. This was comprised of 10,092 criminal cases and 31,907 civil cases. Further, a total of 14,002 cases were resolved which comprised 2,999 criminal cases and 11,003 civil cases. The percentage distribution of filed and resolved cases in the High Court is highlighted in figure 2.10

Figure 2.10: Percentage Filed And Resolved Civil And Criminal Cases In High Court, 2015/16





Detailed analysis of the filed and resolved cases in the High Court is given in the Table 2.10.

Table 2.10: Filed And Resolved Cases By High Court Station, 2015/16

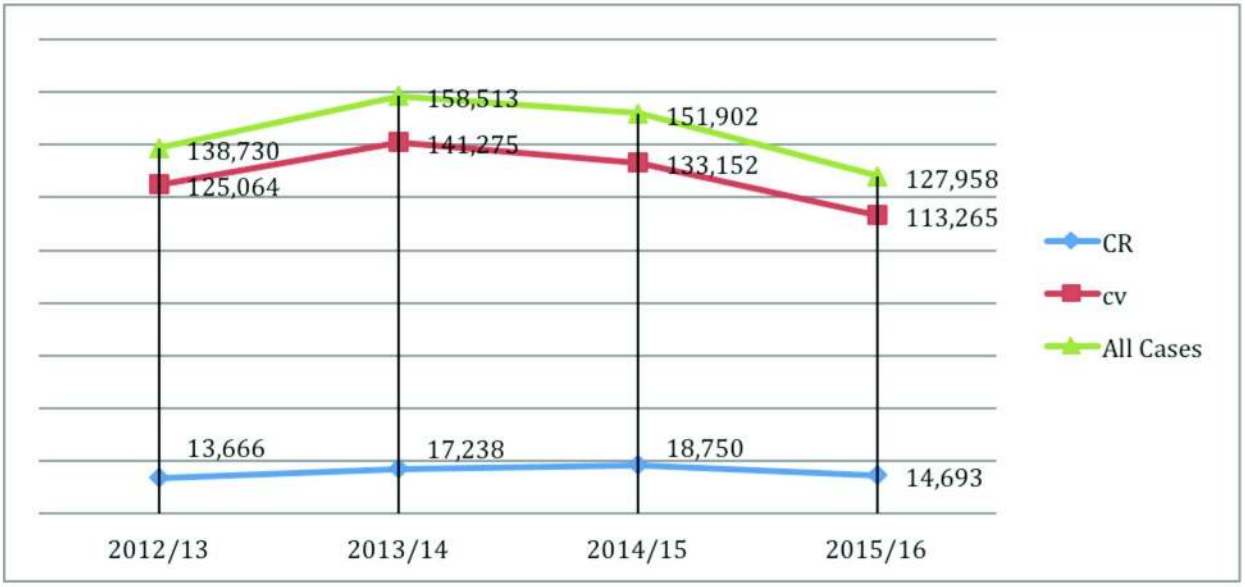
High Court Station	FILED CASES			RESOLVED CASES		
	CR	CC	All cases	CR	CC	All cases
Bomet	177	279	456	24	24	48
Bungoma	327	587	914	90	245	335

High Court Station	FILED CASES			RESOLVED CASES		
	CR	CC	All cases	CR	CC	All cases
Busia	179	288	467	36	117	153
Chuka	113	928	1,041	55	155	210
Eldoret	313	757	1,070	63	242	305
Embu	294	641	935	166	319	485
Garissa	237	58	295	76	35	111
Garsen	82	63	145	5	4	9
Homabay	343	792	1,135	241	127	368
Kabarnet	-	-	-	0	0	0
Kajiado	30	317	347	41	27	68
Kakamega	490	1,585	2,075	108	245	353
Kapenguria	91	87	178	12	3	15
Kericho	141	142	283	24	100	124
Kerugoya	124	1,271	1,395	188	365	553
Kiambu	-	-	-	0	0	0
Kisii	347	454	801	150	216	366
Kisumu	74	2,819	2,893	108	1,012	1,120
Kitale	527	340	867	21	112	133
Kitui	268	302	570	52	12	64
Lodwar	126	72	198	9	0	9
Machakos	490	943	1,433	110	600	710
Malindi	290	478	768	66	129	195
Marsabit	82	34	116	22	5	27
Meru	660	752	1,412	81	426	507
Migori	500	1,100	1,600	76	147	223
Milimani Civil Division	-	2,858	2,858	0	429	429
Milimani Commercial & Admirality Division	-	1,224	1,224	0	96	96
Milimani Constitutional Law & Human Rights Div.	-	658	658	0	93	93
Milimani Criminal Division	1,114	-	1,114	370	2	372
Milimani Family Division		3,271	3,271	0	3,061	3,061
Milimani Judicial Review Division		639	639	0	383	383
Mombasa High Court	239	2,310	2,549	64	331	395
Muranga High Court	227	1,281	1,508	110	369	479
Naivasha High Court	244	426	670	42	89	131
Nakuru High Court	689	1,735	2,424	68	573	641
Nanyuki High Court	367	252	619	47	22	69
Narok High Court	-	-	-	0	0	0
Nyamira High Court	197	250	447	33	53	86
Nyeri High Court	320	994	1,314	306	716	1,022
Siaya High Court	279	546	825	42	51	93
Voi High Court	111	374	485	93	68	161

Pending Cases, High Court

At the end of June 2016, there were **127,958 pending cases** in the High Court, which comprised of **14,693 criminal cases** and **113,265 civil cases**. The annual change in pending cases in the High Court for the last four years is shown in Figure 2.11.

Figure 2.11: Annual Trend On Pending Cases, High Court



Out of the 127,958 pending cases in the High Court, **100,764 cases were backlog** bearing they were aged 1 year and above. Figure 2.12 highlights the case backlog in High Court by age.

Figure 2.12: Case Backlog In The High Court, End Of 2015/16

2.2.4 Employment and Labour Relations Court (ELRC)

The ELRC is established pursuant to Article 162(2) of the Constitution and it enjoys the same status as of the High Court. It has jurisdiction over employment and labour disputes. There are six ELRC stations in the country stationed at Nairobi, Kericho Kisumu, Mombasa, Nakuru and Nyeri and 12 ELRC judges. There are 6 ELRC sub-registries in Meru, Bungoma, Eldoret, Malindi, Machakos and Garissa.

During the reporting period, **4,244** cases were filed in the ELRC bringing the total caseload in the registry to **11,309**. This is a decline of 1,307 cases from the 5,551 cases filed in FY 2014/15. A total of 2,403 cases were resolved in FY 2015/16, which reveals an incline in total number of concluded cases as compared to 2,156 from the previous FY. Figure 2.13 projects the filed cases (FC) and resolved cases (RC) by ELRC station.

Figure 2.13: Filed And Resolved Cases By ELRC Station

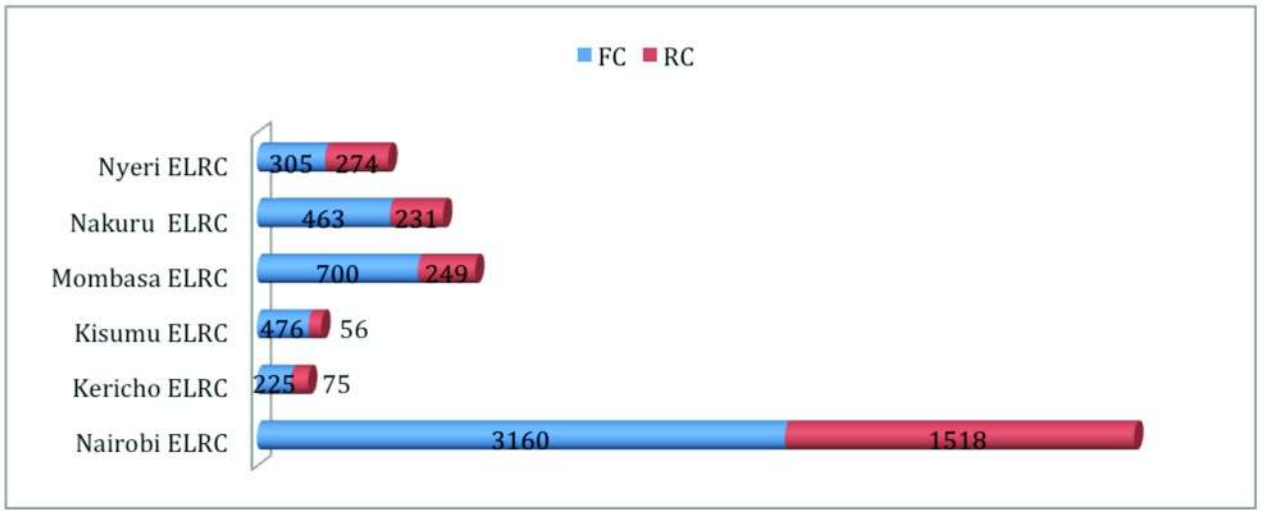


Table 2.11: Trend On Filed And Resolved Cases By ELRC Station, 2015/16

Station	2014/15		2015/16	
	FC	RC	FC	RC
Nairobi	3,184	1,428	3,160	1,518
Kericho	206	13	225	75
Kisumu	330	51	476	56
Mombasa	878	276	700	249
Nakuru	737	228	463	231
Nyeri	216	160	305	274
All stations	**5,551**	**2,156**	**5,329**	**2,403**

The filed and resolved cases in ELRC by specific case types are elaborated in Table 2.12 and 2.13.

Table 2.12: Filed Cases By Type And ELRC Station, 2015/16

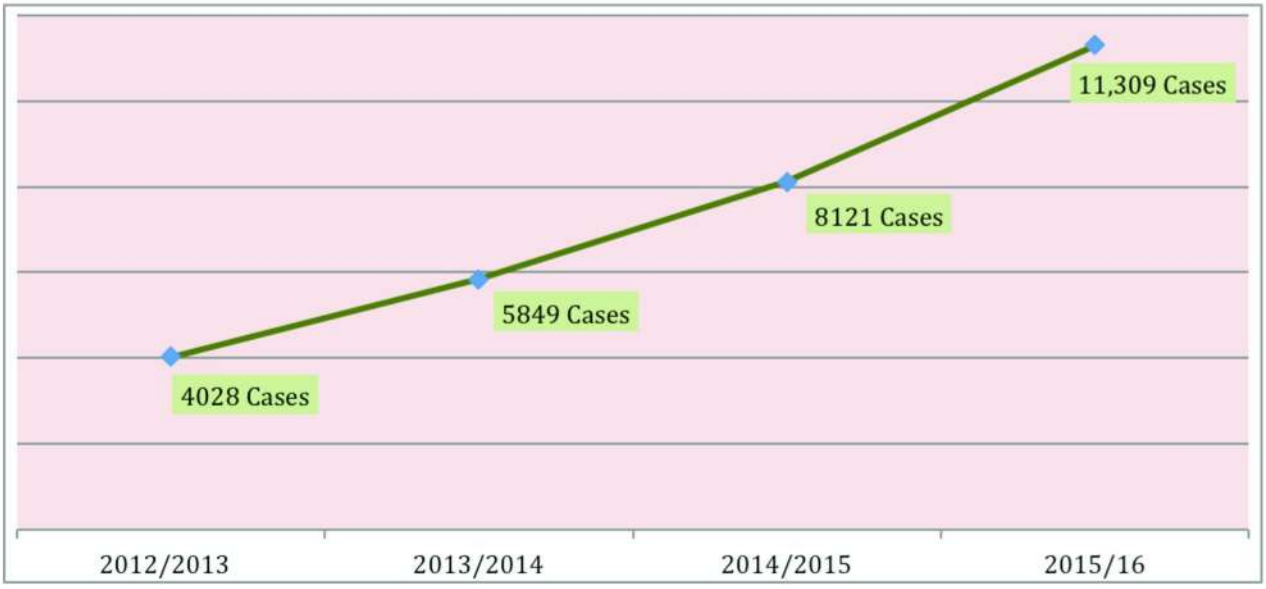
ELRC Station	CBA	Causes Disputes	Petitions	Misc.. ELRC	ELRC Appeals	ELRC Reviews	All Case Types
Kericho	0	221	3	0	1	0	225
Kisumu	0	447	22	4	1	2	476
Mombasa	0	644	9	32	14	1	700
Nairobi	396	2469	147	105	19	24	3,160
Nakuru	0	379	53	6	17	8	463
Nyeri	35	248	9	11	1	1	305
All stations	**431**	**4,408**	**243**	**158**	**53**	**36**	**5,329**

Table 2.13: Resolved Cases By Type And ELRC Station, 2015/16

ELRC Station	CBA	Causes Disputes	Petitions	Misc.. ELRC	ELRC Appeals	ELRC Reviews	All Case Types
Kericho	0	73	2	0	0	0	75
Kisumu	0	52	3	0	0	1	56
Mombasa	0	230	2	8	9	0	249
Nairobi	106	1273	78	28	10	22	1518
Nakuru	1	209	13	0	6	3	231
Nyeri	0	257	8	8	1	1	274
All stations	**107**	**2093**	**105**	**45**	**27**	**27**	**2403**

By 30th June 2016, there were 11,309 pending cases in ELRC up from 8,121 cases at the end of the previous reporting period. The annual pending cases for the ELRC is highlighted in Figure 2.14.

Figure 2.14: Annual Pending Cases, ELRC Court



The annual pending cases by ERLC station and specific case type are detailed in Table 2.25.

Table 2.14: Annual Pending Cases By ELRC Station

Case Type	2012/2013	2013/2014	2014/2015	2015/16
ELRC Appeals	0	5	47	53
CBA's	26	90	92	100
ELRC Reviews	-	22	31	13
Cause Disputes	3964	5520	7446	10,863
Miscellaneous ELRC	19	122	181	93
Petitions	19	90	324	187
Totals	**4028**	**5849**	**8121**	**11,309**

Out of the 11,309 pending cases in ELRC, 6255 cases were backlog. The particulars on case backlog in ELRC by case type and individual station is given in the Annexures.

2.2.5 The Environment and Land Court (ELC)

The court is established pursuant to Article 162 (2) of the Constitution and Environment and Land Court Act. It is a superior court with the status as the High Court, which has the exclusive jurisdiction to hear and determine environment and land, related disputes.

During FY 2015/16, a total of 6,159 new cases were filed in all ELC stations while 1,836 cases were resolved in the same period.

Figure 2.15: Filed And Resolved Cases 2014/15 – 2015/16, ELC

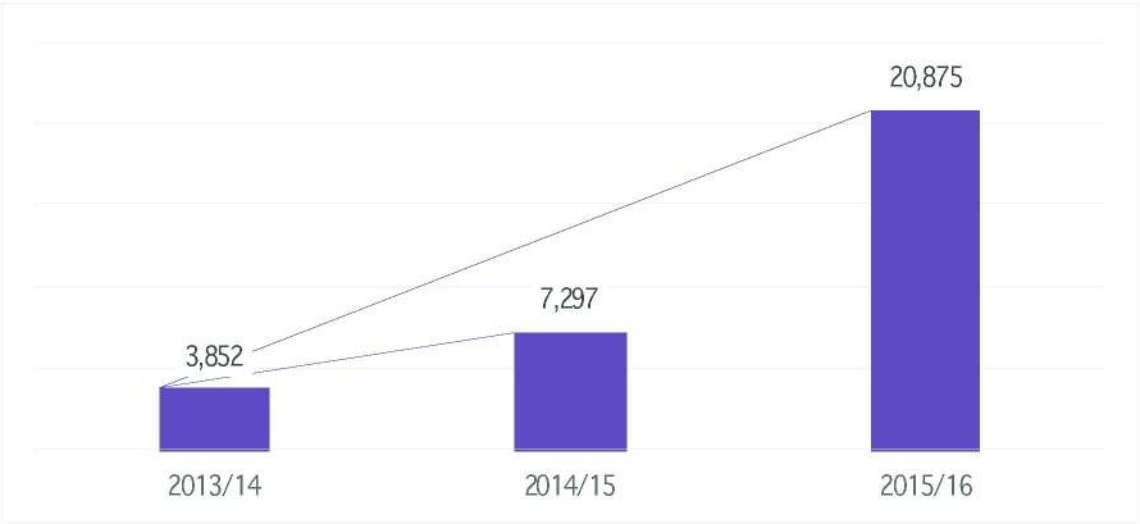
The trend on filed and resolved cases for the ELC stations is elaborated in table

Table 2.15: Trend On Filed And Resolved Cases, ELC

Station	2014/15		2015/16	
	FC	RC	FC	RC
Bungoma	180	57	112	144
Busia	47	104	144	14
Eldoret	113	190	521	68
Embu	341	5	130	9
Kakamega	544	41	262	10
Kericho	23	93	332	10
Kerugoya	85	62	875	217
Kisii	264	76	601	462
Kisumu	109	35	174	33
Kitale	65	32	193	98
Malindi	227	151	295	170
Meru	80	102	155	50
Milimani	1,788	2340	1,437	141
Mombasa	305	66	408	250
Nakuru	161	17	191	31
Nyeri	592	20	329	129
All stations	**4924**	**3391**	**6,159**	**1836**

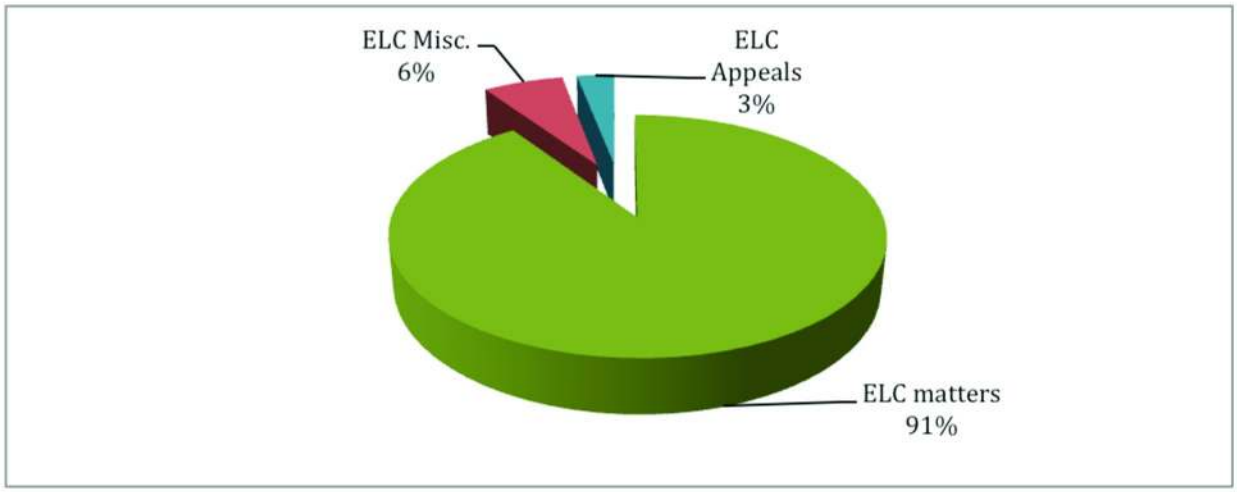
As at 30th June 2016, there were a total of 20,875 cases pending in the ELC court. Figure 2.16 gives the change in pending cases in ELC over the past three years

Figure 2.16: Trend On Pending Cases, ELC



The percentage of the pending cases by type for the ELC is portrayed in Figure 2.22

Figure 2.17: Percentage Pending Cases By Type In ELC, 2015/16



The pending cases for all ELC stations and case types are detailed in Table 2.31

Table 2.16: Pending Cases By Type In ELC, 2015/16

Station	ELC matters	ELC Misc.	ELC Appeals	All Case Types
Bungoma	345	4	31	380
Busia	430	2	14	446
Eldoret	688	4	2	694
Embu	663	0	0	663
Kakamega	703	0	5	708
Kericho	583	38	154	775
Kerugoya	855	31	15	901
Kisii	886	32	15	933
Kisumu	1057	11	9	1077
Kitale	770	219	20	1009
Malindi	1080	10	64	1154
Meru	1597	4	0	1601
Milimani	1777	21	52	1850
Mombasa	1550	364	51	1965
Nakuru	2095	137	145	2377
Nyeri	3818	470	54	4342
All stations	**18,897**	**1,347**	**631**	**20,875**

Out of the 20,875 pending cases in ELC court, 16,445 were backlog. The distribution of the 16,445 backlog cases by age in ELC court is given in figure 2.18

Figure 2.18: Distribution Of Case Backlog By Age, ELC

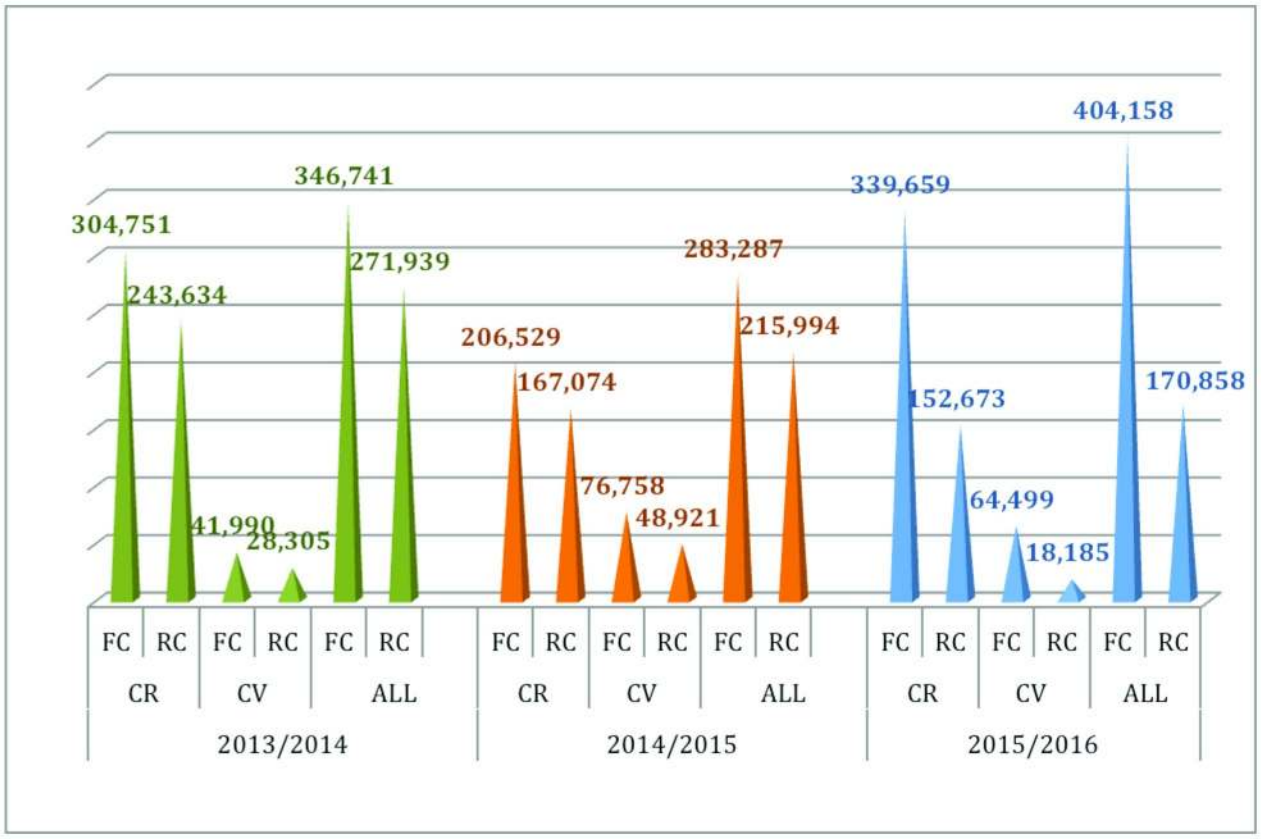
Majority of the backlog have been pending for 5 years and below. 8,733 and 4,801 are cases that are 2-5 years and 1-2 years respectively. Details on case backlog by case type and ELC stations are summarized in Table 2.32 in the Annexures.

ii. 2.2.6 Magistrate Court

Magistrate's courts are established pursuant to Article 169 of the Constitution of Kenya, 2010. The Magistrates Courts Act, Act No. 26 of 2015 provides for the general jurisdiction, administration and related issues of the Court. It is a subordinate court with 119 court stations in Kenya. Currently, there are 457 magistrates. The jurisdiction of the court includes criminal matters as prescribed by the Criminal Procedure Code and other statutes; and civil matters according to the pecuniary jurisdiction granted to each cadre of magistrate.

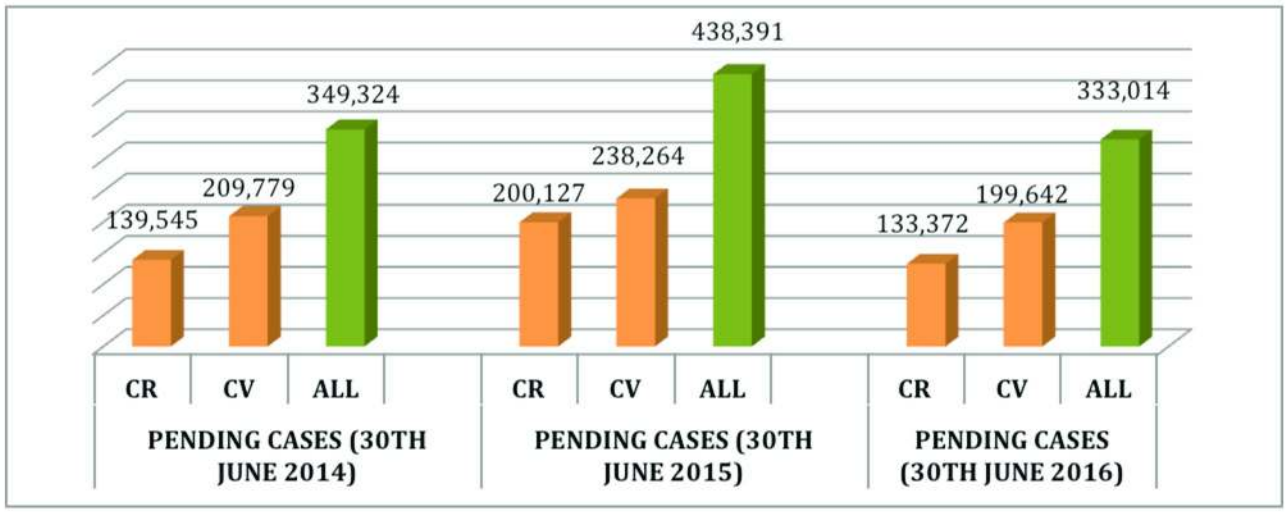
During the FY 2015/16, a total of **404,158 cases** were filed in magistrate court while 170,858 cases were resolved. The trend on Filed and Resolved cases in the magistrate court for the last three financial years is provided in Figure 2.19

Figure 2.19: Trend On Filed And Resolved Cases, Magistrate Court



At the end of the FY 2015/16, the pending cases in the magistrate court were 333,014 cases comprising 133,372 criminal cases and 199,642 civil cases. This is a significant decline from the 438,391 pending cases from the previous FY. The change in pending cases in magistrate court for the last three years is highlighted in Figure 2.20.

Figure 2.20: Trend On Pending Cases, Magistrate Court

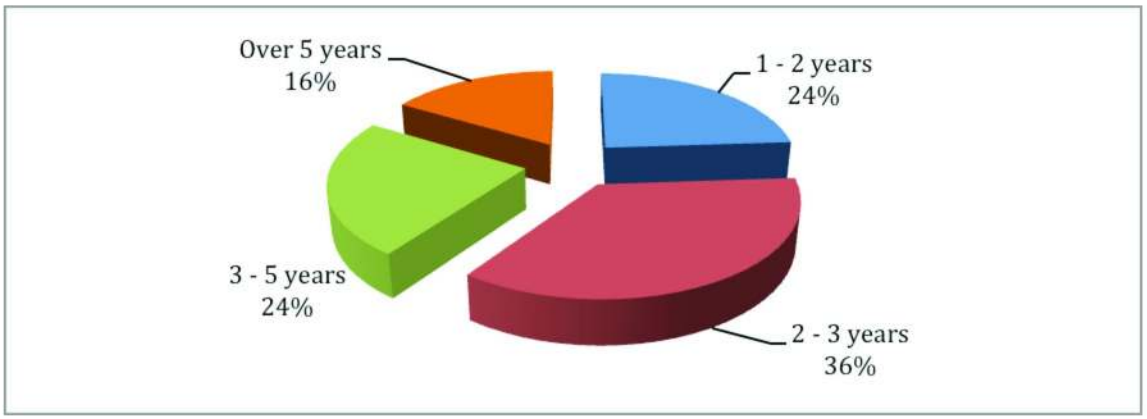


Out of the **333,014** cases pending in magistrate court, a total of **218,115 cases were backlog**. The distribution of the backlog cases in magistrate court is illustrated in Figure 2.21.

Figure 2.21: Distribution Of Backlog Cases By Age, Magistrate Court

The percentage backlog cases in magistrate court are summarized in figure 2.22.

Figure 2.22: Percentage Distribution Of Backlog Cases By Age, Magistrate Court



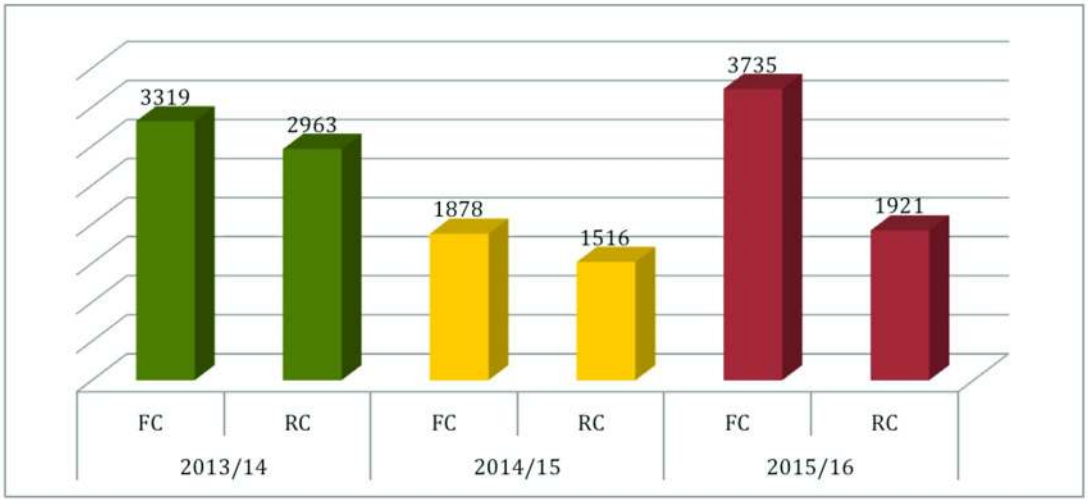
The details on filed and resolved cases, pending cases and case backlog for individual magistrate court stations are provided in Figure 2.34 in the appendices.

2.2.7 Kadhis' Courts

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

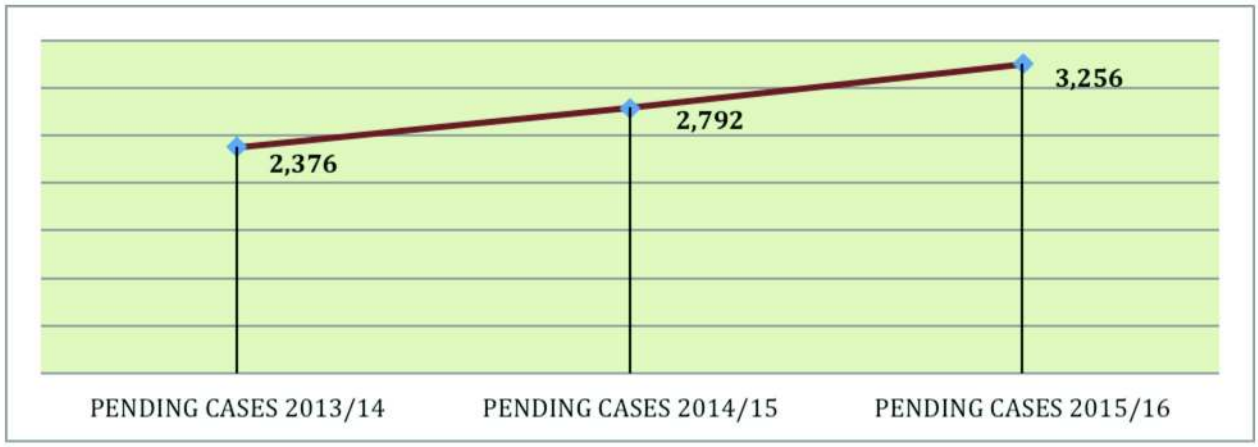
During the period under review, a total of 3,735 cases were filed in Kadhi court while 1,921 cases were resolved. The trend on Filed and resolved cases in the Kadhi court for the last three financial years is provided in figure 2.23.

Figure 2.23: Trend On Filed And Resolved Cases, Kadhis' Court



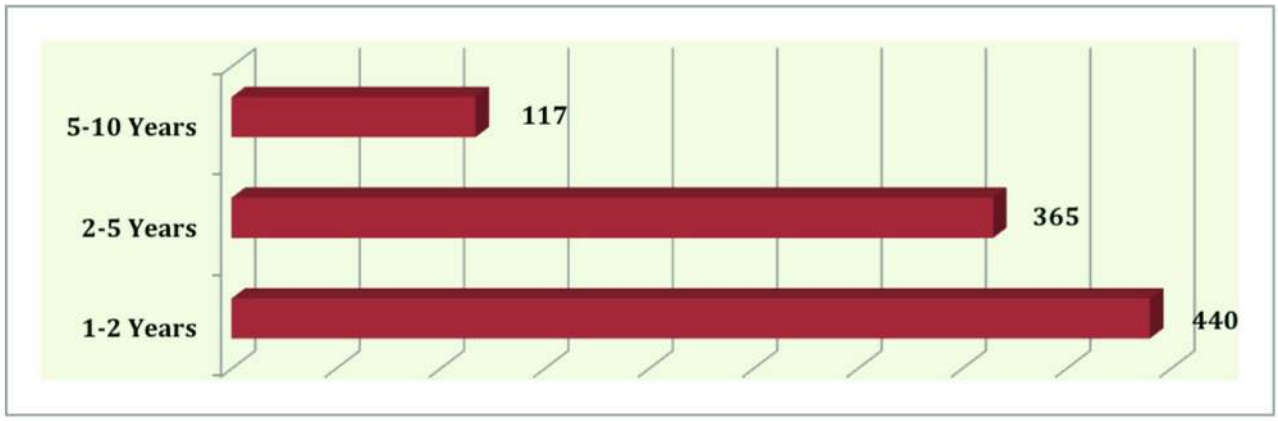
At the end of the FY 2015/16, the pending cases in the Kadhis' court were 3,256 cases. The change in pending cases in kadhi court for the last three years is highlighted in figure 2.24.

Figure 2.24: Annual Change In Pending Cases, Kadhis' Court



The summary on Case Backlog in Kadhis' Court is provided in figure 2.25.

Figure 2.25: Distribution Of Backlog Cases By Age, Kadhis' Court



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

2.8 Tribunals

2.8.1 Transition of Tribunals to the Judiciary

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

Unlike the previous constitutional dispensation where tribunals were part and parcel of the Executive arm of Government, under the current constitutional framework, Tribunals that are involved in dispute resolution are part of the Judiciary. In compliance with this Constitutional imperative, the National Treasury in a circular dated 14th June, 2014, transferred 10 tribunals to the Judiciary out of the over 60 tribunals in the country. Currently, the National Treasury has transited 15 tribunals from the Executive to the Judiciary.

The nature and character of the transition is manifested in the transfer of the operational process of tribunals such as budgeting and procurement to Judiciary. Due to the above constitutional requirements, the Chief Justice Hon. Dr. Willy Mutunga established the *Judiciary Working Committee on the Transition and Restructuring of the Tribunals (JWC-T)* to prepare a comprehensive structured transition plan of the tribunals from the Executive into the Judiciary structures. Further, the Attorney General asked the Kenya Law Reform Commission to form a Task force and propose recommendations including the consideration of merging tribunals that are undertaking similar or related functions. The Task force and the Judiciary Committee worked together in the exercise that culminated in the preparation of the Draft Tribunals Bill, 2015

2.8.2 Tribunal Regime and Transition in Kenya

Tribunals in Kenya today are mired in legislative and operational confusion. They exist independent of each other are appointed and constituted differently, operate on different procedural rules and with different degrees of accountability.

The JWC-T Committee identified the challenges facing tribunals as revolving around Legal, operational and infrastructural issues. Legally, all the tribunals are established under separate pieces of legislation. The appointment as well as mandate of the members is distinctly defined by those statutes. The accountability mechanisms are weak since most of the tribunals operate under parent ministries.

Operationally, the tribunals are staffed by ministerial staff seconded there. The staff may be called to perform other duties other than those in the tribunal that poses challenges of efficiency. It's also not possible to measure staff performance in the tribunals since the staffs, do not report to Judiciary. Other operational challenges are in relation to career progression of staff in tribunals, non-appointment of members, and disparity of

allowances to members across tribunals, lack of an enforcement framework of tribunal decisions. Further, tribunals are generally underfunded which impair their operations.

Infrastructurally, all the tribunals are housed by their ministries. They are run as secretariats. This requires deployment of substantial resources and does not lend itself to prudent management of public funds.

Even though the transition of Tribunals remains imperfect, for as long as the Draft Tribunals Bill, 2015 remains unpassed, several positive developments have occurred:-

1. In regard to budgets and operations, the Judiciary has appointed Authority to Incur Expenditure (AIE) holders for all tribunals that have been transited to the Judiciary.
2. All tribunals transited to the Judiciary are currently involved in the budgetary preparations and work planning programmes in the Judiciary under the Directorate of Finance.
3. The procurement function within tribunals is being done under the Judiciary and the tribunals have been requested to nominate members to serve in procurement committees.
4. Procurement plans of the tribunals have been incorporated under the Judiciary Procurement Master Plan.
5. Transited tribunals have been included under the Judiciary Training Institute Training Master Calendar. The first training is scheduled to be held in Naivasha from 24th to 28th October 2016 for the CEOs, Chairperson and one member.
6. To create public awareness regarding the services rendered by various tribunals, the transited tribunals have started participating in the Trade Fairs and some of them had stands in fairs recently held in Mombasa and Nairobi

2.8.4 Tribunals Currently in the Judiciary

1. **Business Premises Rent Tribunal (BPRT):**
   Established under the Landlord and Tenant (Shops, Hotels and Catering Establishments Act), Cap. 301, Laws of Kenya. It only deals with rent in relation to business premises. Its core functions is to assess rent, re-possession of premises by landlords, distress for rent by landlords, hearing and determination of general complaints in controlled tenancies. It is housed in Ministry of Lands, Housing and Urban development

2. **Rent Restriction Tribunal (RRT)**

   Established under the Rent Restriction Act, chapter 296 Laws of Kenya. Its mandate to determine disputes between landlords and tenants of protected tenancies; which are residential buildings that have been put the Act with a standard rent which does not exceed Ksh 2,500. The Tribunal is under the Ministry of Lands, Housing and Urban development

3. **HIV and Aids Tribunal**

   Is established under the HIV Prevention and Control Act, 2006 with the mandate to adjudicate cases relating to violations of HIV related rights arising from breaches of the Act. In 2016, the tribunal with support from UNDP published a compendium of cases it has handled since 2012.

4. **National Environment Tribunal (NET)**

Is established under the Environmental Management and Coordination Act, 1999 with the mandate to hear disputes arising from decisions of the National Environment Management Authority on issuance, denial or revocation of licenses, deal with offences from the Kenya Wildlife Management Act and the Kenya Forests Act. It also gives directions to NEMA on complex matters relating to the environment

5. **Industrial Property Tribunal (IPT)**

   Is established under the Industrial Property Act, 2001 with the mandate of determining disputes arising from infringement of rights under the Act. The tribunal is housed in the Ministry of Industrialization. The tribunal deals with intellectual property rights relating to patents, industrial and Cooperatives Development designs, utility models and technovations.

6. **Standards Tribunal**

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

7. **Sports Tribunal**

   Is established under the Sports Act, 2013. The Jurisdiction of the Tribunal is anchored in *Section 59* of the Act which provides that the Tribunal shall determine *appeals against decisions made by national sports organizations or umbrella national sports organizations, whose rules specifically allow for* appeals to be made to the Tribunal in relation to issues including, appeals against disciplinary decisions, appeals against not being selected for a Kenyan team or squad, other sports-related disputes that all parties to the dispute agree to refer to the Tribunal and that the Tribunal agrees to hear appeals from decisions of the Registrar under this Act.

8. **State Corporations Appeals Tribunal (SCOT)**

   is established under the State Corporations Act Chapter 446, Law of Kenya. The tribunal deals with disputes arising from surcharges and provides that any person who is aggrieved by a disallowance or surcharge may, within thirty days of the date of the certificate of surcharge, appeal by written memorandum to the Tribunal. The Tribunal shall, on appeal, have power to confirm, vary or quash the decision of the Inspector-General (Corporations), and to remit the case to the Inspector-General (Corporations) with such directions as the Tribunal thinks fit for giving effect to the decision on appeal.

9. **Education Tribunal**

   Established under the Basic Education Act, 2013 with the mandate of determining disputes between a people aggrieved by the decision of the County Education Board. The Board is yet to be operationalised since the gazettement of members is pending.

10. **Public Private Partnership Tribunal (PPPT) 2013**

    Is established under the Public Private Partnership Act, 2013. It considers all petitions and complaints submitted by a private party during the process of tendering and entering into a project agreement under this Act.

11. Competition Tribunal

Is established under the Competition Act, 2010 to determine disputes between an aggrieved party and the Competition Authority on any matter brought before the Authority. The Tribunal did not sit during the period under review due to quorum hitches. The 7 cases filed before the tribunal were transferred to the High Court for hearing

12. Co-operative Tribunal

Is established under the Cooperative Societies Act, Cap 490. It has jurisdiction to hear disputes among members, past members and persons claiming through members of cooperatives, past members and deceased members; or between members, past members or deceased members, and the Society, it's Committee or any officer of the society; or between the society and any other co-operative society.

13. Energy Tribunal

Is established under the Energy act, 2006. The tribunal sits on appeals from the decision of the Energy Regulatory Commission. The tribunal has not sat for the last two years due to quorum issues

14. Transport Licensing Appeals Board

Is established under the National Transport and safety Authority, 2012. It determines disputes arising from the decisions of the National Transport and Safety Authority

2.8.9 Recommendations on Transition Framework

The JWC-T has made key recommendations with regard to the transition as follows;

1. Fast tracking of the enactment of the Draft Tribunal Bill, 2016, which has been presented to stakeholders and is in the final stages of validation before presentation to Cabinet.
2. Rationalization and merger of tribunals to avoid duplicity.
3. Establishment of fully-fledged secretariat with a registrar to run tribunal affairs
4. Harmonization of terms and conditions of service for all members of the tribunals
5. Phased roadmap of transition to ensure smooth operations of tribunals be gradual to allow for completion of the legal framework for transition
6. Provision of Infrastructural facilities to allow for shared services by tribunals e.g. a plaza/complex where all tribunal are housed
7. A comprehensive review of the legislative frameworks under which tribunals are established be undertaken as a priority to create statutory hygiene. The review should aim to result in a new common framework for appointment and operation
8. Enhanced visibility of tribunals across the country
9. Decisions of the Tribunals be considered for reporting due to their specialised nature

Several tribunals have developed Rules to guide their operations. These are Competition Tribunal, Political Parties Disputes Tribunal, HIV and Aids Tribunal and the National Environmental Tribunal.

Table 2.17: Pending, Filed And Resolved Cases For The Tribunals, 2015/16

Name Of Tribunal	Cases Carried Over From 2014/2015	Cases Filed In 2015/16	Cases Resolved In 2015/16	Cases Pending In 2015/2016
Co-operative Tribunal	8210	1664	808	856
Competition tribunal	0	7	-	All cases transferred to the Courts due to lack of quorum
Public Private Partnership Petition Committee	0	6	6	0
Political Parties Disputes Tribunal	0	81	76	5
Rent Restriction Tribunal	296	2269	1682	587
Standards Tribunals	0	4	2	2 withdrawn
Transport Licensing Appeals Board	0	-	-	No cases were transacted
Industrial Property Tribunal	22	9	12	19
The Business Premises Rent tribunal	422	2,194	2,136	480
HIV & AIDS Tribunal	18	20	9	16 referred to other institutions for processing
State Corporation Appeals Tribunal	-			Not constituted for the last 2
Sports Disputes Tribunal	0	30	18	2 withdrawn
Education Tribunal	-	-		Members not appointed yet
National Environment Tribunal	12	34	21	
Energy tribunal	0	6	0	Quorum Issues

Nuggets of Jurisprudence From Selected Tribunals

Tribunals are an important vehicle in solving disputes across different sectors in Kenya. Tribunals generate unique jurisprudence, especially those specialized tribunals that deal with contemporary issues of the day. Below is a sample of the nuggets of jurisprudence emerging from tribunals.

1. Political Parties Disputes Tribunal

Can a political party expel its members for defying a party directive while conducting county assembly legislative business?

The Political Parties' Disputes Tribunal (PPDT) has made landmark decisions with regard to entrenching democracy in political parties. In the case of **Margaret Ndalana & 4 Others vs Wiper Democratic Party complaint no 4 of 2015**, the Wiper Democratic Party expelled the 4 petitioners in this matter. They moved to the PPDT to contest their expulsion on the basis that they had refused to support the party position with regard to the

impeachment process of the Deputy Governor of Machakos County. The petitioners had been accused of voting to impeach the Deputy Governor in defiance of party position that they should vote against the motion.

The PPDT allowed their petition and set aside the expulsion and held that, based on the national law regulating the powers and privileges of Parliament found in the National Assembly (Power and Privileges) Act, which is applicable to County Assemblies by virtue of Section 17 of the County Government Act no. 17 of 2012, no civil or criminal proceedings could be instituted against the members of the party while voting on a motion.

Section 4 of the National Assembly (Power and Privileges) Act provides that:

> *'No civil or criminal proceedings shall be instituted against any member for words spoken before, or written in a report to, the Assembly or a committee, or by reason of any matter or thing brought by him therein by petition, Bill, resolution, motion or otherwise.'*

The Tribunal noted that an arbitrary process of expulsion from political parties would take back political parties to the old dark days when parties would arbitrarily expel members without due process. The tribunal also noted that where a statute confers a power to an institution person or body, it's important that the person body or institution carries out the function unless a reasonable inference on delegation can be inferred. It was therefore unlawful for the ad-hoc committee to expel the members on behalf of the National Executive Committee, which has the express mandate under the Wiper Democratic Party's constitution to expel members.

2. HIV & AIDS Tribunal

Constitutional Law - fundamental rights and freedoms – discrimination -whether the respondent's acts and behavior amounted to discrimination against the claimant based on her HIV status – whether there was breach of confidentiality from the unlawful disclosure of the claimant's HIV status by the respondent –whether the claim was merited.

Jurisdiction - jurisdiction of the HIV and AIDS Tribunal - whether the tribunal could infer jurisdiction to determine matters of discrimination within the home or family setting – whether the HIV and AIDS Prevention and Control Act had comprehensively dealt with all forms of discrimination - HIV and AIDS Prevention and Control Act, 2006, section 3; HIV and AIDS Prevention and Control Act Part VIII.

Brief Facts:

The claimant and the respondent had been married for the last 12 years. In 2010, the claimant tested HIV positive and on informing the respondent of her status, the respondent was at first supportive but later on changed and allegedly started discriminating against her based on HIV status by, inter alia, refusing to talk to the claimant, refusing to eat together with the claimant or share utensils with her and moving out of their matrimonial home without the claimant's knowledge. Thus the claimant sought for a declaration that the actions of the respondent were unlawful, unfair and prejudicial to the claimant. The claimant also sought exemplary damages and costs of the suit. Conversely, the respondent denied discriminating against the claimant based on her HIV status.

He contended that the claimant was cruel and disrespectful to him and listed particulars of cruelty, inter alia, that due to the respondent's work engagement he would travel for weeks and after long safaris the claimant was not there to welcome him and that whenever the claimant took her leave from work, she would disappear and never inform the respondent of her whereabouts and whenever the respondent enquired he was told that she was an adult.

The main issues for determination by the tribunal were:

(a) Whether the respondent's acts and behavior amounted to discrimination against the claimant based on her HIV status;

(b) Whether there was breach of confidentiality from the unlawful disclosure of the claimant's HIV status by the respondent;

(c) What damages, if any, were payable to the claimant in the circumstances and what was the appropriate order as to costs?

Held:

1. Part VIII of the HIV and AIDS Prevention and Control Act, 2006 dealt with the issue of discrimination, specifically addressing discrimination at the workplace, schools, with regard to travel and habitation, in public service, in respect of access to credit and insurance services, in health institutions, and with regard to burial. It did not mention discrimination within the home or in the marriage setting, which was the gist of the instant claim. However, section 3 of the HIV and AIDS Prevention and Control Act inferred the Tribunal's jurisdiction to deal with discrimination within the home by outlawing discrimination in all its forms and subtleties against persons with or persons perceived or suspected of having HIV and AIDS.

2. Regarding the respondent's conduct towards the claimant, the alleged mistreatment of the claimant did not start immediately upon learning of her HIV status. If the respondent's reason for changing his behavior towards the claimant had anything to do with the claimant's HIV status, then the reaction would have been immediate rather than delayed. The basis of the behavior and attitude between the claimant and the respondent was a series of long standing and deep seated matrimonial issues unrelated to her HIV status. Such matters would be best addressed in a matrimonial cause rather than in the instant forum. Thus, the respondent had not discriminated against the claimant on the basis of her HIV status.

3. Under section 22(1)(a) of the HIV and AIDS Prevention and Control Act, one of the objects of the Act was to extend to every person suspected or known to be infected with HIV and AIDS full protection of their human rights and civil liberties by guaranteeing the right to privacy of the individual. Unlawful disclosure of one's HIV status violated the right to privacy as it opened doors to invasion of one's autonomy of their personal space. The respondent's discussion and subsequent disclosure of the claimant's HIV status with his brother was uncalled for and unlawful.

4. Although the claimant did not include an indication on the amount of damages claimed, the Tribunal considered past awards by the Tribunal (B. O v Meridian Equator Hospital, Claim No 005 of 2013) and awarded the claimant a sum of Kshs. 150,000/= for unlawful disclosure. Claimant awarded Kshs. 150,000/= for unlawful disclosure and costs of the suit.

Parameters within which a hospital/doctor may disclose the HIV status of a patient

E.M.A -vs. - World Neighbors & Another

CASE NO. HAT 007 OF 2015

HIV AND AIDS TRIBUNAL AT NAIROBI

December, 18, 2015 HAT 007 of 2015

HIV and AIDS Tribunal at Nairobi

Constitutional Law – fundamental rights and freedom – privacy - whether the claimant was a victim of discrimination by either the medical facilities or the 2nd respondent, or both - whether the claimant's right to privacy and confidentiality were violated by the hospital and/or the 2nd respondent contrary to the provisions of the HIV and AIDS Prevention and Control Act – Constitution of Kenya, 2010, articles 27 and 28; HIV and AIDS Prevention and Control Act section 35

Employment Law – termination of employment – discrimination - whether in terminating the claimant's employment amounted to discrimination against her on the basis of her HIV status – whether the claimant was a victim of discrimination by either the medical facilities or the 2nd respondent, or both.

Brief Facts:

The claimant filed a statement of claim stating that she was employed by World Neighbors, the 1st respondent, and at the time of employment she was provided with in-patient and out-patient health insurance supplied by the 2nd respondent. Two years into her employment she was admitted to hospital due to bacterial meningitis owing to her HIV sero-status. Consequently, after learning of the claimant's HIV status, the 2nd respondent declined to pay the claimant's medical bill to a tune of Kshs. 49,133/=. However the 1st respondent settled the bill on condition that the claimant would settle the amount in 12 months. Several months later the claimant was again admitted to hospital due to jaundice, where her hospital bill accumulated to Kshs. 138,740/=. The 2nd respondent declined to settle the bill albeit the ailment being within the scope of the insurance cover.

The claimant was later laid off for reasons that the 1st respondent was undergoing restructuring rendering her position redundant. She claimed compensation from the Respondents on the basis that: her employment was terminated as a result of discrimination based on her HIV status; the 2nd Respondent refused to pay her medical bills based on discrimination as any person could suffer from the illnesses on which account she was hospitalized; she sustained emotional distress and trauma when she was detained in the hospital for lack of funds to offset the bill as well as when her employment was terminated while she was heavily pregnant and could not provide for her children as she used to.13

The 1st respondent submitted that none of its employees or managers discriminated against the claimant, and that her termination was as a result of financial constraints and not discrimination, which termination was done in accordance with the terms of the contract. Conversely, the 2nd respondent submitted that it did not discriminate against the claimant by virtue of her status but that because the treatment administered fell under the general exclusions of the health insurance cover and further that all actions were taken within the insurance contract.

The main issues for determination by the tribunal were:

(a) Whether terminating the claimant's employment amounted to discrimination against her on the basis of her HIV status;

(b) Whether the claimant's right to privacy and confidentiality were violated by the hospital and/or the 2nd respondent contrary to the provisions of the HIV and AIDS Prevention and Control Act;

(c) Whether the claimant was a victim of discrimination by either the medical facilities or the 2nd respondent or both.

Held:

1) Although the claimant's evidence raised suspicion that she may have been dismissed from employment on grounds of her HIV status, the evidence adduced did not demonstrate that that was the sole reason for her termination. Once the 1st respondent gave plausible evidence to the effect that the sole reason for the termination was restructuring caused by liquidity challenges the burden shifted to the claimant to adduce evidence to prove that that was not the case. Thus the claimant failed to discharge the burden of proof to the requisite standard.

2) The disclosure of patients' HIV status by hospitals to medical insurers in Kenya was not only discriminatory but had also been subjected to gross abuse. Accordingly, there was need to determine the circumstances in which such disclosures ought to be made, as well as circumstances in which such disclosures could not be made.

3) Article 27 of the Constitution outlawed discrimination on grounds of health status. Discrimination on the basis of health had become so entrenched within the medical practice in Kenya that no one even noticed that they violated the rights of HIV positive patients and entrenched stigma and discrimination against them. The Tribunal took judicial notice of the fact that most such contractual clauses were unconscionable. Besides the unconscionability, such contractual clauses also violated the provisions of article 27 of the Constitution as well as section 35 of the HIV and AIDS Prevention Control Act (HAPCA).

4) Medical facilities and medical practitioners should only disclose the HIV status of their patients to the medical insurers when it was both necessary and justifiable having regards to the circumstances of the case.

5) Disclosure was necessary, and should only be authorized where the following conditions were met and not otherwise:

- Where the patient's viral load was so high that it militated against quick recovery and therefore increased the cost of treatment;
- Where the patient's HIV status was the sole or primary cause of the medical condition that was being treated;
- Where for any other reason the patient's HIV status or impact significantly affected on the costs of the medical treatment and therefore directly affected the interests both present and future of the medical insurer;
- Where recurrence of the problem in future was reasonably foreseeable owing, not merely as a matter of pure chance but on account the HIV status of the patient.
- Such conditions were not met in every case. Where the HIV positive patient's viral load was still undetectable (as was the case herein) such conditions would only be met with regards to some diseases but not to all.

Where such conditions were not met then there would obviously be no justification for disclosing the patient's HIV status to the medical insurer. Such disclosures would therefore violate the privacy and confidentiality of the HIV positive patients without affording the medical insurers any benefits at all.

It would have been senseless and unjust to permit such disclosures since to do so would be to sanction a clear violation of the human rights of HIV positive patients.

If the disclosure was not necessary in spite of the patient's HIV status, then why draw a distinction between HIV positive patients and HIV negative patients, considering that such disclosures were usually considered unnecessary where the patient was negative?

Therefore it was unlawful and unfair for the 2nd respondent to discriminate against HIV positive persons by purporting to develop a different policy for HIV positive persons. Such a policy clearly violated the provisions of section 35 of the HIV and AIDS Prevention and Control Act.

6) It was illegal for the 2nd respondent to create a separate cover for HIV positive persons which required the proposers, such as the claimant herein to disclose her HIV status, prior to obtaining a cover, or even to have two types of medical covers, one for HIV positive persons, and another one for HIV negative persons. Such unjustified, unfair and unnecessary distinctions should not be tolerated in a civilized society.

7) The HIV and AIDS exclusions contained in the medical cover that was purchased by the 1st respondent on behalf of the claimant herein were illegal and therefore null and void.

Orders:

2nd respondent liable in damages for violation of the claimant's privacy and confidentiality rights and an award of Kshs. 500,000/= as damages to the claimant; 2nd respondent to refund the claimant the sum of Kshs. 138,740/= which the claimant paid when they refused to settle the hospital bill; 1st respondent was liable to refund the claimant Kshs. 40,133/= and proceed to claim re-imbursement for the same from the 2nd respondent; costs of the suit against the 2nd respondent.

3. Cases from the National Environment Tribunal (NET)

NET hears disputes from decisions arising from National Environmental Management Authority (NEMA). The Tribunal has dealt with several decisions that have impacted on environmental issues such as the Nairobi National Park, Coal mining projects etc.

NET/02/03/2005 – Jamii Bora Charitable Trust & Another v. NEMA & NEMA

The Tribunal, in a precedent-setting ruling, exercised powers that could been exercised by NEMA, as permitted by section 128(3)(b) of EMCA which states that: Upon any appeal, the Tribunal may:- exercise any of the powers which could have been exercised by the Authority in the proceedings in connection with which the appeal is brought."

NEMA had denied Jamii Bora an EIA licence to construct a residential estate in an area bordering Nairobi National park in Kisaju, Kajiado County. After hearing a total of 43 witnesses over a period of time, and in view of the urgent need to determine the matter, instead of having the Appellant approach NEMA again for a licence, the Tribunal, having found that the project area was not within the National Park as claimed, exercised the authority granted by law to issue a conditional EIA licence to the Appellant, stating, in summary, that:

(a) "The Respondents' decision dated 14th January 2005 denying the Appellants an EIA licence for the proposed project be and is hereby set aside;

(b) An EIA licence be and is hereby issued for the Appellants' project, subject to the following conditions:…"

NET/97/2012 - Kenya Grange Vehicle Industries Limited & Deposit Protection Fund Board v. NEMA & Umang Industries Ltd.

In this appeal, the Tribunal applied the Precautionary Principle, an International Environmental Law principle that has been incorporated in EMCA, section 2, to stop operations of a tyre pyrolysis plant in Industrial Area in Nairobi, in order to protect human health and the environment from noxious gasses emitted therefrom.

The appeal was filed on 19th June 2012 to challenge NEMA's approval and licence of the 2nd Respondent's recycling of waste tires through a tire pyrolysis process in industrial area, on grounds, among others, that the pyrolysis process was giving rise to the emission of noxious and pungent gasses which caused workers and other persons in the vicinity a number of health ailments, including: headache, nausea, blocked chest, respiratory complications and dizziness.

Several witnesses, including expert witnesses, testified. In its findings, in consideration of the pleadings, the evidence tendered and the applicable law, the Tribunal noted that the 2nd Respondent, in its EIA Project Report, identified industrial fuel oil, carbon black, scrap steel and syngas which were stated to be beneficial byproducts, and harmful acidic effluents, oxides of nitrogen, sulfur dioxide, and carbon monoxide that could emanate from its tyre pyrolysis processes.

However, it did not identify hydrocarbons, including: toluene, benzene and zylene which Dr. Oduor, a specialist in organic chemistry who testified, undeniably stated in evidence to be potentially emitted from tyre pyrolysis processes. Dr. Oduor undeniably stated that the hydrocarbons are carcinogenic (cancer causing). He also undeniably stated that the 2nd Respondent's tyre pyrolysis processes could generate hydrogen peroxide, harmful oxides, nitrates, sulphates, offensive odour and other substances which are also harmful to buildings including: thyophine, sulphur oxide, methane, and sulphonic acid. The assertions were not denied by the Respondents.

On the part of NEMA, a witness testified, stating that NEMA had no competence in tyre pyrolysis and that the 2nd Respondent's was the first plant of its kind for it to approve and licence.

In consideration of the pleadings, the evidence tendered and the applicable law, the Tribunal ruled that in its state- with cracks on the sides of the reactor, without a flame arrester, with scrubbers that were not working efficiently thus allowing dangerous fumes to be released into the atmosphere, without training of all workers in the locality of the plant on tyre pyrolysis and its impacts, without stack to promote dispersion of discharge and mitigate the effects of residual emissions, without appropriate introduction of lime to neutralize acidic waste water, without mechanisms for depressurization of the plant to avoid explosion and without gas flare to render excess syngass harmless, the manually operated plant (contrary to the state-of-the-art plant that was promised in the Project Report) had caused human health injury and had the potential to cause more short and long-term negative health impacts, including respiratory ailments and cancer, in addition to environmental degradation. The situation called for the application of the Precautionary Principle, which it did apply, to cancel NEMA's EIA licence for the project, revoke its approval of the same and to order it closed. The Precautionary Principle in EMCA, section 2, is the principle that

"…where there are threats of damage to the environment, whether serious or irreversible, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

NET/08/2006- Gitiriku Wainaina & Another v. KENAFRIC Industries & Another

This was a referral from the High Court, which had commenced as High Court (Nairobi) Civil Suit No. 738 of 2003. The Judge who was handling the case directed that it be transferred to the Tribunal, in consideration of the environment-related nature of the claims raised therein. By letter dated 13th July 2006, NEMA communicated to the Tribunal its desire that the matter be dealt with by the Tribunal as a referral under section 132 of The Environmental Management and Co-ordination Act (EMCA, 1999). It was the first referral under the enabling provisions of the law. In its precedent-setting ruling, the Tribunal clarified that referrals to it are provided for under section 132 of EMCA which states that,

"when any matter to be determined by the Authority under this Act appears to it to involve a point of law or to be of unusual importance or complexity it may, after giving notice to the concerned parties, refer the matter to the Tribunal for direction."

The Tribunal also explained its statutory powers, upon a referral, based on section 126(2) of EMCA.

The substance of the appeal/case comprised the Plaintiff's allegations that the Defendant's manufacturing activities constantly caused offensive and pestilential gases, smells and vapour to come into, and be on the Plaintiffs' premises, causing a nuisance, which they particularized to include: Pollution of the air with sulphur dioxide and hydrogen sulphide gases, exposing the Plaintiffs and their tenants as well as the public at large to noxious and dangerous doses of sulphuric acid, causing corrosion by emission of such harmful gases on the roof of the Plaintiff's property which was constructed using galvanized iron sheets, causing smelly air to be permanently emitted onto the Plaintiffs' property, and e. Causing harmful and noxious effluent to be discharged from its factory and to flow intermittently into the Plaintiffs' property causing continued flooding of effluent and stagnation on the lower floor of the Plaintiffs' residential flats and damage to the building structure.

The Plaintiffs also alleged negligence on the part of the Defendant, including failure to construct or main piper or other apparatus to keep the gases and effluent and ensure that they would not escape from the factory. Upon consideration of evidence tendered, including evidence of occupational health and safety experts and a chemist, the Tribunal, further, in a precedent-setting ruling,

i. established a causal connection between the Defendant's activities and both the property and health damage claimed by the Plaintiffs,

ii. found that there were enhanced levels of sulphur dioxide and hydrogen sulphide in the atmosphere of the industrialized area, in which there were not only several factories, but also heavy vehicular traffic and unofficial dumpsites, all of which emit the harmful gases,

iii. found that the Defendant's manufactured confectionaries at the site in issue and had contributed to the enhanced atmospheric levels of sulphur dioxide and hydrogen sulphide in the area,

iv. found that the corrosion of the galvanized iron sheets used for roofing on the Plaintiffs' block of flats was caused by the gaseous emissions, more particularly sulphur dioxide and hydrogen sulphide,

v. furthermore, it found that not possible to determine with precision the respective contributions to the corrosion of the iron sheets that arose from the industrial activities of the Defendants as opposed to that which arose from the enhanced levels of corroding gases in the general atmosphere in the locality but considered that on substance, the question that arises for the determination of the Tribunal is whether, given that the state of the evidence adduced in this case, the Defendants can be held liable for the damage to the roof of the Plaintiffs' block of flats and for the loss thereby suffered by the Plaintiffs. The Tribunal found that the Defendant's activities materially contributed to the injury/ damage suffered by the Plaintiff.

vi. The Tribunal applied the principle of law that, "if each of several persons, not acting in concert, commits a tort against another person substantially contemporaneously and causing the same or indivisible damage, each several tortfeasor is liable for the whole damage." (Halsbury's Laws of England, 4th Edition, vol. 45(2) para 347).

vii. In applying the principle of law, it considered that it was enough to show that the defendant materially increased the risk of harm from a known source and that the case against the defendant is proved where a prima facie case has been made out against him on a balance of probabilities and he (the defendant) has not adduced evidence of his innocence.

viii. In applying the principle of law, the Tribunal considered that in the present case, the Plaintiffs did demonstrate that, on a balance of probabilities, the Defendants' activities during the period in question contributed materially to the enhanced levels of corrosive gaseous emissions in this area that caused the corrosion of the galvanized iron sheets on the roof of the Plaintiffs' block of flats, and

ix. for the first time, the Tribunal awarded the Plaintiff damages in the sum of Kenya Shillings 354,000, which was to attract interest at the rate of 12 per cent per annum, from the date the plaint was filed I the High court, until the whole amount was paid, in full.

NET/05/2005 – A.T. Kaminchia v. NEMA & M/S Bellway Gardens Limited

This was an appeal filed by a property owner, challenging NEMA's approval and licence of the 2nd Respondent's development of residential houses and a perimeter wall around them, on L.R. 209/8875, which is located along Kirichwa Kubwa River in Kileleshwa, Nairobi. In its precedent-setting ruling, the Tribunal ordered the 2nd Respondent to maintain a six-metre riparian reserve, measured from the high water mark of the River. The Tribunal also directed that the perimeter wall that the 2nd Respondent had constructed be demolished and if re-built, it should meet the six-metre riparian way leave required, measured from the high water mark of the River.

4. Industrial Property Tribunal

Does the Industrial property tribunal have jurisdiction to extend time within which to challenge registration of an industrial design?

Industrial Property Case No. 69 OF 2014:

Finline Industries Ltd – Vs- Safepak Limited

The Industrial Tribunal was called upon to determine the question of

1. Whether the Tribunal has Jurisdiction to grant an extension of time to file an application for revocation and invalidation of an Industrial design, when the act provides under section 103 (2) that an application for revocation or invalidation be made within a period of nine (9) months from the date of publication of the design.

2. Application of Article 159 (d) of the Constitution whether the time limit of 9 months in S.103(2) is a procedural technicality.

The application was made under section 103 (2) of the Industrial Property Act, 200, hereinafter referred to as the "the Act". The Requestor submitted this under Rule 33 (1) of the Rules that the tribunal has jurisdiction to extend time limit, (a) under the rules and (b) under the Act or regulations for making an appeal. In its view, the word 'or' is conjunctive and used to link alternative for two independent provisions. It submits that the tribunal has power to extend time under the Act and therefore its application is properly before the Tribunal.

The Requestor had made an application for extension of time after the time limit had expired. The details of Industrial Design No. 646 which was being challenged was published by the Kenya Industrial Property Institute (KIPI) Journal on 31st December, 2011. The period of nine months therefore lapsed on 30th December 2012 or thereabouts. The Requestor's application was filed on 19th December 2014, slightly over two years from the date of publication.

The Requestor stated in its pleadings and submissions that it was not aware of the said publication and only came to learn about the registration of the design upon receipt of the Respondent's Advocate's letter of "cease of desist" aforementioned. A plain reading of Rule 33 of the Rules show that time can only be extended under the Rules or under the Act for making an appeal. The time limit sought by the Requestor is under the Act Section 103(2).

The Requestor relied on the decision of the Tribunal in Industrial Property case Number 57 of 2008, Chemserve Cleaning Services Ltd -Vs- Sanitary Services (East Africa) Ltd where it was held that the applicant must show the steps it took and its conduct after it became aware of the existence of the Industrial Design.

The Respondent submitted that in order for the tribunal to be said to have powers to extend time, the Requestor must fulfill the conditions in Rule 33 (1) (a) and (b). It submitted that the time limit is for time in the Rules and for Appeal and that the word 'or' is not conjunctive. It submitted that the time limit of nine months is set under Section (103) (2) and not by the IPT Rules and therefore the time is fixed and the Requestor does not qualify for extension.

The respondent submitted that the tribunal has no powers to extend time and relies on a decision of the tribunal Ipt No. 54 Of 2007 Friendship Container Manufacturers Ltd-Vs- Yash Plastomet Pvt Ltd – wherein the tribunal held that the Rules do not give power to the tribunal to extend time limit.

Held: It is our considered view that the Requestor's application for revocation is properly filed and should be heard on its merits. It is in our view important to determine whether design number 646 is new or not and that it can only be done during, the hearing of the Requestors application. In any event the Respondent shall not suffer prejudice if the application is to be heard and determined on its merits as it shall have an opportunity to also bring evidence and cross examine the Requestor. It has been held time and again by the courts that the overriding objective of the court is to focus on substantive justice while exercising judicial discretion. This was held in many cases including Addirahman Abdi Also Known As Abdirahman Muhamud Abdi -Vs- Safi Petroleum Products Ltd & 6 Others, Civil Application No. Nai 173 Of 2010.

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

2.3 Efforts to Improve Access to Justice

The Courts continued to adopt and implement innovative and strategic approaches geared towards improving access to justice and judicial practice. The entire JTF 2012-2016, which culminates at the end of this reporting period, is premised on improving justice delivery. In line with the Judiciary's Mission, during this reporting period, the various courts and registries implemented innovative ways of delivering justice fairly, impartially and expeditiously, promoting access to justice, and advancing local jurisprudence by upholding the rule of law. The Judiciary has actively taken steps to reduce barriers to justice. The section below highlights various steps taken during the reporting period to improve access to justice.

2.3.1 Increasing the number of Judges and Magistrates

At the end of the previous financial year, there were a total of 130 judges and 506 judicial officers comprising magistrates and Kadhis. These are 7 Supreme Court Judges, 26 Court of Appeal Judges, 70 High Court Judges, 15 Environment and Land Judges, 12 Employment and Labour Relations Court Judges and 451 Magistrates and 56 Kadhis.

During the reporting period, thirty-(30) new magistrates in the ranks of Chief and Senior Resident Magistrates were employed. In addition, twenty-one (21) Kadhis in the rank of Kadhi II were employed and distributed to various courts across the country. During the year in review, two magistrates resigned, three passed away and four were vetted out by the Judges and Magistrates Vetting Board. Four judges retired, Chief Justice Dr. Willy Mutunga, Deputy Chief Justice Kalpana Rawal. Justice Phillip Tunoi of the Supreme Court; and Justice Onyancha of the High Court.

2.3.2 Establishing New Courts, Sub registries and Mobile Courts

Physical distances to the nearest courthouse has been identified as one of the barriers to access to justice. Access to justice therefore demands reasonable physical proximity to court stations so as to reduce the physical burden on litigants and court users.

Since 2012 when the JTF was adopted, average distance to court has reduced significantly in most Counties. There has been concerted effort by the Administration to expand and improve court networks. In line with this requirement, during the FY 2015/16, the Judiciary established several new court stations and sub registries. The overall goal is to establish a High Court station in every County and Magistrates Courts in every Sub County.

1. **The High Court**

   During FY2015/16, Fourteen (14) new High Court stations were established. These new High Court stations which become operational on 1st September, 2015 are: Siaya, Nyamira, Marsabit, Kapenguria, Kabarnet, Nanyuki, Chuka, Kajiado, Migori, Kitui. Bomet, Lodwar, Garsen, Voi and Kiambu. Currently, there are 35 High Court Station in 34 Counties. A High Court sub-registry was also established in Thika. In addition, the High Court undertook mobile sittings at Loitoktok, Kericho (ELC), Kakuma, Embu (ELC), and Narok. These new stations have facilitated easier physical access to court facilities.

2. **Employment and Labour Relations Court**

   The Employment and Labour Relations Court (ELRC) established six (6) sub-registries in Bungoma, Eldoret, Garissa, Machakos, Malindi and Meru. The Chief Justice established these registries on 29th April 2016 through Legal Gazette No. 2883 of 2016. The Chief Justice also designated judges to preside and dispense justice from these new sub registries.

3. **Magistrates Court**

   During the reporting period, four (4) new magistrate courts were established at Jomo Kenyatta International Airport (JKIA), Mpeketoni, Loitoktok and Ngong during the reporting period.

4. **Mobile Courts**

   Mobile Court Guidelines were developed and disseminated for implementation. In the period under review, 50 mobile courts were facilitated to provide equitable access to justice for all. The imoritance of mobile courts cannot b overemphasized as it ensures that cases which would otherwise not have been taken to court are heard without undue inconviennce to litigants and witnesses.

2.3.4 Reducing backlog

Case backlog and undue delays in court is a significant hurdle to access to justice. Delays cause litigants, undue stress and expense with each court attendance and adjournment of their cases. This affects both Accused person and witnesses and often has effect final outcome of cases. Consequently, one of the key tenets of the Judiciary's transformative agenda has been reduction of case backlog. In the FY 2015/16, the courts to tackle backlog implemented several initiatives.

1. *Court of Appeal Rapid Response Initiative*

The Court of Appeal continued to sustain efforts to clear backlog by raising its case clearance rate now to over 100%. The Court of Appeal at Malindi, Kisumu and Nyeri are now hearing 2015/16 matters while Nairobi is now hearing 2012/13 appeals. The Court of Appeal held special sessions for clearance of Civil and Criminal Appeals case backlog which begun in February 2016, known as the rapid response initiative to clear the Court's pending Civil Appeals Case backlog. Judges of Appeal from outside stations have been hearing these cases. So far 198 Civil Appeal cases have been finalized under this initiative.

2. *High Court Justice@Last and Service Weeks*

The Justice @ Last initiative, which began in the last financial year, is a focused approach to dealing with old cases pending in the High Court. Under the first phase of this initiative carried out in FY 2014/15. 40,953 old cases were resolved. In the second phase, which was carried out from between

6th July, 2015, a total of 29,303 old cases were resolved. The initiative was carried out in 10 High Court stations: Milimani (Nairobi), Mombasa, Nyeri, Nakuru, Machakos, Kisii, Eldoret, Kisumu, Kakamega and Meru. The Bench comprised of the 14 newly appointed judges, which determined civil, criminal, commercial, Judicial Review and Family cases.

Similarly, Service Weeks are geared to hearing and determining old cases in other courts. A Service Week was also carried from 30th November 2015 to 4th December 2015 at the Children's Court of the Family Division at Milimani Law Courts, Nairobi. A bench constituted of 5 magistrates heard and determined 4,300 pending children cases.

The Employment and Labour Relations Court held a service week in Nairobi from 18th – 24th April 2016 where a total of 1,019 cases were cleared by 11 judges.

The Environment and Land Court in Nairobi held a Service week from 18th January to 20th February 2016 where judges heard 59 cases, determined 5 cases; and delivered 9 Rulings.

Several other court stations across the country held service weeks to tackle case backlog.

2.3.5 Embracing alternative dispute resolution

The Constitution requires courts to promote alternative forms of dispute resolution (ADR) in exercise of judicial authority. This is a Constitutional requirement under Article 159(2)(c). Forms of ADR include reconciliation, mediation, arbitration, and traditional dispute resolution mechanisms. In compliance thereof, the Judiciary has embraced various ADR mechanisms and continues to look for ways and means of promoting it in day-to-day court matters as well formally institutionalizing ADR. An ADR Framework was developed and a Committee appointed to oversee its implementation.

2.3.5.1 Court Annexed Mediation

The Court Annexed Mediation (Pilot) Project was formally launched at the Family and Commercial Divisions at Milimani Law Courts in April 2016. Under the Pilot, family and commercial cases filed at the two Divisions after April 4, 2016 have been subjected to mandatory screening to assess their suitability or otherwise for mediation. It is envisioned that the court-annexed mediation will eventually be rolled out to the rest of the country.

The Rules

i) Mediation (Pilot Project) Rules

The Mediation (Pilot Project) Rules were published in the Kenya Gazette on 9th October 2015 vide Legal Notice No. 197. These Rules have been pivotal in the implementation of the Pilot Court Annexed Mediation Program at the Milimani Court. It provides the procedure for selection of cases referred to mediation, process of appointing a mediator, the mediation process, duration for conducting mediation sessions (60 days), mediation settlements or case referral back to court for determination.

i) ADR Operationalization Committee (AOC)

The AOC was established by the Chief Justice and tasked with handling the logistical details of implementation of the pilot. It has held regular meetings to review the progress of the project, continues to make recommendations and formulates policies on how to guide the project. AOC was instrumental in the development of the Mediation Manual.

ii) Mediation Accreditation Committee (MAC)

The role of MAC is provided under the Civil Procedure Act to inter alia, register and accredit mediators, provide for their code of conduct and continuous professional training. Accordingly, the mediators employed during the pilot are accredited and registered by the Mediation and Accreditation Committee (MAC). MAC was established pursuant of Section 59A of the Civil Procedure Act by the Chief Justice vide Gazette Notice Number 1088 of 2015, and formally launched on April 20, 2015.

MAC accomplished various milestones and fulfilled its mandate thereby setting the stage for launch and operationalization of the court annexed mediation (pilot) project. It developed the Mediator Accreditation Standards; the Mediator's Application Form, and the Mediators' Code of Conduct. By the end of the FY 2015/16, MAC had accredited a total of 65 mediators who would take part in the Pilot Mediation Project.

2.3.5.2 Alternative Justice Systems (AJS)

It has been recognized that many Kenyans do not apply formal legal dispute resolutions mechanisms and prefer alternative justice systems. In order to mainstream and work with these systems, the Judiciary launched Court annexed pilots in AJS in seven courts. This initiative was spearheaded by the Judiciary Training Institute (JTI).

An AJS Taskforce was established by the Chief Justice to formulate an appropriate Judicial Policy on AJS and to consider the methodology and viability of mainstreaming AJS. Significant progress has been made by the Taskforce including numerous stakeholder engagements in various Counties and selected pilot stations.

2.3.6 Reducing procedural and administrative through new practices

Improving service delivery by reducing and simplifying procedural and administrative barriers has been a mainstay of the transformative agenda. It a constitutional requirement that justice must be administered without undue regard to technicalities. Thus simplifying processes and eliminating procedural and administrative barriers which may impede substantive justice has been a core focus of the transformation agenda adopted under the JTF.

Supreme Court Procedures

The Supreme Court implemented various activities geared towards simplifying and demystifying its court procedures. During the period under review, the Court developed abridged versions of the court procedures for dissemination to the public through the Customer Care Desk and electronic copies on the Judiciary website. The publications made were:

- Steps involved in disposing a case in the Court
- Summary of filing fees and costs
- Court Service Charter
- Materials on the mandate of the Supreme Court.

Service Charters for the Employment and Labour Relations Court

The Chief Justice officially launched the Employment and Labour Relations Court Service Delivery Charter. The Charter is a social contract which highlights the renewed commitment by the court to deliver quality services within set timelines. The Charter is a useful tool for demystifying court procedures in a simple manner that litigants are able to tell at a glance the services, cost and time implications. This was followed by Open Day for the Court to sensitize the public on court operations. A Customer Care Desk was also established at Nairobi station with 2 staff trained on customer care services.

2.3.7 Improving service delivery at the registries: Registry manuals and file colour coding

The Registry is often the first point of contact litigants have with the Judiciary. Slow, difficult or cumbersome registry procedures are impediments to access to justice. Consequently intensive efforts have been made to simplify and improve registry processes. One of the strategy to standardize and improve service delivery was the creation and adoption of Registry Manuals for the various courts.

- *Registry manuals*

The Supreme Court registry was overhauled and new shelves were installed and meticulously rearranged for easier file retrieval. The Supreme Court Registry Manual was also finalized and disseminated following a retreat by the Court. The amended Supreme Court Rules, Practice Directions and Court Registry Manual were subsequently published and disseminated.

The High Court published the High Court Registry Operation Manual, which provides a guide on the processes and procedures in High court registries. The Manual standardizes and harmonizes customer experience across the stations. It contains a checklist and requirements for filing all categories of cases, court fees schedule, registry procedures and processes, and records management among other issues. The High Court conducted training of Trainers on the High Court Registry Operation Manual held between 22nd and 29th November 2015. 100 Trained TOT's on the Registry Operation manual to train staff towards enhancing efficiency in registry service delivery. The ToT's are engaged in continuous training of registry staff. Further sensitization of staff was conducted on the Registry Operation Manual.

The Chief Justice launched the Magistrates and Kadhis Registry Manual on 15th February 2016. The Manual is a simplified guide aimed at simplifying and standardizing case processes for staff, litigants and other court users in all courts. It incorporates Case Process Flow Charts that simplify and standardize case processes in courts to ensure conformity to high standards. It also establishes indexing, color-coding and flagging of files. Schedule of fees charged for various services offered at the magistrates' courts and Kadhis' courts are contained in the manual. Sensitization of staff commenced and is expected to continue in the next FY.

- *Indexing and color coding files*

Standard case indexing and color-coding of file covers was adopted in all the 35 High Court stations in September 2015. 55,000 color-coded files were printed and distributed to the 35 High Court stations and Narok High Court Sub-registry.

2.3.8 Use of ICT as an enabler of justice delivery

ICT was recognized under JTF as a key pillar for transforming the Judiciary and improving service delivery. Its enormous potential is yet to be fully realized but concerted efforts continue to be made to automate various services in the Judiciary. Various innovative technological solutions were adopted in the reporting period so as to facilitate speedier trials and enhance the efficiency and effectiveness of administrative processes.

Electronic diary

The High Court replaced the manual court diaries with an Electronic Court Diary (e-diary). The e-Diary is an important step towards automation of court processes. It automates issuance of hearing dates and allows litigants and advocates fixing hearing dates several months in advance. Under this automated dates system, it is envisioned that the High Court diaries shall not be closed, as has been the practice under the manual diary but that dates may be fixed throughout the year. The Judiciary intends to roll out the e-diary to all courts in the future.

- *Judiciary Audio Transcription System*

Other ICT solutions launched by the High Court with a view and improving service delivery are the Judiciary Audio Transcription System (JATS) at Commercial Division. The JATS was launched on 17th February 2016 under pilot programme in the Commercial and Admiralty Division at Milimani. The intention of this initiative is to facilitate provision of real time court proceedings to litigants. The Judiciary aspires to gradually eliminate hand written court proceedings in all Court stations.

- *Queue management system*

The High Court at Nairobi also launched a Queue Management System (QMS) to manage and guide customers in a systematic manner.

- *Online cause lists*

Towards enhancing public access to cause lists, the Courts avail daily cause lists usually 7 days in advance through the Kenya Law website for posting online. Various judicial staff in the court stations have been assigned the task of preparing and updating cause lists.

- *Electronic case tracking system*

In addition, the Employment and Labour Relation Court and registry in consultation with the ICT Directorate, developed and adopted an electronic case tracking system in Nairobi. The system captures the status of all cases handled per day as well as newly registered cases. This innovation has improved case management by simplifying file retrievals at the registry and case file status checks at the click of a button.

- *Daily court returns*

The Daily Court Returns Template (DCRT) is a harmonized data collection tool used by all Courts. s and adopted use of for data collection in the Judiciary.

- Mpesa

In order to improve efficiency in the Judiciary's cash payment systems, the mobile money transfer (mpesa) was adopted and implemented in previous financial years. Management continually monitors the usage of the mpesa paybill 522537 as one of the options of cashless payment.

2.3.9 Trainings and capacity building

The Judiciary Training Institute is mandated to conduct trainings and capacity building sessions for Judges, judicial officers and staff throughout the financial year.

Leadership and management

All presiding judges and deputy registrars of the High Court were trained on leadership and management. Kadhis Performance Review and Team building was conducted. The goal of the Kadhis Leadership and Management retreat was to bring all Kadhis together to review their performance and share experiences. The 21 newly recruited Kadhis signed their Performance Management Measurement and Understanding (PMMUs) during the retreat.

Trainings on the registry manuals

A total of 589 judicial officers and staff from various stations were trained on implementation of High Court Registry Operation Manual.

DCRT training

To enhance data collection in the ELR Court stations, the Office of ELR Court Registrar facilitated adequate training on DCRT of all the staff involved in preparing and submitting court returns. The staff were trained twice on 28th October 2015 and subsequently on 28th November 2015 in Mombasa. Further, all courts were facilitated to submit their monthly returns on time.

2.3.10 Continuous Public Engagement

Public participation in governance is etched in the Constitution 2010. Through-out this reporting period, the Judiciary has remained committed to implementing this Constitutional requirement and its vision under JTF which provides for people focused delivery of justice as one of its key pillars. This necessitates regular public and stakeholder engagements through various forums with a view to improving access at all levels.

Court Users Committees

One of the key forums for stakeholder engagements is through Court Users Committees (CUCs). In the period under review, Court stations held quarterly CUC meetings to deliberate on various issues affecting court operations. The Court of Appeal Court Users Committee was launched in Nairobi in early 2015 and then cascaded to the outside stations. A new CUC was launched in March 2016 at the High Court at Milimani, Nairobi, that is, the Criminal Division Court Users Committee. The Employment and Labor Relations Court engaged stakeholders through the CUC on transfer of economic dispute analysis function from the Ministry of Labor to the Judiciary, Performance and Management Department.

Customer Care Desks

Customer care desks also served members of the public in all court stations throughout the financial year. During the period under review the Supreme Court established customer care desk where IEC materials were disseminated to the public. 20 members of staff from Nairobi, Mombasa and Kakamega High Courts were trained on Customer Care and Public Relations at the Kenya School of Government between 25th January and 5th February 2016.

Bar-Bench Committees

The Supreme Court also established its Bar-Bench Committee and held an inaugural meeting in the third quarter to improve stakeholder engagement. Existing bar bench committees in other courts held regular meetings to improve working relations between the bar and the bench and improve practice in the courts.

Meetings have been held between the Court of Appeal and the Law Society representatives, in order to develop a mechanism, which will be used to encourage more advocates to offer pro bono services for criminal appellants. Currently, there are very low numbers of advocates who take up pauper briefs. The Court of Appeal endeavors to encourage and support advocates in carrying out legal pro bono work.

Open Days and Public Engagements

Open days have been conducted in several stations. The Employment and Labor Relations Court conducted an Open Day to sensitize members of the public on court operations. Open days by Magistrates Courts were conducted in Kericho, Maralal, Marimanti, Isiolo, Kilgoris, Marsabit, Kimilili, Kapenguria and Voi and in collaboration with the court stations to improve public confidence and image of the Judiciary by positively engaging the public and enhancing public awareness.

Courts also interacted with members of the public at Agricultural Shows in Kenya (ASK) shows held in collaboration with DPAC.

Public information brochures and IEC materials by the Magistrates Court through the Office of Registrar of Magistrates were developed and disseminated to members of public. The programme was incorporated in JTI for sensitization during CJEs, induction of new judicial officers and staff as well as during magistrates colloquiums.

The Office of Judiciary Ombudsman (OJO) and various Registrars carried out spot-checks in various court stations across the country.

2.3.11 Enhancing the legal and policy environment

Improving the legal and policy environment for administration of justice through various instruments has occurred in FY 2015/16.

1. ***Court of Appeal (Organization and Administration) Act***

   The Court of Appeal (Organization and Administration) Act was assented to on the 15th of December 2015 and commenced on 2nd January 2016. This Act of Parliament gives effect to Article 164 (1) (a) and (b) of the Constitution. Its key purpose is to provide for the organization and administration of the Court of Appeal and for connected purposes.

2. ***Court of Appeal Strategic Plan 206-2020***

   The Court of Appeal also developed a 4-year strategic plan (2016 - 2020) to guide its operations. The Strategic Plan of the Court of Appeal was developed using an all-inclusive and participatory methodology with participation from key stakeholders and users such as Judges, Judicial and non-judicial staff, the directorates, stakeholders and other key respondents. The Court of Appeal also documented job descriptions of all staff with a view of enhancing service delivery. A transfer policy for the court was also launched.

3. ***Court of Appeal Practice Directions***

   This Civil Appeals and Applications Practice Directions was issued pursuant to Section 3A and 3B of the Appellate Jurisdiction Act to assist litigants and advocates to comply with the provisions of the Court of Appeal Rules, 2010. It makes references to actions required to be taken by "advocates" and litigants when they file appeals to the Court. The document is currently in use in all Court of Appeal civil registries. The Court established a committee to prepare Criminal Appeal Practice Directions.

4. ***Revised Court of Appeal Rules***

The purpose of the revision of the Court of Appeal Rules was to provide for the amendment and addition of Rules that may have otherwise been have been overlooked and remained value during the formulation of the Court of Appeal Rules of 2010. This will ensure the orderly and expeditious administration of justice in the court.

5. ***Employment and Labor Relations***

The Employment and Labour Relations Rules Committee, which was constituted in 2014, engaged stakeholders from various regions to collect their views on proposed amendments to the Court (Procedure) Rules. The Committee held a final validation workshop for the proposed amendments in June 2016. The Chief Justice approved the amended rules, which were subsequently gazetted on 14th June 2016.

6. ***Amendments to Law of Succession Act***

The High Court also initiated amendments to the Law of Succession Act and pursued the same through the Attorney General's office and the Judiciary's Rules Committee till amendments were enacted. The Amendments substantively increased the pecuniary jurisdiction of magistrates to hear succession cases. From the previously low value of estates, magistrates' pecuniary jurisdiction in succession matters is now in line with their jurisdiction in civil cases. This has eased pressure on the High Court and facilitated access to justice since there a greater number of Magistrates Court stations as compared to High Court stations.

7. ***Traffic Guidelines***

The office of the Registrar of Magistrates Courts participated in development of Traffic Guidelines to streamline the handling of traffic matters to eliminate corruption and delays. This has enabled payment of traffic fines in open court making it faster and convenient for litigants.

8. Several other statutes were enacted in 2015 including the High Court Organisation and Administration Act, 2015; the Magistrates Court (Organisation and Administration) Act, 2015; and the Judiciary Fund Act, 2015.

CHAPTER 3: JURISPRUDENCE

3.0 Introduction

In the course of implementing the Judiciary Transformation Framework 2012-2016, the Judiciary understood its critical role in supertending Kenya's constitutional transition. It remained cognizant of the Constitutional invitation to develop case law that reflects on the local context through the pronouncements courts are expanding the vector of law and thereby affecting the social, economic and political circumstances of the nation in quite some fundamental ways. In this sense, that, SoJAR as a matter of information, looks beyond the usual parameters of law reporting and attempts a taste of what may be said to mirror or mimic social developments in through the lens of decisions from all levels of the judicial system.

During the period under review, the Courts and Tribunals re-affirmed the role of the Judiciary as a defender of the Constitution and the rule of law through the judicial pronouncements made in facets of law including in Constitutional Law and the Bill of Rights, Criminal Law and Procedure, Administrative Law and Judicial Review, Elections Law, Banking Law, and Family Law, among others.

3.1 Administrative Law and Judicial Review

3.1.1 When a Court can interfere with the Chief Justice's administrative power to transfer judges of the High Court.

Michael Osundwa Sakwa v Chief Justice and President of the Supreme Court of Kenya & Another, Petition 167 of 2016, High Court at Nairobi.

The exercise of the administrative powers of the Chief Justice came in to question in this case. This petition challenged the constitutionality of the decision of the Chief Justice made on April 15, 2016 to transfer Judges of the High Court. The Chief Justice also directed that the transferred Judges do report to the new stations by June 2, 2016. The petitioner prayed for conservatory orders to halt the transfer. The main issue before court was whether the transfer of the judges by the Chief Justice was in accordance with Article 10 of the Constitution of Kenya, 2010.

The Court held that the legal discretion of the Chief Justice to transfer judges of the High Court should be exercised judiciously. It was the Court's opinion that it would only interfere in instances where the decision to effect the transfer was informed by other motives other than the legally recognised principles. The Court would not interfere on the basis of speculations that the transfer of all the judges would prejudice the litigants in the matters that were pending matters before them. Conservatory orders against the decision did not guarantee that the court would resume hearing and determining the matters before them. On the other hand, granting a conservatory order that would halt the transfer which would deprive the Kenyans who relied on the new stations the right to access justice under Article 48 of the Constitution.

Ultimately, the court found that the transfer of the judges was in public interest and proceeded to dismiss the application.

3.1.2 The Doctrine of Res Judicata in Relation to Judicial Review Proceedings

Africa Oil Turkana Ltd & 3 others v Permanent Secretary ministry of Energy & 17 others, Civil Appeal No 376 of 2014

At the heart of the dispute in the case of *Africa Oil Turkana Ltd & 3 others v Permanent Secretary ministry of Energy & 17 others, [2016] eKLR* was a situation where, a judicial review application was filed essentially on the same basis upon which the subsequent judicial review application was based, therefore hinting that the said judicial review application was obtained by concealment of facts which was not a justifiable basis for initiating a fresh action. It was apparent that the issues in controversy were substantially the same. The case interrogates whether the doctrine of *res judicata* applies to judicial review proceedings and relooks into the applicable principles in the doctrine of *res judicata*. In seeking to determine the said issues, the court held that; the doctrine of *res judicata* had a long history and was founded on principles that a judgment of a court of concurrent jurisdiction directly upon the point was, as a plea, a bar, or as evidence, conclusive as between the same parties upon the same matter, directly in question in another court. There was also the principle that the judgment of a Court of exclusive jurisdiction, directly on the point, was in like manner, conclusive upon the same matter, between different parties coming incidentally in question in another court, for a different purpose:

The first principle was that once a cause of action had been held to exist or not to exist, and that outcome had not been challenged by either party in subsequent proceedings, that would give rise to an estoppel precluding a party from challenging the same cause of action in subsequent proceedings.

Second, there was the principle which was not easily described as a species of estoppel, that where the claimant succeeded in the first action and did not challenge the outcome, he had to bring a second action on the same cause of action, for example to recover further damages.

Third, there was the doctrine of merger, which treated a cause of action as extinguished once judgment had been given upon it, and the claimant's sole right as being a right upon the judgment. Although that produced the same effect as the second principle, it was in reality a substantive rule about the legal effect of an English judgment, which was regarded as of a higher nature and therefore as superseding the underlying cause of action.

Fourth, there was the principle that even where the cause of action was not the same in the later action as it was in the earlier one, some issue which was necessarily common to both was decided on the earlier occasion and was binding on the parties.

Finally, there was the more general procedural rule against abusive proceedings, which had to be regarded as the policy underlying all of the above principles with the possible exception of the doctrine of merger.

The court further held that, the rationale behind *res judicata* was based on the public interest that there should be an end to litigation coupled with the interest to protect a party from facing repetitive litigation over the same matter. *Res judicata* ensured the economic use of court's limited resources and timely termination of cases. Courts were already clogged and overwhelmed. They could hardly spare time to repeat themselves on issues already decided upon. It promoted stability of judgments by reducing the possibility of inconsistency in judgments of concurrent courts. It promoted confidence in the courts and predictability which was one of the essential ingredients in maintaining respect for justice and the rule of law. Without *res judicata*, the very essence of the rule of law would be in danger of unraveling uncontrollably. In a nutshell, res judicata being a fundamental principle of law had to be raised as a valid defence. It was a doctrine of general application and it mattered not whether the proceedings in which it was raised were constitutional in nature. The general consensus therefore remained that res judicata being a fundamental principle of law that related to the jurisdiction of the court, had to be raised as a valid defence to a constitutional claim even on the basis of the court's inherent power to prevent abuse of process.

3.2 Constitutional Law

3.2.1 Courts Declare Certain Provisions of The Law Unconstitutional

In the period under review, the Courts occasionally tested the constitutionality of certain pieces of legislation in the various cases that were filed before them. In some of the cases, the courts found certain legislations unconstitutional and proceeded to strike them out.

Children born out of wedlock have a right to have the father's name in their birth certificates.

In **LNW Versus The Attorney General and Another Petition No. 484 of 2014,** the Constitutional Court at Nairobi found and declared Section 12 of the Registration of Births and Deaths Act as inconsistent with Articles 27, 53 (1) (a) and (e) and 53 (2) of the Constitution and therefore null and void. The petition concerned the rights of children born outside marriage and the issue revolved around the registration of their births and the circumstances under which the name of the biological father should be inserted in the birth certificate of the child. The petitioner averred that Section 12 of the Act was unconstitutional and discriminatory against children born out of wedlock since it provided that the only time that the name of the father of a child born outside marriage could be entered in the register of births was upon the joint request of the father and mother, or upon proof of marriage.

The Court found this Section of the law unconstitutional and proceeded to strike it out. The Court also directed that the said Section be construed with the necessary alterations, adaptations, qualifications and exceptions necessary to bring it into conformity with Articles 27, 53 (1) (a) and (e) and 53 (2) of the Constitution.

In this matter, the Court went ahead to give a declaration that all children born out of wedlock shall have the right and/or liberty to have the names of their fathers entered in the births registers and in compliance thereof directed the Registrar of Births and Deaths to, within 45 days, put in place mechanisms to facilitate the entry into the birth register of the names of the fathers of children born outside wedlock.

In **Geoffrey Andare Versus The Attorney General and Another, Petition No. 149 of 2015**, the petitioner challenged the constitutionality of section 29 of the Kenya Information and Communication Act, Cap 411A. The basis of the petition was that that law criminalised the publication of certain information in vague and broad terms which had a chilling effect on the guarantee to freedom of expression and created an offence without creating the *mens rea* element on the part of the accused person.

In declaring that law unconstitutional, the Court held that the section criminalised the act of sending a message without requiring the mental element on the part of the sender that would render his or her act criminal in nature. The court opined that that Section of the law "*imposed a limitation on the freedom of expression in vague, imprecise and undefined terms that go outside the scope of the limitations allowed under Article 33 (2) of the Constitution*."

Banning MRC unconstitutional

Attorney General & another V Randu Nzai Ruwa & 2 others, Civil Appeal No. 275 of 2012, Court Appeal

The Government of Kenya proscribed a group that called itself Mombasa Republican Council (MRC) and 31 other organized criminal groups under the Prevention of Organized Crimes Act (POCA) No. 6 of 2010. The High Court declared that the declaration published in the Kenya Gazette Notice that MRC was an organized criminal group was unconstitutional and had it lifted.

The Attorney General filed a record of appeal citing the ground that the trial court erred in law and fact in failing to find that the Minister's decision was founded on reasonable justification. The Attorney General further stated that MRC was disentitled to freedom of assembly and association as well as to constitutional reliefs due to its criminal and unconstitutional activities; that MRC's call for secession was unconstitutional and a threat to the territorial integrity of the Republic; and that POCA having come into operation before the promulgation of the Constitution of Kenya, 2010, article 24 of the Constitution did not apply retrospectively to the ban of MRC.

The Court of Appeal held that the effect of proscribing MRC was to deny the over 32,000 professed members thereof the right to assembly under article 37, the right to political rights under article 38, and the right to fair administrative action as guaranteed by article 47 of the Constitution of Kenya, 2010 among others. The Respondents had a constitutional right to demand secession but that could only be done within the confines of the Constitution as stipulated under articles 255, 256 and 257 of the Constitution. If the Respondents wished to form a political party or movement to campaign for secession, article 38 of the Constitution of Kenya, 2010, even without the uninvited advice by the High Court, guaranteed that right. The law and enlightened common sense demanded that the actions of the Minister under the Prevention of Organized Crimes Act could be interrogated on the objective test of reasonableness in a judicial setting. The ban failed the test and was properly quashed by the High Court.

3.2.2 The Bill of Rights

3.2.2.1 Citizens' Right To Assembly, Demonstration, And Picketing Under Article 37 Of The Constitution Can Be Limited Or Declared Unlawful

Ferdinand Ndung'u Waititu & 4 Others v Attorney General & 9 others, Petition 169 of 2016

The petitioners in the case filed a petition seeking injunctive orders to restrain the members of the Coalition for Reform and Democracy, CORD from assembling at the anniversary towers where the offices of the Independent Electoral and Boundaries Commission, (IEBC) were situated. The petitioners alleged that the right to picket under article 37 of the Constitution could only be exercised to certain extend. The court was tasked to interpret inter alia the extend to which a right to picket could be exercised. Whether the Public Order Act limited the right to demonstrate, picket and present petitions and whether the court could draw picket lines against the right to assemble, demonstrate, picket and petition.

In its determination, the Court concluded that the rights under article 37 were not absolute. The Constitution of Kenya, 2010 itself had provided claw-backs. Demonstrators, picketers and petition-presenters would do so "peaceably and unarmed". Assemblies, picketing and demonstrations which were not peaceful were excluded from the protection of the article. If they consisted of violence to or intimidation of the public, then the assembly or the demonstration would be stopped. Likewise, participants in assemblies, picketers and demonstrators would not be armed. Weapons as well as defensive or protective contraptions which bred or stimulated aggression were not to be possessed by the demonstrators or picketers.

The court further stated that the Public Order Act (Cap 56), contrary to popular views, did not limit the right to demonstrate or to assemble. It instead sought to preserve and protect the precious right to public assembly and public protest marches or processions by regulating the same with a view to ensuring order. Part III of the Public Order Act sought to regulate public meetings and processions by providing for the need to notify the police service and also the power of the police service to stop or prevent a public meeting where appropriate and where it was obvious it would not meet the constitutional objectives.

Before issuing the conservatory orders, the Court enumerated certain basic rules, had to be observed to help achieve order and peace, that was; First, Public assemblies and demonstrations would not take place in private property.

Second, the place to express the opinion through marches, sit-ins or picketing would be appropriately chosen by the organizers. Third, the time chosen for the picketing, assembly or demonstration should be reasonable as well.

3.2.2.2 People Infected with Tuberculosis (Contagious Diseases) Cannot Be Involuntarily Confined In Prison For Purposes Of Treatment

Daniel Ng'etich & 2 others v Attorney General & 3 others –High Court Petition No. 329 of 2014

This petition related to the constitutionality of confinement of persons infected with TB in prison for the purposes of treatment pursuant to Section 27 of the Public Health Act (Cap 242). The provision had been used by public health authorities to have persons who had infectious diseases, notably tuberculosis (TB), and had defaulted in the treatment of the diseases, arrested, charged and confined to prison on the orders of a Magistrate's Court. The Petitioners argued that the use of the provisions of the Act to have them committed to prison for the purposes of treatment amounts to a violation of their constitutional rights including the right to dignity, the right to freedom from torture and other cruel and degrading treatment, and the right to freedom of movement.

The Court held that, where it was determined that involuntary isolation or detention was the only reasonable means of safeguarding the public, the World Health Organization (WHO) Guidance stated that it was essential to ensure that the manner in which isolation or detention was implemented complied with applicable ethical and human rights principles as set out in the Siracusa Principles. These required that the measures had to be in accordance with the law, secondly, they ought to be based on a legitimate objective and strictly necessary in a democratic society and must take the least restrictive and intrusive means available; and not arbitrary, unreasonable, or discriminatory.

Whereas isolation and detention was permissible in the interests of public health where a person infected with TB posed a threat to public health, the detention of the Petitioners was not in accordance with the Public Health Act, or international guidelines and principles regarding isolation of patients with TB. The acts of the Respondent could not achieve the intended purposes, given the conditions of Kenyan prisons.

Under Section 28 of Part 1 of the Fourth Schedule of the Constitution of Kenya, the national government was responsible for the formulation of a National Health Policy. However, Section 2 of Part 2 of the Fourth Schedule placed health services under the jurisdiction of county governments. Consequently, the national government had the responsibility, in cooperation with county governments, of ensuring that there were appropriate policies and facilities (not prisons) for the treatment of infectious diseases such as TB, and that where involuntary confinement was required as in the case of the 1st and 2nd Petitioners, such confinement took place in appropriate health facilities, not in prisons.

3.2.3 Public Participation

1. Procedure to be followed in the recruitment of Chief Justice, Deputy Chief Justice and Supreme Court Judges .
2. Public participation is a requirement in the recruitment process Chief Justice, Deputy Chief Justice and Supreme Court Judges.

Trusted Society of Human Rights Alliance & 3 Others v Judicial Service Commission & 2 Others, Petition No 314 of 2016 (Consolidated with Petition of No 314 of 2016 and JR No 306 of 2016)

In this case, The Judicial Service Commission (JSC) commenced the recruitment of suitable persons for the positions of the Chief Justice, the Deputy Chief Justice and a Judge of the Supreme Court of Kenya. The Petitioners argued that Kenyans were not made aware of the circumstances under which other considerations and the requirements outside the Constitution were set, hence the decision by the JSC to include other qualifications not stipulated in the Constitution was unconstitutional and *ultra vires*. They also argued that Kenyans had a right to information in public offices including the criteria used for short listing candidates for those positions. They further argued that JSC did not provide any reasons to the public why those who had been shortlisted for the various positions had been shortlisted and why not the others and the failure by the JSC to adhere to Articles 27 and 172 of the Constitution of Kenya in the exercise of its powers was unconstitutional.

The Court held that the Judicial Service Commission had to reconsider the names of the applicants which were rejected afresh in accordance with the terms of the Judgment and communicate its decision particularly, where adverse to the parties affected and thereafter proceed in accordance with the law. The JSC was prohibited *in limine* from making recommendations to the President on the persons to be appointed. The Court also held that Public interest was the general welfare of the public that warranted recognition and protection and that the recruitment process of the Chief Justice, Deputy Chief Justice and Supreme Court Judges was something in which the public as a whole had a stake. Public participation was therefore a requirement in the recruitment process of judges especially at the short-listing stage of the process.

3.3 Banking Law

The role of a good banking sector in a vibrant economy cannot be overstated. The courts play a crucial role in ensuring the stability of the banking sector not by timely disposition of commercial disputes but also rendering sound jurisprudence. In the year 2015/2016, several disputes in the banking industry were heard and determined by the courts. Some of these cases included the following: -

3.3.1 Freezing of A Bank Account can be Limited Only to the Amount Under Investigation And Not The Entire Bank Account

Brown Field Developers Limited v Banking Fraud Investigations Unit & 4 others Petition No. 498 of 2013

The petitioner's bank account was the subject of an investigation. It contained monies that were subject of a multi-million fiddle at the National Youth Service. The 1st and 2nd Respondents (Banking Fraud Investigations Unit and the Directorate of Criminal Investigations) via an ex-parte application caused the freezing of the account.

The main issues for determination were whether the Banking Fraud Investigations Unit and the Directorate of Criminal Investigations could access and seize bank accounts for purposes of investigations without notice to the owner of the bank account and whether freezing of a bank account could be limited only to the amount under investigations instead of the entire bank account.

The Court held that an order to freeze an account was never to be granted as a matter of course; the Court had to be satisfied through an affidavit on oath that the warrant or order was necessary for the conduct of investigations. It was therefore understood why warrants or seizure orders were obtained ex parte when any matter was still at the investigation stage. The justification fell within the provisions of article 24 (1) of the Constitution of Kenya, 2010.

It was not necessary to have the entire account seized. Having only managed to link the Petitioner to a particular amount and not otherwise, the warrants ought to have been limited to that sum and to the provision of all the other records as provided for under section 180 of the Evidence Act. Further, the period of investigation must not be an indefinite period if only to ensure that a person's property was not absolutely appropriated or expropriated through a warrant of seizure. Investigators must only be entitled to what was necessary in the eyes of the Court unless they showed otherwise.

Caution ought to be exercised always by the Court granting the warrants to ensure that blanket permission was not given to investigators which led them to going beyond limits and infringing on constitutional rights and freedoms.

The petition was allowed and the freezing order over the said bank account lifted save in so far as it related to the amount that was the true subject of the 1st and 2nd Respondents' investigations.

3.4 Electoral Law

3.4.1 A challenge to the nomination of a Member of Parliament once sworn into office can only be by way of an Election Petition and not a Constitutional Petition.

David Muriuki Ndwiga v Robert Mutemi Mutua & 2 others Petition No. 497 of 2014

In this case, the petitioner moved the Court to challenge the nomination of his opponent alleging that the whole process was a sham and as such contravened the laid down procedures in the Elections Act and therefore unconstitutional and ought to be sanctioned.

The Court ruled that the jurisdiction of a validly constituted Court connoted the limits which were imposed upon its power to hear and determine issues between persons seeking to avail themselves of its process by reference to either; the subject matter of the issue or; the persons between whom the issue was joined, or; the kind of relief sought, or; any combination of these factors.

The jurisdiction of the Court in constitutional matters was well outlined under Article 23 as read with Article 165 (3) of the Constitution of Kenya whose effect was that the Court had the mandate to hear and determine questions pertaining to the infringement of fundamental rights among others.

The Court held that any challenge to the nomination of a member of Parliament once sworn in was to be done by way of an election petition and not a constitutional petition as the Petitioner had purported to do. Thus, the Court had no jurisdiction to declare the position vacant neither could the IEBC so declare as was prayed in the Petition.

3.4.2 Kenyans in Diaspora have a right to be registered to vote and contest for elective posts in the general elections.

IEBC must put in place an infrastructure for the comprehensive registration of Kenyan citizens in the Diaspora as voters, to the intent that the numbers of such Kenyan citizens participating in general elections shall increase progressively over time.

Independent Electoral and Boundaries Commission (IEBC) v New Vision Kenya (NVK Mageuzi) & 4 Others-Supreme Court Petition No.25 of 2014

This Case concerned the right to vote for Kenyan citizens living outside the country. A group of Kenyans living in diaspora petitioned the High Court seeking a declaration that Kenyan citizens in the diaspora bear a fundamental and inalienable right to be registered as voters; to vote; and to seek elective offices pursuant to Article 38(3) (a) and (b) of the Constitution of Kenya, 2010. They also sought a further declaration that Kenyan citizens in the diaspora who hold dual citizenship were eligible to be registered to vote, and to participate in the general elections. Finally, they sought an Order requiring the Independent Electoral and Boundaries Commission (IEBC) to provide voter-registration, as well as satisfactory voter-mechanisms for Kenyans living in the diaspora.

The High Court having considered the provisions of the Constitution and international law found that held that the right of citizens residing outside of Kenya to vote is subject to such reasonable restrictions as are required to be enacted by the legislature to ensure the progressive registration of citizens residing outside Kenya and in general the progressive realization of the right to vote.

In conclusion and while dismissing the petition, the Court also made a determination that the right of citizens to vote guaranteed under Article 38(3) is not absolute and may be subject to reasonable restrictions. Such restrictions for citizens residing outside Kenya are that, that right is *progressively realised* through legislation enacted by Parliament as implemented by the IEBC.

On Appeal, the Court of Appeal partially upheld the appeal, and gave directions that Kenyan dual-citizens living in the diaspora were eligible to be registered as voters. *The Court also directed IEBC to progressively set up more voter-registration centres for Kenyans living in the diaspora, for all elective positions*. The Court also ordered IEBC and certain other State organs to put in place an infrastructure for the registration of diaspora voters, in time for the elections in question.

Aggrieved by the Appellate Court's decision, the IEBC filed an appeal before the Supreme Court pursuant to Article 163(4)(a) of the Constitution: on the basis that the appeal raised questions of interpretation and application of Articles 83(2), 94(1) & (5), 82(1)(e) and 88(5), in relation to the right to vote.

The IEBC contention was that the Court of Appeal fell into error, when it directed the progressive registration *of 'Kenyans living in the diaspora for all elective positions.'* The appellant's submission was that this Order was contrary to the Constitution and the electoral code, and was incapable of implementation. The Supreme Court singled out the issue for determination to be the contention on the progressive registration of Kenyans living in the diaspora to vote, and whether such registration ought to attach to all elective positions.

The Supreme Court while affirming the Court of Appeal decision held that IEBC ought to put in place mechanisms to ensure that voting at every election is simplified, bears assured transparency, and takes into account the special needs of persons or groups with special needs, such as Kenyans living in the diaspora. The Court further held that Regulation 39 of the Elections (Registration of Voters) Regulations, 2012 represents the appellant's existing capacity to conduct diaspora voting, and is therefore not unreasonable or untenable in the circumstances. The Court further noted that a few years ago, Kenyans in the diaspora could not actualize their right to vote; and while this right is currently limited to Presidential elections, and referenda, this limitation is inherently transient in nature. The intended object stands to be realized sooner or later, depending on developments in electronic technology, and on the due commitment of each of the relevant agencies of Constitutional governance.

The Court finally directed IEBC to effect a progressive voter registration for Kenyan citizens living in the Diaspora, and file periodic reports annually on such registration, for review by the National Assembly and the Senate, through the offices of the respective Speakers of the two Parliamentary Chambers. Secondly, that IEBC shall put in place an infrastructure for the comprehensive registration of Kenyan citizens in the Diaspora as voters, to the intent that the numbers of such Kenyan citizens participating in general elections shall increase progressively over time.

3.4.3 *Section 43(5) of the Elections Act, 2011 and all other enabling provisions of the law in respect of by- elections for Senate, National Assembly and County Assembly with respect to public officers vis-à-vis the provisions of the Constitution are discriminatory, unfair, unreasonable and disproportionate hence unconstitutional as the Seven months' resignation period before the by-election is untenable.*

Union of Civil Servants & 2 others v Independent Electoral and Boundaries Commission-Petition 281 of 2014 (Consolidated with Petition No. 70 of 2015)

This Petition concerned the Constitutionality or otherwise of Section 43(5) of the Elections Act, 2011 which provides that a public officer must resign seven (7) months before a by- election date if he wishes to contest such an election as it violates public officers' right to contest *a by-election* as stipulated under Article 38 of the Constitution and also that it violates their right to equality and freedom from discrimination as provided under Article 27 of the Constitution. That the said law thus unfairly bars such an officer from lawfully contesting for a position in a by-election because it is practically impossible to meet its expectations. They also allege that Section 43(5) of the Elections Act is discriminatory as read with Section 43(6) if applied in general elections regarding public officers.

The Court observed and in agreement with the principle that once a limitation of a fundamental right and freedom has been pleaded in a Petition, (on grounds of equality and freedom from discrimination under Article 27 of the Constitution and political rights under Article 38 of the Constitution), then the party which would benefit from such a limitation must demonstrate a justification for the limitation. In demonstrating that the limitation is justifiable, such a party must demonstrate that the societal need for the limitation of the right outweighs the individual's right to enjoy the right or freedom in question. The IEBC failed this test.

On the need for neutrality of public servants, the limitation in the law is reasonable however the Court found that the apparent limitation of the right to enjoyment of political rights as set out in Section 43(5) of the Elections Act, is unreasonable and not justifiable in the context of a by-election.

The Court said so because as can be discerned from the provisions of Article 101(4) of the Constitution, a by-election is conducted subject to a vacancy arising in circumstances contemplated under Article 103 of the Constitution. Taking those circumstances into account i.e. death, resignation, disqualification etc., it would be difficult to predict and foresee the possibility of a vacancy arising in Parliament or a County Assembly so that a public officer can resign and prepare to contest in that by-election. Those circumstances are also uncertain.

Despite the above uncertainties, the law as stipulated in Article 101(4)(b)of the Constitution is clear that a by-election must be held within three (3) months of a vacancy arising. How then can one say that seven months is reasonable and justifiable, when the period envisaged under Section 43(5) is longer than that stipulated under Article 101(4)(b) of the Constitution?

The Court applied the reasonability test to the circumstances of the two Petitions before me and was fully satisfied that Section 43(5) of the Elections Act does not meet the fairness and reasonability test as provided for under Article 24 of the Constitution and the arguments of IEBC could not be sustained.

The contradiction created, not by the Constitution but by both Sections 2 and 43(5) of the Election Act has not been explained by the IEBC. It cannot have been the intention of the drafters of the Constitution that the enjoyment of the rights under Article Section 38 (3)(c) should be limited differently; in the case *of a general election* and in the case of *a by-election*. That contradiction and the limitation is certainly unreasonable and I am unable to find any justification for it specifically in the case of a by-election. In any event, the contradiction created by Section 43(5) and 2 of the Elections Act, cannot override the provisions of Article 101(4) (b) of the Constitution. Article 2 of the Constitution is clear in that regard, that the Constitution is the Supreme Law and any law inconsistent with the Constitution is void to the extent of that inconsistency.

Given the above findings the Court declared that Section 43(5) of the Elections Act is unreasonable in its limitation of the rights of public officers under Article 38(3)(c) of the Constitution to vie in a by-election and to that extent only is declared unconstitutional. The Court issued that save for any other lawful reason, Wilson Kang'ethe Mburu was qualified to contest the by-election for Member of the National Assembly for Kabete Constituency. The Court also issued a permanent injunction to restrain the IEBC from barring a public officer from contesting a by-election under Article 101(4) of the Constitution on grounds that the public officer did not resign from office within seven months of the by-election as such a period would be untenable and impractical under the said Article 101(4) of the Constitution. Finally, that a copy of this judgment shall be forwarded to the IEBC and the Attorney General to consider amendments to Section 43(5) of the Elections Act to bring it in line, preferably, with the 90 day period under Article 101(4) of the Constitution in the event of a by-election and taking into account all other factors including reasonable notice of resignation by the public officer.

3.5 Criminal Law and Procedure

3.5.1 The Court May Determine an Application for Leave to Pursue Private Prosecution, Without Hearing the Person Intended to be charged

Republic v Chief Magistrate Kisumu & 4 others ex-parte Moses Agumba Orot, [2016] eKLR, Judicial Review Application No. 6 of 2015

This was an application for Judicial Review; The Applicant in the present application was the accused person in Private Prosecution Case no. 226 of 2006. He wanted the High Court to quash the proceedings and order issued by the Magistrate's Court, allowing the Ethics and Anti-Corruption Commission to carry out that private prosecution in Private Prosecution Case no. 226 of 2006 in the Chief Magistrate's Court at Kisumu. He was also asking the Judicial Review Court to prohibit both the Inspector General of Police and the Director of Public Prosecutions from taking up the matter to either continue with investigations or prosecution in the event that the Judicial Review Court quashes the decision to allow a private prosecution.

The applicant's argument was that the Magistrate's Court had breached the rules of natural justice on fair hearing by granting leave to commence a private prosecution without ensuring that the applicant, who was the intended accused person then, had been notified and allowed a chance to reply to that application.

Two questions of interest to criminal law in this Judicial Review case were:

1. Whether, in an application for leave to file a private Prosecution under Section 88 of the Criminal Procedure Code, the accused person intended to be so prosecuted, must be served and allowed to reply before a determination is made.
2. Whether the Judicial Review Court can issue orders prohibiting the IG and DPP from taking up or otherwise dealing with a matter under private Prosecution

On the first issue, the High Court, held that the power of the Court to allow a private prosecution under Section 88 of the Criminal Procedure Code was discretionary; and that according to that statute, there was no need for the Applicant to be served with the application for leave and neither was he required to answer to it. The Court observed that the Magistrate had exercised his discretion to allow the private prosecution and that the High Court could not interfere with the magistrate's discretion unless it was shown that the discretion was exercised outside the limits of the Courts of jurisdiction.

Specifically, the court stated that:

> *"...all a person intending to be a private prosecutor needs to do is to seek leave of court and if a magistrate is satisfied that the complaint is substantial, then he will exercise his discretion .....The Act does not require that the intended accused person be called to defend himself at the leave – seeking stage nor does it require that he answers to the complaint raised.*

On the second issue, the Court refused to issue orders prohibiting the Inspector General and Director of Public Prosecutions from taking up the matter. The Court observed that that would amount to usurpation of their constitutional mandate and that it would amount to the Judicial Review Court sitting on the matter as an Appellate Court. The Court asserted that the established position in law is that Judicial Review does not concern itself with the merits of a decision but the process of arriving at that decision.

The Court stated that the purpose of the remedy of Judicial Review was to ensure that the individual was given fair treatment by the authority to which he had been subjected and that Judicial Review Orders could not substitute the decision in the matter sought to be reviewed; that the Court would not, on a Judicial Review application act as a Court of Appeal from the body concerned. The Court also emphasized that it would not interfere in any way with the exercise of any power or discretion which had been conferred on such a body, unless it had been exercised in a way which was not within that body's jurisdiction.

In this application, the High Court found that the power and discretion of the Magistrates Court had been exercised within the law, which did not require the applicants participation or attendance; thus, the question of whether the applicant had been subjected to the Courts' power or discretion in a way that was beyond the limits of the Court's jurisdiction, did not arise. By refraining from curtailing the Constitutional Powers of the Inspector General and the Director of Public Prosecutions, the High Court essentially allowed an opportunity for their prospective involvement, either by way of further investigation, or taking over the prosecution of the case against the applicant in the Magistrates Court.

3.5.2. The Director of Public Prosecutions may prosecute money laundering under the Proceeds of Crime and Anti-Money Laundering Act without reference to predicate offences.

Republic v Director of Public Prosecution & another Ex-parte Patrick Ogola & 8 others, [2016] eKLR, Judicial Review Application No 102 of 2016

The application in the present case was brought by eight of the 26 persons accused persons in Criminal case No. 1905 of 2015. The criminal case involved the alleged theft of funds from the National Youth Service (NYS), a government program meant to mold youth into a pool of disciplined and organized manpower, through entrepreneurship and vocational engagement. The National Police Service, conducted an investigation which revealed that funds in the sum of KShs. 791,385,000/= had been fraudulently acquired and or stolen from the NYS. Subsequently, the suspects were arraigned before the Chief Magistrates' Court at Nairobi and charged with diverse offences related to the alleged theft.

In the present application, the Applicants sought orders to halt the prosecution of the criminal case on grounds that the charges were irrational because the Director of Public Prosecutions had not established by separate judicial proceedings that the sums mentioned in the charges were in fact proceeds of crime.

The issue of concern to criminal law was whether money laundering proceedings could only be pursued following a successful prosecution of a predicate offence. In other words, could the Director of Public Prosecutions pursue money laundering under the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA) without a prior conviction from a prior trial for theft or fraud or a proclamation from such process that the sums in issue, are "proceeds of crime"?

The Court ruled that the Director of Public Prosecutions need not show a determination by a Court of law that there was theft or forgery or fraud that led to the acquisition of the proceeds or property the subject of the money laundering proceedings. The court emphasized that Section 3 of the POCAMLA was intended for the prosecution of those who launder on behalf of others; to help the state to catch up with persons who in the course of their business facilitate money laundering by or on behalf of others and especially the originators of the crime.

> *"The criminal origins of the proceeds might be proved in the same way as any other elements of an offence could be proved. The offence of money laundering had to be deemed as stand-alone offence ... There was no need to await any prior convictions of other offences before launching the" prosecution of alleged money launderers."*

In dismissing the application, the Court reaffirmed the position that Judicial Review could only be invoked where procedural impropriety had been shown and in exceptional circumstances, where the exercise of power shocked and was detrimental to the proper administration of justice and warranted the intervention of the Court. That although the application of such doctrines as legitimate expectation, illegality and proportionality in determining whether or not to grant Judicial Review orders, was a clear indication that modern Judicial Review involved a reflection on the merit of the decision, the Court should exercise reticence and not second guess the DPP where it was clear that the motive was to perform the function of his office pursuant to the Constitutional and statutory provisions and mandate.

3.6 Family Law

3.6.1. The Marriage Act could be applied retroactively but cohabitation and a simple friendship leading to the birth of a child cannot support a presumption of marriage

N L S v BR P /2016] eKLR, Civil Case No. 3 of 2015

In this case, the parties, an elderly British man and a young Kenyan woman met at a hotel in the Kenyan coast sometime in 2010. They got involved in a complicated five-year romantic relationship during which a child was born and some property acquired. Between 2010 and 2013, the defendant would intermittently visit Kenya for about 60 days each year and go back to his country. In this time, it is reported that the woman lost her job in Mombasa and moved into the man's villa in Malindi. She was welcomed and allowed to stay with her young daughter on the understanding that she works as a caretaker for the villa while he was away.

The man would send money to the woman for utilities and other worker's wages through Western Union. At some point during this time, the man also met one of the woman's parents, shared a meal and was held out as a boyfriend intent on marrying the woman in due course. Trouble started when the woman allegedly misappropriated the villa, spiking utility bills; became rude to his visitors; assaulted the man verbally and physically and declared that the two of them are a married couple in the presence of their acquaintances. A child maintenance suit was filed and the man opted buy a separate smaller house for the child he had with the woman and started the motions of disposing the villa. The woman came to Court in the present suit seeking a declaration that the relationship between her and the defendant be presumed to be a marriage and that the villa be declared matrimonial property. She asserted a common-law marriage by cohabitation and repute, in the alternative, a customary marriage, owing to the meeting of her parent(s) and sharing a meal and gifts with them.

The twin issues were:

1. Whether a presumption of marriage could be applied retrogressively to accommodate a union that commenced before the application of the Marriage Act.

2. Whether cohabitation was sufficient to warrant a presumption of marriage

The Court observed that the parties allegedly begun their relationship in 2010 hence the Marriage Act, 2014 would not apply for the purposes of determining their union save for the transitional provision in Section 96. The alleged marriage was allegedly in place in 2010 but the Act commenced in 2014 hence its provisions could not all apply to the alleged marriage. The definition of marriage under the Act however was in tandem with Black's law dictionary. Under Section 3 (1) the Act provided that, Marriage was the voluntary union of a man and a woman whether in a monogamous or polygamous union and registered in accordance with the Act. Article 45 (2) of the Constitution provided for the right to marry a person of the opposite sex based on the free consent of the parties.

The Court affirmed that in a case involving presumption of marriage, an oral promise to marry was not sufficient. What counted were the behaviors of the parties. Section 2 of the Marriage Act, meant to apply to an arrangement in which an unmarried couple lived together in a long-term relationship that resembled a marriage. The Court further held that in cohabitation, two essentials had to be present, the legal capacity to contract a marriage and consent. That long cohabitation as man and wife gave rise to a presumption of marriage; only cogent evidence to the contrary could rebut such a presumption. Further, that the presumption was nothing more than an assumption rising out of long cohabitation and general repute that the parties had been married irrespective of the nature of the marriage actually contracted. That if a man and woman cohabited and held themselves out as husband and wife, that in itself raised a presumption that they were legally married and when it was challenged, the burden lay on those challenging it to prove that there was in fact no marriage, and not upon those who relied on it to prove that it was solemnized.

In this case, the Court found that there was no long period of cohabitation and neither did the parties take themselves to be married. The Court accepted the defendant's evidence that he was only a lover and held himself out as such at all material times and found that what existed was a simple friendship, which led to the birth of the child.

The Court also held that under Section 44 of the Marriage Act, a notification of the customary marriage ought to have been made within three months of the alleged customary marriage in the absence of which there was no marriage.

The Court concluded that, it would be an academic exercise to elaborate on matrimonial property in that matrimonial property arose where there was a marriage. It was clear that no presumption of marriage arose and therefore no matrimonial property could be considered.

3.7 Retirement age of Judges

Justice (Rtd) Kalpana H. Rawal Versus The Judicial Service Commission and Another, Civil Appeal No. 1 of 2016J

This case raised several issues with regard to the retirement age of a Judge as provided for in the Constitution of Kenya, 2010. The Appellant, Hon. Justice Kalpana H. Rawal was then the Deputy Chief Justice of the Republic of Kenya and Vice President of the Supreme Court of Kenya. She commenced her case by way of a petition filed at the Constitutional Division of the High Court contending that her retirement age was 74 years as provided for in the Constitution of Kenya, 1969 (the former Constitution) under which she was first appointed a judge, and not 70 years as provided for in the Constitution of Kenya, 2010 under which she had been appointed to her present office. On the 11th December, 2015, the High Court in its judgment dismissed her claim giving rise to this appeal. The main issue on appeal was the interpretation of the Constitution to determine whether the Appellant's age of retirement was 74 years or 70 years.

In a seven judge bench judgment rendered on 27th May, 2016, the Appellate Court dismissed the appeal holding thus:-

> *"…the High Court did not err in holding that the Constitution did not preserve and save the retirement age of judges prescribed by section 62(1) of the former Constitution as read with section 9 of the Judicature Act and Section 31 of the Sixth Schedule to the Constitution, and that with effect from the effective date, the retirement age of all judges is 70 years."*

The retirement age of judges became a thorny issue for the Supreme Court since it affected the Appellant herein who was the Vice President of that Court as well as Justice Phillip Tunoi of the same Court. The situation was exacerbated by the fact that the Appellant's case, and indeed the judgment by the Court of Appeal came barely a month to the retirement of the then Chief Justice Willy Mutunga on 16th June, 2016.

Immediately upon delivery of the Court of Appeal Judgment, the Appellant moved the Supreme Court for stay orders in Civil Application No. 11 of 2016. The other affected judges, Justice Phillip Tunoi and Justice David Onyacha also moved the same Court in Civil Application No. 12 of 2016. Both Applications were consolidated for determination. The two consoloidated applications as well as other applications were however not heard by the apex Court as the Court declined the jurisdiction to entertain them. The Court in its last sitting under the former Chief Justice held as follows:-

> "Because of the perceived conflict on interest in the constitution of the bench hearing the matter this court should decline jurisdiction to hear the Applicants application, the application by the respondents, and the intended appeal"

3.8 A civil servant is not prohibited from being a director of a company carrying on lawful business

Stephen Kemei Kiptum & 2 others v National Police Service Commission ELRC No 13 of 2015

The three Petitioners were subjected to a vetting process by the Respondent in accordance with the provisions of Section 7 of the National Police Service Act. The Respondent informed the Petitioners that they had failed the vetting and were removed and dismissed from the National Police Service through a decision dated May 22, 2014 and transmitted on May 28, 2014. The Petitioners made review applications that were unsuccessful and the Respondent's decision was confirmed. The Petitioners averred that their right to a fair administrative action, right to fair hearing and right to own property for the 3rd Petitioner had been violated by the Respondent.

The 1st Petitioner had been previously charged with the offence of abuse of office after threatening a security guard. He was charged with misappropriation of Kshs 420,000 for a junior officer, which was meant to compensate the said junior officer for the injury sustained as a result of a road accident. The 1st Petitioner repaid the money in 2012 after intervention by the Commissioner of Police then. That repayment was deemed an admission of misappropriation of funds.

The 2nd Petitioner was dismissed on the grounds that he exhibited professional negligence in submitting contradicting reports to the Court and that he lacked financial probity for failing to explain how he acquired his assets. The 2nd Petitioner averred that the Commission disregarded the approximate value of assets he provided and his response on how he acquired them and found his explanation not plausible.

The Respondent had concluded that the transport business engaged in by the 3rd Petitioner was in conflict of interest with his duties as a CID officer and that he concealed the business and the source of wealth and undervalued his assets. The 3rd Petitioner contended that there was nothing wrong in a civil servant carrying on business unless the business was shown on a preponderance of evidence to be in direct conflict with specified duties performed by the officer.

Some of the issues for determination by the Court was whether a civil servant or CID officer was prohibited from being a director of a company carrying on lawful business and what amounted to conflict of interest for a civil servant carrying on his/her own business.

The Court held that there was no evidence to support the finding by the Respondent that the 3rd Petitioner violated Section 71 of the National Police Service Act, Section 16 of the Leadership Act and section 12 of the Public Officers Ethics Act. Section 71 (1) of the National Police Service Act, provided that no member of the service other than a Reserve Police Officer should engage in any trade, business or employment, outside the scope of his duties as an officer of the service if the trade, business or employment was in conflict of interest with the performance of the police officer's duties. No evidence led to the effect that the 3rd Petitioner was involved in traffic duties at any one time during his tenure as a CID officer. There was no evidence at all that at any one time, the vehicle owned by the company in which the 3rd Petitioner was a director were given preferential treatment by traffic officers. No evidence showed that the traffic department was aware of the directorship of the 3rd Petitioner in the company that owned the vehicles.

The Court further held that the 3rd petitioner's right under Article 40 of the Constitution had been violated and undermined by the respondent for dismissing him from the service of the national Police Service on alleged conflict of interest arising from his ownership and shareholding of a corporate body operating motor vehicles in the transport sector.

3.9 Conveyance Law

1. A document or instrument of conveyance is not null and void for all purposes, on ground that it was prepared, attested and executed by an advocate who did not have a current practising certificate, within the meaning of Section 34 (1) (a) of the Advocates Act.

National Bank of Kenya Limited v Anaj Warehousing Limited- Supreme Court Petition No. 36 of 2014

The case commenced from the High Court where the issue for determination by the was whether the charge was void and unenforceable, as it was drafted, prepared, attested and registered by an unqualified person contrary to Section 34 (1) of the Advocates Act (Cap 16, Laws of Kenya). The learned Judge in his ruling, applied the doctrine of precedent and the *ratio decidendi* in the Wilson Ndolo Ayah case by declaring the charge to be null, void and invalid having been prepared, attested and executed by an advocate without a valid practicing certificate.

The Court of Appeal in dismissing the appeal agreed with the learned Judge for applying the principle of precedence/stare decisis laid down by the *Court of Appeal in National Bank of Kenya Ltd. v. Wilson Ndolo Ayah,* Civil Appeal No.119 of 2002.

Aggrieved by the decision of the Appellate Court, the National Bank of Kenya Ltd filed an application for certification in the Court of Appeal on grounds that this was a matter of general public importance to be determined by the Supreme Court, as it regards the effect of legal documents prepared by unqualified persons contrary to Section 34 of the Advocates Act.

In granting the certification that this matter raises issues of general public importance, the Court of Appeal noted the gravamen of the issues in the following terms; The questions [posed] by declaration of the charge as invalid are numerous and therein lies the conundrum. The document having been drawn by an unqualified person, did it render the charge illegal? Is one deemed to be qualified as an advocate upon successful completion of the law school and enrolment as an advocate or upon taking out a [practising] certificate? Is the qualification as an advocate different from qualifying to [practise] law? Isn't the acquisition of a [practising] certificate more of a regulation and hence a technicality which if flouted calls for sanctions against an advocate without rendering documents drawn by such an advocate invalid? Does failure to take out a [practising] certificate render an advocate 'unqualified'? What about the injustice caused to a lender? More so when a borrower presents himself before such an *"unqualified"* advocate, executes the charge documents and proceeds to draw a huge financial facility as appears to have been the case herein and later turns around and states that the charge document executed by him/her was invalid? What about the equitable maxim that *"equity regards as done that, which ought to be done"?* Can a borrower present himself before an advocate, execute a charge document, offer his/her property as security and later turn around and say, yes, I collected the money, I signed the charge document and I offered my property as security but you cannot enforce the charge because I executed the charge before a lawyer who though qualified to [practise] law, he/she was not qualified as he/she had not complied with the regulation to obtain a practising certificate for that particular year. What if such an advocate, were to act in collusion with such borrowers and/or the bank? Would the Courts shut [their] doors and sanction such an injustice? Is the punishment meted out by the Law society of Kenya sufficient to act as a deterrent? If so, why is it that there is a [recurrence] of this bad practice?"

The Supreme Court on its part pondered the public interest position in the circumstances by posing and answering the subsets of the following questions; If he or she were to walk into an advocate's office, for a conveyancing service at a fee, would there be an initial obligation resting on him or her to demand the advocate's practising certificate? Would he or she be in breach of the law if after the service, it turned out that the advocate lacked a certificate? The transgressor, in our view, is the advocate, and not the client. The illegality is the assumption of the task of preparing the conveyancing document, by the advocate, and not the seeking and receiving of services from that advocate. Likewise, a financial institution that calls upon any advocate from among its established panel to execute a conveyance, commits no offence if it turns out that the advocate did not possess a current practising certificate at the time he or she prepared the conveyance documents. The spectre of illegality lies squarely upon the advocate, and ought not to be apportioned to the client. The Court held that such reasoning is not keeping with a perception that Section 34 of the Advocates Act, invalidates all documents prepared by an advocate who lacks a current practising certificate. To hold that monies lent in conformity with the provisions of the law, save that the relevant conveyancing instruments were drawn by an advocate who at the time did not hold a practising certificate, are not recoverable, would be to sanction unjust enrichment for unscrupulous borrowers, while depriving innocent lenders¾creating a wide scope for fraudulent borrowing. Such a position in law, in our view, does not represent an "announced rule" – precedent that should guide the disposal of the matter now before us. Just as the law frowns upon unscrupulous lenders, especially those whose actions would fetter the borrower's equity of redemption, so also must it frown upon unscrupulous borrowers, whose actions would extinguish the lender's right to realize his or her security. There is to be, in law, a substantial parity of rights-claims, as between the lender and the borrower.

The facts of this case, and its clear merits, lead the court to a finding and the proper direction in law, that, no instrument or document of conveyance becomes invalid under Section 34(1) (a) of the Advocates Act, only by dint of its having been prepared by an advocate who at the time was not holding a current practising certificate. The contrary effect is that documents prepared by other categories of unqualified persons, such as non-advocates, or advocates whose names have been struck off the roll of advocates, shall be void for all purposes.

While securing the rights of the client whose agreement has been formalised by an advocate not holding a current practising certificate, the court clarified that such advocate's obligations under the law remain unaffected. Such advocate remains liable in any applicable criminal or civil proceedings, as well as any disciplinary proceedings to which he or she may be subject.

3.10 Procedural Law/ Locus Standi

1. Who qualifies to be an Interested Party or an *Amicus Curiae* (friend of the Court) before the Supreme Court.
2. Grounds for Admission as an Interested Party or *Amicus Curiae* in the Supreme Court.

Francis Karioki Muruatetu & another v Republic & 5 others – Supreme Court Petition No. 15 as Consolidated with No. 16 of 2015

In this case, the Kenya National Commission of Human Rights (KNCHR), Kenya Section of the International Commission of Jurists(ICJ-K), Legal Resources Foundation, and Katiba Institute applied to the Supreme Court to be enjoined as interested parties while The Death Penalty Project applied to be enjoined as (*Amicus Curiae)* in a case challenging the Constitutionality of mandatory death penalty. The Petitioners (death row convicts) opposed the applications to enjoin other interested parties or as amicus curiae and urged that an interested party as defined under Rule 25 of the

Supreme Court Rules, 2012 is a party that stands to suffer prejudice if not enjoined. In their opinion, citing the earlier decision of the court in *Trusted Society of Human Rights Alliance v Mumo Matemu & 5 Others,* Supreme Court Petition No. 12 of 2013, [2015] eKLR, the only persons who could demonstrate such likely prejudice were those on death row but not Katiba Institute, Kenya National Commission of Human Rights (KNCHR), Kenya Section of the International Commission of Jurists (ICJ-K), Legal Resources Foundation and The Death Penalty Project.

The Supreme Court considered the rival arguments and framed the issues for determination to *be* whether the intended interested parties have sufficiently demonstrated that they have met the prerequisites of Rule 25 of the Supreme Court Rules, 2012 on interventions; and whether the intended *amicus curiae* qualifies for enjoinment, in light of the governing principles set out by the Court in Trusted Society of Human Rights Alliance v. Mumo Matemu & 5 Others, Supreme Court Petition No. 12 of 2013, [2015] eKLR.

The Court was of the opinion that any party seeking to join proceedings in any capacity, must come to terms with the fact that the overriding interest or stake in any matter is that of the primary/principal parties' before the Court. The determination of any matter will always have a direct effect on the primary/principal parties. Third parties admitted as interested parties may only be remotely or indirectly affected, but the primary impact is on the parties that first moved the Court. This is true, more so, in proceedings that were not commenced as Public Interest Litigation (PIL), like the proceedings, which was before the court.

The Court went further to observe that, in every case, whether some parties are enjoined as interested parties or not, the issues to be determined by the Court will always remain the issues as presented by the principal parties, or as framed by the Court from the pleadings and submissions of the principal parties. An interested party may not frame its own fresh issues, or introduce new issues for determination by the Court. One of the principles for admission of an interested party is that such a party must demonstrate that he/she has a stake in the matter before the Court. That stake cannot take the form of an altogether a new issue to be introduced before the Court.

Consequently, the issues of constitutionality of the death penalty and/or its abolition, were not issues presented by the petitioners before the Court. Any interested party or *amicus curiae* who signals that he or she intends to steer the Court towards a consideration of those 'new issues' cannot, therefore, be allowed

The Supreme Court also differentiated the standards for admission as an interested party or as an *amicus curiae* in both civil and criminal proceedings by observing that criminal matters occupy a different platform from that of civil proceedings. Criminal proceedings directly touch on the personal fundamental rights and freedom of an individual, particularly the right to *liberty*. Consequently, just as the standard of proof is elevated in criminal matters (beyond reasonable doubt), so should the threshold for admission of interested parties be in criminal matters as compared to civil matters, where proof is on the balance of probability. The Court has to guard against third parties (such as interested parties and *amici curiae*) proliferating the issues brought by the petitioners. In criminal proceedings, the accused should ordinarily be informed before hand of the case against him/her. Therefore, the Court should always guard against admitting third parties who may end up clogging the case of the petitioners in criminal matters.

The Court also stated that an individual cannot rely and cite Article 22 of the Constitution as allowing them to join this matter so as to protect the public interest. The learned Judges stated that it is clear that Article 22 cannot be a panacea or a basis for admission of an interested party to any existing proceedings, where such a party has not shown a personal stake/interest in the matter, and only seeks to champion the public interest. The said article allows a party acting on behalf of another, or of the public, to '*commence or institute'* a matter before a Court of law. Article 22 is not a formula for the admission of interested parties to any and all Court proceedings.

From the foregoing legal provisions, and from the case law, the Court set the following guiding principles as applicable where a party seeks to be enjoined in proceedings as an interested party:

1. One must move the Court by way of a formal application. Enjoinment is not as of right, but is at the discretion of the Court; hence, sufficient grounds must be laid before the Court, on the basis of the following elements:

2. The personal interest or stake that the party has in the matter must be set out in the application. The interest must be clearly identifiable and must be proximate enough, to stand apart from anything that is merely peripheral.

3. The prejudice to be suffered by the intended interested party in case of non-joinder, must also be demonstrated to the satisfaction of the Court. It must also be clearly outlined and not something remote.

4. Lastly, a party must, in its application, set out the case and/or submissions it intends to make before the Court, and demonstrate the relevance of those submissions. It should also demonstrate that these submissions are not merely a replication of what the other parties will be making before the Court.

Application to be enjoined as an *amicus curiae:*

The Supreme Court also sought to determine whether the intended *amicus curiae* (The Death Penalty Project) qualified for enjoinment, in light of the governing principles set out by the Court in *Trusted Society of Human Rights Alliance v. Mumo Matemu & 5 Others, Supreme Court Petition No. 12 of 2013.*

In the *Mumo Matemu (supra),* the Court had considered an application by Katiba Institute to be enjoined as amicus *curiae,* and set out the guiding principles applicable in determining an application to be enjoined in that capacity. The Court held (at paragraph 41), that:

1. An amicus brief should be limited to legal arguments.

2. The relationship between amicus curiae, the principal parties and the principal arguments in an appeal, and the direction of amicus intervention, ought to be governed by the principle of neutrality, and fidelity to the law.

3. An amicus brief ought to be made timeously, and presented within reasonable time. Dilatory filing of such briefs tends to compromise their essence as well as the terms of the Constitution's call for resolution of disputes without undue delay. The Court may therefore, and on a case-by- case basis, reject amicus briefs that do not comply with this principle.

4. An amicus brief should address point(s) of law not already addressed by the parties to the suit or by other amici, so as to introduce only novel aspects of the legal issue in question that aid the development of the law.

5. The Court may call upon the Attorney- General to appear as amicus curiae in a case involving issues of great public interest. In such instances, admission of the Attorney- General is not defeated solely by the subsistence of a State interest, in a matter of public interest.

6. Where, in adversarial proceedings, parties allege that a proposed amicus curiae is biased, or hostile towards one or more of the parties, or where the applicant, through previous conduct, appears to be partisan on an issue before the Court, the Court will consider such an objection by allowing the respective parties to be heard on the issue (see: Raila Odinga & Others v. IEBC & Others; S.C. Petition No. 5 of 2013-Katiba Institute's application to appear as amicus).

7. An amicus curiae is not entitled to costs in litigation. In instances where the Court requests the appearance of any person or expert as amicus, the legal expenses may be borne by the Judiciary.

8. The Court will regulate the extent of amicus participation in proceedings, to forestall the degeneration of amicus role in to partisan role.

9. In appropriate cases and at its discretion, the Court may assign questions for amicus research and presentation.

10. An amicus curiae shall not participate in interlocutory applications, unless called upon by the Court to address specific issues.

The Court in the foregoing case *of Justice Philip K. Tunoi &Another v. Judicial Service Commission & 2 Others*, High Court Petition No. 244 of 2014 [2014] eKLR, held (paragraph 42) as follows:

1. The applicant ought to raise any perception of bias or partisanship, by documents filed, or by his submissions.

2. The applicant ought to be neutral in the dispute, where the dispute is adversarial in nature.

3. The applicant ought to show that the submissions intended to be advanced will give such assistance to the Court as would otherwise not have been available. The applicant ought to draw the attention of the Court to relevant matters of law or fact which would otherwise not have been taken into account. Therefore, the applicant ought to show that there is no intention of repeating arguments already made by the parties. And such new matter as the applicant seeks to advance, must be based on the data already laid before the Court, and not fresh evidence.

4. The applicant ought to show expertise in the field relevant to the matter in dispute, and in this regard, general expertise in law does not suffice.

5. Whereas consent of the parties, to proposed amicus role, is a factor to be taken into consideration, it is not the determining factor.

The Court while allowing the application for enjoinment of the Death Penalty Project as an amicus curiae recognized that the applicant is an institution which has dealt with criminal law, constitutional law and international human rights, in relation to the death penalty. The Court also noted that the applicant wished to restrict itself to the issues raised in the petition, and in particular the mandatory nature of the death sentence in this country and that on the face of the application and the submissions, the applicant was neutral on the dispute – a status which the court expected it would maintain throughout the proceedings. It was also apparent that the applicant would restrict its submissions to the issues raised, without digressing into issues outside the petition before the Court – which position the Court expected it would maintain throughout the proceedings. It was also clear to the Court that the submissions to be advanced would be of valuable assistance to the Court; and the applicant had demonstrated expertise in the field relevant to the matter before the Court. The Court therefore, found that the applicant met the criteria set out in *Mumo Matemu,* on joinder of *amicus curiae*.

3.11 Public Finance

The advise and or advisory opinion rendered by the Salary and Remuneration Commission (SRC) is binding on issues of Remuneration on all persons, state organs and independent commissions.

Teachers Service Commission (TSC) v. Kenya National Union of Teachers (KNUT) & 4 Others-Civil Appeal No. 196 of 2015.

This case arose from one of the numerous teachers strikes in the Kenyan history stemming from noncompliance by the government with the negotiated agreements and Collective Bargain Agreements (CBA)s between the teacher's unions and the government. In the instant case, during an ongoing the strike and pendency of a Petition filed in the Employment and Labor Relations Court (ELRC) by the Teachers Service Union (TSC), the court facilitated a dialogue and negotiation process between the parties leading to a truce and allowing the children to get back to school. A consent was later entered which compromised the petition replacing it with an economic dispute wherein the Salary and Remuner MC ation Commission (SRC) was also enjoined as an interested party. The court then framed five issues for determination. One of the issues for determination was whether the advice opinion by the SRC to the TSC was binding on the TSC.

The contentious advice was by a letter dated 23rd September 2014, where SRC advised TSC that TSC should obtain confirmation from National Treasury on availability of necessary funds to meet the proposed reviews and that review of proposed allowances should be held in abeyance until completion of study on allowances payable to public officers. By a further letter dated 24th September 2014, TSC sought clarification from SRC on various issues including "whether the 50%-60% basic salary increase as proposed by TSC is acceptable to be tabled to the unions".

SRC response was in part a clarification that SRC did not concur with TSC's proposal to increase the basic salary by 50% - 60% as the rationale for the proposed increment had not been provided. Further, TSC had not demonstrated affordability of the proposed increment. Any proposal for salary increment in the public sector must take into account the financial impact of the increment and the effect on other sectors of the public service. Whereas the allowances were negotiated, the same had to be done within policy guidelines and therefore the allowances as was existing had to be retained at that level until the study on allowances was completed.

In light of the foregoing, the Salaries and Remuneration Commission advise TSC to adhere to the SRC Regulations issued on 4th July 2012, Labour Relations Act and the existing legal framework while engaging with union. Secondly, the Items proposed by TSC were harmonized with other Public Sector employees and therefore should not be subject for negotiation. That, the Teacher Service Commission to demonstrate budgetary provision for the proposed remuneration structure before seeking advice from SRC.

The SRC argued before the Court that any increase in basic pay to teaching service will need to be harmonized with the rest of the public service for purposes of equity and fairness. The increase of teachers' salaries would trigger an upward salary review of the rest of the Civil Service which will result to additional Kshs. 360.8 billion over and above the then public sector wage bill of Kshs. 568 billion raising the wage bill to 929.8 billion representing 95.3% of all domestic revenue. The Commission argued that for the government to sustain this demand, it would either be forced to increase taxes or borrow just to pay. Further, it was not possible to review remuneration and benefits for teaching service in isolation since they form part of the public service. Any review prior to the comprehensive job evaluation would distort the salary structure obtaining in the public sector besides lacking any objective basis and that determination of remuneration in public sector is a very intricate and technical matter that is best left to institutions that are specifically created for that purpose, in this case the SRC.

The trial Court in addressing the binding nature of the above SRC's advice held that TSC is not bound by the advice of SRC in setting and reviewing remuneration of teachers. The Court also made a finding that SRC had no role whatsoever in the negotiations and determinations of basic pay for teachers. The learned Judge stated that a plain and holistic interpretation of Articles 230 (4) as read with Article 259 (11) of the Constitution supports the view that TSC must take into consideration the advice by SRC without necessarily being bound by it.

Aggrieved by the decision of the Employment and labour Relations Court, TSC supported by SRC and the Attorney General proffered and appeal to the Court of Appeal faulting the learned Judge for among others the restrictive manner in which he had interpreted the effect of an advice or advisory opinion of SRC in public service.

A five Judge Bench of the Court of Appeal held that under Article 230 (4) (b) of the Constitution, SRC has the constitutional function to advice the national government on the remuneration and benefits of all public officers. Under Section 37 (3) of the TSC Act, TSC has a statutory obligation to consult SRC before determining the terms and conditions of service for teachers.

The Court stated that despite being an independent commission that is not subject to direction or control by any person or authority pursuant to *Article 249 (2) (b)* of the Constitution, *Article 249 (2) (a)* of the Constitution stipulates that all Independent Commissions are subject to the Constitution and the law. Article 230 (4) (b) is a constitutional procedural and substantive limitation on the powers of TSC in matters relating to determining of remuneration and benefits of public officers. The limitation is that prior advice from SRC should be obtained. Expressed differently, Article 230 (4) (b) tells TSC that it cannot determine remuneration and benefits of teachers without seeking prior advice from SRC. The constitutional procedural requirement to seek prior SRC advice is reinforced by Article 259 (11) of the Constitution which states:

> *"Article 259 (11)*
>
> *If a function or power conferred on a person under this Constitution is exercisable by the person only on the advice or recommendation, with the approval or consent of, or on consultation with, another person, the function may be performed or the power exercised only on that advice, recommendation, with that approval or consent, or after that consultation, except to the extent that this Constitution provides otherwise."*

The Court went further to state that Article 259 (11) raise two interpretation issues: is the request for advice from SRC that is mandatory and binding or is the advice given by SRC that is binding or are both mandatory and binding? Seeking SRC's advice is a constitutional procedural step; the content of the advice given is substantive as it affects the remuneration rights and entitlements of public officers. *Article 230 (4) (b)* of the Constitution must be analyzed from both the procedural and substantive aspects. The issue is whether both the procedural and substantive aspects of SRC's advice are binding. Pursuant to *Article 230 (4) (b)*, it is a constitutional mandatory procedure for TSC to seek SRC advice on matters relating to remuneration and benefits of teachers. The binding nature of the advice given by SRC is a matter of involving interpretation of the following provisions of law: *Article 230 (4) (b)* and *(5) (a)*; *Article 237 (2) (b)* and *Article 259 (11)* of the Constitution and *Sections 37 (3)* of the TSC Act and *Section 11* of the SRC Act.

The learned Judges of Appeal found that the binding nature of SRC advice is a constitutional matter dependent on the governance structure established by the Constitution whose essence is separation of powers and sharing of functions among different organs of government and the Independent Commissions. The Court relied on the Supreme Court decision in *the Matter of Interim Independent Electoral Commission Constitutional Application (2011)* eKLR, where the court observed that the totality of governance powers is share out among different organs. These organs play mutually-countervailing roles. In this set up, it is to be recognized that none of the several government organs functions in splendid isolation. Therefore, in so far as TSC and SRC are both governmental organs and independent commissions, they cannot function in seclusion but must function in reciprocally complementary roles while respecting separation of powers and functions.

The Court was fortified in the finding that the advice given by SRC is binding because a constitution does not contain mere advice; it does not contain provisions that would not have a binding force and obligation of law; everything in the constitution must have the force and binding obligation of law; nothing can be put in a constitutional instrument in the form of mere advice with no binding obligation and be placed in company of other binding Articles. A constitution cannot contain mere advice, incapable of being enforced and whose violation is attendant with no legal consequences. Unless expressly stated, the 2010 Constitution does not contain Articles or provisions that are without force of law and whose binding nature is discretionary. Except as otherwise stated in the Constitution, Article 259 (11) removes all discretionary power and by so doing, the Constitution contains binding provisions.

The Court reiterated that the seeking of advice does not violate the principle that Independent Commissions are not subject to direction or control by any person or authority. The binding advice given by SRC is mutually complementing the role of all state organs and Independent Commissions in ensuring sustainable development as a constitutional value embodied in Article 10 (1) (d) of the Constitution. The advice given by SRC is binding because the advice is not merely an opinion that is given by a friend, it is advice that has a constitutional underpinning; it is binding because it emanates from a constitutional organ with exclusive constitutional mandate to determine fiscal sustainability of the total public compensation bill; it is binding because the principle of effectiveness require that all provisions of the constitution must be given effect. SRC advice is not an advice *in personam*, it is an advice *in rem* as it limits and determines remuneration rights and entitlements of public officers. Being an advice *in rem*, SRC advice binds all persons, state organs and independent commissions.

CHAPTER 4: HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT

4.0 Introduction

The financial year 2015/16 was a very significant year in so far as improvement of service delivery and work performance in the Judiciary is concerned. This was marked by the launching of Performance Management Measurement Understanding (PMMU) and rolling out of Performance Appraisal Systems (PAS) to the entire Judiciary. The Directorate of Human Resources and Administration played a vital role in development and implementation of the same.

In addition to the above, and in order to improve efficiency and effectiveness in Job performance, the following HR assignments were also undertaken (i) recruitment and selection for various posts; (ii) transfers and deployment of staff to various court Stations and Directorates; (iii) Staff training and capacity building; (iv) promotion of staff; and (ix) attachments and pupilage.

4.1 Development and implementation of Performance Appraisal System (PAS)

The development of Performance Appraisal System (PAS) frame work and appraisal tool was a significant development in the Judiciary. The roll out for this exercise was carried out in two phases. *Phase one* involved the sensitization of employees and signing of PAS by Directorates and Heads of stations. *Phase two* focused on the monitoring and evaluation of the implementation of PAS, offering technical backstopping to ensure that annual performance targets are in tandem with the PMMU and work plans and are supported by budgets where need be. It was necessary during this phase to ensure that the targets set were SMART.

4.2 Recruitment

The promulgation of the new Constitution and the resultant Judiciaary Transformation Framework considerably expanded the demand for Judiciary presentence and services countrywide. This has necessitated massive recruitment of various cadres of staff as shown in Table 4.5 below

4.2.1 Judicial officers

The interviews were carried out at the Supreme Court in the months of September and October 2015. The following Cadres were appointed into office in March 2016.

Table 4.1: Recruitment of Judicial Officers

Position	No of Vacancies	No. Interviewed	No. Appointed
Chief Magistrate	6	17	5
Senior Resident Magistrate	60	58	26
Kadhis	21	46	21

In addition 7 chairpersons/members of tribunals were appointed during the reporting period.

4.2.2 Judicial staff

The interviews for the first lot of Clerical officers were conducted in various regions in February 2016. While the Judicial Service Commission at the point of Advertising had declared 716 vacancies, It was found necessary to expand this cadre so as to accommodate the increase in demand due to the Court expansion that was in progress. The JSC then approved an additional 200 vacancies to be recruited from the applicants. The table below illustrates this:

Table 4.2: Recruitment of Judicial Staff

Position	No of Vacancies	No. Interviewed	No. Appointed
Clerical Officer	716	15,253	916

The offer of appointment letters to these successful candidates were issued in August 2016.

4.2.3 Internal Audit Directorate

To enhance the capacity of the expanded Audit and Risk Management Directorate, authority was sought and granted to recruit thirty-seven (37) additional auditors. This recruitment exercise is being done in three phases beginning this reporting financial year. The first phase entailed recruitment of the following 18 positions:

Table 4.3: Recruitment of Internal Audit Directorate

Position	No of Vacancies
Director, Audit and Risk Management	1
Deputy Director, Audit and Risk Management	1
Assistant Director, Audit and Risk Management	1
Principal Internal Auditor	1
Chief Internal Auditors	3
Senior Internal Auditors	3
Senior Internal Auditor ICT	1
Internal Auditors I	3
Internal Auditor I ICT	1
Internal Auditors II	3

These positions were advertised in the local media and the Judiciary website on 18th September 2015. A total of 1,607 applications were received for the eighteen (18) positions advertised.

In the second phase, the applications for the following 6 positions were analyzed and shortlisted. The Interviews were conducted from 29th August 2016 to 9th September 2016.

Table 4.4: Shortlisted Candidates for Internal Audit Directorate

Position	Number required	No of applicants	Number shortlisted
Chief Internal Auditor	3	186	21
Senior Internal Auditor	3	286	22
Senior Internal Auditor (ICT)	1	33	9
Internal Auditor I	3	341	21
Internal Auditor I (ICT)	1	56	4
Internal Auditor II	3	442	20
TOTAL	**14**		**97**

The third phase involves the selection for the remaining positions, shall be done in the financial year.

4.2.4 Other Staff

The following vacancies were declared, advertised and applications received as shown below. The recruitment process will be concluded in the next financial year.

Table 4.5: Recruitment of Other Personnel

Job Advertised	No. Of Vacancies	No. Of Applicants
Law Clerks	100	244
Chairperson Of The National Civil Aviation Administrative Review Tribunal (Re-Advertisement)	1	2
Member Of The Political Parties Disputes Tribunal	2	21
Mediator - Mediation Accreditation Committee	1	9
Assistant Director, Legal Unit	1	32
Principal Legal Officer	1	37
Chief Legal Officer	1	56
Protocol Officer II	3	42
Protocol Officer I	2	22
Senior Protocol Officer	1	14
Chief Protocol Officer	1	12
Principal Protocol Officer	1	3

4.4 Staff Training and Capacity building

Trainings in the following areas were conducted during the reporting period:

Table 4.6: Staff Training and Capacity Building

Training area	Target Group	Month	No. Trained
Performance Appraisal	Registrars. Eos, Heads of stations	October 2015	89
Management of Records & Archiving	Archivists and Registry staff	April 2016	88
	Total		**177**

A National Training Programme for Court Process Servers and Bailiffs was developed in collaboration with the Court Process Severs' Committee. The Needs Assessment and Report Writing was finalized and a curriculum development workshop scheduled for the financial year 2016/2017

4.5 Career Progression Through Promotions

4.5.1 Promotions of Staff

To continue addressing the pronounced career stagnation and low morale among staff promotions for the following 840 cadres of staff contained in Table 4.7 were completed.

Suitability interviews were conducted to 496 staff in PLS 9 and above out of which 336 were promoted. In addition, 250 staff in PLS 8 and below were also promoted based on the provisions of the Scheme of Service and availability of vacancies. The Commission also promoted 254 staff aged 55 years on a one off ex gratia basis.

Table 4.7: Judicial Staff Promotions

PROMOTED FROM	POSITION PROMOTED TO	NO.
Accountant II	Accountant 1	3
Accounts Assistant I	Senior Accounts Assistant	4
Accounts Assistant II	Accounts Assistant I	24
Archives Assistant I	Senior Archives Assistant	6
Archives Assistant II	Archives Assistant I	10
Assistant Director-HR & A	Senior Assistant Director HR & A	1
Chief Executive Officer	Principal Executive Officer	2
Chief Librarian	Principal Librarian	1
Chief Library Assistant	Principal Library Assistant	8
Clerical Officer	Higher Clerical Officer	6
Deputy Chief Finance Officer	Chief Finance Officer	1
Executive Assistant	Senior Executive Assistant	15
Executive Officer I	Senior Executive Officer	2
Executive Officer II	Executive Officer I	1
Executive Secretary	Senior Executive Secretary	3
Finance Officer III	Finance Officer II	2
Human Resource Assistant III	Human Resources Assistant II	5
Human Resource Management Officer II	Human Resources Officer I	1
ICT Officer 2	ICT Officer 1	1
ICT Officer 3	ICT Officer 2	12
Librarian I	Senior Librarian	3
Library Assistant 1	Senior Library Assistant	6
Personal Secretary I	Senior Personal Secretary	20
Personal Secretary II	Personal Secretary I	29
Personal Secretary III	Personal Secretary II	14
Secretarial Assistant I	Senior Secretarial Assistant	45
Senior Accounts Assistant	Assistant Accountant	4
Senior Clerical Officer	Executive Assistant	51
Senior Driver I	Principal Driver	1
Senior Executive Assistant	Chief Executive Assistant	4
Senior Executive Secretary	Principal Executive Secretary	2
Senior Personal Secretary	Executive Secretary	5
Senior Process Server	Court Bailif	37
Senior Secretarial Assistant	Personal Secretary I	5
Senior Telephone Operator	Telephone Supervisor II	1
Telephone Supervisor II	Telephone Supervisor I	1
Clerical Officer	Higher Clerical Officer	53
Driver III	Driver II	23
Higher Clerical Officer	Senior Clerical Officer	55
Process Server I	Senior Process Server	5
Process Server II	Process Server I	1
Secretarial Assistant II	Secretarial Assistant I	8
Security Guard II	Security Guard I	1
Security Guard III	Security Guard II	29
Security Guard I	Senior Security Guard II	7
Security Guard III	Security Guard II	2
Senior Support Staff	Support Staff Supervisor	34
Storekeeper I	Senior Storekeeper	2
Storekeeper II	Storekeeper I	13
Support Staff II	Support Staff I	8
Support Staff Supervisor	Cleaning Supervisor II	8
Telephone Operator II	Telephone Operator I	1
Total		**496**

Table 4.8: Promotion for Staff Aged 55 and Above

PROMOTED FROM	POSITION PROMOTED TO	No.
Accountant II	Accountant I	4
Accountant I	Senior Accountant	1
Accounts Assistant 1	Senior Accounts Assistant	2
Clerical Officer	Higher Clerical Officer	14
Driver III	Driver II	1
Executive Assistant	Senior Executive Assistant	88
Executive Officer I	Senior Executive Officer	3
Executive Officer II	Executive Officer I	27
Higher Clerical Officer	Senior Clerical officer	1
HRM Assistant III	HRM Assistant II	1
HRM Officer II	HRM Officer I	2
Personal Secretary I	Senior Personal Secretary	1
Personal Secretary II	Personal Secretary I	2
Principal Executive Secretary	Senior Principal Executive Secretary	1
Process Server II	Process Server I	2
Secretarial Assistant I	Senior Secretarial Assistant	6
Secretarial Assistant II	Secretarial Assistant I	1
Senior Accounts Assistant	Assistant Accountant	2
Senior Clerical Officer	Executive Assistant	36
Senior Court Bailiff	Senior Court Bailiffs	6
Senior Driver I	Principal Driver	1
Senior Executive Secretary	Principal Secretary	1
Senior Process Server	Court Bailiff	1
Senior Secretarial Assistant	Personal Secretary I	7
Senior Support Staff	Support Staff Supervisor	9
Senior Telephone Operator	Telephone Supervisor II	1
Support Staff II	Support Staff I	1
Support Staff Supervisor	Cleaning Supervisor II	31
Telephone Supervisor 10	Senior Telephone Supervisor	1
Total		**254**

4.6 Transfers and Deployments

During the year under review, and in line with the Judiciary Transfer Policy, a total of two hundred thirty-five (235) transfers were done.

4.7 Disciplinary Matters

4.7.1 Complaints against Judges

In the year 2015/2016, the Commission received, considered and made recommendations on several Petitions/Complaints against Hon. Judges. In 2015/16, JSC received 72 new complaints against Judges. 42 other complaints had been carried over from the previous year making the total number of complaints against judges to stand at 114 by the end of 2015/16.

Table 4.9: Summary of the Complaints examined by the JSC in 2015/16

Particulars	No of Complaints
Complaints pending at 30th June,2015	42
Complaints received during the year	72
Total complaints	114
Total Complaints concluded	82
Complaints pending as at 30th June,2016	**32**

One (1) petition against the removal of a Judge was concluded during the reporting period. While a Tribunal for the removal of another was ongoing by the end of the reporting period.

Table 4.10: Classification of concluded complaints by Outcome

Outcome	No.
Complaints dismissed	74
Complaints withdrawn	6
Referred to the Tribunal	1
Complaints that led to admonishment (Warning)	1
Total complaints concluded	**82**

4.7.2 Judicial Officers

During the year under review, the Judicial Service Commission received a total of 38 cases against judicial officers. Out of these, 22 were fresh disciplinary cases while 16 were appeals/reviews. A total of 20 cases were heard and concluded. This represents 53% of the total cases. 18 discipline cases were pending as at the end of the reporting period.

4.7.3 Judicial Staff

In FY2015/16, the following 22 disciplinary cases against judicial staff categorized as per cadre were received.

Table 4.11: Disciplinary Cases

Cadre	No. of Staff
Clerical Officers	8
Support Staff	4
Assistant Account	6
Executive Secretary	1
Storekeeper	1
Driver	1
Superindent of works	1
Total	**22**

Through the Human Resource Management and Advisory Committee (HRMAC), thirty-four (34) disciplinary cases that were a backlog from 2014/15 were concluded. 2 cases were referred to the Judicial Service commission (JSC). A total of 31 staff have matters pending in court as at the end of the reporting period.

Table 4.12: Discipline cases during the year under review that were a backlog from 2014/2015

Cadre	Data		
	No. of cases completed		Total
	Male	Female	
Security Guard	3	1	4
Procurement/storekeeper	3	0	3
Driver	3	0	3
Support staff	3	0	3
Secretarial	0	2	2
Accountants/Accts. Assts	1	2	3
Clerical	9	0	9
Artisan/charge-hand	2	0	2
Telephone Operator	0	1	1
Process Server	1	0	1
ICT	1	0	1
Executive Assistants	1	0	1
Librarian/Library Assistants	1	0	1
Total	**28**	**6**	**34**

4.8 Development and Implementation of HR Policies and Procedures

During the year under review, employees received and were sensitized on the HR procedure and manual. A review process of the existing HR policies and Procedures manual was initiated.

4.9 Service Delivery Innovations

To enhance service delivery through the use of innovations, basic HR records from the employees' files were automated. Such records include personal records, educational/professional and career progression details. As at the end of the reporting period, at least 20% of the personnel core functions had been automated.

4.10 Attachment and Pupilage Programs

In 2015/16 financial year, the Judiciary received numerous requests for attachments and pupilage from Universities and colleges. The table below outlines the number of such opportunities extended during the period.

Table 4.13: Attachment and Pupilage Programs

Category	Nos.
Clinical attachments	841
Pupillage	48
Other areas of specialization	113
Total	**1002**

4.11 Employee Separation

The total employee separation stood at 106. Out of these, 33 employees proceeded on normal retirement, 12 resigned and 23 deaths were recorded.

Table 4.14: Employee's Separation Cases

Nature of Cases	Number
Judges and magistrates vetted out	4
Dismissals (JSC & HRMAC decisions)	5
Suspensions	19
Retirement on fifty-year rule	1
Normal retirement	33
Resignations	12
Contract expiry	9
Deaths	23

4.12 Employee Compostision

4.12.1 Employee Composition

During the period 2015/16, the Judiciary's overall staff strength was 4,409 comprising of 136 judges (3%), 515 Magistrates and Kadhi's (12%) and 3,758 Judicial Staff (85%).

Figure 4.1: Percentage of Employee Composition

Judiciary's staff complement of **4,409**, 52% are male and 48% are female, indicating near perfect gender parity.

Figure 4.2: Percentage of Gender Composition

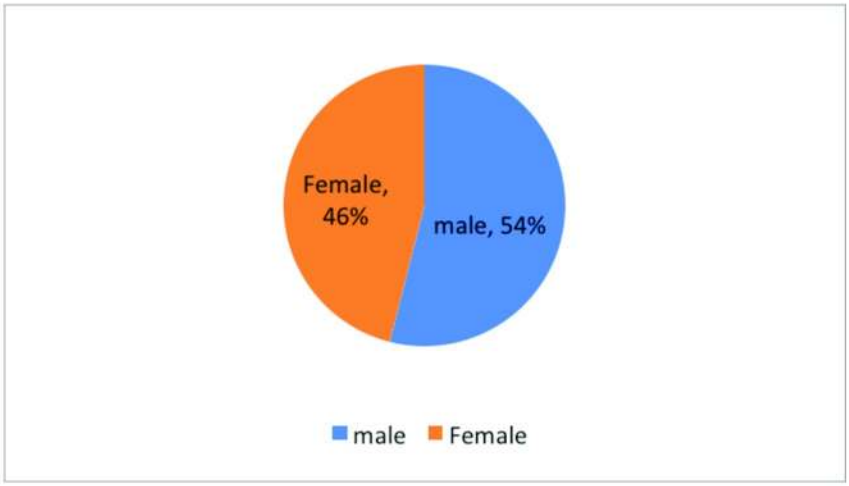
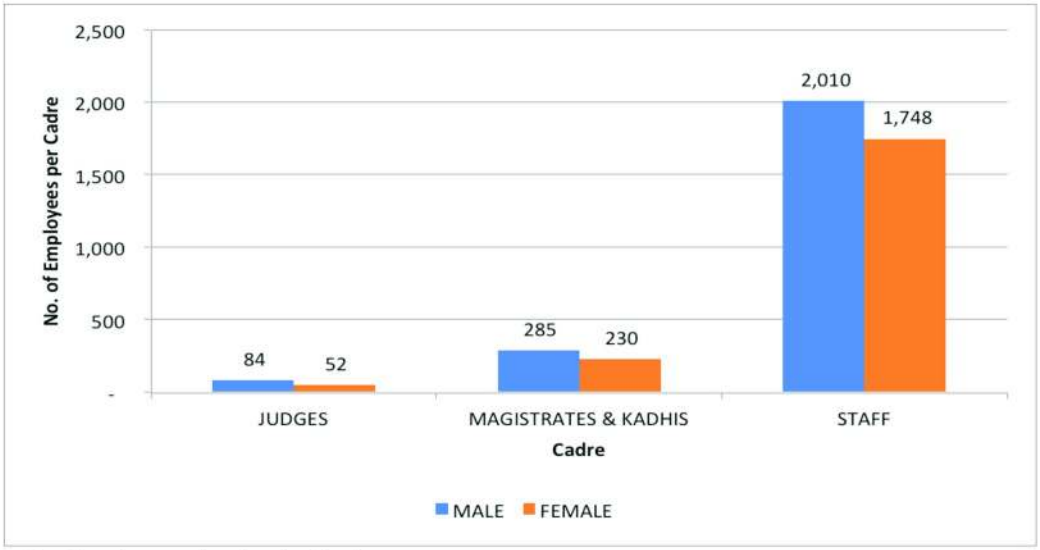


Figure 4.3: Number of Employees by Gender



4.12.2 Employee's as per the education level

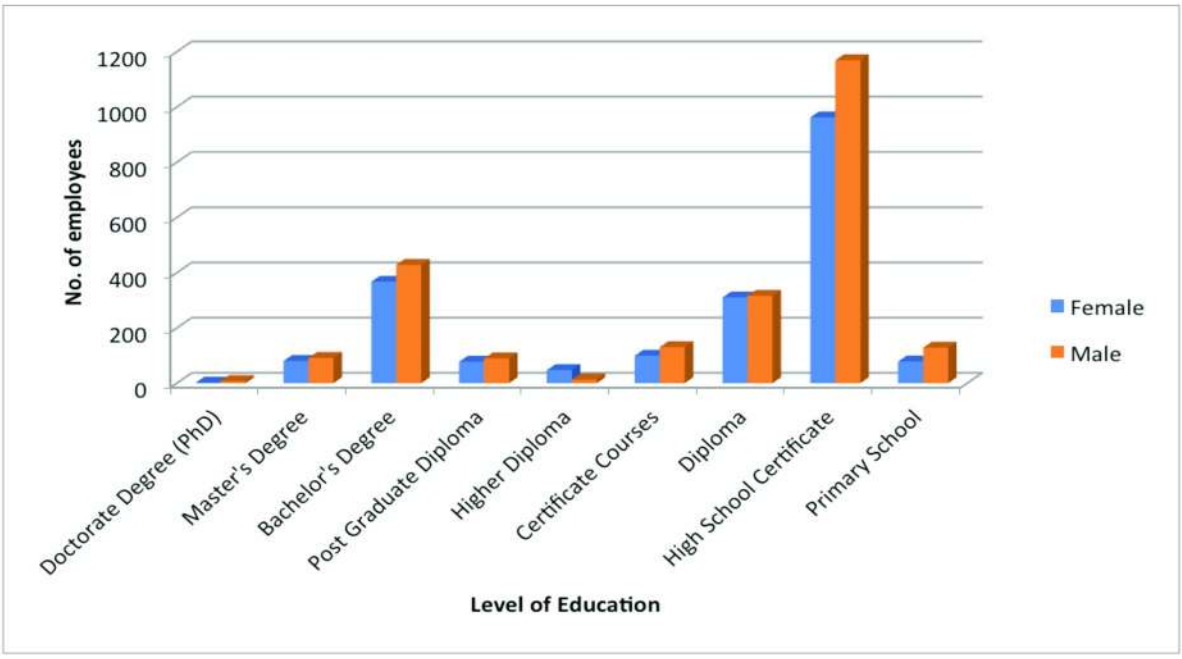
Below is a summary of the highest education level of the employee's in the Judiciary during the reporting period

Table 4.15: Employee's as per the education level

Level of Education	Female	Male	Total
Doctorate Degree (PhD)	2	8	10
Master's Degree	81	92	173
Bachelor's Degree	368	429	797
Post Graduate Diploma	78	90	168
Higher Diploma	48	13	61
Certificate Courses	100	131	231
Diploma	311	317	628
High School Certificate	963	1170	2133
Primary School	79	129	208
Grand Total	**2030**	**2379**	**4409**

The above table is graphically represented below

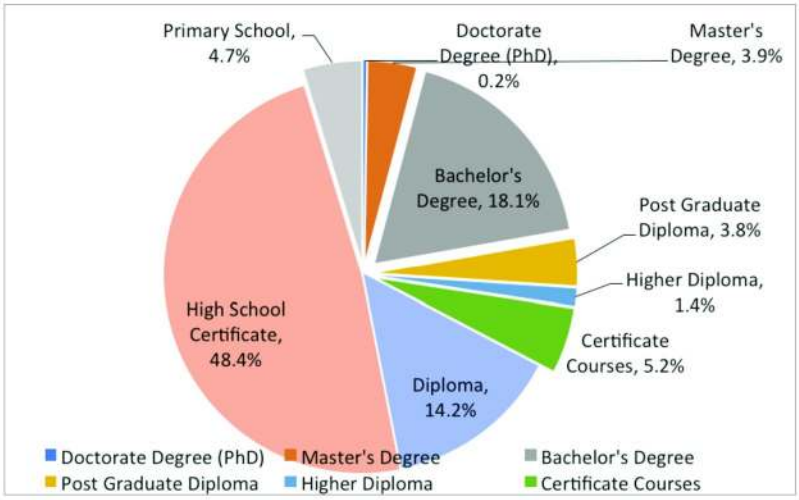
Figure 4.4: Highest Level of Education



Out of the 4,409 employees in the FY 2015/16, 48% of them have high school certificate as their highest level of Education, 18% have Bachelor's Degrees as their highest level of Education while 14% have Diplomas.

Less than 4% have Masters and/or Doctorate Degree's as their highest level of Education.

Figure 4.5: Level of Education in Percentage



4.12.3 Comparative Level of Education 2013/2014 with 2015/2016

The table below is a comparison of the Education levels in FY 2013/2014 and FY2015/2016.

Table 4.16:Comparative Level of Education 2013/2014 with 2015/2016

Level of Education	2013/2014	2015/2016
Doctorate Degree (PhD)	8	10
Master's Degree	186	173
Bachelor's Degree	356	797
Post Graduate & Higher Diploma	689	229
Certificate and Diploma	1498	859
Primary & Secondary School	1826	2341
Total	**4563**	**4409**

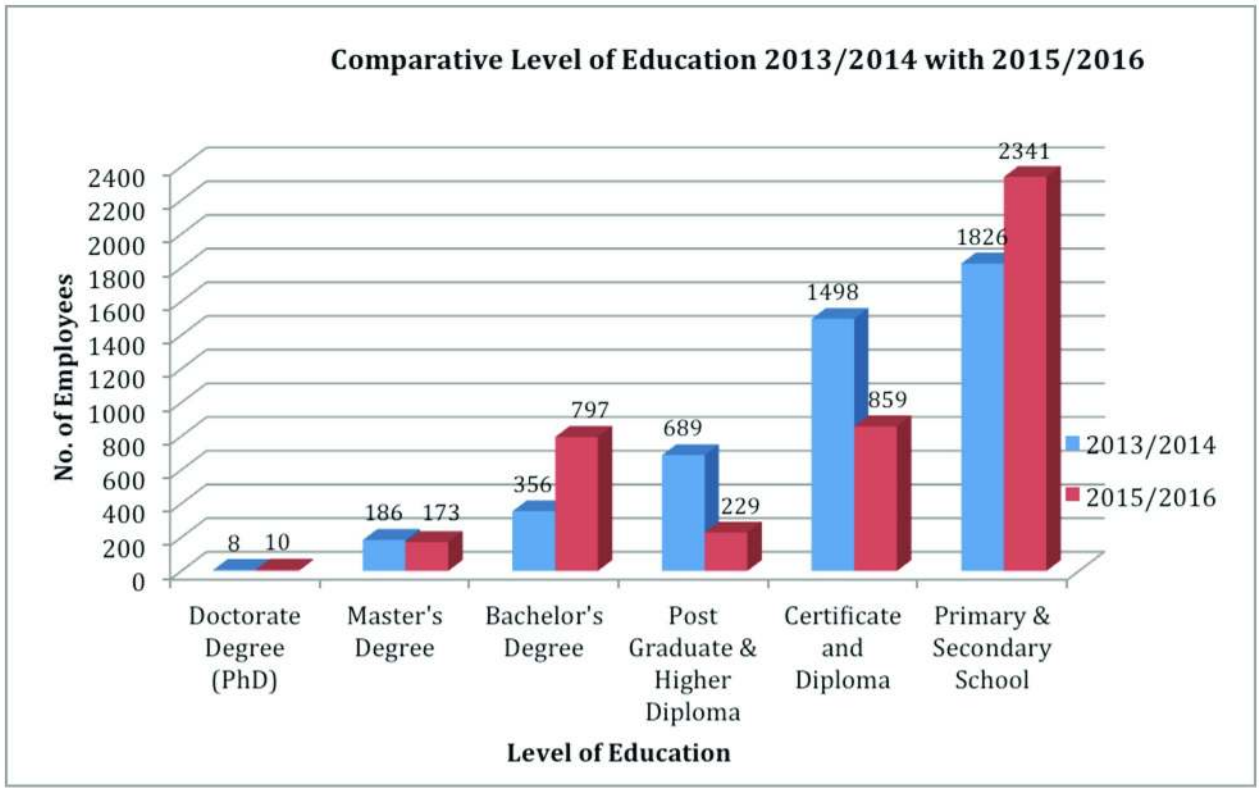
From the figures above, it can be noted the number of employees who attained Bachelor's Degrees during the 3 years increased by 124% (from 356 to 797). This can be attributed to the conducive learning culture that was instilled into the organization by the Judicial Transformation Framework. Most Employees who in the FY 2013/2014 were holders on Post graduate and higher diploma's improved their academic qualifications by attaining degrees. Notably, the number of holders of basic certificates declined significantly from 1498 in 2013/14 to 859 in 2014/2016.

Primary &Secondary School Certificate holders also increased from 1826 to 2341, due to the recruitment of clerical officers towards the end of the reporting year (2015/2016) where the minimum requirement was a secondary School Certificate.

The Decrease of employee's with Master's Degrees 186 (FY 2013/2014) to 173 (FY 2015/2016) is attributed to resignations/retirement of 11 employee's and 2 employees' attaining their doctorate Degrees (Phd's).

The figures above are further illustrated in the graph below.

Figure 4.6: Comparative Level of Education 2013/2014 with 2015/2016



4.12.3 Age profile

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

Table 4.17: Age Profile

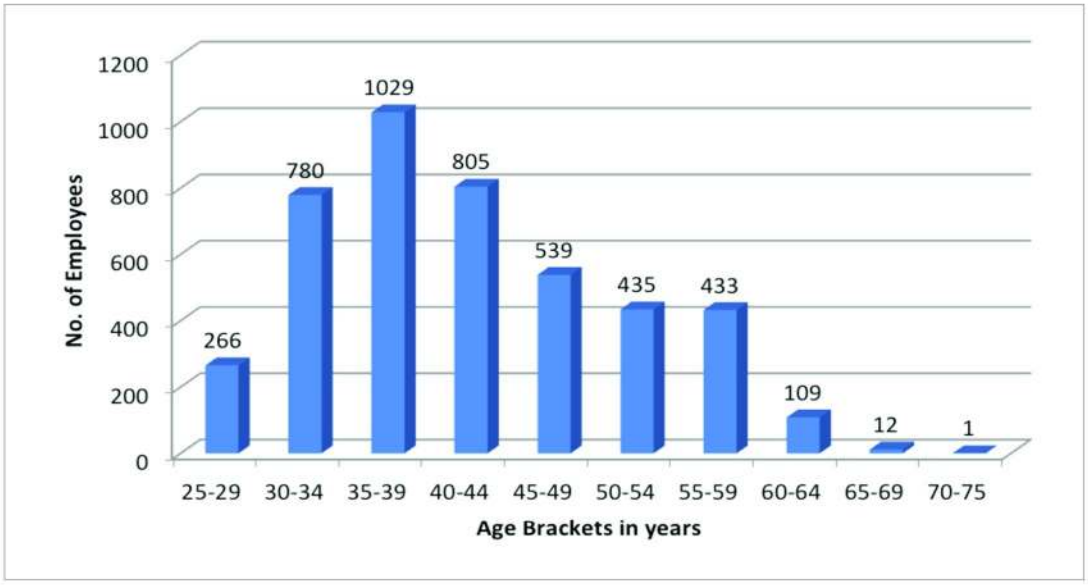
CADRE	AGE BRACKET										
	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-75	
Hon. Judges	0	0	0	7	34	42	29	11	12	1	136
Accountant 1	0	18	21	6	3	5	3	2	0	0	58
Accountant 2	4	12	7	3	1	8	2	0	0	0	37
Accounts Assistant 1	0	8	11	4	5	0	2	0	0	0	30
Accounts Assistant 11	2	9	8	0	4	0	0	0	0	0	23
Architect	0	0	0	1	0	0	0	0	0	0	1
Archives Assistant 1	0	0	2	2	4	4	2	0	0	0	14

CADRE	AGE BRACKET										
	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-75	
Archives Assistant 2	0	2	4	0	0	1	1	0	0	0	8
Archives Assistant 3	0	2	0	3	0	1	1	0	0	0	7
Archivist 1	0	0	0	0	0	0	1	0	0	0	1
Archivist 2	0	0	0	1	3	0	0	0	0	0	4
Artisan III	0	2	0	0	0	0	1	0	0	0	3
Assistant Accountant	0	0	2	6	3	3	5	0	0	0	19
Assistant Director - ICT	0	0	2	0	0	0	0	0	0	0	2
Assistant Director - Performance Management	0	1	2	1	1	1	0	1	0	0	7
Assistant Legal Researcher	2	1	0	0	0	0	0	0	0	0	3
Assistant Programme Director	0	1	0	0	0	0	0	0	0	0	1
Assistant Registrar	0	0	0	1	1	0	0	0	0	0	2
Asst. Director - Public Affairs & Communication	0	0	0	0	1	0	0	0	0	0	1
Building Technical II	0	0	0	0	0	1	1	0	0	0	2
Building Technician 1	0	0	0	1	0	0	0	0	0	0	1
Chairman-Corporative Tribunal	0	0	0	0	0	0	1	0	0	0	1
Chief Accountant	0	1	0	1	0	0	0	0	0	0	2
Chief Accounts Controller	0	0	0	0	0	1	0	0	0	0	1
Chief Architect	0	0	0	0	0	1	0	0	0	0	1
Chief Driver	0	0	0	0	0	1	0	1	0	0	2
Chief Executive Assistant	0	0	0	0	0	1	2	1	0	0	4
Chief Executive Officer	0	0	0	0	0	0	2	0	0	0	2
Chief Finance Officer	0	0	0	0	0	1	0	0	0	0	1
Chief HRM Officer	0	0	3	2	1	1	0	0	0	0	7
Chief Internal Auditor	0	0	1	0	0	0	0	0	0	0	1
Chief Librarian/Principal Lib. Asst	0	0	0	1	0	1	0	0	0	0	2
Chief Library Assistant	0	0	0	1	0	0	0	1	0	0	2
Chief Magistrate	0	0	0	2	14	15	16	0	0	0	47
Chief Procurement Officer	0	0	2	0	1	0	0	0	0	0	3
Chief Public Comm. Officer	0	0	0	0	1	0	0	0	0	0	1
Chief Risk & Internal Systems Auditor	0	0	0	1	0	0	0	0	0	0	1
Chief Telephone Supervisor	0	0	0	0	0	0	1	0	0	0	1
Cleaning Supervisor 1	0	0	0	0	2	1	1	0	0	0	4
Cleaning Supervisor II	0	0	13	16	6	11	23	11	0	0	80
Clerical Officer	0	0	2	0	0	0	0	0	0	0	2
Clerical Officer 1	69	144	115	59	29	8	14	4	0	0	442
Clerical Officer 2	49	96	123	92	49	30	10	1	0	0	450
Computer Operations Assistant 2	0	1	1	0	0	0	0	0	0	0	2
Court Bailiff	0	0	3	5	4	10	11	6	0	0	39
Deputy Director - Administration	0	0	0	0	0	1	0	0	0	0	1
Deputy Director - Performance Management	0	0	0	0	0	1	0	0	0	0	1
Deputy Director - Public Affairs & Communication	0	0	0	0	1	0	0	0	0	0	1
Deputy Director of Accounts	0	0	0	1	0	1	0	0	0	0	2
Deputy Registrar	0	0	0	2	2	0	0	0	0	0	4
Chief of Staff	0	0	0	0	1	0	0	0	0	0	1
Director- Performance Management	0	0	0	0	0	0	0	1	0	0	1
Director- Public Affairs & Communication	0	0	0	0	0	1	0	0	0	0	1
Driver 1	0	1	1	1	2	5	1	0	0	0	11
Driver 2	1	2	4	3	3	2	1	0	0	0	16
Driver 3	10	30	43	29	16	5	0	0	0	0	133
Executive Assistant	0	3	19	21	42	42	54	13	0	0	194
Executive Officer 1	0	0	2	0	2	0	13	11	0	0	28
Executive Officer 2	0	6	4	3	4	2	9	1	0	0	29
Executive Secretary	0	0	1	7	2	1	2	2	0	0	15
Finance Officer 3	2	2	0	0	0	0	0	0	0	0	4
Finance Officer II	0	2	0	0	0	0	0	0	0	0	2
HRM Assistant 3	3	15	11	2	2	1	0	0	0	0	34
HRM Assistant II	0	1	1	0	0	0	0	1	0	0	3

CADRE	AGE BRACKET										
	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-75	
HRM Officer 1	0	1	0	0	1	0	3	0	0	0	5
HRM Officer 2	3	3	2	1	2	0	2	0	0	0	13
ICT Officer 1	0	5	8	2	0	0	0	0	0	0	15
ICT Officer 2	2	6	9	1	1	0	0	0	0	0	19
ICT Officer 3	2	5	1	0	0	0	0	0	0	0	8
Kadhi 2	0	7	8	5	1	0	0	0	0	0	21
Law Clerks	0	7	2	0	0	0	0	0	0	0	9
Legal Researcher	0	30	20	4	2	0	0	0	0	0	56
Librarian	0	0	1	2	1	2	1	0	0	0	7
Library Assistant I	0	0	4	5	1	0	2	0	0	0	12
Messenger Grade 1	1	2	1	5	1	0	0	0	0	0	10
Personal Secretary 2	0	3	6	6	0	2	1	0	0	0	18
Personal Secretary 3	1	5	13	5	1	1	1	0	0	0	27
Personal Secretary 1	0	0	11	23	11	11	12	2	0	0	70
Photojournalist	0	1	0	0	0	0	0	0	0	0	1
Principal Administration Officer	0	0	0	1	1	0	0	0	0	0	2
Principal Driver	0	0	0	0	0	0	2	0	0	0	2
Principal Executive Officer	0	0	0	0	0	0	2	0	0	0	2
Principal Executive Secretary	0	0	0	0	1	0	2	1	0	0	4
Principal HRM Officer	0	0	1	0	0	0	0	0	0	0	1
Principal ICT Officer	0	0	1	0	0	0	0	0	0	0	1
Principal Librarian	0	0	0	0	1	0	0	0	0	0	1
Principal Library Assistant	0	0	0	1	1	0	0	0	0	0	2
Principal Magistrate	0	0	4	40	27	8	2	0	0	0	81
Principal Monitoring & Evaluation Officer	0	0	1	0	0	0	0	0	0	0	1
Principal Planning & Budgeting Officer	0	0	0	1	0	0	0	0	0	0	1
Principal Procurement Officer	0	0	0	1	0	0	1	0	0	0	2
Principal Public Comm. Officer	0	0	1	0	0	0	0	0	0	0	1
Process Server 1	0	0	2	3	1	3	6	2	0	0	17
Process Server 2	1	1	2	3	1	0	2	0	0	0	10
Procurement Officer 2	5	10	2	1	0	1	1	0	0	0	20
Procurement Officer 1	0	1	0	2	0	0	0	0	0	0	3
Programme Officer	0	2	2	0	0	0	0	0	0	0	4
Public Communications Officer 1	0	2	1	0	0	0	0	0	0	0	3
Quantity Surveyor	0	0	1	0	0	0	0	0	0	0	1
Regional Assistant Director - Finance	0	0	2	4	4	1	0	0	0	0	11
Regional Assistant Director-HRM	0	0	1	2	6	7	0	0	0	0	16
Regional Principal Accountant	0	1	2	0	2	0	0	0	0	0	5
Regional Principal HR & Adm Officer	0	0	3	1	1	0	0	0	0	0	5
Registrar	0	0	1	3	2	0	0	0	0	0	6
Resident Magistrate/Deputy Registrar	3	53	96	17	8	4	0	0	0	0	181
Secretarial Assistant 1	0	6	21	25	8	10	5	1	0	0	76
Secretarial Assistant 2	1	3	5	16	7	8	4	0	0	0	44
Security Guard 1	3	4	9	5	1	1	1	0	0	0	24
Security Guard 2	0	3	1	2	1	1	0	0	0	0	8
Security Guard 3	8	20	22	16	6	4	2	0	0	0	78
Security Officer 2	0	0	0	6	7	3	0	0	0	0	16
Security Warden	0	0	0	0	1	0	0	0	0	0	1
Senior Accountant	0	1	8	4	1	2	0	0	0	0	16
Senior Accounts Assistant	0	0	5	1	2	2	4	0	0	0	14
Senior Architect	0	0	0	0	1	0	0	0	0	0	1
Senior Archives Assistant	0	0	1	3	4	0	0	0	0	0	8
Senior Assistant Director HR & Admin	0	0	0	0	0	0	1	0	0	0	1
Senior Clerical Officer	2	37	96	88	40	36	14	0	0	0	313
Senior Court Bailiff	0	0	1	0	0	1	4	4	0	0	10
Senior Driver	0	0	1	1	0	1	3	0	0	0	6
Senior Economist/ Statistician 2	0	0	1	1	0	0	0	0	0	0	2

CADRE	AGE BRACKET										
	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-75	
Senior Executive Assistant	0	0	0	0	1	9	59	19	0	0	88
Senior Executive Officer	0	0	0	0	3	1	4	3	0	0	11
Senior Executive Secretary	0	0	0	2	3	6	2	0	0	0	13
Senior Internal Auditor	0	1	0	0	0	0	0	0	0	0	1
Senior Librarian	0	0	1	3	9	2	1	0	0	0	16
Senior Personal Secretary	0	0	2	11	8	12	7	0	0	0	40
Senior Principal Magistrate	0	0	2	16	11	7	4	0	0	0	40
Senior Process Server	0	0	3	5	9	11	11	4	0	0	43
Senior Procurement Officer	0	1	1	0	0	1	0	0	0	0	3
Senior Resident Magistrate	0	19	64	31	12	6	3	0	0	0	135
Senior Risk & Internal Systems Auditor	0	0	1	0	0	0	0	0	0	0	1
Senior Secretarial Assistant	0	0	13	26	14	8	19	1	0	0	81
Senior Security Guard	1	4	4	2	0	0	1	0	0	0	12
Senior Store Keeper	2	9	5	1	0	0	0	0	0	0	17
Senior Support Staff	19	43	49	55	29	18	11	1	0	0	225
Senior Subordinate	0	0	0	2	1	3	0	0	0	0	6
Senior Telephone Operator	0	0	4	3	2	1	1	0	0	0	11
Senior Telephone Supervisor	0	0	0	0	0	0	1	1	0	0	2
Store Keeper 1	23	25	7	5	1	0	0	0	0	0	61
Store Keeper II	0	1	0	0	0	0	0	0	0	0	1
Superintendent of Works	0	0	1	1	0	0	0	0	0	0	2
Supplies Officer 1	0	2	1	1	3	0	0	0	0	0	7
Support Staff 1	13	25	19	14	4	1	0	0	0	0	76
Support Staff 2	13	25	15	7	4	3	2	0	0	0	69
Support Staff Supervisor	21	46	45	24	22	22	16	1	0	0	197
Telephone Operator 1	0	0	2	1	0	1	0	0	0	0	4
Telephone Operator 2	0	0	1	2	2	1	1	0	0	0	7
Telephone Supervisor 3	0	0	1	1	0	2	0	0	0	0	4
Telephone Supervisor 2	0	0	0	0	0	1	3	1	0	0	5
TOTAL											**4,409**

Figure 4.7: No. of Employee's in Age Brackets



23% of the Employee's were between the age bracket of 35 and 39 while only 2% were above the 60 year age bracket.

CHAPTER 5: TRAINING UNDER JUDICIARY TRAINING INSTITUTE

5.0 Introduction

The Judiciary Training Institute (JTI) is the arm of the Judiciary mandated with meeting the training, research and capacity development needs of Judiciary staff. Before the creation of the JTI, a Training Committee comprising of Judges and Magistrates representing the Court of Appeal, the High Court and Magistrates' Courts respectively, coordinated judicial training programmes. These programmes were primarily conducted in collaboration with other state agencies, non-state actors and international organizations. Following its establishment in 2008, the Institute has taken the lead and emerged as a centre of excellence both locally and internationally in providing judicial education of the highest standards in the East African region. JTI performs its mandate in part through various training programs and seminars, public lectures, research, and other forms of discourses targeting, all cadres of Judiciary staff, and, where appropriate, members of the academy and the public at large.

As the Judiciary's Institute of higher learning, the JTI is leading the Judiciary, in line with Judiciary Transformation Framework, in facilitating the growth of jurisprudence and judicial practice as the lifeblood of the institution. The JTI is the judicial think tank: an institute of global excellence and the nerve centre of rich intellectual exchange. It interfaces between the Judiciary and contemporary developments in society, on the one hand, and learning interaction between the Judiciary and other agencies, on the other. The JTI provides the intellectual anchor in making Kenyan courts the hearth and home of a robust and functional jurisprudence that meets the aspirations of Kenyans.

From this description, three main mandates stand out:

(a) To provide (and coordinate the provision of) continuous judicial education to all judges and magistrates and to provide (and coordinate the provision of) continuous professional development to all other employees working in the Judiciary.

(b) To conduct research and develop policy on various aspects related to the administration of justice. In this regard, the JTI acts as a veritable think tank for the Judiciary – analyzing issues; producing statistics; generating empirical evidence; commissioning researches and papers; and Task Forces so as to inform judicial policy and legislative reform.

(c) To spearhead, on behalf of the Judiciary, constructive engagement with stakeholders and other arms of government. In this role, the JTI acts as the place where ideas of judicial reform and transformation are incubated and developed as a way of grounding Judiciary Transformation on sound policy and objective analysis on how change is most likely to happen. In this regard, JTI works closely with the Judiciary Transformation Secretariat to collate, synthesise, and, where appropriate, diffuse the lessons and smart practices of Judiciary Transformation as well as meaningfully and respectfully engage stakeholders and other government agencies.

5.1 Leadership

The current fast progress at JTI has been made possible by the leadership of full time Directors. Previously, the directors served both at the Institute and at the court stations making it difficult for them to concentrate their energies on the core functions of the institution. However, Hon Mr. Justice (Prof) Joel Ngugi was appointed on 1st March, 2013 as the first full time Director. He was assisted by Judicial Officers and Staff deployed at the Institute. On 2nd June, 2016, Hon. Mr. Justice (Prof.) Otieno Odek took over from Justice (Prof) Joel Ngugi as Director. Under his leadership, the institute has undergone some structural changes which include the introduction of 3 Deputy Directors to support the Director in various functions. The three are:-

1. Deputy Director Research and Policy,
2. Deputy Director Training and Curriculum Development and
3. Deputy Director Finance & Administration.

Under each of the offices of the Director and the Deputy Directors, Judicial officers and staff at the institute have been deployed to buttress the expanding Organizational Structure in line with the archetype set by the JTF which stipulates that JTI as an institution for judiciary education should ensure that there is transformative leadership, people-focused delivery of service, an organizational culture, professional and motivated staff.

5.2 Trainings and Activities undertaken in 2015/16

In 2015/16, JTI offered the following trainings segmented into trainings for Judges, Magistrates and Judiciary staff:

Table 5.1: Judges' Trainings FY 2015/16

Name Of The Training	Dates Of Training	No. Of Judges
Annual Judges Conference	2nd -8th August 2015	145
Emerging Issues in Devolution Jurisprudence	1st-5th September 2015	20
Retreat on Emerging Issues at The Employment and Labour Relations Court	14th-18th September 2015	13
Emerging Issues in Economic Crimes Adjudication: Procedures, Management and Jurisprudence	16th-18th September 2015	20
High Court Leaders Retreat	15th -16th October 2015	65
Judges Gentlemen's talk	28th October 2015	27
Leadership and Management for Judges	18th-20th November 2015	30
Men and Women In Robes Self-finding/self-reflection (or encountering the self as a tool of managing judicial stress)	8th-10th December 2015	30
ICT &The Law (Emerging issues in Electronic Evidence and Cyber-crime Law)	3rd-5th February 2016	30
ADR for Judges	Feb 29th- March 4th 2016	30
Social context of Law, diversity and Unconscious Bias in Judging	March 14th-16th 2016	18
Mid- year Review for newly recruited Judges (induction part 2)	3rd-8th April,2016	14
The Psychology and Principles of Evidence Assessment	12th-16th April 2016	24
Asset Recovery Jurisprudence	May 3rd-6th 2016	
Judicial Ethics and Integrity	May 18th-20th 2016	
Court of Appeal Retreat	7th to 11th June,2016	25
Environment& Land Court Conference	13th to 17th June,2016	33

5.2.1 Trainings for Magistrates in FY 2015/16

Magistrates and Kadhis serving in the subordinate courts underwent Continuous Judicial Education (CJE) for judicial officers in identified areas of need. This is a standardized program for all serving Magistrates and Kadhis. The overall aim of CJE is to standardize the quality of judicial performance and administration of justice. In FY 2015/16, the CJE training covered topics like Land Law and Application of the Bail and Bond Policy guidelines. Other than CJEs, magistrates were selected for specialized training in different areas of law including Environmental & Wildlife Crime, Counter terrorism and Anti-Corruption. The following table illustrates the trainings attended by magistrates in the 2015/2016 FY:

Table 5.2: Magistrates' Trainings FY 2015/16

	NAME OF TRAINING	DATE OF TRAINING	Number
1.	Continuous Judicial Education 1	25th -30th ,October 2015	49
2.	Continuous Judicial Education 2	22th – 27th November, 2015	53
3.	Continuous Judicial Education 3	13th -18th December, 2015	44
4.	Continuous Judicial Education 4	21st-26th February,2016	
5.	Continuous Judicial Education 5	10th – 15th April, 2016	57
6.	Continuous Judicial Education 6	5th-10th June,2016	57
7.	Continuous Judicial Education 7	12th-17th June,2016	69
MAGISTRATES WHO HAVE ATTENDED TRAININGS OTHER THAN CJE			
8.	Induction and management course for Deputy Registrars	23rd-27th August,2015	36
9.	Retreat for The Sub-Committee on Development of The Judiciary Training Policy	9th-12th September, 2015	2
10.	Active Case Management: Workshop on Law and Practice	17th – 20th September, 2015	13
11.	Emerging Issues in Economic Crimes Adjudication: Procedures, Management and Jurisprudence	16th – 18th September, 2015	15
12.	Training of Trainers on Registry Operation Manual	25th -28th November, 2015	16
13.	Active Case Management: Sensitization Workshop for Legal Practitioners in Machakos	14th December, 2015	4
14.	Orientation and Retreat for Special Anti-Corruption Magistrates	20th – 23rd January, 2016	12
15.	Trial Advocacy Training in Wildlife & Environmental Crimes	24th – 30th January, 2016	9
16.	IGAD Complexity in Terrorism Training	22nd-24th February,2016	2
17.	LWOB Trial Advocacy Training in Wildlife & Environmental Crime	13th-19th March, 2016	9
18.	Training and Sensitization for Family and Commercial Divisions On Court Annexed Mediation	17th-19th March, 2016	8
19.	CuC training on Promoting & protecting the Rights of Refugees and Other forced migrants	21st-22nd March, 2016	3
20.	ADR for Judges (Certified Mediation Training for Judges and Magistrates	28th February-5th March, 2016	2
21.	Induction Training for Newly Recruited Magistrates	3rd -13th April, 2016	30
22.	Lower Eastern Magistrates Colloquium	29th April,2016-1st May, 2016	40
23.	Asset Recovery Jurisprudence	2nd-7th May, 2016	13
24.	Wildlife Crimes and linkages to transnational organized crime East African Colloquium	8th-11th June, 2016	15
25.	Magistrates Colloquium	19th to 24th June, 2016	467

5.2.2 Judiciary Staff Trainings FY 2015/16

JTI also organized a number of trainings for judicial Staff in this financial year. The table below illustrates the trainings that were carried out:

Table 5.3: Judiciary Staff Training

NAME OF TRAINING	TARGET GROUP	DATES OF TRAINING	NUMBER
Retreat for the Sub-Committee on Development tf The Judiciary Training Policy	Members of the Committee	9th-12th September, 2015	3
Law 101 for Court Assistants and Administrative Assistants	Court Assistants and Administrative Assistant	5th-10th October,2015	60
Law 101 for Court Assistants and Administrative Assistants	Court Assistants and Administrative Assistant	12th-17th October,2015	110
Training of Trainers on Registry Operation Manual	Various cadres of staff	22nd-26th Nov. 2015	23
Training of Trainers on Registry Operation Manual	Various cadres of staff	25th - 28th Nov. ,2015	45
Active Case Management: Sensitization Workshop for Legal Practitioners in Machakos	Various Cadres of Staff	14th Dec. 2015	4
Judiciary Audio Visual and Transcription (JAVIT) System Training	Staff in the Commercial Division of the High Court	11th- 13th Feb. 2016	32
Professionalism, Values & Communication in Daily Work	Court Bailiffs & Senior Support Staff	16th-20th Feb. 2016	119
Basic Customer Care Skills Training	Staff charged with manning customer care desks	8th-12th Mar. 2016	110
Emerging issues in Information Management Training	Librarians	24th - 27th May 2016	43
Law 101 For Court Assistants and Administrative Assistants	Court Assistants and Administrative Assistant	1st – 5th June 2016	137

5.4 Other Important Activities Undertaken In 2015/16

JTI was involved in activities as listed below:

(a) Completion of JTI Strategic Plan and Hiring Process

JTI completed its Strategic Plan during the FY. The JSC Learning and Development Committee also shortlisted and set dates for hiring of the advertised positions of three Deputy Directors and other senior positions based on the Strategic Plan

(b) Training Needs Assessment

JTI obtained the approval of the World Bank for the funding of a comprehensive Training Needs Assessment (TNA) for all cadres of staff in the Judiciary (both judicial and non-judicial). It is envisaged that the TNA will also propose comprehensive training programmes, curricula, and strategies in compliance with JTI's strategic objectives and best international standards. However, due to procurement hiccups, the contract for the TNA is yet to be awarded by the Tender Committee.

(c) Justice Needs Survey

Under its research and reform-incubation mandate, JTI began partnering with an international organization, Hague International Law Institute (HiiL) and the National Council for the Administration of Justice (NCAJ) to assess, based on credible data, the impact of Judiciary Transformation on the consumers of Court services. In particular, it is important to establish the extent to which the reforms undertaken by the Judiciary meets the real justice needs of Kenyans. In this regard, the JTI hopes to conduct a comprehensive Justice Needs Survey to, among other things, identify the innovations necessary to un-tap the huge potential for justice innovation in order to ensure that the justice needs of the people are met. This project is funded by JPIP and contract negotiations are under way. JTI will collaborate with the Directorate of Performance Management in this project.

The specific objective of the Justice Needs Survey (JNS) was to generate high quality data and information about people's justice needs and experiences with the justice system. This was intended to: -

1. Help determine priorities
2. Make it possible to monitor progress regarding improvement policies
3. Keep all relevant actors focused on implementation
4. Empower leaders in justice sector organisations
5. Help leaders set up initiatives to innovate procedures
6. Build accountability by making transparent where progress is being made and where not.

(d) Judiciary Training Policy

JTI is in the process of completing a Training Policy for the Judiciary. Among other things, this Policy will clarify the sometimes-conflicting roles among the JTI, the Directorate of Human Resources and Administration, and the Office of the Chief Registrar. It will also clearly set out the various policies respecting entitlements for training, study leaves and other matters related to training and long term studies for Judiciary Employees. A Zero Draft was completed

(e) Judicial Code of Conduct

The Constitution of Kenya, 2010 and various statutes (including the Leadership and Integrity Act, Judicial Service Act, the Court of Appeal Administration Act; the High Court Administration Act and the Magistrates' Courts Act) require the Honourable Chief Justice and the Judicial Services Commission (JSC) to prescribe a (new) Code of Conduct for all Judges, Judicial Officers and staff working in the Judiciary.

The Judicial Service Commission and the Chief Justice directed that a (Revised) Judicial Code of Conduct be developed to govern the conduct of Judges, Judicial Officers and Judicial Staff. Hon. Mr. Justice Erastus Githinji, Judge of the Court of Appeal led a committee made up of judges, judicial officers and judicial staff in developing a Draft Judicial Code of Conduct. The Committee, operating under the auspices of the Judiciary Training Institute, in consultation with various stakeholders, engaged the public and other stake holders before finalizing and presenting the Draft Code of Conduct to the Judicial Service Commission and subsequently to Parliament for enactment. JTI played a pivotal role in steering this process.

(f) Task Force on Alternative Justice System

The Judiciary, in exercising its constitutional mandate under Article 159(2) plans to develop a policy to govern Alternative Justice System (AJS) with a view to enhancing access to and expeditious delivery of Justice. The Policy will provide court-annexed cultural alternatives of dispute resolution in appropriate circumstances.

To this extent, the Chief Justice requested the Judiciary Training Institute to spearhead the project to formulate an appropriate judicial policy on Alternative Justice Systems and to consider the methodology and viability of mainstreaming Alternative Justice Systems; and to suggest concrete ways of doing so. This project is done through a Task Force appointed by the Chief Justice and duly gazette. It is a multi-stakeholder Task Force which draws its membership from the Judiciary, LSK, KNCHR, ICJ, and the Academy, among others. According to its drawn Work Plan, the Task Force will complete its work in June, 2017.

(g) Judiciary Sports Day

As part of its mandate, the JTI coordinates and funds Judiciary Sports Day, an event that brings together judiciary employees from all courts in the Republic. The inaugural Sports Day held in June 2014 was an extremely successful event that attracted 12 Regional teams and over 500 Judiciary employees. In 2016, the JTI, again, hosted the 3rdJudiciary Sports Day during which more than 1000 Judiciary employees from throughout the Republic attended.

(h) Guidelines on Active Case Management (ACM) in Criminal Cases

In line with its mandate of developing and nurturing emerging jurisprudence as a means of securing the delivery of people-driven justice expeditiously, and at the request of the Honourable Chief Justice, the Judiciary Training Institute (JTI) embarked on the process of developing *Guidelines for Active Case Management of Criminal Cases in Magistrate Courts and High Courts of Kenya*. The overriding objective of these ACM Guidelines is to give effect to Article 159 of the Constitution whilst ensuring that the prosecution and accused persons are dealt with fairly; the rights of accused persons are fully recognised, respected and protected; and those of witnesses and victims are recognised and respected as well. The Guidelines also aim to secure robust coordination among actors in the criminal justice system to ensure speedy conclusion of criminal cases.

JTI undertook the following activities designed to usher the application of the ACM Guidelines in Kenyan courts: -

i. With the support of the British High Commission, JTI facilitated a benchmarking visit for seven judicial officers (led by the Honourable Deputy Chief Justice) to the United Kingdom where they learnt about the Crown Courts' application of its Active Criminal Case Management Practice Directions.

ii. JTI identified and earmarked court stations where the active case management will be implemented on a pilot basis. These stations are Machakos, Mombasa, Naivasha, Tononoka and Shimo la Tewa Law Courts. The rationale for selection of these courts as pilot was that the judicial officers who attended the aforementioned bench marking visit are based at these stations. It is expected that the officers will import best practices on active criminal case management in the course of their work.

iii. With the support of the United Nations Office of Crimes and Drugs (UNODC), JTI conducted a baseline survey, in July-August 2015, on criminal case management at the pilot stations.

iv. To fulfil the Constitution's Article 10(2) (b) on the national value of public participation, the JTI held a series of consultative meetings with stakeholders in the justice sector at these pilot stations in June 2015 to seek their views and input in the ACM Guidelines. The Kenya Police Service, the Office of the Director of Public Prosecution, the Law Society of Kenya (LSK), the defence and their counsels, the Victim and Witness Protection Agency, the Kenya Prison Services and the Probation and Aftercare Services participated in these meetings.

v. A Steering Committee was formed to oversee the Pilot Project at the selected Courts and to Monitor and Evaluate how the ACM Guidelines are working in the Pilot Courts. This Steering Committee will be meeting quarterly to review progress and make recommendations. The membership is drawn from the Judiciary, Office of the Director of Public Prosecutions, the Law Society of Kenya and National Kenya Police Service. It is chaired by the Honourable Justice Anyarra Emukule.

vi. Finalised the ACM Guidelines and a Checklist on the ACM Guidelines with the input of judicial officers from the pilot stations in September 2015. These Guidelines were then duly gazette by the Honourable Chief Justice.

vii. Held an introductory simulation trial advocacy training on active criminal case management for judicial officers in the Pilot Stations.

viii. Held training and sensitization workshops for all stakeholders in the Pilot Stations.

(i) Workshop on TB and the Law

JTI collaborated with the Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN) to mount several regional workshops related to the right to health generally. In our current collaboration, JTI, KELIN and other partners are collaborating to hold a regional workshop on "TB and the Law". This will be held in Nairobi on 24th – 25th June, 2016. It introduced a human-rights based approach to TB and articulates the rights of people living with and vulnerable to TB, including the rights to life, health, nondiscrimination, privacy, informed consent, housing, food and water. The approach focuses on the social and economic determinants of the disease. It articulates the domestic and international legal obligations of governments and non-state actors to ensure quality testing and treatment for TB is available and accessible without discrimination. The approach aims to create an enabling legal environment for the research and development of new, more effective TB medicines and to lower the prices of existing drugs, including new medicines for multi drug-resistant TB (MDR-TB). KELIN and the other partners are fully funding the workshop.

(j) Disability Policy Implementation Plan

JTI helped mid-wife the Judiciary Disability Mainstreaming Policy which was duly adopted by the JSC. The National Council of Persons with Disability (NCPWD) offered to partner with the JTI in developing the Implementation Plan.

(k) Technical Assistance to the Judiciary of South Sudan

JTI has been collaborating with Kenya South Sudan Liaison Office (KESSULO) which is in the Cabinet Office, as Technical implementing agency to the Judiciary of South Sudan (JOSS) by offering training for JOSS. These trainings are held as per a Work Plan agreed between the JTI and KESSULO at the beginning of each Financial Year and are usually held either in Kenya or in Juba, South Sudan. In FY 2015 JTI offered a training in Juba on the *Basics of the Common Law*.

(l) Judicial Dialogues on Wildlife and Environmental Crimes and Collaboration with Africa Network for Animal Welfare (ANAW)

JTI has, for the past three years, partnered with the Office of the Director of Public Prosecutions, the Kenya Wildlife Services (KWS) and ANAW/KUAPO (Kenyans United Against Poaching), among others to organize judicial exchange fora that will bring together different institutions involved in the fight against poaching to dialogue on the best strategy to handle wildlife and environmental crime.

These fora have come in the wake of increased incidences of poaching, mainly of elephants and rhinos, and cases of export containers with wildlife trophies being intercepted at the Mombasa Port and other international exit points. The original forum was founded on the assumption that many poaching suspects evade justice due to the traditional limited charges drawn against them and difficulties in proving some of those charges to the required evidential standards. In the circumstances, the first Dialogue focused on innovative ways of ensuring persons arrested on suspicion of poaching do not go unpunished.

Since then, JTI has hosted three more Dialogues. The Dialogues passed critical resolutions to expedite the eradication of devastating wildlife and environmental crimes in Kenya and avert a looming national crisis. These resolutions included the proposing of amendments to the Wildlife Act 2013; developing a multi-agency training curriculum to build the capacities of wildlife law-enforcement agencies, exploring the possibility of creating special wildlife courts for prosecuting wildlife crimes, and raising sufficient public awareness concerning offences and penalties as extolled in the Act. Special committees appointed to implement these resolutions have already completed their tasks. JTI continues collaborating with ANAW to convene these Annual Judicial Dialogues on Wildlife Crime as well as training and other related activities.

5.5 Finance and Administration

This unit anchors the institute in the following areas: finance, business planning and budgeting, human resources, administration, Supply Chain Management and Information Technology. Facilitating annual budgeting and planning process; administering and reviewing all financial plans and budgets; monitoring progress and changes and keeping senior leadership team abreast of the Institute's financial status. Updating and implementing all necessary business policies and practices to ensure efficient and consistent operations of the Institute.

The Judiciary Training Institute Finance and Accounts Department is headed by the Deputy Director Finance and Administration and currently has a total of five (5) staff members who are professional accountants.

In their work the department is guided by various legislative documents which include: the Constitution of Kenya 2010, the Judicial Service Act 2011, the Public Finance Management Act of 2011, the Public Finance Management Regulations of 2015 and the Judiciary Finance Policy and Procedures Manual.

The finance and accounts team at JTI:

- Supports the institution in the preparation of the work plans and the annual budgets

- Monitors the approved budget estimates against expenditures.
- Processes payments transaction noting the importance of maintaining the integrity, accuracy and timeliness of these transactions.
- Prepares reports both statutory and for management decision making process.
- Facilitates the audit process for both internal and external audits.
- Most importantly the department recognizing the need for value for money appraises and advices on better ways to achieve the Institute's goals and objective.

5.6 Achievements

1. The Judicial Service Commission, during the FiRe Awards 2016 dubbed "Accountable governance for excellence and reliability in financial reporting in East Africa ", was awarded under the Promoter's recognition award the 2nd most improved public sector entity. The 2016 recognition award was aimed at acknowledging improvement in reporting as well as entrenching Integrated Reporting.
2. The budget absorption rate has grown form 57% in the FY2013/14 to 83% FY2015/16
3. All of the Judiciary Training Institute financial processes are done in the Integrated Financial and Management System (IFMIS). This means that the budgeting, procurement and payments processes are inter-linked and provides a perfect control system. Without a budget, you cannot procure and hence can't pay.

5.7 Challenges

1. *Lack of financial Independence*: The JTI exists as an executive order by the Chief Justice and it currently works as an extension of the Judiciary under the Office of the Chief Justice and not as a semi-autonomous Government Agency. This fiscal dependence on the mainstream Judiciary for planning and implementation of its program hinders the JTI from reaching its full potential.
2. *Lack of adequate human resources*: As at now, the Institute does not have its own staff. Staffs are deployed from the judiciary except for the 3 deputy Directors who have recently been recruited at the institute's level. Although the recruitment process of other staff is also ongoing, there is still inadequate staff to perform all the functions required so as to fulfil the Institute's mandate.
3. *Inadequate training facilities:* The Institution does not have sufficient training rooms and lacks accommodation services. The training rooms only carry a maximum of 70 participants. This forces the Institute to out-source training services to hotels or other training institutes with adequate training facilities. A large percentage of the budget therefore goes into logistics rather than the core mandate of the Institute.
4. *Lack of physical space*: The current space occupied by JTI is rented. This makes it difficult for any infrastructural development or modification to suit the institute's need. There is however, potential to acquire space, which JTI owns and can optimize on.
5. *Perceived or real Inadequate Training Needs Assessment*: There are concerns that the training needs assessment carried out by the Institute are limited in variety and depth. There exists the perception that most training needs are derived from the post-training workshop evaluation forms. While this is useful, it lacks scope and depth. The wider and periodic needs assessment is rare and there is need to increase the variety of training needs identification tools and methods.

CHAPTER 6: FINANCE AND INFRASTRUCTURE

6.0 Introduction: Funding the Judiciary within the National Context

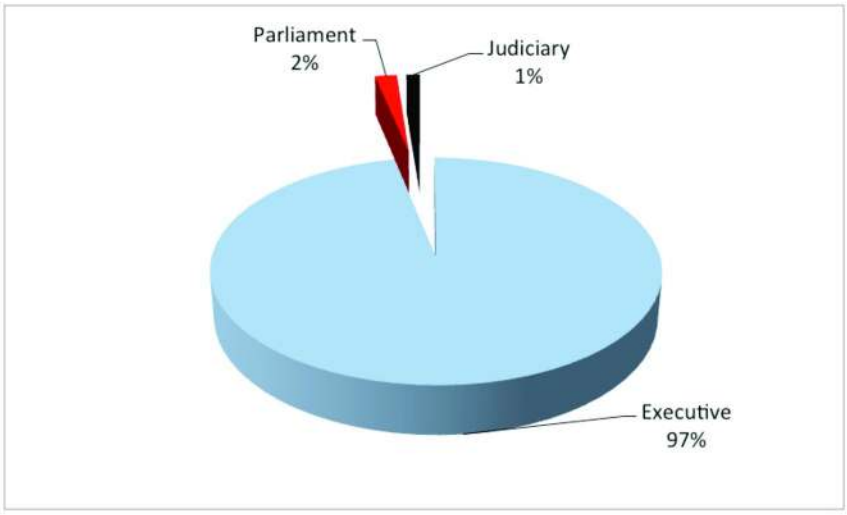
The Judiciary is one of the three arms of government. Compared to other arms, it receives the least allocation, edged both by the Executive and the Legislature. The Judiciary composition of government budget has remained at an average of 1% over the last four years, falling well below the internationally recommended standard of 2.5%. The Executive and Legislature's share of the national budget stands at 97% and 2% respectively.

Table 6.1 and Figure 6.1 below shows the budget allocation trend among the three arms of government in comparative terms.

Table 6.1: Budget Allocation Trend Among the Three Arms Of Government

	2012/13	2013/14	2014/15	2015/16	Average
Executive	97.64%	96.37%	97.16%	95.92%	96.77%
Parliament	1.28%	2.24%	1.85%	2.61%	2.00%
Judiciary	1.07%	1.40%	0.99%	1.47%	1.23%

Figure 6.1: Budget Allocation Trend Among the Three Arms Of Government



6.1 Judiciary Budget Requirements versus Allocation

Over the last four years, the Judiciary budget shortfall has been rising sharply. In the FY 2012/13, the resource requirements for the Judiciary for implementation of its core functions was Ksh.14.991 billion, yet only Ksh 12.157 billion was allocated. In 2013/14, resource requirements stood at Ksh 22.075billion, against an allocation of Ksh15.699 billion. In the FY2014/15, resource requirement increased to Ksh26.211 billion, but only an allocation of Ksh14.163 billion was made. Given the coming on board of tribunals to the Judiciary in 2015, the resource requirement increased significantly for FY2015/16 to 26.609 billion, yet only Ksh.14.799 billion was allocated to the Judiciary.

This shows a huge and consistently rising budgetary shortfall throughout in the last four financial years by 19% in FY2012/13; 29% in FY 2013/14; 46% in FY 2014/15; and 45% in FY 2015/16. These shortfalls have continued to pose a major challenge to the implementation of programmes and projects under dispensation of justice in Kenya.

Table 6.2: Resource Requirements Versus Allocation

Financial Year	Requirement (Kshs)	Allocation (Kshs)	Percentage shortfall
2012/13	14.991 Billion	12.157 Billion	19%
2013/14	22.075 Billion	15.699 Billion	29%
2014/15	26.211 Billion	14.163 Billion	46%
2015/16	26.609 Billion	14.799 Billion	45%

6.2 Approved Budget Estimates

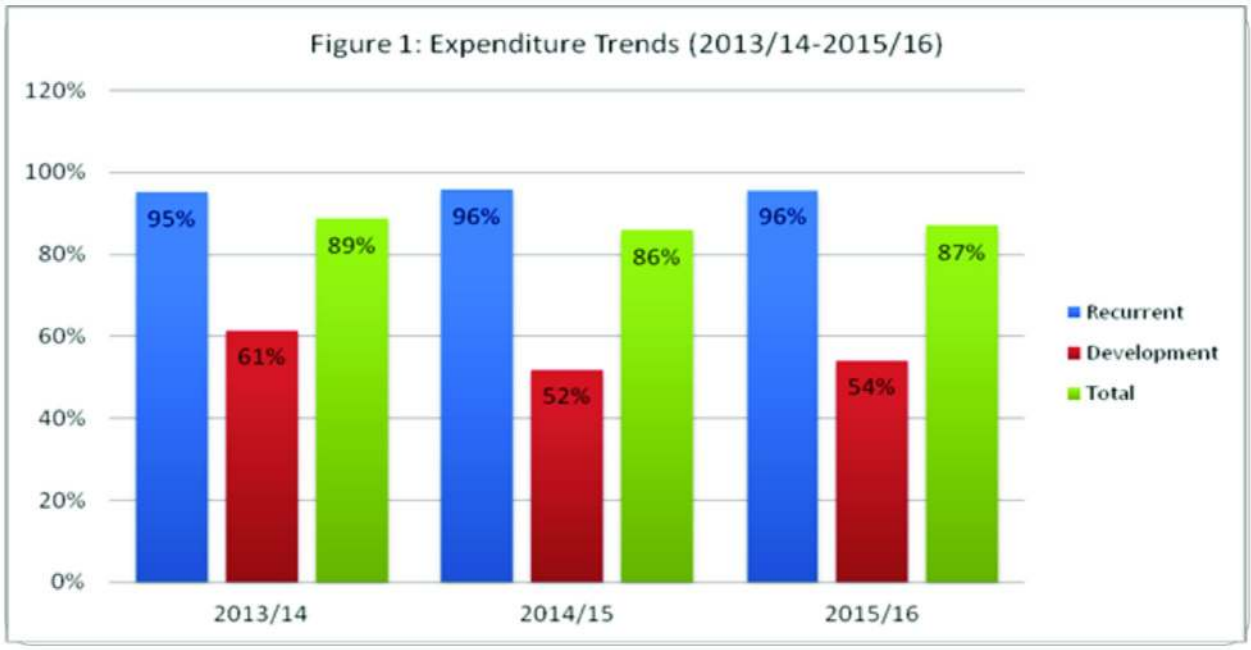
During FY2015/16, Kshs. 16.687 Billion was approved under Judiciary Vote for both Recurrent and Development Expenditure. The total development budget was Kshs. 3.1 billion and development partners contributed Kshs. 2.5 billion of this amount. This translates into about 80% of the total allocation. However, even with this development partners' contribution, the total budget was still not sufficient to meet the prioritized projects especially those targeted for exchequer.

6.3 Expenditure Analysis and Absorption Levels

Absorption levels have been as per expected levels under the Recurrent Sub-Vote over the years, always exceeding 95% since FY2012/13. The absorption rate for the Development Sub Vote has averaged about 67%in the last four years. In the year under review, absorption stood at 96% for Recurrent and 54% for Development, with an overall absorption rate of 86%.

The decline in absorption rate for development vote was due to challenges of the technical capacity within County Public Works officers who are supposed to oversee implementation of Judiciary projects; dispute on some contracts leading to delays in making payments for works done and slow approvals of building plans by other government agencies. The establishment of Directorate of Building Services to oversee construction projects has seen improvement in absorption of development funds, which is expected to be on an upward trend.

Figure 6.2: Expenditure Trends (2013/14 – 2015/16)



6.4 Absorption by Sub-Programme

During the year 2015/16, and for purposes of budgeting for public resources, the Judiciary had one program referred to as 'Dispensation of Justice' which is sub divided into two sub-programs namely: 'Access to Justice' and 'Administration and Support Services'. More funds were allocated under 'Access to Justice' sub-Programme upon which the core mandate of dispensation of justice is anchored. Development partner funds contributed significantly towards funding of development activities under the 'Access to Justice' Sub-Programme.

Table 6.3: Budget Implementation by Sub-Programme

	Approved Budget			Actual Expenditure		
	2013/14	**2014/15**	**2015/16**	**2013/14**	**2014/15**	**2015/16**
Programme: Dispensation of Justice						
Sub-Programme 1: Access to Justice	11,074.50	9,759.00	9,592	8,274.00	7,823.00	8,195
Sub-Programme 2: General Administration, Planning and Support Services	4,625.00	4,404.00	5,207	4,062.00	4,050.00	4,752
Totals	**15,699.50**	**14,163.00**	**14,799**	**12,336.00**	**11,873.00**	**12,947**

6.5 Revenue

The Judiciary has over the years implemented progressive strategies for improving revenue collections at various court stations and collection points. These include the use of Judiciary Mpesa Paybill, agency banking and direct banking in designated bank accounts. These measures have reduced liquid cash collections and the associated risks and improved on revenue collection and accountability. In addition, the development and implementation of the Judiciary Financial Management Information System (JFMIS) has improved accountability of revenue collections in court stations.

Total revenue collected and remitted to the exchequer grew from Kshs 1.48 Billion in FY 2013-14 to Kshs 2.308 Billion in FY 2015-16 representing a 56% increase in revenue collection:

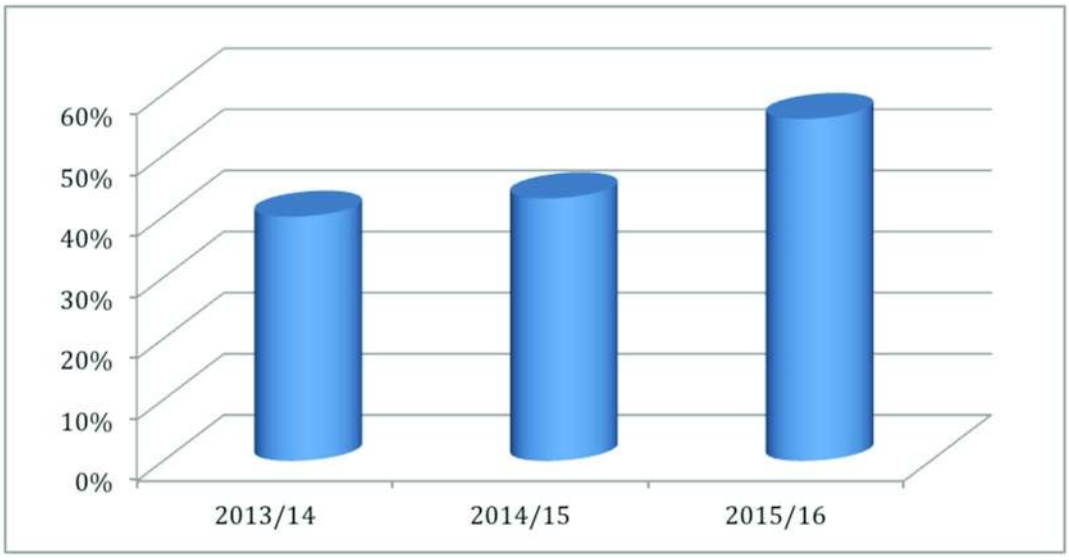
The table below illustrates the growth in revenue collection between FY 2013-14 to FY 2015-16"

Table 6.4: Growth in Revenue Collection

Financial Year	**Total revenue collected KShs 000'**	**Cummulative Revenue Growth KShs 000'**	**Growth %age**	**Cumulative growth %age**
2012/13	1,480,000	-	-	-
2013/14	2,068,000	588,000	40%	40%
2014/15	2,109,000	629,000	3%	43%
2015/16	2,308,000	828,000	13%	56%

The chart below illustrates annual growth in revenue between FY 2013-14 to 2015-16.

Fig. 6.3: % Cummulative Growth In Revenue Collection



Between the Financial Year 2014/15, the Judiciary collected revenue grew from **Kshs. 2.109 Billion** in FY 2015-16 to **Kshs. 2.308 Billion** in FY 2015-16 posting an increase in revenue collection by approximately 9%.

6.6 Resource Allocation

During the period under review, resources were allocated to all Court stations using a criteria developed in FY2014/2015 and approved by JSC. The criterion, which includes variables such as number of judges and judicial officers in a station, number of staff and caseload ensures equitable distribution of available resources to all court stations.

6.7 Equalization Fund

During the year under review, an equalization fund was established to take care of Courts within the Marginalized/ hardship areas. This was meant to ease operations and take care of the unique needs of the courts within these areas.

6.8 Infrastructure: Capital projects

In 2015/2016 Financial Year, a number of construction works continued and were at various stages of completion as shown in Table 6.5 and 6.6 below. The Projects were funded by GoK and World Bank, Judiciary Performance Improvement Program (JPIP).

6.9 Challenges

The Judiciary has continued to experience several challenges in the implementation of its budgetary programmes. During the period under review, the Judiciary experienced the following challenges:

1. *Integrated Financial Management Information System (IFMIS) challenges:* The judiciary relies on IFMIS for its financial management. On many occasions, the system has been down and this has hampered the processes that depend on the system, which includes all procurements and payments from Headquarters. The system is also web based and can only be accessed when and where there is reliable internet connectivity.

2. *Delay in processing land ownership documents:* These delays have impacted on the pace of construction of courts and absorption rate of allocated resources. The judiciary is engaging the National Land Commission (NLC), the Ministry of Lands and the County Governments to help resolve this bottleneck and it is hoped the process will easen in the near future.

3. *Insufficient resources*: Inadequate funding of the Judiciary has occasioned postponement of the important infrastructural works hence delaying certain operations of the Judiciary across the country. This has affected service delivery especially by the courts where most of the contact with "wanjiku" takes place.

4. *Absence of legal framework to transition Tribunals to the Judiciary*: There is no coherent and clear legal framework to transition tribunals to the judiciary. Of the over 60 tribunals that exist and which are expected to transition to the judiciary, only about 14 have been transitioned to the judiciary. Issues of their personnel, appropriate funding, reporting structure among others, however remain a grey area. It is hoped that the Tribunals Bill, 2016 will be enacted in the FY 2016/2017.

5. *Exchequer Delays*: Serious delays in exchequer release have affected the implementation of various programmes and activities within Judiciary during the year under review. To address this challenge, there is need to hasten the operationalization of the Judiciary Fund. This will go a long way in ensuring better cash flows and hence efficiency in funding of programmes within Judiciary.

Table 6.5: Status Report Of Projects Funded By GOK and Supervised By DBS, 2012 - 30th April 2016

Project	Court Station	Contractor's Name	Project	Contract Value	Start Date	Completion Date	Projected Completion Date	Contract Period (Wks)	% Complete	Status Reports
Embu Law Courts	Embu	Construction of New Bldg					28/03/17			
		Manyota Ltd	Main Contractor	78,932,022.32	15/01/15	15/09/16		84	95%	Contractor on site, good progress
		Jofex-Auto Hardware Co. Ltd	Mechanical Sub-Contractor	9,555,546.40	15/01/15	15/09/16		84	85%	Contractor on site, good progress
		Masterpiece Electricals Ltd	Supply of 200 Kva Genset	8,058,350.00	15/01/15	15/09/16		84	100%	Completed
		Muga Electrical Contractors Ltd	Electrical Sub-Contractor	19,279,228.00	15/01/15	15/09/16		84	85%	Contractor on site, good progress
		Manyota Ltd	Lifts Sub-Contractor	13,500,000.00	15/01/15	15/09/16		84	15%	Main Contractor to install
		Pluton Ltd	LAN Sub Contractor						25%	
Nkubu Law Courts	Nkubu	Just In Time Africa Ltd	Construction of New Bldg	85,958,761.80	19/12/14	30/06/16	28/03/17	78	95%	Contractor on site, good progress
Muranga Law Courts	Muranga	Volcanic General SC Ltd	Refurbishment of Old Bldg	62,086,413.20	19/05/15	20/02/16	27/06/17	36	65%	Contractor on site, poor progress
Mandera Law Courts	Mandera	El-Yumo Contractors	Construction of New Bldg	107,034,445.00	19/05/15	20/02/16	22/08/17	52	50%	Contractor on site, slow progress
Hamisi Law Courts	Hamisi	Pendeza Contractors	Construction of New Bldg	44,241,130.00	04/12/15	03/11/15	22/08/17	44	65%	Contractor on site, slow progress
Narok Law Courts-Phase II	Narok		Construction of New Bldg							
		Resjos Contractors Ltd	Main Contractor	65,195,539.00	26/10/15	26/07/16	27/06/17	36	65%	Contractor on site, slow progress
		The Insta-Pumps Engineering	Borehole Drilling	6,496,900.00	26/10/15					
		PowerPoint Systems Ltd	Supply of 80 Kva Genset	2,330,270.00	26/10/15					
Butali Law Courts	Butali	Dynamic Green Technologies	Construction of New Bldg	32,690,725.60	09/03/15	04/03/16	27/06/17	52	65%	Contractor on site, slow progress
Eldama Ravine Law Courts	Eldama Ravine	Green Heights Ventures	Construction of New Bldg	65,505,815.00	04/02/15	03/03/16	27/06/17	52	65%	Contractor on site, slow progress
		Soin Building Ltd	Refurbishment	4,304,365.80	04/02/15	04/06/15		16	100%	Completed

Project	Court Station	Contractor's Name	Project	Contract Value	Start Date	Completion Date	Projected Completion Date	Contract Period (Wks)	% Complete	Status Reports
Port Victoria Law Courts	Port Victoria	Nolads Engineering Ltd.	Construction of New Bldg	46,529,557.00	12/02/15	12/02/16	27/06/17	52	70%	Contractor on site, slow progress
Busia Law Courts	Busia	Sow Construction Engineers	Construction of New Bldg	29,316,097.00	20/01/15	19/09/15		16	100%	Completed and handed over
Kerugoya Law Courts	Kerugoya	Hardstone Mawe Holdings Ltd		21,135,260.00	20/01/15	27/12/15		28	90%	
Rongo Law Courts	Rongo	Dapalk Consortium Co.. Ltd.		11,152,054.10	15/09/15	15/03/16		24	65%	
Homa Bay Law Courts	Homabay	Obwanda Osum Investment		15,000,000.00	Ongoing			48		
		Civil Trust Co. & Eng Co Ltd.	Renovation Works	6,883,753.00	Completed	18/02/2016		12	100%	Completed
Eldoret Law Courts	Eldoret	Sudafric Group Ltd		38,095,640.00	23/02/15	27/06/16		18	80%	
Bungoma Law Courts	Bungoma									
		Three Star Ltd	Construction of New Bldg	25,636,000.00	15/09/15	15/03/16		48	98%	
		Ambe General Merchants	Shelves, Grills & Signage	2,393,428.00	15/09/15	15/03/16		48	100%	Completed
		Nolads Engineering Ltd	Perimeter Fence & Sentry	7,691,972.00	03/08/15	03/12/15		16	30%	
Othaya Law Courts	Othaya	Economic Housing Group	Prefabricated Buildings	81,664,580.00	15/01/13	31/05/16		N/A	70%	Contract recommended for termination
Wanguru Law Courts	Wanguru			81,664,580.00	15/01/13	31/05/16		N/A	70%	Contract recommended for termination
Marimanti Law Courts	Marimanti			81,664,580.00	15/01/13	31/05/16		N/A	80%	Contract recommended for termination
Bomet Law Courts	Bomet			81,664,580.00	15/01/13	31/05/16		N/A	85%	Contract recommended for termination
Garsen Law Courts	Garsen	Timsales Ltd	Prefabricated Buildings	99,959,218.00	23/01/13	31/05/16		N/A	90%	Contractor on site, slow progress
Runyenjes Law Courts	Runyenjes			99,959,218.00	23/01/13	31/05/16		N/A	65%	Contractor on site, slow progress
Tawa Law Courts	Tawa			99,959,218.00	23/01/13	31/05/16		N/A	80%	Contractor on site, slow progress
Mombasa Court Of Appeal	Mombasa									
		Dantax Enterprises	Renovations	29,140,580.00	19/11/14	19/03/15		16	50%	
		Kaminara Agencies Ltd	Electrical Works	11,465,680.00	19/11/14	19/03/15		16	50%	
		HotPoint Appliances Ltd	Mechanical Works	6,385,539.00	19/11/14	19/03/15		16	50%	
Mpeketoni Law Courts	Mpeketoni	Centurion Engineering Ltd.		34,327,784.00	01/04/15	30/10/15		24	80%	
Kitale Law Courts	Kitale	Kalalu Building Contractors	Renovations	23,705,745.00	28/05/15	30/11/15		26	95%	
Nakuru Law Courts	Nakuru									
		Earthworks Ventures	Basement Refurb	6,749,558.60	23/12/14	24/04/14		16	100%	Completed
			Childrens Court	9,510,126.60	07/01/15	30/07/15		26	100%	Completed
Amagoro Law Courts	Busia County	Pachal Construction Co. Ltd	Fence,Gate Hse & Latrine	5,910,571.00	15/01/15	16/07/15		12	100%	Completed
Kakamega Law Courts	Kakamega	Big Ltd	Completion Works	34,670,412.80	23/06/15	28/02/16		32		
Garsen Law Courts	Garsen	Burale Gen. Construction	Perimeter Fencing	3,487,470.40	29/04/15	17/06/16		6	100%	Completed

Project	Court Station	Contractor's Name	Project	Contract Value	Start Date	Completion Date	Projected Completion Date	Contract Period (Wks)	% Complete	Status Reports
		Ltd								
Githongo Law Courts	Imenti Central		Improvements							
		Miles Construction Ltd	Chainlink Fence	1,798,000.00	05/05/15					
		Miles Construction Ltd	Pit Latrine	570,839.20	05/05/15					
		Arid Constructors & Suppliers	Waiting Area	240,154.00	05/05/15					
		Skytech Contractors Ltd	Carport	647,245.20	05/05/15					
Nyeri Court Of Appeal	Nyeri	Thwama Building Services Ltd	Renovations	18,482,123.00	17/04/14	02/10/15		24	100%	Completed
Nyeri Law Courts	Nyeri		Renovations							
		Elevonic	Lifts Installations	22,000,000.00						
		Pong Agencies Ltd	Walk Through Detectors	2,745,600.00	28/04/15					
		Wisa General Merchants	Refurb	6,621,836.40	28/09/15					
Voi Law Courts	Voi	Jedy General Contractors	Boundary Wall & Ablution Block	4,591,042.80	20/02/15				100%	Inspection & Acceptance Committee
Kilungu Law Courts	Kilungu	Joyland Villa Systems	Renovations	5,976,475.00						
Iten Law Courts	Iten	Macdan Ltd	Construction of New Bldg	9,248,860.00	19/05/15	30/06/16			75%	
Kwale Law Courts	Kwale	Muamba General Contractors	Renovations	4,990,134.80						
Kisii Law Courts	Kisii	Samsam General Stores	Proposed Works	29,549,700.00	02/02/15	30/06/15			100%	
Kandara Law Courts	Kandara	Crawbar Engineering	Executive Toilet	2,397,151.60	20/10/15	20/01/16		12	95%	
Nyando Law Courts	Nyando	Aroma Developers	Ablution Block	1,885,422.35	04/06/15	04/09/15		12	100%	Completed
Kimilili Law Courts	Kimilili	Palace Consultants Ltd.	Ablution Block	1,023,352.00	17/08/15	10/10/15		6	40%	
Baricho Law Courts	Baricho	Neem Civil & Building Co. Ltd	Renovations	3,712,570.00	08/10/15			18		
Gichugu Law Courts	Kirinyaga	Kigomo Builders & Gen. Supp.	Renovations	3,835,287.00	15/12/14	29/02/16		42	80%	
Kyuso Law Courts	Kyuso	Tukai Construction Company	Ablution Block	2,159,925.00	22/01/15	07/05/15		10	100%	Completed
Mombasa Law Courts										
	Mombasa	Lampand Enterprises Ltd	Renovations	2,525,002.00	13/06/15	12/06/15		8	90%	
		Nolads Engineering Ltd	Electrical Works	10,260,953.00	28/04/15					
Moyale Law Courts	Moyale									
		Barethu Construction Co. Ltd	Renovations	2,058,037.00	21/06/15	17/07/15		4	100%	Completed
		Tawfiq Construction Co. Ltd	Pit Latrines	415,000.00	21/06/15	17/07/15		4	100%	Completed
Mukurwe-ini Law Courts	Mukurwe-ini	Blue Valley Enterprises Ltd	Renovations	3,121,560.00	16/02/15	10/02/15		7	100%	Completed
Mwingi Law Courts	Mwingi	Ithoka Tech Engineering	VIP Latrines	724,490.00	12/03/15	10/05/15		16	100%	Completed
Garissa Law Courts	Garissa	Warable Construction Company	Extensions,Sentry	5,296,800.00	16/01/15				100%	Completed Extensions only (Sentry to be done by JPIP)
Isiolo Law Courts	Isiolo	Solarbem Contractors	Perimeter Wall & Repairs	5,567,000.00	16/03/15	04/06/15		12	100%	Completed

Project	Court Station	Contractor's Name	Project	Contract Value	Start Date	Completion Date	Projected Completion Date	Contract Period (Wks)	% Complete	Status Reports
Kirinyaga Law Courts	Kirinyaga	Kigomo Builders	Ablution Block	3,833,287.00	04/12/14	30/08/15		36	75%	
Kithimani Law Courts	Kithimani	Pasha Enterprises	Court & 2 Cells	2,795,980.00	24/02/15	19/05/15		12	100%	Completed
Kilgoris Law Courts	Kilgoris									
		Joylink Co. Ltd	Perimeter Wall	9,192,400.00	22/01/15	30/05/15		18	100%	Completed
		Stoika Constractors Co. Ltd	Ablution Block	3,123,240.00	22/01/15	30/05/15		12	100%	Completed
Taveta Law Courts	Taveta	Reenah K Ltd.	Refubrishment	3,575,821.80	19/05/15				100%	Completed
Siaya Law Courts	Siaya	Nyobu Enterprises Ltd.	Additional Buildings	8,613,162.40					30%	Stopped

Table 6.6: Status Report of Projects Funded By World Bank - JPIP 2012 – 30th June 2016

Project	Court Station	Contractor's Name	Contract Sum	Start Date	Original Completion Date	Revised Completion Date	Contract Period (Wks)	% Complete	Gross Amount Paid	% Paid	ESMP Report	Status Report
Kitui Law Courts	Kitui	Completed										
Kangema Law Courts	Kangema	Completed										
Kigumo Law Courts	Kigumo	Marimo Construction Ltd	94,160,933	29/06/15	29/06/16	19/10/16	95	95%			Done & Approved	On-Going
Chuka Law Courts	Chuka	Philmark System Services Ltd	98,106,543	05/06/15	13/06/16	23/10/16	68	61%			Done & Approved	On-Going
Engineer Law Courts	Engineer	Yomason Contractors Limited	78,615,579	08/06/15	08/08/16	21/12/16	82	95%			Done & Approved	On-Going
Vihiga Law Courts	Vihiga	Lunao Enterprises Limited	78,476,529	16/09/15	14/09/16	14/01/17	72	85%			Done & Approved	On-Going
Nyando Law Courts	Nyando	Philmark System Services Ltd	74,827,121	04/09/15	02/09/16	03/02/17	68	70%			Done & Approved	On-Going
Molo Law Courts	Molo	Atlas Plumbers Limited	99,910,995	19/06/15	17/06/16	24/02/17	87	85%			Done & Approved	On-Going
Oyugis Law Courts	Oyugis	Sasah Contractors Limited	109,731,080	29/06/15	28/06/16	28/12/16	75	85%			Done & Approved	On-Going
Nyamira Law Courts	Nyamira	JN Investments Ltd	118,305,748	18/06/15	17/06/16	28/12/16	76	60%			Done & Approved	On-Going
Muhoroni Law Courts (Tamu)	Tamu	Philmark System Services Ltd	74,902,949	09/06/15	08/06/16	08/10/16	68	65%			Done & Approved	On-Going
Nakuru Law Courts	Nakuru	Diwafa Investments Ltd	347,765,950	18/02/16	18/08/17		72	40%			Done & Approved	On-Going
Siaya Law Courts	Siaya	Nanchang/GL Williams JV	342,751,951	21/02/16	21/08/17		72	30%			Done & Approved	On-Going
Garissa Law Courts	Garissa	Inshallah Limited	351,323,457	22/01/16	22/07/17		72	25%			Done & Approved	On-Going
Makindu Law Courts	Makindu	Gracan Construction Ltd	96,855,446	08/03/16	07/03/17		52	40%			Done & Approved	On-Going
Nanyuki Law Courts	Nanyuki	Pinnie Agency Ltd	318,559,759	25/01/16	25/07/17		72	35%			Done & Approved	On-Going
Kibera Law Courts	Nairobi	Havi Construction	137,649,133	13/04/16	13/04/17		52	20%			Done & Approved	On-Going
Kwale Law Courts	Kwale	Infoserve Network ltd									Done & Approved	Contract awarded
Voi Law Courts	Voi	Concordia Building & Eng. Ltd									Done & Approved	Contract awarded
Kapenguria Law Courts	Kapenguria	County Builders Ltd									Done & Approved	Contract awarded
Maralal Law Courts	Maralal	Debroso Construction Ltd									Done & Approved	Contract awarded
Isiolo Law Court	Isiolo	Dallo Holdings Ltd									Done & Approved	Contract awarded
Kangema Law Courts (Phase II)	Kangema											
Wajir Law Courts	Wajir										Done & Approved	Tender evaluation
Ol-Kalou Law Courts	Ol-Kaluo										Done & Approved	Tender evaluation
Kakamega Law	Kakamega										Done &	Tender

Project	Court Station	Contractor's Name	Contract Sum	Start Date	Original Completion Date	Revised Completion Date	Contract Period (Wks)	% Complete	Gross Amount Paid	% Paid	ESMP Report	Status Report
Courts											Approved	evaluation
Mukurweini Law Courts	Mukurweini										Done & Approved	Tender evaluation
Mombasa Law Courts	Mombasa										Done & Approved	Tender evaluation
Makueni Law Courts	Makueni										Done & Approved	Tender evaluation
Kapsabet Law Courts	Kapsabet										Done & Approved	Design going on
Kajiado Law Courts	Kajiado										Done & Approved	Tender evaluation

CHAPTER 7: NCAJ AGENCIES ACTIVITIES AND COLLABORATION IN THE ADMINISTRATION OF JUSTICE

7.0 Introduction

The National Council on the Administration of Justice (NCAJ) has emerged as an important organ that fosters interagency collobaration in the administration of justice. During the period under review, the various taskforces on Sexual Offences, Bail and Bond, Children, Traffic continued to implement their programmes. The NCAJ – CUC relations was further strengthened by every individual agencies undertaking activities that fall within the purview of their mandates.

This chapter highlights the efforts and progress made in establishing and sustaining linkages with state and non-state actors, and the problems encountered by agencies constituting the NCAJ between July 1, 2015 and June 30, 2016.

7.1 NCAJ Annual Conference NCAJ and COG

In 2015, the National Council on the Administration of Justice (NCAJ) and the Council of Governors (COG) convened the first Conference on the Administration of Justice within the Context of Devolution. The second annual conference was held on March 10-11, 2016, preceded by a technical working session with key stakeholders on March 9, 2016. The key objective of the conference was to ensure the improved administration of justice in collaboration with county governments by all involved stakeholders.

The conference brought together key players in the justice chain to discuss and agree upon a framework for engagement towards the administration of justice by various actors together with county governments. The proposed Comprehensive Framework on the Administration of Justice within the Context of Devolution was signed and adopted which contains key areas of collaboration and cooperation between all justice sector actors and county governments. During the technical pre-conference session, a proposed implementation plan was drafted to ensure sustainability and impact of the commitments being made.

In addition to the adoption of the Comprehensive Framework on the administration of justice, the second annual conference addressed the following themes:

- State of Court Constructions in Counties
- Gender Based Violence: Making the Legal and Policy Framework work at the National and County Levels
- Transforming Devolution Through the Law
- Enhancing Public Participation with regard to the Administration of Justice Within the Context of Devolution
- Electoral Dispute Resolution
- Presentation from the NCAJ Special Taskforce on Children's Matters
- Matters of Trade and Commerce relating to the Administration of Justice within the Context of Devolution
- Best Practices regarding the Administration of Justice within the Context of Devolution

7.2 NCAJ Special Working Groups, Committees and Taskforces

7.2.1 Sexual Offences Working Group

FIDA Kenya is the chair of the Committee on Sexual Offences. In 2016, the Committee deliberated on the Sexual Offences Act and recommended amendments which have since been forwarded to the NCAJ Council. Some of the recommendations are reflected in the Omnibus Miscellaneous (Amendment) Bill 2016.

7.2.2 Bail and Bond Implementation Committee (BBIC)

The Bail and Bond Implementation Committee (BBIC) was formed following resolution by NCAJ at its 15th session. The Committee has a life of 24 months running from 2nd July 2015. Its broad mandate includes to oversee the implementation of the Bail and Bond Policy Guidelines and Recommendations of the Taskforce on Bail and Bond. The specific mandate includes:

- Conduct sensitization and training exercises among relevant stakeholders and the public
- Engage relevant actors to enable the streamlining of bail and bond processes in the justice sector
- Recommend and/or undertake measures, including legislative interventions to achieve the recommendations of the Task Force by relevant agencies.
- Monitor, evaluate and report on implementation of the Policy Guidelines and Task Force Recommendations

The progress has been made:

1. Sensitisation: Different agencies have been sensititised through CUCs. Policy Guidelines & FAQs have been distributed widely FAQs, Police Charter (not adopted) and Judiciary charter on bail/bond has been developed. DPAC has developed messages that will run on display screens. The main concerns were that the dissemination of Policy Guidelines did not trickle down to agencies on the ground especially the police – Kilifi, Garissa. Hence, there is need for strategy on dissemination of Guidelines as well as need for support to the Committee to produce more IEC materials to create awareness

2. Training: The progress that has been made include having one Training of Trainers been undertaken which received great support from agencies. The BBIC Committee engaged to train CUCs. Bail/Bond was also incorporated in JTI training calendar which has resulted in magistrates been trained. A draft training guide has developed. The main concerns however include the need for leaders of agencies to incorporate trainings in their institutions. There is need to have enough funding to cascade trainings across agencies & develop training resource materials

3. Legaslative inteventions: Initial analysis of legal provisions on bail and bond has been done as a baseline for legislative recommendations. What is currently pending is engagement of consultant to undertake process. There is need to Need for leaders of agencies to incorporate trainings in their institutions

Concerns

- Need for leaders of agencies to incorporate trainings in their institutions
- Funding to engage consultant for legislative review and drafting

7.2.3 Special Task Force on Children Matters

Hon. Dr. Willy Mutunga, Hon Chief Justice and the Chairperson of the NCAJ appointed a multi - sectoral Task Force on Children Matters vide a Gazette Notice of 29th January 2016. The members of the Task Force were drawn from nominees of all the actors or stakeholders in the administration of justice.

Taskforce Terms of Reference

The Taskforce which is under the leadership of Lady Justice Martha Koome has a 16-fold mandate to review and report on the conditions and circumstances of children within the context of administration and justice. The TORs fall within three thematic areas:-

1. Legislative and Policy Reforms: include procedural and practice directions reforms;
2. Quality of Care, Infrastructure and Survey and Data: set to improve children institutions by advocating for standards of duty of care and the establishment of a National Data Centre for Children; and
3. Coordination and Sensitization on coordinated training of stakeholders on children matters and co-ordination of the Taskforce activities.

Successes Under the Thematic Areas

Theme 1: Legislative and Policy Reforms:

Under the first thematic area, the Taskforce has:-

- Developed the P&C Form.
- Reviewed Chapter 46 of the Police Service Standing Orders.
- Reviewed the proposed Children Bill.
- Developed the Court Practice Directions.
- Collected statutes and case law concerning children.

Theme 2: Quality of Care, Infrastructure and Survey and Data Collection

Under this theme, the Taskforce has;

- Developed a data collection tool to review the current state of children institutions in Kenya.
- Conducted 20 visits to children institutions in Kenya including Remand and Rehabilitation Centers as well Child Protection Units and made appropriate recommendations to the Director of Children Services.
- During the National Service Week, the Taskforce collected data on the number of children matters currently in court.

Theme 3: Coordination and Sensitization

- Completion of the Work plan and Concept Note for the Taskforce.
- Successful attendance and participation at the International Best Interests of the Child (BIC) Conference where GIZ supported about 15 judges and magistrates as well as the Taskforce members to attend.
- Coordinated the Service Week in April and November 2016 to clear backlog of pending children cases. The National Service Week aimed at handling over 3000 criminal cases involving children.

Successes of the Service Weeks

1. Commitment to set up a pro-bono lawyers scheme for lawyers who take up children matters.
2. Partnership with US Embassy.
3. Effective use of stenographic technology.
4. Successful use of Plea-bargaining.
5. Good cooperation from prosecution, legal aid counsel, remand homes and registry.

Lessons learnt: National Service Week on Children Matters

The following were identified as necessary for success of future service weeks:-

1. Committed secretariat in each court station.
2. Timely preparation of cause list, bundles of documents and communication to stakeholders.
3. More legal aid lawyers.
4. Transportation for children to and from remand centers.
5. Awareness creation on plea-bargaining.

7.2.4 Special Working Group on Illicit Trade

The Special Working Group on illicit trade held a few activities that were supported by members of the committee as below. As a way of enhancing inter-agency collaboration in the fight against illicit trade in Kenya, the following activities were jointly conducted.

1. Training of CID officers at the CID Training School on 23rd July 2016 where the Kenya Association of Manufactures (KAM) in collaboration with law enforcement agencies and the industry trained about 100 CID officers about illicit trade based on the "Enforcement Manual to Combat Illicit Trade on Kenya" that was developed in 2014.
2. Regional Anti-Illicit Trade conference that was organized jointly by KAM and the East African Business Council (EABC) among other Kenyan Government partners in which the committee was represented by Hon.Abukadir Lorot, and Mary Mwenje (ODPP) and ACA, Agnes Karingu among other institutions.
3. Inter-agency awareness forums against illicit trade in Kenya at county level. Counties awareness creation against counterfeiting targeting consumers, distributors, wholesalers and retailers in 4 major counties covering 5 major towns. The committee has been able to enhance inter-agency collaboration in creating awareness on counterfeits matters as well as other forms of illicit trade in 4 major counties around Mt. Kenya region.

In all these forums, KAM has involved various enforcement agencies in Kenya such as the Anti Counterfeit Agency (ACA), Kenya Industrial Property Institute (KIPI), Kenya Bureau of Standards (KEBS), Kenya Copyright Board (KECOBO) and the Kenya Revenue Authority. Other partners have been the Laikipia Business Forum and Retail Trade Association of Kenya (RETRAK), which are like-minded business membership organization.

7.2.5 Special Working Group on Traffic

Following various consultations, the Special Working Group on Traffic developed a new instant fine traffic tariff which was gazette by the Cabinet Secretary vide Gazette Notice No: CXVII No. 4 as shown below.

Table 7.1: Instant Fines

SECTION OF THE ACT OR RULE OF THE TRAFFIC RULES	NATURE OF OFFENCE	PENALTY
Sec 12(1) and 14. Rule 7 of Traffic Rules.	Driving without identification plates affixed or plates not fixed in the prescribed manner	10,000.00
Section 42(1) and 43(1)	Exceeding speed limit prescribed for class of vehicle:-	By 1-5 kph – 500.00 By 6-10 kph – 3000.00 By 11-15 kph – 6000.00 By 16-20 kph – 10,000.00
Section 42(3), (4) and 43(1)	Exceeding speed limit of 50 kph or as prescribed by a traffic sign	By 1 – 5 kph – 500.00 By 6-10 kph – 3000.00 By 11-15 kph – 6000.00 By 16-20 kph - 10,000.00
Section 45A (1) and (2)	Driving on or through a pavement or a pedestrian walkway	5000.00
Section 90(2)(a) and 94	Driving a vehicle on a footpath	5,000.00
Section 53(1) and 67.	Causing obstruction by allowing a vehicle to remain in any position on the road so as to obstruct or cause inconvenience or to other traffic using the road.	10,000.00
Sec 52(1)(b) and (2).	Failure of a driver to conform to the indications given by any traffic sign.	3,000.00
Sec 52(1)(c) and (2)	Failure of a driver to stop when required to do so by a police officer in uniform	5,000.00
Sec 52(1)(a) and 52(2)	Failure of a driver to obey any directions given, whether verbally or by signal, by a police officer in uniform, in the execution of their duty	3,000.00
Section 30(1) and (7)	Driving without a valid driving license endorsement in respect of the class of vehicle	5000.00
Sec 30(4) and 41	Failure to renew a driving license	1,000.00
Section 36(1) and (3).	Failing to carry and produce a driving license on demand	1,000.00
Rule 59A(1)	Driver using a mobile phone while vehicle is in motion	2,000.00
Rule 12(1)(b)	Learner failing to exhibit "L" plates on the front and rear	1,000.00
Rule 25	Failure of a vehicle to carry reflective/warning signs (lifesavers)	2000.00
Section 53(3) and (4)	Failure to display reflective triangles or lifesavers in cases where any part of the vehicle remains on the road in a position so as to obstruct or cause obstruction	3,000.00
Rule 22A(1) and (2)	Failure by owner of vehicle to have seat belts in motor vehicle as prescribed in Rule 22A(1)	1,000.00 for every seat that is not fitted or, is not of the proper standard or specification
Sec 22A(3) and (4)	Failure to wear seat belt while motor vehicle is in motion	500.00
Sec 33(c)and 41	Driving a PSV while being unqualified	5,000.00
Sec 130C(1) and (3)	The driver of a PSV driver who lets an unauthorized person to drive	5,000.00
Rule 130C(1) and (3)	Person who while not being the designated driver of a PSV drives the vehicle	5,000.00

SECTION OF THE ACT OR RULE OF THE TRAFFIC RULES	NATURE OF OFFENCE	PENALTY
Sec 98(1) and 104	Unlicensed person driving or acting as a conductor of a PSV	5,000.00
Sec 98(1) and 104	Owner or operator of PSV employing an unlicensed PSV driver or conductor	10,000.00
Sec 16(2) and 17A(3)	Driving a vehicle without a valid inspection certificate inspected	10,000.00
Sec 103A(1) and (7)	Failure of a PSV driver or conductor to wear special badge and uniform	2,000.00
Sec 101(2)	Failure to pay for fare paid for incomplete portion of journey for which full fare has been paid	3,000.00
Rule 65(f) and 72	The driver of a motor omnibus or matatu picking or setting down passengers in a place that is not authorized as a bus stop or terminal	3,000.00
Sec 103(1) and (2)	Touting	3,000.00
Rule 80	Travelling with part of the body outside moving vehicle	1,000.00
Rule 68(1)(x) and 72	A passenger alighting or boarding any omnibus or matatu at a place which is not authorized as a bus stop or terminal	1,000.00
Rule 41A	Failure to fit prescribed speed governor in PSV and Commercial Vehicle	10,000.00
Rule 22A(5) and (6)	Failure of a conductor of PSV to keep seat belts in a clean, dry and generally wearable condition	500.00
Rule 56(1), (2)	Failure of a PSV to carry functional fire extinguishers and fire kits	2,000.00
Rule 54A	A person driving or operating a PSV with tinted windows or windscreen	3,000.00
Sec90(2)(c) and 94	Pedestrian willfully obstructing the free passage of vehicles	500.00
Sec 60(1) and 60(2)	Driver of Motor Cycle carrying more than one pillion passenger	1,000.00
Sec 103B(1) and (7)	Motorcycle rider riding without protective gear	1,000.00
Sec 103B(1) and (7)	Motorcycle passenger riding without protective gear	1,000.00

The National Transportation Safety Authority (NTSA) held public participation in Nairobi where they enlightened the public on the proposed instant fines and gave them an opportunity to give their feedback. The Working Group is reviewing the wide range of recommendations made by the public.

7.3 Activities of some NCAJ Agencies

7.3.1 Office of The Director of Public Prosecutions

The mandate of the DPP is provided for in Article 157 of the Constitution of Kenya 2010 and further stated in the Office of the Director of Public Prosecutions Act, 2013. This includes; exercising state powers of prosecution, directing investigations, offering criminal legal advice to Government Ministries and Departments, processing extradition and mutual legal assistance requests from both within and outside Kenya and facilitating witness protection and victim's participation in criminal justice.

Specifically, the Office decides which cases referred to it by investigative agencies should be prosecuted; determines the appropriate charges to be preferred in all cases; directs and advises investigative agencies at various stages during investigations; prepares and presents cases in court; and provides information, assistance and support to victims of crime and prosecution witnesses.

ODPP Activities

During the reporting period, the ODPP has undertaken several activities as highlighted under the following sub-themes:

1. Enhance Access to Justice: The decentralization of prosecution services has been key to ODPP's access to justice strategy, resulting in its presence in all the 47 Counties of the Republic, as well as all the 121 stations where courts exist. ODPP also has a robust public complaints handling mechanism aimed at promoting accountability and transparency by providing a platform for review of prosecutorial decisions and redress of related complaints mainly emanating from the investigative process which is a crucial component of access to justice. The ODPP Complaints and Compliments Section has, since inception in January 2012, been able to process 11,104 public complaints, including 1161 complaints in FY 2015/16. ODPP has invested in the capacity development and professionalization of services to respond to the increasing evolution of crime; prosecutors continued to receive specialized training in various thematic areas.

   The ODPP stepped up its role in the fight against corruption in 2014/15 and 2015/16 by prosecuting the highest number of high profile corruption cases ever not only in Kenya's legal history but also by any Prosecutorial agency in the continent during the reporting period. As a result, 11 Cabinet/Permanent Secretaries, 17 CEOs/Parastatal Heads, 5 Members of Parliament, 5 Banks/Bank Officials, 4 Governors and numerous Senior County Officials are all facing trial for corruption and economic or related crimes. For the first time in Kenya, there are numerous money-laundering cases as a result of use of the *"follow-the-money" and "full-range of the law"* approaches deployed by ODPP. In total, there are 406 Anticorruption and Economic Crime cases with ODPP recording an improved overall conviction rate of 58.1% which is the highest ever recorded in this class type. ODPP developed and disseminated Anti-corruption Prosecution Guidelines for Prosecutors to guide in the handling of corruption cases. Senior officers underwent sensitization on compliance with integrity provisions under the law, conducted by Officers from the Ethics & Anti corruption Commission (EACC). The DPP also dedicated a specialized pool of senior prosecutors to review, brief and guide investigators in all corruption and economic crimes cases. Moreover, ODPP established as required by the Leadership and Integrity Act; a Corruption Prevention Committee and developed the Ethics, Integrity and Leadership Codes for its State and Public Officers.

   The ODPP has engaged in infrastructural revamping of the ODPP which saw acquisition of additional office space and, refurbishing and equipping of the newly opened sub-county offices. To achieve effective public communication, the Office continued to grow its social media platforms on *Twitter* and *Facebook* which have become a fast, popular and trusted source of daily news on new and ongoing cases, directives of and ODPP events.

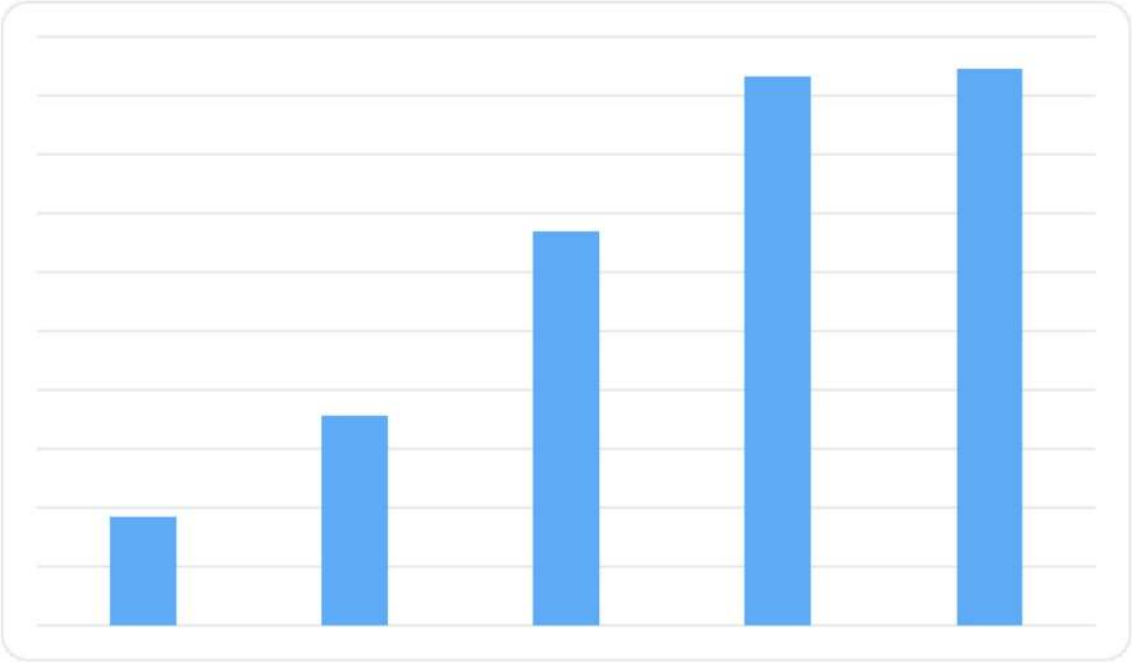
2. *Institutional Reforms and Restructuring:* Specialized divisions, sections and units have been revamped by deploying qualified Prosecution Counsel in existing divisions, sections and units. The ODPP's Human Resource capital improved by recruiting 63 new staff of whom 3.2% were prosecution counsel and 96.8% were central facilitation staff. ODPP staff complement rose from 933 to 946.

Table 7.2: ODPP Staff Complement

Current Staffing Levels	2011/12	2012/13	2013/14	2014/15	2015/16
Total No. of Staff	185	357	671	933	946
Growth		**93.0%**	**88.0%**	**39.0%**	**1.4%**

Source: ODPP

Figure 7.1: Total Number of Staff



ODPP's investment in professional skills development continued during the FY 2015/16, including a focus on use of inter-agency trainings that benefited officers from key partner agencies, including the National Police Service, Ethics and Anticorruption Commission, Communication Authority, Kenya Wildlife Service, Kenya Revenue Authority, Kenya Airports Authority, NEMA, and Judiciary, amongst others. ODPP undertook for its staff 34 individuals and 27 group trainings. Training cost in the FY was KES 40,094,497, 70% of which was externally sourced. These trainings focused on Anti-corruption, Money-laundering, SGBV, Terrorism, Wildlife Crime, Cybercrime and human-trafficking. This also included the single-largest prosecutorial training programme in Kenya's legal history on trial advocacy which benefited 595 Prosecution Counsel.

3. *Professionalization of Prosecution Services* : The ODPP developed general and thematic policies and guidelines which are informed by its vision and core values. The policies and guidelines are National Prosecution Policy, Code of Conduct and Ethics for Public Prosecutors, General Prosecution Guidelines and Corruption and Economic Crimes Prosecution Guidelines. The Office has so far gazetted 300 public prosecutors from twenty-four agencies to exercise delegated prosecutorial powers. The Office has taken over control of prosecutions from police prosecutors in all the 121 court stations in the country.

4. *Promote Inter-Agency Cooperation and International Collaboration:* The ODPP operates within the larger criminal justice system which has various investigative agencies, the Judiciary, Probation and Aftercare Service and the National Prisons Service as well as non-state actors. ODPP processed 55 extraditions and Mutual Legal Assistance requests during the financial year. Further, as part of the collaboration efforts with various agencies, the ODPP developed Standard Operating Procedures (SOPs), MoUs and Reference Manuals/Guides and Digests for internal and inter-agency capacity building efforts. These tools covered anti-corruption, wildlife crimes, terrorism, hate-speech, international crimes, piracy, narcotics and SGBV. Moreover, ODPP improved its regional and international collaboration efforts by winning the Presidency of the East Africa Association of Prosecutors [EAAP], hosting and participating in prosecutorial conferences/trainings and being part of national delegations to various States Parties forums for various international laws of which Kenya is a party to. ODPP spearheaded the establishment of the Eastern and Central Africa Prosecutorial Network on Environmental Crime including a joint work plan and Draft MoUs with prosecutorial agencies from ASEAN and Indian Ocean region states. These MoUs are still under consideration.

5. *Formulation of Criminal Justice Sector Policies:* The ODPP contributed to the development and implementation of a number of criminal justice sector policies and legislative initiatives. For instance, ODPP contributed to the development of the Bail and Bond Policy Guidelines and the Sentencing Policy Guidelines under the NCAJ. The Office was involved in Inter-agency taskforces and Committees including the Internally Displaced Persons Committee, Victims of Crime Board, Taskforce on Traditional Dispute Resolution Mechanisms, and the Taskforce to develop the Court of Appeal and High Court Administration Bills. ODPP also contributed to discussions on the proposed establishment of the High Court Division on International and Organized Crime by the Judiciary and the National Organized Crimes Centre by the National Police Service.

6. *Law Reform:* The ODPP was involved in various law reform initiatives which included the development of the Court of Appeal Act, High Court Organization and Administration Act, National Coroners Service Bill 2016, and Rules on Witness Protection in Court. The Office also initiated the development of Plea-bargaining Rules and Guidelines, Cybercrime Bill 2016, Wildlife Management & Conservation (Amendment) Bill 2015, Security Laws (Amendment) Act, 2014 and the Victims Protection Act, 2014.

7. *Facilitation of Witnesses and Victims of Crime:*

   In realization of the role of victims in the criminal justice system, the ODPP has a specialized thematic Division on Children, Witness and Victim Support. The Division has modalities for the support of and facilitation of witnesses and victims including, an MoU with the Witness Protection Agency.

8. *Prosecution Performance*

There was a 25% increase in the total number of matters handled compared to the previous period. The office recorded improved prosecution performance in key thematic areas, such as; Anti-Corruption (58%), Homicide (82.0%), SGBV (77.0%), Terrorism (98.0%), Wildlife Crime (84.8%), Cybercrime (70.5%), FGM (69.6%) and Human-trafficking (97.8%). Consequently, the overall conviction rate rose up to 95%in 2015/16 from 89.4% in 2014/15. This remarkable improvement is a result of gains and strides ODPP has made in delivery of prosecution service since inception in 2011 as evidenced by the steady and consistent rise from 75% in 2012/13 and 82% in 2013/14. This impressive performance is one of the highest in Sub-Saharan Africa. Indeed, ODPP and the DPP were feted in 2015 by Civil Society for the steady transformation of the prosecution service by being awarded both the *2015 Public Service of the Year Award and Public Servant of the Year*.

Table 7.3: Prosecution Performance

Matter	***Matters Handled***	***Proportion***
Appeals (In Supreme Court, CoA & HC)	11,257	5.03%
Criminal Trial (HC&MC)	198,371	88.66%
Revisions	3,409	1.52%
Applications	4,697	2.10%
Extradition & MLA Requests	55	0.02%
Advice Files	3,777	1.69%
Complaints	2,176	0.97%
Total	**223,742**	**100.00%**

Source: ODPP

Challenges facing the ODPP

1. *Low conclusion rate in criminal trials:* The justice system suffers from accumulated backlog of cases as well as a low case conclusion rate. This delay leads to, among others, loss or deterioration of evidence, change of Investigating Officers, witness fatigue and witness intimidation and compromise hence affecting the final outcome.
2. *Inadequate infrastructural capacity*: While the ODPP has a presence in all counties in Kenya, there is need for infrastructural development of the County Offices. The Office lacks adequate infrastructural capacity in terms of vehicles, legal resources, furniture, equipment and office space, both at the headquarters and the County Offices.
3. *Limited training on emerging crimes*: The ODPP has inadequate resources to bridge the gap in necessary specialized skills and knowledge in handling new, emerging and complex forms of crime such as money laundering, cybercrime and other transnational crimes.
4. *Archaic Case-file and mail management process and procedures*: Due to lack of adequate resources, ODPP has not been able to effectively put in place an enabling ICT environment to facilitate the Office in automating the new manual case management system.
5. *Inadequate witness and victim facilitation*: The ODPP faces challenges in conducting pre-trial sessions due to limited resources for pre-trial facilitation of witnesses and victims within the criminal justice system. This results in poor witness preparation and witness fatigue.
6. *Inadequate human resource*: The ODPP staff optimal level is 1297 staff, comprising 927 counsel and 360 central facilitation staff. The ODPP has not been able to attain the desired level due to its inability to attract and retain staff. Harmonization of terms and conditions of service with the wider justice sector is necessary to ensure increased retention of ODPP staff.
7. *Archaic and unresponsive laws*: The current criminal laws are not sufficiently applicable to new and emerging crimes and technological advancements. There is need for a comprehensive review and revision of key procedural, evidential and substantive criminal laws in order to respond to the complex and ever mutating forms of criminality.
8. *Security and safety of staff*: In carrying out the mandate, officers are faced with threats from suspects and agents during trial and when out on bail and bond. In addition, ODPP offices, both at the headquarters and the Counties are housed in rented premises, thus exposing officers to vulnerable and unsecure working environment.
9. *Budgetary constraint*: The ODPP experiences acute financial constraints due to inadequate budgetary allocation. A number of planned activities remain pending due to disparity between the requirements and the actual allocations from the National Treasury.

7.3.2 National Police Service

The year 2015 recorded an increase of 3114 crime cases that is 4% as compared to the year 2014. The trend of crime and insecurity in the country was orchestrated by among others, terrorism, proliferation of small arms and light weapons, inequity of resources, organized crimes, drugs and substance abuse, community boundary disputes, theft of stock, sophistication of technology and politics driven by ethnic rivalry.

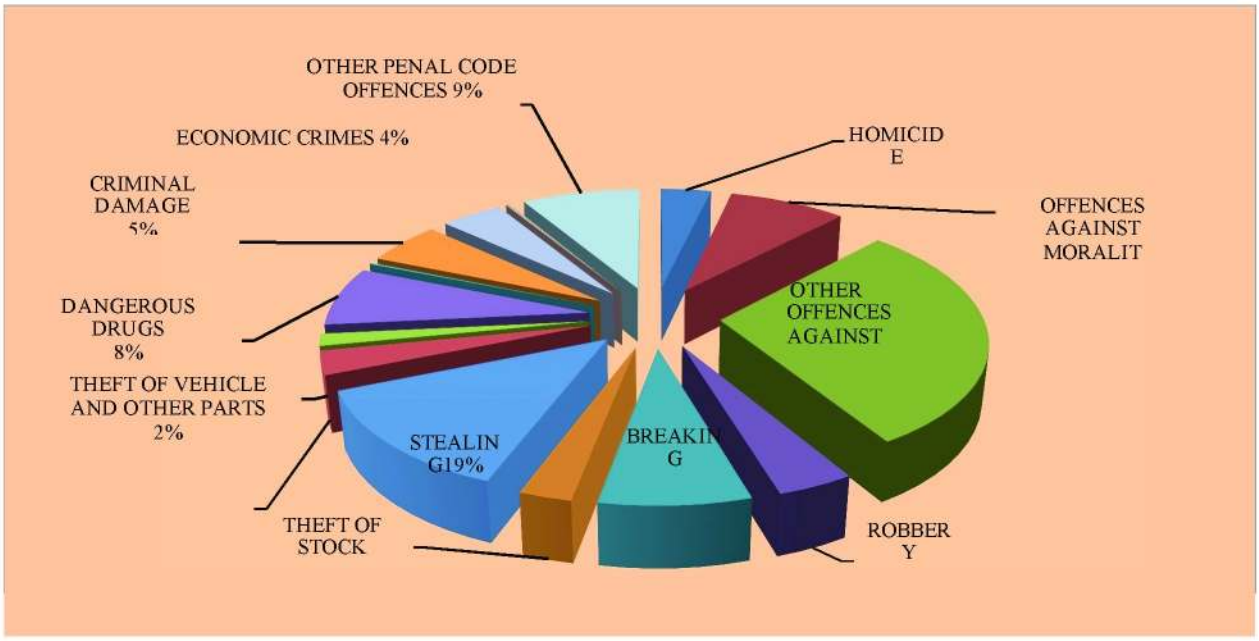
In the year 2015, the overall crime recorded was 72490 as compared to 69376 cases in 2014. The Country experienced crime trends as indicated in the table and pie card below: -

Table 7.4: Comparative Crime Figures for The Years 2014 and 2015

Offences	**2014**	**2015**	**DIFF**	**DIFF%**
Homicide	2649	2648	-1	0
Offences against morality	5184	6164	980	19
Other offences against persons	19911	21174	1263	6
Robbery	3011	2865	-146	-5
Breaking	5656	5591	-65	-1
Theft of stock	1848	1961	113	6
Stealing	10042	9528	-514	-5
Theft by servant	2279	2184	-95	-4
Theft of vehicle and other parts	1239	1111	-128	-10
Dangerous drugs	4850	5525	675	14
Traffic offences	100	120	20	20
Criminal damage	3708	3983	275	7
Economic crimes	3037	3244	207	7

Offences	2014	2015	DIFF	DIFF%
Corruption	144	79	-65	-45
Offences involving police officers	47	71	24	51
Offences involving tourist	21	19	-2	-10
Other penal code offences	5650	6223	573	10
Total	**69376**	**72490**	**3114**	**4**

b. Figure 7.2: Pie Chart of Crime Figures for The Year 2015



A decrease of cases was recorded in: Theft of vehicles and their parts (128 cases or 10 %); stealing (514 or 5%); robbery (146 cases or 4%); theft by servant (95 cases or 3%); and breakings (65 cases or 1%).

An increase of cases were recorded in offences against morality (980 cases or 19%); dangerous drugs (675 cases or 14%); other penal code offences (573 cases or 10%); criminal damage (2745 cases or 7%); economic crimes (207 cases or 7%); other offences against persons (1263 cases or 6%); and theft of stock (113 cases or 6%). Lower numbers of crime cases were recorded in Isiolo (213), Mandera (271), Wajir (317), Samburu (355) and Marsabit (468).

According to the statistics, defilement under the offences against morality recorded an increase of 810 cases or 22%; and incest by (96 cases or 40%). Under other offences against persons, Assaults increased by (972 cases or 7%); affray by (10 cases or 3%); and creating disturbance by (281 cases or 5%).

For the period under review 2015 to 2016, a total of 86,651 cases were reported, investigated and taken to court.

Table 7.5: Breakdown of Police Cases in Court

Categories of Cases	No. of Cases
Cases taken to court	87421
Cases dismissed	4042
Cases discharged	8737
Cases acquitted	7291
Other disposals	6841
Cases convicted	26347
Cases pending before court	34163

Challenges faced during the period under review:

1. Interference of investigations by senior officers.
2. Inadequate stationeries and equipment for investigations for instance tracking devices.
3. Officers have inadequate means of transport while working on investigations, going to court and taking exhibits for analysis.
4. Inadequate time to investigate cases due to unavailability of vital services at the station level for example, Scenes of crime personnel. The 24 hours' rule is actually 12 working hours for the accused to be produced in court because courts do not work 24 hours consecutively.
5. Courts are slow in completing cases making the witnesses tire on the way hence most fail to appear for subsequent hearing and even disappear.
6. Delay of expert reports in cases where experts are involved.
7. Adjournment of cases on several times resulting in police files getting misplaced.
8. Disappearance of accused persons after being given bail out of court.

9. Acquittal of cases in court due to lack of enough evidence where witnesses do not attend court even after being bonded by the investigating officer.

10. Lack of enough personnel as compared to the population being served by the divisions.

11. Lack of witness cooperation with the investigating officers once the case is arraigned in court.

Achievements made

1. Decrease in cases like robbery with Violence due to cooperation between members of the public and the police.

2. Intelligence reports are available hence they help in policing.

3. Attending of Court Users Committees has enhanced interactions between the police and the Judiciary at large.

4. Prosecution allowing officers to have a suspect remanded in police stations in order to exhaust investigation. This is done by swearing an affidavit.

Recommendations and Way Forward

1. All the above challenges have been addressed accordingly with the transformation process going on the police reforms. For instance, the senior police officer interference in cases is going to cease due to the enlightenment of the law and the Police Reforms Agenda.

2. It would be better if the state counsel could be stationed at the divisional levels for advice and easy access.

3. Prosecutions to update investigators on new and amended laws to avoid issues of defective charges.

4. Time frame work of registration of prisoners to court to be extended from 8.00 am to 10.00 am.

Every society has unique experiences in the trends of crimes. For sustainable management of crime in the society, there is need of having cooperation between the police, members of the public and other stakeholders. Community Policing Authority, which is yet to be launched, will help to realize this cooperation.

The County Government through County Policing Authority has also played a pivotal role in the management of crimes affecting their areas as provided for in the National Police Service Act 2014 Sec. 41(9).

7.3.3 Kenya Prisons Services

Kenya Prisons Service (KPS) is a department in the Ministry of Interior and Coordination charged with safe custody and rehabilitation of prisoners. It derives its mandate from the Constitution of Kenya, the Prisons Act Cap 90, the Borstal Institutions Act Cap 92 of the Laws of Kenya, the Kenya Prisons Service Standing Orders and the Kenya Prisons Service Strategic Plan. The recent enactment of the Persons Deprived of Liberty Act, the Transfer of Prisoners Act, the Legal Aid Act, the Bail and Bond Policy and the Sentencing Policy have direct impact on the functions of the Service.

Besides the above-mentioned sources, KPS is also broadly guided by the United Nations Standard Minimum Rules for the Treatment of Prisoners and other international instruments providing for the rights of persons deprived of liberty. In discharging its mandate, KPS anchors its functions in the Vision 2030 as the main government document that seeks to elavate Kenya to a middle-income economy in by 2030. Specifically, KPS is clearly captured in the Second Medium Term Plan (MTP)-2013-2017 under Political Pillar and is expected to realize the following objectives:

1. Decongest prison facilities through infrastructural development and the enhancement of alternatives to custodial sentencing;

2. Enhance measures for effective rehabilitation and reintegration of offenders;

3. Develop policy and legislative framework

Table 7.6: Current Prisoners Population

Category	Population
Convicted male	30,160
Un convicted male	19,232
Convicted female	2,177
Un convicted female	1,272
Young male offenders (Borstal Boys)	732
Young male offenders (Borstal girl	04
Young male offenders (YCTC)	55
TOTAL	**53,632**

*Children accompanying their mothers to prison = 338

Summary of Functions and Obligations of the Service

i. *Inmates Living Conditions:* The conditions of living for inmates have changed considerably illustrated in the manner in which an arriving inmate is received, settled, and cared for in the duration of the custodial sentence:

ii. *Inmate Accommodation:* Almost all prison facilities in Kenya exceeded optimal levels, thus prompting expansion of accommodation facilities of inmates and alleviation of congestion in affected prisons. Expansion of prison facilities is in progress through construction of new prisons in the newly created districts and extension of accommodation facilities in existing prisons as well as refurbishment of existing structures.

iii. *Healthcare and Hygiene*: The health and hygienic conditions of inmates is now satisfactory, having moved away from the status of shortage of medical supplies including drugs and qualified personnel.

- A Directorate of Health Services was set up in the Prisons Department to oversee health and hygiene matters;
- Every Prison has a health facility to meet the regular healthcare needs of inmates whereas the District, Provincial, and national hospitals cater for inmates with more specialized healthcare needs. Plans have been finalized to elevate the health facility in Main Prisons to District Hospital status with better equipment and staff.

iv. *Legal and Human Rights Program:* The Kenya Prisons Service is aware of their unique role in serving extremely vulnerable members of the community – offenders in conflict with the law, withdrawn from family and the community, and placed in custody. Aware of the great potential

for the violation of the legal and basic human rights of inmates, the Service has therefore included legal and human rights matters in the reform program. The Directorate of Legal and Human Rights was established in the Kenya Prisons Service in 2009 with mandate to oversee respect for human rights, including provision of legal services to inmates who lack ability to engage legal counsels. A Legal and Human Rights office has since been established at each of the major prisons in the country and hiring of additional lawyers was done in 2010. A mechanism has been established for the receipt and redress of prisoners' complaints and grievances.

v. *Policy and Legislation:* The reform program in the Kenya Prisons Service has brought to fore the difficulty of setting up and sustaining new systems and programs without an agreed-upon template. Furthermore, implementation of the reform program requires a review of the different pieces of existing legislation that govern the operations of the Prisons Service. The reform team has therefore taken some measures in these two regards. First, preparation of a Correctional Policy which will embody the principles, guidelines, and standards for the care of inmates and offender rehabilitation programming in the Kenya Prisons. Second, the different pieces of relevant legislation (the Prisons Act, Borstals Act, Probation Act and the Community Service Orders Act) are presently under review to align them with the new paradigm in offender correction.

vi. *Staff Development and Welfare:* The Kenya Prisons Service reform team is fully aware of the shortcomings of an inmate-centered approach to reform; an approach that accords primacy to the welfare of inmates, and downplays the terms of service and working conditions of Prison officers. Prison officers are a cadre of professional staff that are tasked with direct responsibility for the care and rehabilitation of inmates. A direct correlation exists therefore between the welfare of officers and the welfare of inmates. The ongoing reform program has therefore made considerable progress in staff development and welfare in the Kenya Prisons Service:

- Recruitment has been professionalized with provision for Officer Cadets, Regulars, and officers with specialized training and skills;
- Promotion of officers has been streamlined to enhance objectivity and predictability and motivation;
- The scheme of service for uniformed personnel is under review;
- Construction of staff houses is continuing based on a dedicated annual budget allocation of Ksh. 500 million;
- Improvement of remuneration;
- New staff uniforms have been introduced with adequate pairs for every officer in order to enhance their discipline and esteem;

vii. *Regional and International Engagements*: The Kenya Prisons Service has improved so dramatically in the past few years that it has achieved international recognition and acclaim. This is illustrated in various ways: first, The Kenya Prisons Service is a UN preferred source of officers to serve in Peace Support missions around the world. An average of 50 officers served in the missions every year. These missions include Liberia, Sudan, South Sudan, Somali, DR Congo among others; second, Kenya Prison Officers have received international awards for example the International Correction and Prisons Association of 2009 was awarded to an officer serving in the department; third, Kenya Prisons Service is a member of the African Correctional Services Association (ACSA) and International Corrections and Prisons Association (ICPA). These forums offer opportunity for Prisons officers to share experiences in best practice with other countries in the African region; fourth, Kenya Prisons Service is a strong member of peace and security sectoral council of East Africa Community (EAC) which is a platform for sharing experiences among partner states and providing solutions to challenges in East Africa in regard to peace and security matters; fifth, The Service is a member of the Northern Corridor Integration Projects (NCIP) under Peace and Security Cluster; lastly, The Service through the Department of Justice in the Attorney General's Office submits periodic reports to various Committees in the United Nations (UN) and African Union (AU).

Challenges Experienced by the Service

1. Inadequate budgetary allocation;
2. Complex crime trends including transnational crimes such as terrorism, piracy, drug trafficking which are planned and coordinated from prisons;
3. Inadequate training resources and equipments;
4. Lack of modern security equipments;
5. Outdated infrastructure compatible with current security challenges and challenges;
6. Congestion ;
7. Trafficking of contraband to prison;
8. Emerging crime trends (cybercrimes and mobile phone fraudsters);
9. Poor living condition of staff;
10. Lack of proper redress mechanism for prison officers in form of an association.

Counter Measures and Way Forward

1. Allocation of enough budget from Treasury;
2. Training and capacity building for serving prison officers and equipping them with requisite skills;
3. Recruitment of specialists and professionals to the Service;
4. Modernizing prisons infrastructure to accommodate emerging security challenges;
5. Classification of penal institutions and prisoners with a view of enhancing security measures and facilitating rehabilitation;
6. Acquire modern combat security equipment including detection and alarm systems etc;
7. Train and deploy covert security personnel to enhance surveillance and intelligence gathering;
8. Improve living conditions of staff in order to avoid compromise;
9. Develop a modern data management system for prisoners.
10. Set up a redress mechanism or an association for prison officers to air their grievances.

7.3.4 Kenya Law Reform Commission

Kenya Law Reform Commission (KLRC), pursuant to its mandate under Clause 5(6)(b) of the Sixth Schedule of the Constitution, continued to develop legislation required to implement the Constitution. During the period under review, KLRC assisted several MDAs with the review and harmonization of their respective legislative frameworks with the Constitution. It also provided technical assistance to several county governments regarding the reform or amendment of their laws. KLRC developed and launched a publication, namely, "A Guide to the Legislative Process in Kenya" (the Guide) and thereafter disseminated it to various stakeholders including NCAJ and county governments. Further, KLRC revised and relaunched the model laws for easier customization by the county governments. It also trained County Attorneys and County Assembly Legal Officers on drafting child-friendly policy and legislation.

In the course of its work, KLRC has faced sound challenges. First, some MDAs do not have in place policy on their areas of mandate. This causes delay where disputes and disagreements on policy have arisen either between a ministry and its departments or agencies, a ministry and its experts or task forces or between two ministries. Sometimes lack of consensus among stakeholders has resulted in a delay in the publication of the relevant Bills and in some instances, it has resulted in numerous Bills on the same subject resulting in confusion. Second, KLRC has not been able to create adequate capacity to deal with the volume of work following the promulgation of the Constitution and the enactment of the County Governments Act. Third, inadequate financial resources to enable KLRC deliver on its mandate.

1. Occasional unreasonable timelines by MDAs and county governments.

Table 7.7: List of Draft Legislation and Policies That KLRC Has Worked on in the FY 2015/16

BILLS DRAFTED	**STATUS**
Kenya Food and Drugs Authority Bill, 2016	Ongoing (Taskforce)
Movable Property Security Rights Bill, 2016	Completed (Technical Working Group)
National Crime Research Centre Bill, 2016	Ongoing
National Peace Council Bill, 2016	Completed
Cybercrime Bill, 2016	Completed
Tribunals Bill, 2016	Completed
Prisons Bill, 2016	Ongoing
Advocates Bill, 2016	Ongoing
Nurses (Amendment) Bill, 2016	Ongoing
Public Officers (Amendment) Bill, 2016	Completed
NHIF (Amendment) Bill, 2016	Completed
Constitutional (Amendment) Bill, 2015 to ensure that no more than two thirds of the membership of the National Assembly are of the same gender	Completed
National Social Protection Bill	Completed
National Anti-Corruption Campaign Steering Committee Bill	Completed
Anti-Torture Bill, 2015	Completed
Kenya Roads Bill, 2015	Completed
Petroleum (Exploration, Development and Production) Bill, 2015	Completed
Agreements on Exploitation of Natural Resources Bill, 2015	Completed
Legal Aid Bill, 2015	Completed
Forest Bill, 2015	Completed
Registration of Foresters Bill, 2015	Completed
Kenyatta National Hospital Bill, 2015;	Completed
Joint Loans Board Bill, 2015	Completed
Maritime Service Providers Bill, 2015	Completed
Dental Technologists Bill, 2015	Completed
Pest Control Board Bill, 2015	Completed
Central Bank of Kenya (Amendment) Bill, 2015	Completed
Witness Protection (Amendment) Bill, 2015;	Completed
Law of Succession (Amendment) Bill, 2015	Completed
Culture Bill, 2015	Completed
Community Land Bill, 2015	Completed (Taskforce)
Historical Land Injustices Bill, 2015	Completed (Taskforce)
Maximum and Minimum Land Holding Acreages Bill, 2015	Completed (Taskforce)
Languages Bill, 2015	Completed
Associations (Registration and incorporation) Bill, 2015	Completed
National Museums and Heritage Bill, 2015	Completed
Kenyatta Mausoleum Bill, 2015	Completed
Traffic (Amendment) Bill, 2015	Completed
Kenya Society for the Blind (Amendment) Bill, 2015	Ongoing
Persons with Disabilities (Amendment) Bill, 2015	Ongoing
Controller of Budget Bill, 2015	Completed
Biodiversity (Access and Benefits) Sharing Bill 2015	Completed
Government Owned Entities Bill, 2015	Completed (Taskforce)
Sovereign Wealth Fund Bill, 2015	Completed (Taskforce)
Kenya Roads Bill, 2015	Completed
Land Laws (Amendment) Bill, 2015	Completed
Elections (Amendment) Bill, 2015	Completed
Political Parties (Amendment) Bill, 2015	Completed
Kenya Institute for Public Policy Research and Analysis (Amendment) Bill, 2015	Completed
BILLS & LEGISLATIVE PROPOSALS REVIEWED	**STATUS**
Court of Appeal (Organization and Administration) Bill, 2016	Completed
Kenya Defence Forces (Amendment) Bill, 2016	Completed
Nutritionists and Dieticians (Amendment) Bill, 2016	Completed
Cancer Prevention and Control (Amendment) Bill, 2016	Completed

BILLS DRAFTED	STATUS
Marriage (Amendment) Bill, 2016	Completed
Irrigation Bill, 2015	Completed
Central Bank of Kenya Bill, 2015	Completed
Sovereign Wealth Fund Bill, 2015	Completed
Whistleblower Protection Bill, 2015	Completed
Motor Vehicle and Motor Cycle Tracking Devices Bill, 2015	Completed
Public Trustee (Amendment) Bill, 2015	Completed
Banking (Amendment) Bill, 2015	Completed
Traffic (Amendment) Bill, 2015	Completed
Registration of Persons (Amendment) Bill, 2015	Completed
Constitution of Kenya (Amendment) (No. 7) Bill, 2015 (proposal to amend Articles 143 and 245 of the Constitution)	Completed
SUBSIDIARY LEGISLATION DEVELOPED OR REVIEWED	**STATUS**
Weights and Measures Regulations, 2016	Completed
National Industrial Training Institute Regulations, 2016	Completed
Public Service Commission (Removal of Director of Public Prosecution) Regulations, 2016	Completed
Transition to Devolved Government (Mechanisms & Criteria for Transfer and Sharing of Public Assets and Liabilities Regulations, 2016	Completed
Pest Control Products (Licensing of Premises) Regulations, 2016	Completed
Pest Control Products (Licensing of Premises) Regulations, 2016	Completed
Pest Control Products (Advertising Labelling and Packaging) Regulations, 2016	Completed
Pest Control Products (Importation and exportation) Regulations, 2016	Completed
Pest Control Products (Disposal) Regulations, 2016	Completed
Counter Trafficking in Persons Regulations, 2015	Completed
HIV and AIDS Tribunal (Practice and Procedure) Rules, 2015	Completed
Mediation (Pilot Project) Rules, 2015	Completed
Witness Protection Rules, 2015	Completed
Mechanisms for Closure and Transfer of Public Records and Information Regulations, 2015	Completed
Mechanisms and Criteria for Transfer and Sharing of Assets and Liabilities Regulations, 2015	Completed
Environmental Management and Coordination (Conservation of Biological Diversity and Resources and Access to Genetic Resources and Benefits Sharing) Regulations, 2015	Completed
Kenya National Commission on Human Right Regulations, 2015	Completed
Hazardous Waste Regulations, 2015	Completed
Legal Metrology Breath Alcohol Analyzers Rules, 2015	Completed
Independent Policing Oversight Authority Regulations, 2015	Completed
Weights and Measure (Speed Radar) Rules, 2015	Completed
Weights and Measures (Tyre Pressure Gauges) Rules, 2015	Completed
Weights and Measures (Taximeters) Rules, 2015	Completed
Weights and Measures (Clinical Thermometer) Rules, 2015	Completed
Weights and Measures (Water Meter) Rules, 2015	Completed
Weights and Measures (Clinical Pressure Gauges/Blood Pressure Measuring Gauges) Rules, 2015	Completed
Probate and Administration Rules	Completed
Regulations on the Land Act	Completed
Regulations of the Land Registration Act	Completed
Regulations on the National Land Commission Act	Completed
Regulations under the Agriculture Food and Fisheries Act	Completed
Regulations under the Crops Act	Completed
COUNTY BILLS REVIEWED	**STATUS**
Baringo County Livestock Sale Yards Bill, 2016	Completed
Kakamega County Persons with Disability Bill, 2015	Completed
Kakamega County Ward Development Bill, 2016	Completed
Kiambu County Valuation and Rating Bill, 2015	Completed
Kiambu County Survey and Mapping Bill, 2015	Completed
Kajiado County Polytechnics Bill, 2015	Completed
Kajiado County Bursary and Scholarship Fund Bill, 2015	Completed
Kisumu County Persons with Disabilities Bill, 2016	Completed
Kitui County Sand Harvesting Bill, 2015	Completed
Kitui County Trade Development Loan Board Bill, 2016	Completed
Kitui County Culture and Heritage Bill, 2015	Completed
Kitui County Tourism Marketing Bill, 2015	Completed
Kitui County Conservancies Establishment Bill, 2015	Completed
Machakos County Emergency Fund Bill, 2016	Completed
Migori Electricity Reticulation Bill, 2016	Completed
Migori County Transport Bill, 2016	Completed
Migori County Designated Parking Places Bill, 2016	Completed
Nakuru County Health Management Bill, 2015	Completed
Nyandarua County Kiosk Bill, 2016	Completed
Siaya County Persons with Disabilities Bill, 2016	Completed
West Pokot County Early Childhood Education Bill, 2016	Completed
West Pokot County Bursary, Education Development and Infrastructure Bill, 2016	Completed
Elgeyo/Marakwet County Alcoholic Drinks Control Bill, 2015	Completed

BILLS DRAFTED	STATUS
COUNTY SUBSIDIARY LEGISLATION REVIEWED	**STATUS**
Elgeyo Marakwet County Alcoholic Drinks Control (Licensing) Regulations, 2016	Completed
Embu County Women Trust Fund Regulations, 2016	Completed
Kilifi County Assembly (Staff Mortgage Fund) Regulations, 2015	Completed
Kisii County Trade Credit Scheme Regulations, 2016	Completed
Kitui County Assembly Staff (Car loan and Mortgage Scheme Fund) Regulation, 2015	Completed
Kitui County Assembly Service Board Employees Mortgage Funds Scheme' Regulations, 2016	Completed
Kitui County Assembly Service Board Employees' Scheme Regulations, 2016	Completed
Makueni County State and Public Officers Car Loan and Mortgage Fund Regulations, 2016	Completed
Meru County Cooperative Societies Rules, 2016	Completed
Nakuru County Alcoholic Drinks Control (Licensing) Regulations, 2015	Completed
Nakuru County (Emergency Fund) Regulations, 2016	Completed
Nyandarua County Civil Servants Car Loan and Mortgage Scheme Fund) Regulations, 2016	Completed
Nyandarua County Agricultural Institutions Revolving Fund Regulations, 2016	Completed
Nyandarua County Trade Fund Regulations, 2016	Completed
Nyeri County Elimu Fund Regulations, 2016	Completed
Nyeri County Enterprise Development Fund (Loan Disbursement) Regulations, 2016	Completed
Public Finance Management (Makueni County State and Public Officers Car Loan and Mortgage Fund) Regulations, 2016	Completed
Public Financial Management (Nakuru County Hospital Management Services) Regulations, 2016	Completed
Public Finance Management (Laikipia County Executive Car Loan Scheme) Regulations, 2016	Completed
Public Finance Management (Laikipia County Executive Mortgage Scheme Fund) Regulations, 2016	Completed
Public Finance (Laikipia County Assembly Car Loan Staff Scheme Fund) Regulations, 2016	Completed
Public Finance (Baringo County Assembly Staff Mortgage Scheme Fund) Regulations, 2016	Completed
Public Finance (Baringo County Assembly Staff) Car Loan Scheme Fund Regulations, 2016	Completed
Public Finance Management (Kirinyaga County Education Bursary Fund) Regulations, 2016	Completed
Public Finance (Laikipia County Assembly Mortgage Staff Scheme Fund) Regulations, 2016	Completed
Public Finance Management (Nakuru County Persons with Disabilities Fund) Regulations, 2016	Completed
Public Finance Management (Nakuru County Sports Fund) Regulations, 2016	Completed
Siaya County (Older Persons Fund) Regulations, 2016	Completed
Tharaka Nithi County Assembly Staff Housing Fund Regulations, 2016	Completed
Tharaka Nithi County Executive Staff Housing Fund Regulations, 2016	Completed
Vihiga County Assembly Members and Staff Mortgage and Car Loans Schemes Fund) Regulations, 2015	Completed
West Pokot County Agricultural Machinery Services Bill, 2016	Completed
Embu County (Emergency Fund) Regulations, 2015	Completed
Embu County Ward Development Fund Regulations, 2015	Completed
NATIONAL POLICIES REVIEWED	**STATUS**
Special Needs Education Policy	Completed
Devolution Policy	Completed
Kenya's National Investment Policy	Completed
National Energy and Petroleum Policy	Completed
Geophysicist Policy	Completed
National Urban Development Policy	Completed
Irrigation Policy	Ongoing
Public Sector Remuneration and Benefits Policy	Ongoing
Kenya Food and Drugs Authority Policy	Ongoing

**Completed" refers to draft legislation or policy finalized by KLRC and submitted either to the Attorney-General, an instructing ministry/department/agency or a county government*

7.3.5 Council of Legal Education

The Council of Legal Education has been re-established under the Legal Education Act, No.27 of 2012 with the twin primary purposes of promoting legal education and training, through maintenance of the highest possible standards in legal education; licensing legal Education Providers; and administration of the Bar Examination, the recognition of Foreign Legal Qualification for enrollment to the Bar in Kenya.

The Council has made progress in the fulfilment of its mandate under the Legal Education Act 2012 as amended by the Statute Law (Miscellaneous) Amendment Act 2014, as follows:

1. *Administration of The Bar Examinations*

Table 7.8: Data On Candidates Who Sat For Resits In July 2016 Series

	ATP 100	ATP 101	ATP 102	ATP 103	ATP 104	ATP 105	ATP 106	ATP 107	ATP 108
Candidates present	521	377	97	163	41	141	163	327	1046
Percentage pass	81	75.5	76.5	74	90	97	91	75	92.5
Percentage fail	19	24.5	23.5	26	10	3	9	25	7.5
Total Qualified	511								
Percentage qualified	38%								

Table 7.9: Data On Candidates And Sat The Bar Examinations In November 2016 Series

	ATP 100	ATP 101	ATP 102	ATP 103	ATP 104	ATP 105	ATP 106	ATP 107	ATP 108
Candidates present	1928	1928	1928	1928	1928	1928	1928	1928	1928
Percentage pass	47	84.5	88	56	92	72.5	78	27	24
Percentage fail	53	15.5	12	44	8	27.5	22	73	76
Total Qualified	193								
Percentage qualified	10%								

Table 7.10: Data On Candidates Who Sat For Resist During The November 2016 Series

	ATP 100	ATP 101	ATP 102	ATP 103	ATP 104	ATP 105	ATP 106	ATP 107	ATP 108
Candidates present	359	293	73	133	14	69	76	273	428
Percentage pass	31	77	74	34	85.5	45	41	10.5	15.5
Percentage fail	69	21	26	66	7	53.5	59	89.5	84.5
Total Qualified	167								
Percentage qualified	19%								

Council gazetted 1242 students in 2016 to facilitate admission to the Bar.

Table 7.11: Data on Candidates Gazetted

Gazettment Date	Number of Candidates
29th January, 2016	491
4th March, 2016	116
20th May, 2016	37
10th June, 2016	75
29th July, 2016	25
21st October, 2016	99
9th December, 2016	146
23rd December, 2016	253
TOTAL	**1242**

2. *Licensing of Legal Education Providers*

Table 7.12: Data on Licenced Institutions - LL. B. and Diploma Programmes

Name of Institution	Status
Riara University School of Law (Main Campus)	Licence valid until 09.11.2021 subject to satisfaction of terms and conditions.
Kisii University School of Law (Main Campus)	Licence valid until 02.10.2016. Application for renewal received. (Awaiting Inspection)
Africa Nazarene University School of Law (Main Campus)	Licence valid until 29.05.2019
University of Nairobi School of Law (Parklands Campus)	Licence valid until 07.08.2019
University of Nairobi School of Law (Mombasa Campus)	Licence valid until 19.01.2021
Kabarak University School of Law (Main Campus)	Licence valid until 08.09.2020
Egerton University School of Law (Nakuru Town Campus)	Licence valid until 12.02.2021
Strathmore University School of Law (Main Campus)	Licence valid until 9.11.2021 subject to satisfaction of terms and conditions.
Kenyatta University School of Law (Parklands Campus)	Licence valid until 14.12.2021 subject to satisfaction of terms and conditions.
Jomo Kenyatta University School of Law (Karen Campus)	Licence valid until 16.09.2021 subject to satisfaction of terms and conditions.
Catholic University of Eastern Africa School of Law	Licence valid until 16.09.2021 subject to satisfaction of terms and conditions.
Mt. Kenya University School of Law (Parklands Campus)	Mt. Kenya University is allowed to operate as a Legal Education provider by temporary order of the High Court pending determination of Nairobi High Court Miscellaneous Application No. 177 of 2016.
DIPLOMA	
Kisii University School of Law (Main Campus)	Licence valid until 02.10.2016. Application for renewal received. (Awaiting Inspection)

Table 7.13: Schedule Of Fees

Service	Fees chargeable (Kshs)
Licensing process	
Certificate Programme/renewal	500,000.00
Diploma Programme/renewal	900,000.00
Undergraduate Programme/renewal	1,600,000.00
Master's Degree Programme/renewal	1,600,000.00
Doctor of Philosophy, Doctor of Laws Programme/renewal	800,000.00
Examination fees	

Service	Fees chargeable (Kshs)
Examination fee per unit	5,000.00
Examination re-sit	10,000.00
Examination remark	15,000.00
Recognition of approval of foreign qualification in law	
Recognition of approval fees	10,000.00

There has been no increment in fees during the last financial year. Licensing fees are payable once every five (5) years which is the equivalent of the period of the licence. No changes have been made to the examination regulations as applied by Kenya School of Law before Council took over the mandate. The Council of Legal Education is in the process of developing the Legal Education (Bar Examinations) Regulations 2017. The pre-bar examination was introduced by the Statute Law Miscellaneous Act, 2014. This is the exclusive mandate of the Kenya School of Law.

3. Recognition and Approval of Foreign Legal Qualifications

Table 7.14: Data On Applications Received For Recognition And Approval Of Foreign Legal Qualifications

	Number of Applicants
Application for Recognition & Approval of Foreign Legal Qualifications	293
Appeals	123
High School Qualifications	190
Clearance after Remedial Programme	52
TOTAL	**658**

Achievements

1. Licensing of Legal Education providers: The Council licenced four institutions including Jomo Kenyatta University of Agriculture & Technology, Egerton University, University of Nairobi Mombasa Campus and the Catholic University of Eastern Africa. Further, Council renewed licences for three institutions including, Kenyatta University, Strathmore University and Riara University.
2. Council processed applications for recognition and approval of Foreign Legal Qualifications for purposes of admission to the Advocates Training Programme.

Challenge

The biggest challenge has been the exponential growth in the number of student taking the Bar Examinations. This has put great strain on training resources.

7.3.6 Witness Protection Agency

Witness protection is a fundamental human right. Article 50 of the Constitution of Kenya, provides for the protection of witnesses and vulnerable persons in the interests of fair hearing before courts and tribunals. It also provides for enactment of legislation providing for the protection, rights, and welfare of victims of offences. The Witness Protection Agency (WPA) provides the framework and procedures for giving special protection to such persons to ensure an effective and efficient administration of justice in the country.

During the financial year 2015/16 the Agency had activities, achievements and challenges as highlighted below.

Activities

The following is a highlight of the activities: -

Witness Protection Programme

The Agency's Witness Protection Programme (WPP) established under Section 4(a) of the Witness Protection Act, is representation of the Agency's main mandate. The Programme continued on a growth trajectory, providing protection to threatened, vulnerable and intimidated witnesses and their family members from harm because of co-operating with the law enforcement agencies. A summary of the comparative growth of the Witness protection programme since inception is outlined below:

Table 7.15: Comparative Growth Summary Of Witness Protection Programme

	2009/2012	2012/2013	2013/2014	2014/2015	2015/2016	TOTAL
Applications received for witness protection	60	72	130	207	217	686
Applicants admitted into WPP	10	18	55	97	105	285
Total number of dependants	44	76	242	198	266	826
Applications closed - interventions made and advice given on the right authority to report the matter	50	54	75	110	112	401
Witnesses who have been discharged	5	6	13	16	58	98
Witnesses harmed in the programme	0	0	0	0	0	0
Witnesses who have fallen out of the programme	0	2	1	6	0	9
Applicants who have successfully testified	9	11	29	14	82	145
Witnesses who have died due to natural causes	0	0	1	1	1	3

The Witness Protection Amendment Bill 2016

The Witness Protection (Amendment) Bill 2016, went through the first reading in the National Assembly, in June 2016. The Bill is aimed at aligning the provisions of the Act with the Constitution and other legislation as well as to make provisions for reciprocal protection arrangements with foreign countries, international courts or tribunals to ensure conformity with the Constitution and other legal instruments. The Bill was subsequently

committed to the Departmental Committee on Justice and Legal Affairs. The Agency will continue to lobby all the relevant stakeholders to see to it that the Bill is enacted.

Forum on Witness Protection for ICJ Kenya Members

The Agency in conjunction with ICJ organized a forum to discuss the Witness Protection and Legal Aid in Kenya from 26th to 29th April 2016. The forum brought together about 30 ICJ Kenya members who are practitioners of law in Kenya. The members were appraised on new developments in the Witness Protection regime in Kenya. The forum also provided an opportunity for lawyers to interrogate the new developments in the Witness Protection regime in order for them to engage in a more constructive way with the witness protection structures currently put in place.

Sensitization on the Witness Protection Act Rules and Regulations.

Sensitization and awareness campaigns targeting the key stakeholders in the criminal justice system remained the preferred means of reaching out to partners and stakeholders. The Witness Protection Agency published posters and booklets containing abridged version of the Witness Protection Act 2006, Witness Protection Regulations 2011 and the Witness Protection Rules 2015. Forums were organized in Mombasa, Kisumu, and Machakos to meet the stakeholders and disseminate the Witness Protection Act, Regulations & Rules. The sensitization visits also provided a platform for WPA to engage key stakeholders. The meetings with Judicial Officers, Police Commanders, and ODPP introduced WPA legal framework, functions, protection measures and areas of collaboration to the stakeholders. The Agency will continue attending the court user's committee meetings to, where possible, to continue expounding on the role and mandate of WPA and to follow up on issues of witness protection that arise.

Achievements

The following were the achievements: -

(a) *Growth in the Programme:* During the period, the Agency received a total of 217 new applications into the witness protection programme compared to 207 during the 2014-2015 period. The total number of applications for admission to the programme rose from 97 during the 2014-2015 period to 105 applications in the period under review.

(b) *Impact of the Programme on the justice system:* The critical role that the Agency plays in the criminal justice system was evidenced in twelve (12) cases where there were protected witnesses. The prosecution obtained convictions in ten (10) out of twelve (12) cases with sentences ranging from death sentence, life imprisonment to a number of years in prison. This is 83.3 % of conviction rate.

(c) *Impact of sensitization:* As a result of the sensitization forums carried out during the period under review, the Courts and other Criminal justice system stakeholders gained knowledge of the role of the Agency in protecting witnesses and contribution in the administration of justice. Consequent to this outreach and sensitization, there was a marked increase in the referrals for witness protection and, more significantly, a reduction in the duration it took the Court to issue witness protection orders.

Challenges

Despite the milestones achieved, the Agency continues to face challenges in its operations.

1. *Low Budgetary allocation:* Low Budgetary allocation, remained a notable challenge despite the high number of witnesses in the programme, this has hindered the Agency's capacity to protect all eligible applicants, recruitment and training of staff and devolving to counties among other critical activities.

2. *Slow pace of trials:* This has contributed substantially to high costs of maintaining witnesses and related persons under the Programme vis-a vis the meagre budgetary allocation. We continue to request for prioritization of trials that involve protected witnesses so that their cases can be expedited.

3. *Judicial protection infrastructure:* Lack of formal judicial protection infrastructure has seen slow uptake of procedural protection measures of protected witnesses in court. We remain optimist that the ongoing massive development of judicial infrastructure presents an opportunity to provide witness protection ready infrastructure.

4. *Wider appreciation of the criticality of witness protection:* Despite the sensitization forums carried out during the period under review, witness protection officers continue to face non-cooperation from critical stakeholders. The appreciation and practice of witness protection within courts and other criminal justice system stakeholders in the criminal justice is still below expectation.

7.3.7 Federation of Women Lawyers in Kenya

The Federation of Women Lawyers Kenya (Fida-Kenya) vision and mission is to have a society that respects and upholds women's rights and to promote women's individual and collective power to claim their rights in all sphere of life. FIDA Kenya has attained recognition as a critical partner for government and civil society in ensuring policy, legislative and constitutional reforms. Fida-Kenya has worked to create awareness and significance of inclusiveness with a view to embracing a culture that respects and promotes justice for women.

Further activities include working with the courts through the Court Users Committees (CUC) in selected regions like Nyeri, Vihiga, Nairobi and Tana River, promote access to justice by capacity building, engaging in legislation processes to ensure gender responsive bills in the Parliament and County Assemblies. Through its work with Informal Justice Systems (IJS), FIDA Kenya has been able to nurture respectful relationships that have facilitated these mechanisms, and to question and reflect on how unequal power relations and stereotypes are drivers of injustices and rights violations. FIDA Kenya has been able to promote a culture of respect for women's rights particularly where litigation in courts affirm women's rightful claims in rulings and judgments. Fida-Kenya remain highly committed towards transforming and expanding the legal and institutional spaces to respond to the ever-increasing demand for its services from women who are economically disadvantaged and other vulnerable groups such as the children.

Achievements

1. *Legal Advice and Litigation:* FIDA Kenya runs a legal aid clinic in its offices in Nairobi, Mombasa and Kisumu for 3 days in a week. The clinic is free for all women requiring legal services and advice. In 2016, the organization attended to and provided legal advice to 8,578 clients. The clients are screened and various types of legal services offered including legal representation in various causes including land ownership disputes, succession causes, matrimonial property, divorce and separation and child maintenance and custody. 618 cases were taken and filed in court while others were concluded with a 90% success rate.

2. *Strategic Impact Litigation:* FIDA Kenya has been engaged in a number of public interest litigation cases in various courts across the country. The organization litigated cases on women's land property rights, registration of children born out of marriage and the Tana River Clashes.

3. *Alternative Dispute Resolution (ADR):* The FIDA Kenya legal aid clinic conducted 557 mediations in 2016 out of which 185 were successful. In the period, we engaged 19 professional mediators.

4. *Self-Representation:* To enhance access to justice and overcome the high cost of legal services, FIDA Kenya trains women on how to represent themselves in court and in the informal justice system. These trainings enable the women to understand their rights and the laws that protect these rights. Clients are trained on the whole court process and what is expected of them in the trial process. They are trained on how they should present their matters and the documents that they need to rely on, examination techniques as well as Court etiquette. The pre-trial briefings create an opportunity for the clients to seek clarity and discuss matters that may be peculiar to their individual cases. In 2016, FIDA Kenya trained 916 clients on self-representation. 293 cases were filed in court and 83 concluded.

5. *Engagement with Informal Justice Systems:* FIDA Kenya recognizes the role played by informal justice systems (IJS) in delivering justice to local communities. FIDA Kenya has developed an informal justice systems strategy manual to ensure that the systems uphold the principles of human rights in their adjudication and work under legal provisions in the Constitution. FIDA Kenya currently engages with over 20 informal justice systems (Council of Elders) across Kenyan communities. The organisation enhances the capacity of the elders to understand laws that protect women rights, to apply the laws in their adjudication and refer cases to relevant authorities. This intervention aims at bridging the gap between formal and traditional law to ensure that the two are consistent with each other and that these systems are gender responsive. In the period, FIDA Kenya held a review meeting in which 12 elders from Burano Council of elders engaged with FIDA. The elders resolve disputes through mediation, adjudicate on land matters and solve conflict in the family. They handle disputes on family matters, land and boundaries. FIDA referred two cases to the elders which were successfully resolved. Both cases were on neglect of the first wives when the men marry other women

6. *Psychosocial Support:* Psychosocial support is offered to the clients to help them cope with the emotional traumas associated with the violations they have experienced and to enable them to appreciate and love themselves. FIDA Kenya has counsellors who prepare the clients psychologically to be able to deal with legal complexities that come with their cases and to make informed decisions on action to take with regard to the violations they have faced. Counselling is implemented through individual counselling, couple counselling, family therapy and group therapy. These clients are thereafter incorporated into the organization's existing legal aid services to seek further solutions to their problems. In 2016, 257 individual counselling sessions were conducted, 60 couple counselling, and 42 group therapy sessions were held. As a result of psychosocial support, survivors of violence take charge of their lives and some have been incorporated into the Community Peer Counselling Support Programme to act as pillars of support to other women still undergoing abuse in their respective communities.

7. *Pro bono Lawyers Scheme:* FIDA Kenya has been able to mobilize and enrol 400 lawyers into the scheme whereby both male and female lawyers in private practice countrywide have volunteered to take up cases on behalf of FIDA Kenya clients. The organization has recruited 153 lawyers and referred 283 clients to various pro bono lawyers. To enhance the pro bono lawyer's capacity and as an incentive FIDA Kenya offers the pro bono lawyers training on new and emerging legal issues.

Challenges

1. Lack of adequate awareness of mediation as an effective means of dispute resolution.
2. The delay of hearing of land disputes in courts.
3. Lack of pro bono lawyers in far flung areas.
4. The high level of poverty in the country.
5. The future of the use of IJS depends on the roll out of the ADR policy thus there is need to hasten its roll out.

7.3.8 National Council for Law Reporting (Kenya Law)

The National Council for Law Reporting (Kenya Law) is a state corporation established under the National Council for Law Reporting Act. Kenya Law was established with a three-fold mandate:

- To monitor and report on the development of Kenya's jurisprudence through the publication of the Kenya Law Reports;
- To revise, consolidate and publish the Laws of Kenya; and
- To undertake such other related publications and perform such other functions as may be conferred by law.

The source of the Kenya Law mandate is The National Council for Law Reporting Act and Legal Notice No. 29 of 2009. Governance of the Council is vested in the Members of the Council and the office of the Chief Executive Officer/Editor, supported by the Management Team. Kenya Law believes that:

- Public legal information is part of the common heritage of humanity and maximizing access to this information promotes Justice and the Rule of Law;
- Public legal information is common property and should be accessible to all;
- As an organization that has the public mandate to publish public legal information, and should not impose unfair restrictions on the use and re-use of that information by other persons."

Council Meetings in the Financial Year 2015/2016

The meetings of the Council were carried out as per the calendar of meetings that was developed at the beginning of the financial year. The most notable activities at the Council have been;

- The adoption of Mwongozo- the Code of Governance for State Corporations
- The adoption of the Council Charter
- Approval of Kenya Laws Budget estimate for the FY 2016/2017
- The approval of the rebranding of the Kenya Law Review Journal
- The appointment of two new Council members from the Law Society of Kenya
- The appointment of two officers in senior management in acting capacity ie Acting Deputy CEO and Acting Secretary. These are deputies to the CEO.

Below is a highlight of the activities undertaken by Kenya Law in the year 2016:

Monitoring and Reporting on The Development of Kenya's Jurisprudence In The Financial Year 2015/2016

Kenya Law Reports

There is good progress with the preparation of the Kenya Law Reports. In the previous year the following publications were printed: KLR 2011, 2007 and 1999. In the year 2016 the following law reports were finalized and printed KLR 2012 Vol I, KLR 2012 Vol II, KLR 2012 Vol III and KLR 2014 Vol I

The following Kenya Law Reports are also in their final stages of preparation and it is expected that they shall be ready for printing shortly KLR 1998, KLR 1997, KLR 2103 Vol I & II and KLR Devolution Series Vol I& II

Kenya Law is confident that the backlog years of the Kenya Law Reports 1998, 1997, 1996, 1995 shall all be printed and published within the next financial year, marking a major milestone for the organization.

Re-engineered Workflow Processes

Kenya Law has re-engineered its workflow processes in the Law Reporting Department so as to make them more efficient. Most of the processes at Kenya Law are already fully automated. This overhaul of the law reporting process is aimed at achieving the following;

- That all the internal law reporting processes shall be undertaken on the document management system
- That the whole process of collecting and reporting of judicial decisions is undertaken on an online based system that ensures that there is an audit trail
- That all the reviews and comments on judicial decisions shall be done online and therefore available to all (internally)
- That the system shall publish the final result online

This system shall ensure that all processes pertaining to preparation, editing, review and publishing of judicial systems is done on an online system that is efficient and user friendly.

Kenya Law Review Journal

The Kenya Law Review Journal is an annual publication that provides a forum for the scholarly analysis of Kenyan law and interdisciplinary academic research on the law. These publications feature articles from both the Bar and the Bench. Kenya Law printed the Kenya Law Review Journal 2016 volume V in July of 2016. The next issue of the journal (2017 Vol VI) has now been finalized and will be printed shortly.

Monitoring Law Reform Issues Emerging from the Superior Courts of Record

Judicial pronouncements relating to an aspect of constitutional or statutory law or administrative actions that may be in need of reform are an important driver of the legal and administrative reform process. Kenya Law has prepared a compilation of law reform issues raised by the courts in the judgments for each quarter of the year and forwarded the same to the Attorney General's office and the Kenya Law Reform Commission for further action.

Laws of Kenya

1. *Law Revision of National Laws:* Kenya Law has a delegated mandate from the Office of the Attorney General, vide Gazette Notice No 29 of 2009, to update, consolidate and publish the Laws of Kenya. The Laws of Kenya department maintains an online database (found at www.kenyalaw.org) which contains all the law of Kenya. This database is updated every time there are amendments to the various laws and regulations. This is a continuous process; done on a daily basis following the gazettement of supplements by the government Printer.
2. *County Legislation Database:* Kenya Law has a dedicated database to collect and publish legislation from all the 47 Counties. There has been a delayed publication of County Legislation by the Government Printer and this has meant that there is limited access to this data. This has affected the completeness of the data that is held by Kenya Law. The organization is making every effort to ensure the completeness of this database.
3. *Compilation of Devolution Laws:* The Devolution related laws have been compiled and a quick link tab created on the Laws of Kenya Database for ease of reference.
4. *Grey Book Edition:* The Grey Book is a special loose leaf publication comprising of 15 selected statutes on procedural Law. The latest publication in this series contained statutes that updated and amended up to 31st December 2014. Kenya Law has subsequently produced amendments and updates for the Grey Book 2014 edition. These updates, which are known as service issues, consist of all changes to legislation up to and including the year 2015. The Grey Book 2016 edition has also been prepared and finalized. This is due for printing by March 2017.
5. *Specialized Volumes:* Kenya Law has completed preparation of the Public Finance Volume, the Commercial Law Volume and the Land Law Volume and the same are due for printing in 2017. This shall incorporate amendments up to December 2016.
6. *Other Publications:* Kenya Law also partnered with the Finance Reporting Centre (FRC) and compiled the following acts into a pocket size booklet.
    - The Proceeds of Crime and Anti-Money Laundering Act No. 9 of 2009
    - The Proceeds of Crime and Anti-Money Laundering Act, No. 9 of 2009 (Revised Edition 2012)
    - The Prevention of Terrorism Act 2012
    - The Prevention of Terrorism Regulations 2013
    - The Proceeds of Crime and Anti-Money Laundering Regulation 2012

iii. Human Resources and Administration In The Financial Year 2015/2016

1. *Training Needs Analysis:* Kenya Law has 72 members of staff who have diverse qualifications ranging from lawyers to ICT experts. The training needs of this group are varied and specialized. Kenya Law commenced its first ever training needs analysis. This training needs analysis analyzed Kenya Law's Critical Performance gaps at the individual and departmental level, identify critical areas of training needs and develop a long-term training program which anticipates future needs, develops a mechanism for monitoring and evaluation of the effectiveness of training and develops a reference point of future trainings and programs to be undertaken by various departments and individual staff members. The Judiciary Performance Improvement Programme (JPIP) funded Training Needs Analysis.

2. *Trainings and Conferences:* Training and Development presents a prime opportunity to expand the knowledge base of members of staff. Kenya Law is committed to address weaknesses, improve employee performance, consistency in target delivery and employee satisfaction. All members of staff have undergone, at least one training in the year 2016.

3. *Job Evaluation:* Kenya Law completed the first phase of a job analysis exercise and has developed a job manual. This is part of the analysis of the public service by the Salaries and Remuneration Commission to determine the value of each job and its correlation to others so as to bring about harmony and value for work. Kenya Law has successfully completed its part and the SRC is now reviewing this job manual before approval and dissemination of their findings.

4. *Marketing & Branding for The Financial Year 2015/2016:* Kenya Law effectively integrated and coordinated various marketing initiatives in order to elevate the Kenya Law brand and to promote the sales of the Council's products. Some of the events attended in this period included;

    - Council of Governors, Devolution Conference
    - JKUAT Mentorship Forum
    - Law Society of Kenya CLE forums

5. *Customer Satisfaction Survey:* Kenya Law undertook a baseline customer satisfaction survey in order to gauge the level of customer satisfaction with Kenya Law's services and products. The overall objective of the survey is to assess the level of customer satisfaction with the aim of improving the efficiency of the Council in achieving its mandate. The customer satisfaction survey was concluded in December 2016 and the report is currently being reviewed with the objective of informing future developments of services and products at Kenya Law.

Finances in The Financial Year 2015/2016

Kenya Law has experienced growth in the demand for its services. This has necessitated that its budget should grow commensurate with this demand. However, despite having a budgetary expectation of Kshs.560 Million for the planned activities in the preceding three years, Kenya Law has only been allocated a budget of Kshs.260 Million per year. This amount includes personnel emoluments for all its members of staff. Kenya Law has therefore had to prioritize its activities accordingly.

Election Preparedness

Kenya Law has partnered with the Judiciary Committee on Elections and the Independent Elections and Boundaries Commission (IEBC) to ensure that there is adequate preparation for next years' elections. Kenya Law's partnerhsip is premised on the vast amount of jurisprudential data it holds in relation to election petitions and the laws of Kenya. This initiative aims to achieve the following;

- Collect and compile jurisprudence related to election petitions and petitions relating to all the contested governance positions in a general election
- Collect and compile all the relevant laws and regulations that touch on the six positions (President, Governor, Senator, Member of Parliament, Women Representative, Member of County Assembly) that are contested in a general election.
- Prepare a digest compiling jurisprudence on election petitions and the relevant laws for the benefit of judicial officers and returning officers
- Sensitization of judicial officers and returning officers on election petitions and all laws attendant thereto.

Achievements - Awards & Recognitions

Kenya Law has distinguished itself as an efficient and effective service oriented state corportaion. It received the following awards in the year 2016:

The Free Access to Law Awards, 2016

These awards were organized by the Free Access to Law Movement- Africa chapter, which consists of all the legal information institutes in Africa. Kenya Law won the inaugural Free Access to Law Award held in SA for being the leading publisher of public legal information in the continent.

FiRe Awards, 2016

The Financial Reporting (FiRe) Award is the most prestigious and coveted Award in East Africa for financial reporting. Kenya Law received two awards:

- 1st Runners Up- Best Public Finance Management category evaluating organizations looking at all aspects of resource mobilization and expenditure management in government.
- 2nd Runners up - IPSAS Accrual category (International Public Sector Accounting Standard which is the financial reporting standard for State Corporations).

The CIO Awards, 2016

The CIO100 Symposium seeks to identify and recognize 100 organizations in East Africa that have used I.C.T to impact their organizations goals. Kenya Law scooped two awards;

- Achievement of a Gold Mark in recognition of excellence in Enterprise Information Technology Adoption; and
- Award for deployment of technological solutions in the Public Sector

The Kenya Open Data Awards, 2016

These awards are hosted by Kenya Open Data and the I.C.T Authority, and are geared towards rewarding stakeholders in the open data space who have created innovations that make it easier for users to access and use open data. Kenya Law scooped two awards;

- The Public Institution Award for Celebrating high publishing standards and use of challenging data. This was in recognition of the high publishing standards of the Kenya Law Reports and the online content
- Innovation Award – This was to Celebrate open data used as a tool for innovation and in this case, Kenya Law's new and revamped case law database was lauded by the judges of the awards.

Challenges

Kenya Law has not been without its challenges. The mandate of the organization is wide, overreaching and highly technical. Its main partner, the Judiciary, has expanded both in number and geographical coverage, yet Kenya Law has not seen a commensurate expansion. Below is a highlight of some of the challenges facing the organization;

1. Limited manpower, especially because of the limited budgetary allocation
2. Inadequate budgetary allocation – including budget reductions

3. Lack of sufficient specialized training opportunities ie law reporting,
4. Limited ICT resources –both hardware and software
5. Slow procurement processes by funding partners

7.3.9 National Crime Research Centre

The National Crime Research Centre (NCRC) is a State Corporation under the Office of the Attorney General and Department of Justice. The Centre is established by an Act of Parliament, the National Crime Research Act CAP 62 Laws of Kenya. NCRC was operationalized in 2010 after it's delinking from the former State Law Office.

The establishment of the centre is in line with the International best practice where research has provided critical information on what works to impact on crime and disorder and has helped to generate programmes that can assist criminal justice agencies. The centre strives to foster co-ordination in international and regional research, sharing information, infrastructure and mutual assistance. The centre is offering practical cost effective solutions to crime that are geared towards improving people's lives.

(a) Research Activities Undertaken

1. *Report of a study of 'Election Crimes and Offences in Kenya'*

The study sought to address election crimes and offences in Kenya using the 2013 General Elections as a base. Election crimes and offences in Kenya contravene the Elections Act 2011 and other provisions of the Constitution and contribute to social, political and economic problems in society. The specific objectives were to: establish the prevalence of election crimes and offences by type; identify the perpetrators of election crimes and offences; examine the factors contributing to election crimes and offences; examine the effects of election crimes and offences; identify existing control measures and their effectiveness in dealing with election crimes and offences; identify players attempting to address election crimes and offences; and establish the challenges faced in the control of election crimes and offences.

Table 7.16: Where Election Crimes And Offences Occur By County

County	Occurrence of election crimes and offences
Nairobi	73 (96.1%)
Kirinyaga	40 (64.5%)
Laikipia	43 (82.7%)
Kitui	59(81.9%)
Nakuru	56 (76.7%)
Kericho	52 (89.7%)
Migori	40 (78.4%)
Siaya	49 (94.2%)
Kisumu	49 (92.5%)
Kakamega	65 (90.3%)
Bungoma	53 (89.8%)
Mombasa	56 (94.9%)
Kwale	48 (69.6%)
Tana River	47 (81.0%)
Marsabit	41 (77.4%)
Isiolo	40 (78.4%)
Uasin Gishu (Eldoret)	56 (88.9%)
Bomet	63 (98.4%)
Narok	67 (100.0%)
Garissa	53 (91.4%)
	1050 (85.9%)

Table 7.17: Leading Counties By Types Of Election Crimes And Offences

Types of election crimes and offences	Leading counties
Bribery	Siaya, Kisumu, Bomet, Narok, Garissa
Voter/ballot fraud	Kisumu, Kakamega, Mombasa, Tana River, Garissa
Hate speech	Nairobi, Kitui, Siaya, Kisumu, Narok
Fighting	Nairobi, Siaya, Tana River, Isiolo, Bomet
Voter intimidation	Kericho, Migori, Isiolo, Uasin Gishu (Eldoret), Garissa
Rigging of candidates during nominations	Siaya, Kisumu, Uasin Gishu (Eldoret), Bomet, Narok
Defacing of posters	Kirinyaga, Kitui, Mombas Mombasa, Bomet, Narok
Provision of food, refreshments, fare reimbursement and rewards to supporters	Kakamega, Mombasa, Isiolo, Bomet, Narok
Destruction of property	Laikipia, Nakuru, Kericho, Kisumu, Bomet
Use of violence	Siaya, Kisumu, Tana River, Marsabit, Garissa
Killings/murder	Nakuru, Migori, Bungoma, Bomet, Narok
Discrimination and/or being denied to vote (voter rights violations)	Nakuru, Kericho, Migori, Tana River, Narok, Garissa
Stealing of property	Nakuru, Kericho, Kakamega, Mombasa, Bomet
Looting of property	Kericho, Migori, Kisumu, Bungoma, Narok
Compromised election officials (mainly Presiding and Deputy Presiding Officers)	Nakuru, Migori, Siaya, Tana River, Narok
Assault	Bungoma, Mombasa, Marsabit, Bomet, Narok
Campaigning beyond IEBC given time	Kirinyaga, Laikipia, Siaya, Kisumu, Isiolo
Forceful displacement of populations (evictions)	Nairobi, Mombasa, Isiolo, Uasin Gishu (Eldoret), Bomet
Giving of alcoholic drinks to people to interrupt campaigns	Kitui, Nakuru, Siaya, Bungo, Mombasa
Rape	Nairobi, Nakuru, Isiolo, Bomet, Narok
Character assassination	Kirinyaga, Nakuru, Siaya, Bomet, Narok
Robbery	Laikipia, Migori, Kisumu, Bungo, Bomet
Arson	Kericho, Kisumu, Mombasa, Marsabit, Bomet
Burglary	Nairobi, Kirinyaga, Kisumu, Mombasa, Isiolo

Types of election crimes and offences	Leading counties
Unjustified use of public resources in campaigns (e.g, politicians' use of public resources in campaigns)	Kitui, Kakamega, Tana River, Marsabit, Narok, Garissa
Unjustified use of national security organs (e.g, unjustified police shootings and arrests)	Nairobi
Use of weapons by opponents	Narok

This study makes wide-ranging recommendations on legislative reform, capacity building for investigative officers and proper targeting of prosecution and sentencing of election offences.

2. *Report of a study on "Human Trafficking in Kenya"*

This study sought to understand the dynamics of human trafficking crime in Kenya; establish its main drivers and beneficiaries; determine the various typologies of human trafficking and make recommendations. It makes recommendation that include stricter application of the law; establishing the Counter-Trafficking in Persons Advisory Committee; enhanced government oversight of recruitment agencies and particularly those that are greatest service providers to the Middle East.

3. *Report of a study on "Emerging Crimes: The Case of Kidnappings in Kenya"*

The objective of this study was to understand the nature and character of kidnapping in Kenya; identify the kidnapping hotspots; profile the kidnapping by types and make recommendations.

Table 7.18: Kidnapping Hotspots

County	Responses	
	Ever heard of persons kidnapped in other areas of Kenya	Ever heard of persons kidnapped in this county
	Yes	Yes
Nairobi	89	86
Nyeri	67	58
Murang'a	60	60
Kirinyaga	76	76
Mandera	82	72
Wajir	78	51
Bungoma	54	22
Kisii	57	41
Siaya	54	34
Machakos	80	69
Embu	54	38
Meru	57	36
Nakuru	59	50
Migori	53	48
Laikipia	59	32
Baringo	53	21
West Pokot	71	58
Turkana	82	78
Kwale	74	39
Lamu	53	49
Total	**1312**	**1018**

Table 7.19: Types Of Kidnappings And Location

County	Responses on types of kidnappings					
	Kidnapping committed by a stranger	Kidnapping committed by an acquaintance	Being kidnapped and forced to withdraw money from an ATM	Inside kidnapping	Kidnapping committed by a family member	Virtual kidnapping
Nairobi	75 (83.3%)	70 (77.8%)	80 (88.9%)	78 (86.7%)	53 (58.9%)	65 (72.2%)
Nyeri	59 (88.1%)	55 (82.1%)	62 (92.5%)	54 (80.6%)	44 (65.7%)	46 (68.7%)
Murang'a	58 (96.7%)	53 (88.3%)	47 (78.3%)	35 (58.3%)	17 (28.3%)	31 (51.7%)
Kirinyaga	70 (92.1%)	68 (89.5%)	62 (81.6%)	53 (69.7%)	47 (61.8%)	43 (56.6%)
Mandera	68 (81.0%)	40 (47.6%)	23 (27.4%)	30 (35.7%)	24 (28.6%)	33 (39.3%)
Wajir	42 (52.5%)	12 (15.0%)	10 (12.5%)	5 (6.3%)	5 (6.3%)	7 (8.8%)
Bungoma	20 (37.0%)	16 (29.6%)	13 (24.1%)	10 (18.5%)	3 (5.6%)	11 (20.4%)
Kisii	38 (64.4%)	28 (47.5%)	11 (18.6%)	10 (16.9%)	10 (16.9%)	7 (11.9%)
Siaya	27 (49.1%)	18 (32.7%)	17 (30.9%)	12 (21.8%)	8 (14.5%)	11 (20.0%)
Machakos	62 (77.5%)	56 (70.0%)	59 (73.8%)	45 (56.3%)	29 (36.3%)	29 (36.3%)
Embu	30 (55.6%)	20 (37.0%)	27 (50.0%)	15 (27.8%)	9 (16.7%)	17 (31.5%)
Meru	27 (47.4%)	23 (40.4%)	26 (45.6%)	16 (28.1%)	11 (19.3%)	18 (31.6%)
Nakuru	44 (74.6%)	35 (59.3%)	42 (71.2%)	44 (74.6%)	26 (44.1%)	9 (15.3%)
Migori	47 (88.7%)	19 (35.8%)	1 (1.9%)	2 (3.8%)	9 (17.0%)	0 (0.0%)
Laikipia	28 (47.5%)	18 (30.5%)	22 (37.3%)	15 (25.4%)	14 (23.7%)	2 (3.4%)
Baringo	18 (34.0%)	10 (18.9%)	7 (13.2%)	15 (28.3%)	6 (11.3%)	0 (0.0%)
West Pokot	48 (66.7%)	17 (23.6%)	9 (12.5%)	4 (5.6%)	18 (25.0%)	4 (5.6%)
Turkana	73 (85.9%)	51 (60.0%)	15 (17.6%)	21 (24.7%)	35 (41.2%)	16 (18.8%)
Kwale	32 (43.2%)	13 (17.6%)	6 (8.1%)	3 (4.1%)	6 (8.1%)	3 (4.1%)
Lamu	48 (87.3%)	19 (34.5%)	6 (10.9%)	7 (12.7%)	10 (18.2%)	7 (12.7%)
Total	914 (68.9%)	641 (48.3%)	545 (41.1%)	474 (35.7%)	384 (29.0%)	359 (27.1%)

The study made several recommendations including enhancing the confidence and trust levels between security agencies and the public; vetting of security officers and ex-security agents; a more sophisticated use of technology for tracking including registration of all mobile phone sim cards; intensified community policing; public education and workers and informants protection regime to be created.

4. *Youth in Transition in Kwale and Bungoma*

NCRC undertook a study on "*Youth in Transition in Kwale and Bungoma County*". A draft report highlighting challenges of youth involvement in criminality has been prepared. The findings have also been used to prepare and roll out training programme on Crime and Violence for practitioners at the Kenya School of Government.

National Crime Mapping in 19 Counties

The Centre undertook Phase One (1) of a study on "National Crime Mapping in 19 counties" by 30th June, 2016. The remaining 28 counties will be covered by September, 2016. Although analysis of data is ongoing for all the 47 counties, one of the notable findings is that there is increased number of organized criminal gangs from the 46 groups established by NCRC in 2012 to over 120 groups in 2016 as shown below.

Table 7.20: Organized Criminal Gangs And Areas Of Operation

Name of Criminal Gang/Group	County area of operation
Alshabab	Narok, Nakuru, Laikipia, Lamu, Tana River, Kilifi, Kwale, Mombasa, Homabay, Trans Nzoia, Marsabit, Isiolo, Garissa, Wajir, Mandera, Kiambu, Nairobi
Boston Youth	Nakuru, Lamu, Homabay
Chinkororo	Narok, Lamu, Migori, Kisii, Trans Nzoia
Cuba	Laikipia, West Pokot
Gaza	Kajiado, Uasin Gishu, Machakos, Kiambu, Nairobi
Katamba	*Laikipia*
Mungiki	Kajiado, Nakuru, Laikipia, Uasin Gishu, Isiolo, Embu, Machakos, Makueni, Murang'a, Kiambu, Nyeri, Kirinyaga, Nyandarua, Nairobi
Roho Safi	Nakuru
South Gang	Laikipia, Homabay, Migori, Meru
Sungusungu	Nakuru, Kisii, Nyamira, Busia
Zagazaga	Nakuru
Gang 4	Nakuru, Garissa
Bongo 6	Nakuru
Bagdad Boys	Baringo, Mombasa, Kisumu
Young Thugs	Baringo, Nakuru, Kilifi, Siaya, Elgeyo Marakwet, Busia
Boda Boda Operators	Baringo, Nakuru, Mombasa, Siaya, Homabay, Trans Nzoia, Elgeyo Marakwet, Samburu, Kitui, Kiambu, Kirinyaga
Shabana	Baringo, Trans Nzoia
Kamangira Boys	Kajiado, Trans Nzoia, Kirinyaga
Syria	Narok, Trans Nzoia, Tharaka Nithi, Kirinyaga
Jeshi	Nakuru
Morans	Narok, Kajiado, Migori
Wakali Kwanza/Wakali Wao/Wakali Kabisa	Lamu, Kilifi, Mombasa, Homabay, Garissa
Kapopo	Tana River, Kilifi
Mombasa Republican Council (MRC)	Tana River, Kilifi, Kwale, Mombasa
Charu Shoto	Kilifi
Kaya Bombo	Tana River, Kilifi, Kwale
Mbira Boys	Kilifi
Home Boys	Kwale
Manambas/Touts	Kwale, Kitui
Maunga	Kwale
Funga File	Mombasa, Tharaka Nithi
Waiyo	Mombasa
Wasafi	Mombasa
Mawayu	Mombasa
Kumi Bila	Mombasa
Boko Haram-Shoda	Mombasa
40 Brothers/Thieves	Mombasa, Kisumu, Homabay, Machakos, Nairobi
KK	Mombasa
#86Team	Mombasa
9 Boys	Mombasa, Kisumu
Ten Town	Mombasa
Vietnam	Mombasa
Kunku	Mombasa
List Chafu	Mombasa
7 Brothers	Taita Taveta, Meru, Kakamega, Vihiga
Stars Group	Taita Taveta
China Squad	Kisumu
US Marine	Kisumu
42 Brothers	Kisumu, Bungoma, Vihiga, Nairobi
American Manate/Marine	Kisumu
Taliban	Kisumu, Nairobi
Saba Saba	Kisii, West Pokot
Simba Hill	Kisii
Vigilante Group	Nyamira, Kakamega, Kirinyaga
Ambish	Siaya
Mungao	Siaya

Name of Criminal Gang/Group	County area of operation
Mapepo	Siaya
Ahono Red/Green/Yellow	Siaya
Ngoroko	West Pokot, Turkana, Elgeyo Marakwet
9 Sisters	Uasin Gishu
Janja Whid	Trans Nzoia
Sabaot Land Defence Force (SLDF)	Trans Nzoia, Bungoma
Munga Munga	Isiolo
Qiap	Isiolo
Boys Tena	Isiolo
Ngoja Kidogo	Meru
Scorpion	Isiolo
Ngureko	Isiolo
Ngengora	Turkana
6 Brothers	Uasin Gishu
Super Power	Turkana, Nairobi
12 Sisters	Uasin Gishu
9 Brothers	Uasin Gishu
Eastern Mafia	Uasin Gishu
Kasanya	Isiolo
Takwa	Isiolo
Lala Chini Group	West Pokot
Kasauria	West Pokot
Ajer	Turkana
Wasanii	Turkana
Kangirisae	Turkana
Murenju	Elgeyo Marakwet, Kakamega
Mozambique	Meru, Kakamega
Militia	Wajir, Mandera
Shimbale	Mandera, Kakamega
Rasta	Embu
Commando	Embu
Moja Kwisha	Bungoma
Mkuki	Embu
Kapedo	Embu
Sokoni Youth	Narok, Kajiado, Baringo, Nakuru, Bomet, Kericho, Laikipia, Lamu, Tana River, Kilifi, Kwale, Mombasa, Taita Taveta, Kisumu, Siaya, Homabay, Migori, Kisii, Nyamira, Turkana, Nandi, Elgeyo Marakwet, Samburu, Marsabit, Machakos, Kitui, Kakamega, Vihiga, Nyeri, Nyandarua, Nairobi
Fimbo Family	Embu
Shymbo 12	Narok, Kajiado, Baringo, Nakuru, Bomet, Kericho, Laikipia, Lamu, Tana River, Kwale, Mombasa, Taita Taveta, Kisumu, Siaya, Homabay, Kisii, Nyamira, Samburu, Marsabit, Embu, Kitui, Kakamega, Vihiga, Nyeri, Nyandarua, Nairobi
Musukoma	Bungoma
CB 13	Makueni
CB 12	Makueni
Kabumai Defence Force	Bungoma
Chewing	Wajir
10 Brothers	Machakos
Msumbiji	Kakamega
Masing pasi	Kakamega
Kima Squad	Vihiga
Aringo Base Squad	Vihiga
20 Boys	Machakos
Harif	Garissa
Lomoiyan	Garissa
Reckless Squad	Vihiga
Kilunda	Kitui
Behewa	Kitui
King'ole	Kitui
Msibarau Group	Garissa, Busia
Kapulou	Busia
Uplands Group	Busia
Ikapalok Group	Busia
Marachi Republican Force	Busia
Bulanda Boys	Busia
Group Africa	Busia
Siafu	Nairobi
Kenda Kenda	Nairobi, Kirinyaga
Mulaki	Nyeri
Kamjeshi	Nairobi
Obbs	Kiambu
Ghettos	Kiambu
Young Brothers	Nairobi
Police	Laikipia, Kilifi, Busia

Capital Punishment and Capital Offences in 19 Counties

The Centre undertook Phase One (1) of a study on Capital Punishment and Capital Offences in 19 counties by 30th June, 2016. The remaining 28 counties will be covered by September, 2016. Data analysis is ongoing. The final report will provide useful information on perspectives of the Death Sentence in Kenya.

Collaboration

In collaboration with the Power of Mercy Advisory Committee, the Centre conducted public hearings on Capital Punishment and Capital Offences in 19 counties.

Challenges

1. Secretariat staff instability and reduced research performance due to challenges posed by transition of top management and Governing Council.
2. Understaffing which contributed to slowed implementation of activities. Research and Information Technology related activities were the hardest hit.
3. Insufficient funding which resulted in reduced programmes, shortage of necessary equipment, inability to train members of staff, delay in establishing Crime databank and inadequate publicity of the role of NCRC.

7.3.10 Kenya Association of Manufacturers

The Kenya Association of Manufacturers (KAM) is the representative organization for manufacturing value-add industries in Kenya, comprising of more than 850 members who cut across 16 sectors; all of whom are distributed in different Counties across the country. In pursuit of our core mandate of policy advocacy, KAM promotes trade and investment at County, National and International levels; upholds standards, encourages the formulation, enactment and administration of sound policies that facilitate a competitive business environment and promote the reduction of the cost of doing business.

Partnership with the Judiciary and Manufacturers

The following are highlight of the key activities, achievements and challenges during the FY 2015/16.

Key activities and achievements

The Key activities implemented jointly with the Judiciary are as follows:

- *Enforcement Manual on Illicit Trade*

  NCAJ and the Kenya Association of Manufacturers have partnered in a project aimed at combating and eradicating the spread of illicit trade in Kenya through an interagency cooperation approach. Phase I of the project involved the development of an enforcement manual which aimed at consolidating all the legal instruments on the subject and providing a theoretical framework on illicit trade in Kenya. Phase II of the project aimed to build and enhance the capacity of enforcement officers, the private sector and members of the public on combating illicit trade.

  The two phases were successfully realized. The Enforcement Manual on Illicit Trade launched by the Hon. Chief Justice, Willy Mutunga. The second phase supported creating awareness amongst the people and enhancing capacity of enforcement officers and provides a platform for in combating illicit trade in Kenya. The Association worked in collaboration with the Judicial Training Institute (JTI) and the Kenya Magistrates and Judges Association during their Annual General Meeting of 2014.

- *Business Court Users Committee*

  The Business Court Users Committee (BCUC) was launched in October 2015 by the Chief Justice, Dr. Willy Mutunga with it was well received by the private sector and Ministry of Industrialization amongst others. The BCUC brings together Justice Chain Actors from the commercial court and the private sector associations to discuss legal commercial matters. KAM is the secretariat to the BCUC and has played a pivotal role in expanding the private sector engagements in the Committee.

  The forum has allowed manufacturers to address their issues directly with the judiciary to ensure an expeditious process to support ease of doing business.

- *Commercial Law Guide Book*

  A task team was immediately formed to conceptualize the idea and spearhead its development. The Team was made up of Judicial officers nominated by KMJA, personnel from the KAM secretariat and representatives from the other contributors to the Publication who included, the Kenya Magistrates and Judges Association; Kenya Revenue Authority, Kenya Bureau of Standards, Kenya Industrial Property Institute; and Anti-Counterfeit Authority. The contributors all shared their legal procedures on their respective areas of expertise. One of the notable issues is the extensive stakeholder engagement the book underwent. Several meetings and focus group discussions with judicial officers were conducted across the countryto consolidate information on commercial litigation in the judiciary. The regions included Mombasa, Kisumu, Nyeri, Eldoret and Nakuru. The final draft book was further subjected to a stakeholder validation which included members of the business sector and the general public.

7.3.11 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, 2011 pursuant to Article 79 of the Constitution. Its mandate is to combat and prevent corruption and economic crime in Kenya through law enforcement, preventive measures, public education and promotion of standards and practices of integrity, ethics and anti-corruption. The Commission has initiated a number of programs in line with mandate namely: Law enforcement; Corruption prevention; public education and awareness creation and Partnerships, Networks and Coalitions against Corruption.

Achievements in FY 2015/16

The Commission achieved the following in the FY 2015/16

1. Law Enforcement

Table 7.21: Law Enforcement Achievements

Particulars	Achievements
Complaints and allegations received and processed	7,929
Reports on Ethical breaches	238
Complaints taken up by the Commission	3,856
Completed Investigations (Files) submitted to DPP	167
Value of Illegally Acquired and Unexplained Assets Traced	Kshs. 3,861,000,000
Proactive Investigations – Averted loss approximately	Kshs. 2,600,000,000
Civil Proceedings – value of assets recovered	Kshs. 700,582,155
Applications for Preservation of assets made	20
Cases filed against the Commission	32

2. Recommendations towards Review of the Legal, Policy and Institutional Framework for Combating Corruption in Kenya

   The Commission was a key member of the Task Force on Review of the Legal, Policy and Institutional Framework for Combating Corruption in Kenya through which far reaching recommendations towards reviewing and strengthening the entire spectrum of laws and institutions involved in the fight against corruption were proposed.

3. Development of a National Ethics and Anti-Corruption Policy:

   The draft NEAP was finalized and is in the process of dissemination to the public, pending adoption by stakeholders.

4. Review of Implementation of the United Nations Convention against Corruption (UNCAC)

   Kenya is a signatory to and member of the UNCAC. The Convention provides important benchmarks on the appropriate tools, laws, mechanisms and institutional arrangements towards effective combating and eradication of corruption. The country Review Report was adopted by the Conference of State Parties in November, 2015, and recommendations are in the process of implementation, so as to align the country's legal and institutional framework to the Convention principles. The Country Report for Kenya is now an internationally adopted document; and is expected to be published for dissemination in the current year. The Commission is expected to play a central role in spearheading the implementation of recommendations contained in the report.

5. Reforms under the Multi-Agency Team (MAT) Collaborative Framework

   The Multi-Agency Team (MAT), established in November 2015, bolstered the fight against corruption as it enhanced investigations and allowed for; joint investigations where necessary, sharing of information, and quick interventions in investigations, recovery and or preservations of property acquired through corruption and or organized crimes. The initiatives have created positive impact in the fight against corruption and economic crimes.

Table 7.22: Promotion of Ethics and Integrity through implementation and enforcement of Chapter Six of the Constitution on Leadership and Integrity

Particulars	Achievements
Finalized cases on ethical breaches forwarded to DPP	4
Entities supported in development of specific Leadership and Integrity Codes for State officers	119
Notices issued to institute proceedings in the High Court	58
Cautions to public entities and persons in violation of Chapter Six and LIA	120
Advisories given on chapter 6 of the Constitution and LIA	188

Corruption Prevention: The Commission completed two system reviews on two public bodies, aimed at identifying loopholes for corruption in their system of work. Further, the Commission conducted Corruption Risk Assessments (CRAs) at the Council of Governors and 13 County Governments (Executive and Assemblies) with the aim of identifying and profiling Corruption Risks in public institutions and advising on the strategies that should be implemented to mitigate the identified risks. The Commission also provided 1,370 advisories to 265 public institutions under the Performance Contracting (PC) framework and also to 13 Counties not included in the Performance Contracting. The advisories focused on mapping out corruption prone areas in operational systems and procedures; developing strategies and measures to address corruption and unethical practices in operational systems and procedures; and developing and enforcing codes of conduct, anti-corruption policy and anticorruption action plan. At the end of the advisory programme, respective county governments signed an action plan for implementation of anti-corruption measures

Public Education and Awareness Creation: The Commission undertook County Anti-Corruption Outreach Programmes in four (4) counties; conducted County Public Education Forums in four (4) Counties thereby reaching over 260,000 people. Further, the Commission trained 910 Integrity Assurance Officers (IAOs) and 1,440 Corruption Prevention Committees (CPCs) members; 1,878 County Governments Officials; 1, 118 participants drawn from Faith Based Organizations; and 100 Community Based Anti-Corruption Monitors (CBAMs). The aim of these training programmes and sensitizations is to mainstream anti-corruption, ethics and integrity at the institutional and grassroots level. In addition, media education programming was also undertaken- through television, national and vernacular radio stations and print media. In line with its public education mandate, the Commission developed Information, Education and Communication (IEC) materials in both Kiswahili and English languages focusing on anti-corruption laws and the foundational understanding of corruption and anti-corruption processes in Kenya. A total of 124,650 assorted IEC materials were disseminated.

Partnerships, Networks and Coalitions against Corruption: The Commission continued to build partnerships, networks and coalitions in the fight against corruption and unethical conduct. This is spearheaded through the Kenya Leadership and Integrity Forum (KLIF) which is a national integrity system set up to coordinate a unified sector-based strategy for preventing and combating corruption. The KLIF platform brings together fifteen sectors in the Country, namely the Legislature, Judiciary, Executive, EACC, Education, Watchdog Agencies; County Governments; Private Sector; Media; Enforcement Agencies; Professional Associations; Labour; Civil Society; Religious Sector; and Constitutional Commissions. EACC is currently the Secretariat for KLIF. Through this Forum, the Commission spearheaded the formulation of The Kenya Integrity Plan (KIP), a sector-based Plan that provides a framework for the design and implementation of anti-corruption initiatives by stakeholders.

Challenges:

A number of challenges impacted negatively on the execution of EACC mandate during the reporting period. These include:

1. *Law enforcement* : Acute staff shortage; the expanded mandate under Chapter Six of the Constitution and the Leadership and Integrity Act, 2012; and lengthy legal process for Mutual Legal assistance which hampers conclusion of investigations into cross border corruption and economic crimes; slow judicial process and numerous constitutional review applications; strengthening for the policy and legal framework for anti - corruption, ethics and integrity and lack of National Ethics and Anti-Corruption Policy Framework

2. *Corruption prevention*: The key challenge is the lack of power by the Commission to enforce systems review recommendations made to public institutions to seal corruption loopholes and strengthen systems of service delivery and operations. Other challenges include Inadequate Budgetary allocation to EACC for regional expansion and recruitment of personnel

3 *Public Education and Awareness Creation*: Key challenges include: Inadequate support and cooperation of county governments; political interference in the fight against corruption.

7.3.12 Kenya National Commission on Human Rights

The strategic objective for Kenya National Commission on Human Rights (KNCHR) is to promote the respect and observance of human rights standards by public and private actors. The following were the activities undertaken during the reporting period:

1. *With National Police Service (NPS)*

KNCHR has collaborated with the NPS to develop draft guidelines on the management of peaceful demonstrations for the realization of the right to peacefully demonstrate and picket provided for under Article 37 0f the Constitution. Further the two agencies in partnership with other stakeholders have developed draft guidelines on the use of force and firearms. KNCHR undertook Audit of the status of security sector reforms. The report has been published and disseminated and will serve as a useful resource in the ongoing reform of the sector.

2. *Insecurity and Human Rights*

KNCHR in collaboration with National Gender and Equality Commission (NGEC) and Independent Policing Oversight Authority (IPOA) successfully held public hearings on the Impact of Insecurity on Human Rights in the North Rift and Coastal regions of the Country.

3. *Persons Living with Disability - PWDs*

A research study was conducted in two counties (Taita Taveta and Mandera) focussing on Implementing Article 12 of the Convention on the Rights of Persons with Disabilities regarding legal capacity in Kenya.

4. *Access to Justice For Human Rights Defenders*

KNCHR and Judiciary Training Institute (JTI) jointly developed a training module on human rights defenders for judicial officers. The module aims at guiding the judicial officers to have a holistic view of human rights defenders and their work and their role towards realizing a culture of human rights in Kenya. It is pending adoption.

5. *National Council for the Administration of Justice*

KNCHR has continued to contribute towards the goal of the NCAJ platform. Key areas involved in within the reporting period includes;

- Development of the bail and bond guidelines.
- Discussion around the development of the sexual offender's register.
- Attendance and active participation in the Technical meetings specifically on CUCs subject.
- Active participation in the NCAJ Special taskforce on children matters, such as review of the children's Amendments Bill, development of children court guidelines, conducting circuit visits to children's institutions and homes for inspection and identify the needs with a view to advising appropriately.
- Active participation in the NCAJ-Taskforce on AJS where guidelines are being developed among others addressing legal aid, sentencing.
- Active participation in the National Advisory committee on counter trafficking in persons (CTiP) has enable KNCHR to get involved in building the capacity of the judicial officers on the CTiP Act, 2010 and how to effectively support Government's effort to combat the crime.

6. *Alternative Dispute Resolution (ADR)*

The Judiciary referred matters to the Commission to supervise implementation of the Court decision for instance the balloting exercise for allocation of houses in the Kibera Slum upgrading project (Petition, David Ngige Tharau & 128 others versus Principal Secretary Ministry of Land, Housing and Urban Development, the Attorney General and Soweto East 'a' housing Co-Operative (Interested Party). The Commission ensured that the 691 houses constructed by the government under the slum upgrading project in Kibera were allocated to the rightful beneficiaries. In his ruling, Justice Odunga directed that "the allocation of units be overseen by representatives of Kenya National Commission on Human Rights to ensure that only those genuinely entitled to benefit of the project reap therefrom".

Section 29 of KNCHR's Act 2011 empowers the Commission to deploy mediation, negotiation, and conciliation to resolve matters. However internal capacity to utilize this provision has largely been lacking in the commission. To address this situation, KNCHR built the capacity of 37 staff and Commissioners in ADR, developed an ADR training, an ADR manual alongside case identification guidelines. Thus, the institutional and instructional capacity of KNCHR to effectively use ADR in case resolution has been strengthened. The guidelines have been published and widely disseminated within KNCHR and with its referral partners. A total of 94 cases were resolved mainly by deploying mediation, conciliation and negotiation; majority of them touching on labour issues, specifically withholding of terminal benefits by employers, family disputes, others involved security officers acting more than their mandate as well as those that were resolved in compliance with a court order that appointed KNCHR to oversees fair allocation of Kibera housing project.

7. *Legal Aid Clinics*

KNCHR in partnership with referral partners conducted six free Legal Aid Clinics in Nairobi and Meru Counties jointly with the referral partners who included the office of the Judiciary Ombudsman. A total of 900 members of the public were sensitized on human rights while 19 referral partners were involved. Key subjects covered included the mandates of the various agencies involved, human rights, law of succession, access to justice rights, civilian policing authority mandate, a plenary session was followed by a legal aid session which enable the public to interact and lodge complainants to the participating agencies one on one. KNCHR recorded a total of 90 complaints which were received.

8. *Complaints and Investigations*

A total of 3,335 complaints were received and processed by KNCHR use of different strategies such as; providing legal advice, referral to partners with better mandate to deal, use of alternative dispute resolution methods to resolve, conducting field investigations on admitted complaints, holding strategic meetings with state and non-state actors, offering psycho-social support services to petitioners who required such services, towards alleviating their psychological suffering to uphold human dignity. A total of one hundred and twenty (120) investigations into human rights violations and various follow up actions were undertaken towards redress. Four meetings were held with IPOA, NPS, ODPP and

Parliamentary committees to discuss investigations, findings and identify appropriate resolution measures. KNCHR undertook review of its complaints management system and launched a free SMS based platform (sms No. 22359) for lodging complaints for effective management of complaints and reporting on human rights violations.

9. *Public Interest Litigation*

KNCHR participated in PIL through either originating petitions in its own name or joining existing petitions filed by other parties which have a major public interest component either as amicus curiae or an interested party as appropriate.

(a) Petition 19 of 2015 MUHURI and HAKI AFRICA vs. Inspector General of Police and 4 others.

The petition was filed by the two NGOs following a Gazette Notice issued by the Inspector General of Police giving them, amongst others, 24 hours to show cause why the IGP should not recommend to the Cabinet Secretary that the Petitioners be declared as specified entities in accordance with Section 3 of the Prevention of Terrorism Act (No. 30 of 2012). The petitioners made an application to seek conservatory orders against the respondents from listing them and an order to unfreeze their accounts. The Commission joined as amicus in this petition stating that Article 24 of the Constitution provides for the qualifications that guide lawful limitation of freedoms and rights, including judgment was delivered on 12th November 2015 and the court held that the actions of the IGP were ultra vires the powers given to him under the POTA and that he had no powers to gazette any entity as those were powers specifically reserved for the Cabinet Secretary. Second, that the action of freezing the accounts was unconstitutional and therefore ordered that the accounts be unfrozen forthwith. The court further added that, the actions of the IGP contravened Article 47 of the Constitution and more so the right to reasons before any action is taken adversely against any person.

(b) Petition No. 484 of 2014 - L.N.W vs. Attorney General and Another

This was a case in which an anonymous single mother (L.N.W, sued the Registrar of Births and Deaths petitioning the court to declare S.12 of the Registration of Births and Deaths Act unconstitutional for violating express provisions of the Constitution of Kenya and other laws. The section under discussions stipulates as follows: - "no person shall be entered in the register as the father of any child except either at the joint request of the father and mother or upon the production to the registrar of such evidence as he may require that the father and mother were married according to law, or in accordance with some recognized custom". The Commission joined the Petition as amicus and the Department filed its submissions on the matter in 2015 after directions following an ambiguity involving a similar case in another court. Judgment was delivered on 26th of May 2016 and the court, in tandem with the Commission's submissions, declared Section 12 of the said Act as unconstitutional thereby confirming all children born out of wedlock the right to have their father's name recorded in their birth certificates.

(c) Criminal Appeal No. 101 of 2015 Kyalo Mutua Muthiani vs. the Republic

The Commission filed this appeal on 24th June 2015. It involves a minor who was committed to death row at Kamiti Maximum Prison for a charge of Robbery with Violence on his own plea of guilty. The Commission argued that the minor's right to fair hearing as envisaged in Article 50(1) (h) was violated as the State did not assign an advocate to represent him during trial. Second, that he was serving his sentence in a maximum prison for adults instead of being detained in a borstal institution. Further, that the trial Magistrate in the lower court contravened section 190 of the Children Act by handing a death sentence to a minor. The Commission urged the court to acquit the appellant on the stated grounds and the same was granted on 23rd November 2015.

10. *Monitoring Compliance with Human Rights Obligations and Legislative Review.*

KNCHR successfully prepared and submitted reports on state compliance under the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Rights of the Child (CRC) and Convention on the Rights of Persons with Disability (CRPD) which were due for review. The processes entailed broad consultations with both GoK relevant departments and CSOs.

Similarly, KNCHR convened its partners to prepare the country report under the Universal Periodic review (UPR). The Joint Parliamentary Committee heavily relied on the submissions of the KNCHR as evidenced in its final report and adopted 90% of the KNCHR proposals in the now enacted Election Amendment Bill of 2016. The Commission therefore engaged with African Commission Special Rapporteur (Commissioner Pansy Tlakula) to lobby the state to put in place an access to information legislation in line with Article 35 of the Constitution of Kenya and international human rights law. It resulted to enactment of Access to Information Act, 2016.

Challenges

1. Despite the heavy investment in security sector reforms by the different stakeholders, the public is yet to fully benefit in the current democratic policing regime as poor service delivery remains an issue.
2. Despite the gazettement of recruitment and appointment regulations by the National Police Service Commission, the application of the same is wanting.
3. The Commissions' interactions with Human Rights Defenders (HRDs) has revealed that defenders in conflict with the law face challenges in accessing justice. They face hostility in courts through issuance of excessive bail terms and in cases as a reprimand yet the underlying human rights violation causing the HRD to raise voice/act remains unattended.
4. Insufficient budget to support its programmatic interventions.
5. Inadequate staffing that threaten to cripple realization of KNCHR's mandate which is addressed in one of the elaborate chapters in the Constitution- Bill or rights.

7.3.13 Kenya Human Rights Commission

The report looks at the work conducted by the KHRC relevant to the State of the Judiciary and the Administration of Justice. It is grounded on the KHRC's mandate of *entrenching human rights centred governance*. It primarily focuses on the issues and interventions implemented by the Commission, mainly at national levels, but others escalated to regional and international platforms.

The report also highlights some of the key contextual challenges that the commission has faced in the last year. It's organized against the relevant results and activities undertaken within the period under review-especially on the political and policy processes on the pertinent human rights and governance issues highlighted below:

1. *Shaped policy and political conversations on electoral governance processes in Kenya.* Through:

- The CEO/ Secretary of IEBC confirmed that KHRC's memo to the Commission indeed informed the development of their 2016-2020 strategic plan

- The recommendations of the report 'Electoral Stakeholders Recipe for Reforms,' produced by the Technical Working Group on Elections of which KHRC is a part, were endorsed by the Vice-Chair of the IEBC who noted that they resonate with issues identified in their strategic planning process.
- It also provided recommendations on how to strengthen election related institutions and their interactions with other actors through policy briefs on the performance of the IEBC, Judiciary, CSOs, Political parties and the office of the Registrar of political parties.
- KHRC through its field monitors undertook the monitoring of over 11 by-elections since the 2013 general elections after which the findings and recommendations were consolidated and shared through a policy brief. The findings and recommendations were shared during a consultative meeting convened by KHRC that was attended by 53 representatives from CSOs (including the media) and other key actors[1].
- Established the '*Kura Yangu, Sauti Yangu*' (My Vote, My Voice) coalition to advance political dialogue and action on electoral issues[2] that will highlight key electoral issues that need political interventions, encourage public discussions around those issues, collect proposals for solutions and encourage the implementation of such proposals. The coalition has so far conducted bi-lateral meetings to introduce the movement, explain its objectives and to seek support with a number of institutions[3].

2. *Informed key policy decisions on the security governance processes*. Through:

- KHRC deepened pressure on the Kenyan State to comply with human rights norms and respect its international obligations when addressing terrorism. Specifically, the African Court on Human and Peoples Rights (ACHPR) adopted a resolution on terrorist acts in Kenya. See: http://www.achpr.org/sessions/56th/resolutions/302/?pm=1. KHRC shared a country brief_ and delivered a 5 -minute oral statement on the Human Rights Situation in Kenya during the ordinary session of the ACHPR. This resulted in Kenya's Country Rapporteur sponsoring a Resolution on Terrorist Acts in the Republic of Kenya.
- KHRC undertook reviews of the Public Order Act, the Prevention of Terrorism Act and Official Secrets Act with a view to supporting advocacy aimed at reforming these laws to conform to the constitution and will look to support public interest litigation on the same. KHRC issued a press statement condemning deregistration of MUHURI and the Agency for Peace and Continued Development. This was after the Inspector General of Police enumerated through Gazette Notice 2326, that these organizations where allegedly involved in funding terror activities.

3. *Informed public debates and decisions on the resolution of historical injustices in Kenya*. Through:

- During a side event at the ACHPR, convened by KHRC and the Centre for the Study of Violence and Reconciliation, a Resolution on the Right to Rehabilitation for Victims of Torture was proposed. A draft resolution was later submitted to the Chair of the Committee on the Prevention of Torture in Africa (CPTA) for consideration. The Commissioner sponsored an amended version of the resolution and it was subsequently adopted by the ACHPR. See: http://www.achpr.org/sessions/56th/resolutions/303/
- KHRC acted as advisor to the Directorate on National Cohesion that was tasked with developing an implementation framework. KHRC inputted into the ToRs for an Inter-Agency Committee to oversee the formulation of a policy for the implementation framework.
- KHRC supported the National Survivors Victims Network in preparing a public petition on the implementation of the TJRC report which was subsequently tabled in the National Assembly by Hon. Abdullahi Mohamed Diriye. This petition secured a commitment from the Leader of Majority in the National Assembly to have the TJRC report debated in 2016.
- KHRC is currently a party to two Public Intres Litigation cases that seek to advance durable solutions for IDPs. One case seeks a declaration that the petitioners and all internally displaced persons have all rights and guarantees as provided for under the constitution; declaration that the IDPs are entitled to reparations and or just compensation; declaration that the IDPs are entitled to participate in the decision making process and the implementation of all the policies that the respondents make and implement in respect to the IDP Camps and the individuals who resided in IDP camps and; an order for reparation, compensation, or a combination of both. The second case seeks reparations, justice and accountability for the victims of Sexual and Gender Based Violence in the 2007 Post Elections Violence. Both cases are currently at the substantive hearing stage and have the potential to advance progressive jurisprudence on durable solutions and reparation for IDPs.
- Ensured continued reparations and progressive court decisions in respect to the former Nyayo House Torture survivors in Kenya. To date 157 cases have been adjudicated in court with cumulative monetary awards of Ksh 512,257,350.50.
- Ensured Reparation for Mau Mau Veterans:
- KHRC with the British High Commission and MMWVA unveiled the Memorial for Victims of Torture and Ill Treatment during the Emergency Period of the Colonial Era. The event held on September 12, 2015 had over 15,000 veterans in attendance together with heads of diplomatic missions, government representatives and partners within civil society and served to illuminate the necessity of instituting memorialization efforts for gross human rights violations as recommended in the TJRC report.

- KHRC oversaw the remittance of funds to the beneficiaries of a 2013 settlement between the British government and victims of torture during the emergency period of the colonial era. Of the 5,228 beneficiaries entitled to compensation, only 46 were yet to receive their settlements. The MMWVA are assisting in locating the beneficiaries of some of the estates so that their succession matters can be dealt with. 30 clients are being supported to obtain their compensation.

4. *Involved in the development of the national action plan on business and human rights*.

KHRC was appointed a member of the steering committee for the National Action Plan on Business and Human Rights development process. This was subsequent to KHRC informing to the Department of Justice that it would conduct a National Baseline Assessment on Business and Human Rights which was a critical pre-requisite in the development of the National Action Plan on Business and Human Rights.

5. *Developed a human rights framework on devolved governance*. Through:

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[1] IEBC, Registrar of political parties office, donors, government institutions and political parties. Notably, the registrar of political parties (Ms. Lucy Ndungú), the IEBC Chief Elections Officer (Mr. Ezra Chiloba) and senior party officials from Ford people, Orange Democratic Movement, United Republic Party, Narc-Kenya, Kenya African National Union, and Ford- Kenya attended the meeting.

[2] KHRC (the current secretariat), the Constitution and Reforms Education Consortium (CRECO), Inform Action, the CSORG, the African Center for Open Governance (AFRICOG), the Kenyan Section of the International Commission of Jurists (ICJ Kenya), Katiba Institute, the Independent Medico-Legal Unit (IMLU), Inuka Trust, Kenyans for Peace with Truth and Justice (KPTJ) and Freedom House.

[3] The women's movement, the Kenya Correspondents Association, the Law Society of Kenya, Federation of Kenya Employers, Developmental partners, Inter – religious council, Kenya National Union of Teachers, and the Independent Electoral and Boundaries Commission.

- "The ten-point model county award criteria and scheme: A human rights centred framework on devolved governance." This is a tool for capacity building, policy engagement, benchmarking and monitoring and is modeled on existing legal frameworks (constitution, statutes and treaties), best practices and KHRC's experience in human rights and accountability.
- It was endorsed by 21 counties, independent commissions, government departments such as Kenya Law Reform Commission, Department of Justice State Law Office, Directorate of Cohesion, Ministry of Devolution and Planning, Transition Authority, Council of Governors, County Assemblies Forum, Ministry of Planning and Devolution Department of Monitoring and Evaluation, MCAs and Executives of Nakuru, Wajir, Kwale, Isiolo, and Nyeri Counties.
- It was also endorsed by the civil society under the auspices of the Devolution Forum during a national forum on Public Participation that brought together about 100 CSOs and 15 partners CSOs of Trocaire. Further to this, the framework which was dis used at the meeting informed the drafting of the communique that was developed at this conference.

6. *Fostered actions towards ensuring effective participation of the marginalized communities in governance processes*. Through:

- *The Constitutional* Amendment bill No 4 of 2015 for immediate realization of the two thirds gender rule was tabled in parliament. KHRC, under the Green Amendment Campaign, and our community based partners presented to the Justice and Legal Affairs committee in Nairobi, Mombasa, Kisumu, Kitale, Nyeri and Isiolo a memorandum to prevent the proposed Constitutional amendment that would allow the two thirds gender rule to be implemented progressively. The memorandum became a point of reference for equality actors to advocate and push for the upholding of the Constitutional two thirds gender rule principle.
- In the 57th Session of the ACHPR, KHRC conducted a panel discussion on the political participation of women and PWDs in Africa. The panel discussion requested the African commission to call on states to put in place mechanisms that will move political representation to parity and urged that states consider adopting proportional representation as they undertake legal and constitutional reform as well as quotas.
- The ACHPR requested the Kenya government to report on the ethnic distribution of all key positions i.e. elective, appointive and employment. This is the result of KHRC's alternative report on Kenya that showed the glaring gap in ethnic, gender and PWDs inclusion in government positions.
- The UN Committee on the Rights of PWDs recommended that the Kenyan government come up with a mechanism to stop the enforced sterilization of women with disabilities. This is a result of KHRC giving this recommendation during the review of Kenya at the 14th Session.
- KHRC was appointed by the Ministry of Labour and Social Services to join the Convention of the Rights of Persons with Disability (CRPD) Working Group so that it can work with government agencies/departments to ensure that the recommendations from the CRPD committee are implemented.
- KHRC will lead the CRPD working Group to ensure the recommendations made by the Committee regarding policy and legislation in Kenya are implemented.

7. *Shaped public conversations on the rights of the stateless communities in the society*. Through:

- The Commissioner responsible for refugees, immigrants and displaced persons at the ACHPRs asked the Kenyan government to indicate the measures that they are taking to end statelessness in Kenya. This was achieved through KHRC including challenges in achieving the right to nationality through its statement, parallel report and advocacy charter at the ACHPR.
- KHRC became a member of the Africa coalition on the right to nationality, in recognition of KHRC's advocacy for the ratification of the draft protocol on nationality.
- Stateless communities at Coast have increased the ease with which government officers can reach them during the period of profiling and registration:
- The Makonde community set up their own structures to ensure that all eligible Makonde get Kenyan Citizenship. For example, the Makonde, through their members who have a Kenyan citizen for a parent, have registered a self-help group and are distributing Makonde identification badges. So far 150 Makondes have a Community Identity badge.
- The Pemba community and people of Rwandese and Burundian descent now also want to organize themselves.
- Communities now understand the: legal amendments, process of profiling and the need to be organized and visible so that they can better engage with the registration process.
- KHRC held monitoring visits with each community and hosted a feedback dialogue with over 500 stateless persons to strengthen community understanding and mobilization.

8. *Enhanced the protection and recognition of the LGBTI communities at different levels*. Through:

- During the 56 session of the ACHPR, KHRC took part in developing strategies for ensuring the granting of observer status to Coalition of African Lesbians (CAL)
- During the 57 session after the granting of observer status to CAL, and subsequent attempted revocation by the African Union executive political committee, KHRC provided cover for CAL by reading a statement on their behalf.
- KHRC crafted mechanisms to have a successful litigation on the interference of the ACHPR by other African Union organs.
- Continued awareness of the violence, discrimination and repression faced by LGBTIQ persons in Kenya through institutional support especially the gay and Lesbian Coalition of Kenya (GALCK) and the National Gay and Lesbian Human Rights Commission (NGLHRC), capacity building and supporting the Gay and Lesbian Coalition of Kenya to celebrate International Day against Homophobia and Transphobia (IDAHOT) among other interventions.
- Persons accused of committing 'unnatural acts' in Kwale were released on bail with KHRC's support.

9. *Ensured timely response to emerging human rights violations*. Through:

- KHRC developed a framework for monitoring, documenting, analyzing and responding to violations in a more systematic and cohesive manner as a result of the development of human rights reporting framework.

- This framework has enabled KHRC to develop an annual state of human rights report for 2015 entitled "Where Inertia Meets Regression." It will be published to expose the status of protection and violation of human rights in Kenya.
- Increase in the number of clients served by KHRC through legal aid to 1000 in the current year. Most cases attended to where labour, land, extra judicial killing, police harassment or torture related. KHRC resolved a number of cases of non-payment of final dues by companies through alternative dispute resolution mechanisms. KHRC also assisted a gentleman who due to discrimination had suffered one attempt on his life (he was thrown from the fourth floor to ground floor of a building) and was continuing to receive threats.
- KHRC has been engaged with 16 PIL cases related to the rights of IDPs, workers, families of the victims of extra judicial killings, torture survivors, LGBTI persons, freedom of association, integrity of public officers, and victims of the loss of land and property.
- Through a partnership with SOMO, under the project named "*Standing up for our rights*" KHRC conducted a fact-finding mission in Kwale County to ascertain the human rights violations by Kwale International Sugar Company Limited (KISCOL) with the aim of assisting the communities to draft a complaint based on information gathered. KHRC also concluded the study on the "*Human Rights Consciousness of the Environmental Impact Assessment Process in Kenya*".

Challenges

1. The shrinking civic space and culture of impunity as exhibited by the retrogressive legal and administrative actions at the county and national levels.
2. Lack of political goodwill to implement the Constitution of Kenya and other progressive national, regional and international policy instruments.
3. Ineffective administration of justice occasioned either by delayed court decisions or failure by the executive and legislative to obey court decisions; for instance while the IDPs has taken more than 5 years in court, at times, the decisions on the reparations to the former Nyayo House torture survivors, take long to execute.

10. *Advocated for the protection of the shrinking civic space.* Through:

- Partnership with the Civil Society Reference Group, KHRC continues to advocate for the implementation of the Public Benefits Organizations Acts; the development and implementation of the necessary regulatory frameworks and the protection of human rights defenders.
- KHRC(through political and legal actions) successfully fought and reversed the States 'attempts to vilify, deregister and freeze the accounts of KHRC, MUHURI, HAKI Africa and other NGOS. KHRC also highlighted to the public the incorrect nature of many accusations by the NGO Board against CSOs.

7.3.14 Independent Policing Oversight Authority

Independent Policing Oversight Authority (IPOA) was established on 18 November 2011 through IPOA Act No. 35 of 2011. The principal functions of the Authority among others are to: Investigate any complaints related to disciplinary or criminal offences committed by any member of the National Police Service and make recommendations to the relevant authorities; receive and investigate complaints by members of the Police Service; Monitor and investigate policing operations affecting members of the public; Monitor, review and audit investigations and actions taken by the Internal Affairs Unit (IAU) of the Police Service in response to complaints against the Police and keep a record of all such complaints regardless of where they have been first reported and what action has been taken; conduct inspections of Police premises, including detention facilities under the control of National Police Service (NPS).

The envisaged outcomes of the Authority as stipulated in the Strategic Plan 2014-2018 are: Compliance by police to human rights standards; Restored public confidence and trust in police; improved detention and police premises; a functional Internal Affairs Unit (IAU); a model institution in policing oversight in Africa.

Complaints Management

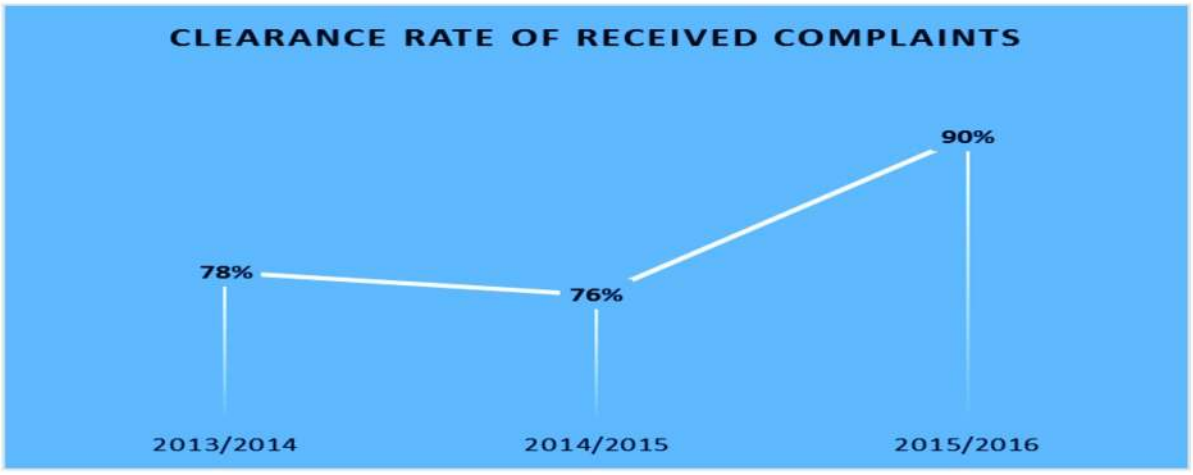
Between July 2015 and June 2016, complaints received and cleared through the Complaints Intake Committee rose from 1752 the previous year to 2529 in the FY 2015/16. Out of the received complaints, 603 were recommended for investigations by IPOA, 238 referred to IAU, 172 to NPSC and 256 to NPS. The greatest proportion of 38 % was for IPOA's further actions followed by NPS at 25% and IAU at 17%. Cumulatively since the Authority's inception, 6,978 have been received through a gradual growth as in Figure 7.3 below:

Figure 7.3: Trend On Number Of Complaints Received Per Year

Trend on clearance[4] rate on complaints received by the Authority has been improving over the years as illustrated in figure 7.4 below. The Authority is committed to improving the rate to 100% in 2016/2017.

[4] Refers to the point at which recommendations and subsequent referral is made for complaints appraised by the Complaints Intake Committee.

Figure 7.4: Trend On Clearance Rate Of Complaints Over The Years



Source of the Complaints and Admission Status

During the report period, complaints were received from various sources as shown in Table 7.23 below. It is clear that the largest proportion of the complaints (76%), is directly from the public and the least (5%) from the police. It is worth noting that the 19% from the state & non-state agencies were on behalf of aggrieved members of the public.

Table 7.23: Sources Of Complaints

Source	Number	Percent
Police	136	5%
Public	1,911	76%
Non-state actors	258	10%
State agencies	224	9%
Total	**2529**	**100%**

Out of 2,529 complaints, 1773 were within the Authority's mandate. It is worth noting that 756 complaints in the year were outside IPOA's mandate translating to 30%. This is a rise from the previous downward trend as presented in figure 7.5 below. The upward rise of complaints outside the mandate will be addressed through heightened publicity on IPOA's mandate.

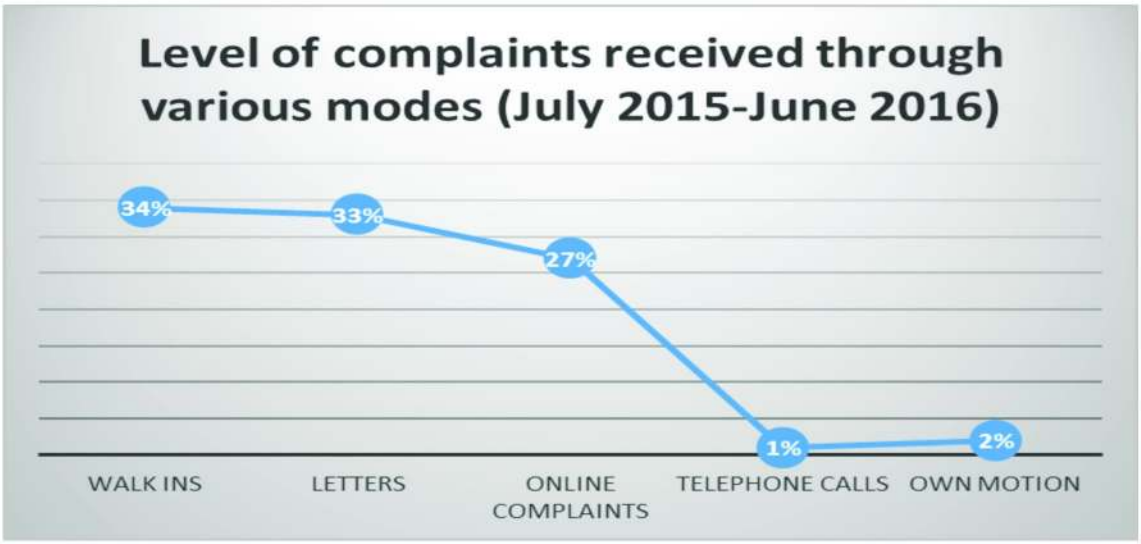
The Authority will continue to publicise and create awareness on IPOA's mandate among the public and the police which is expected to reduce on non-mandate complaints.

Figure 7.5: Trend On Registered Complaints Outside IPOA's Mandate

Complaints Lodging Modes

During the year, complaints received through walk-ins remained dominant at 34%, followed by letters and online at 33% and 27% respectively, while receipt through telephone remained the least at 1% as shown in figure 7.6 below.

Figure 7.6: Utilization Level Of Complaints Lodging Modes



It is therefore evident that Authority's capacity to handle complaints through the 3 lodging modes need to be continuously enhanced to ensure effective handling and feedback on complaints.

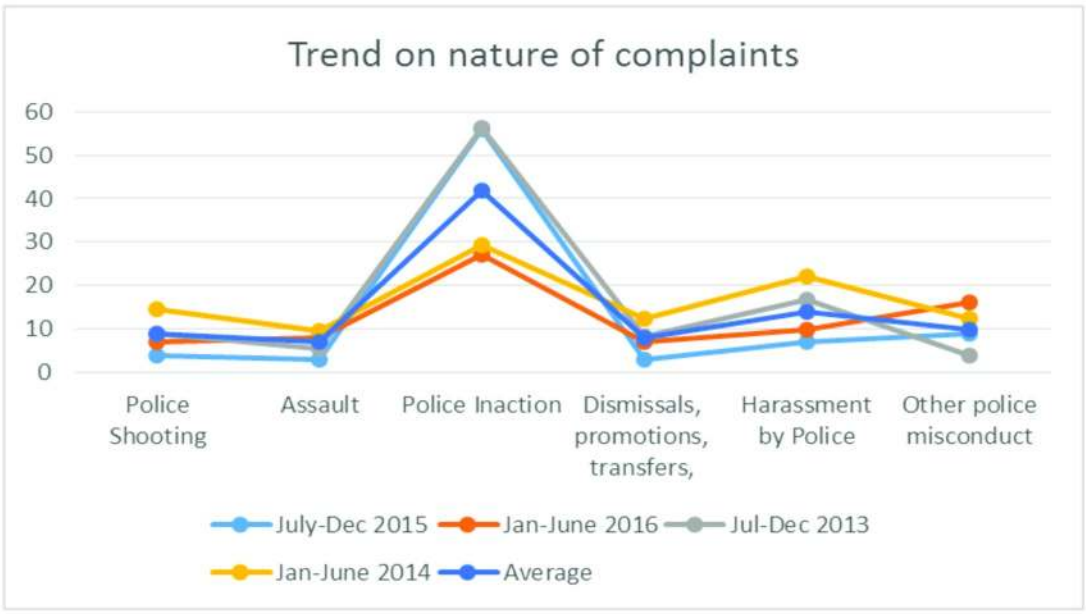
Nature of complaints received

During the year, the Authority received complaints whose nature varied as shown in table 7.24 below. Trend on the nature of cases over periods as illustrated in figure 6 below depicts a high rate on police inaction pointing to a need for deliberate interventions by IPOA in liaison with NPS towards reduction on such complaints.

Table 7.24: Nature of Complaints

Category	Unlawful arrest and detention	Police shooting and deaths	Assault	Excessive use of force	Inaction	Obstruction of justice	Corruption/ extortion	Admin matters (dismissals, promotions, etc)	Harassment and threats to life	Abuse of office	Misconduct
No	165	170	138	13	1034	119	131	136	218	90	315
%	7%	7%	5%	1%	41%	5%	5%	5%	9%	4%	12%

Figure 7.7: Trend on nature of complaints



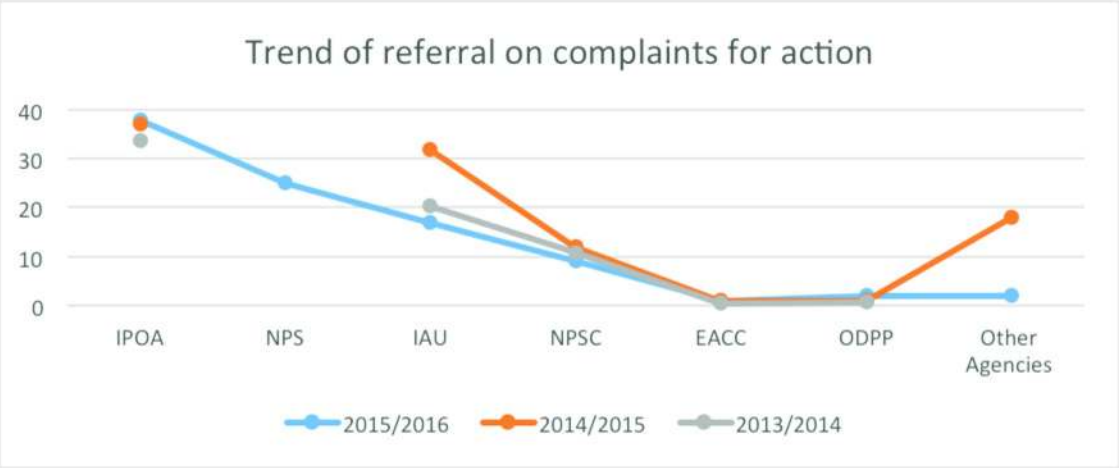
Recommendations on complaints by Case Intake Committee

During the year, IPOA's Case Intake Committee (CIC) appraised the complaints received and recommended 603 to investigations by IPOA, 238 referred to IAU, 172 to NPSC and 256 to NPS. As shown in figure 7.8 below, the trend is clear with the largest proportion of complaints referred for IPOA's subsequent actions followed by IAU. This shows that there is need for intensified capacity strengthening for IAU towards effective execution of IPOA's mandate.

Table 7.25: Complaints by Case Intake Committee

Entity	2015/2016	2014/2015	2013/2014
Referral to IPOA	38%	37%	34%
Referral to NPS	25%		
Referral to Internal Affairs Unit (IAU)	17%	32%	20%
Referral to National Police Service Commission (NPSC)	9%	12%	11%
Referral to Ethics and Anti-Corruption Commission	1%	1%	0%
Referral to ODPP	2%	1%	1%
Referral to other Agencies	2%	18%	

Figure 7.8: Trend of Referral on Complaint for Action



Investigations Management

A total number of 157 investigations were completed covering 30 counties in 2015/16. Overall, there has been notable progress on completion of investigations over the years from 1 case in 2012/13, 25 cases in 2013/204, 114 in 2014/2015 and 157 in 2015/2016. Of concern is the 821-case backlog that the Authority is determined to address during the 2016/2017 alongside new cases for investigations. A total of 303 investigations have been completed since IPOA's establishment.

Out of the 58 files forwarded to ODPP by IPOA, 44 had been received back for subsequent actions including court processes. A cumulative number of 30 cases were in court out of which one prosecution was realised where 2 police officers were convicted.

The investigations were notably skewed towards Nairobi. Seventy-four (74) of the investigations were in Nairobi, 11 in Kajiado, 8 in Lamu, 6 in Kiambu, 5 in Uasin Ngishu, 4 each in Kakamega, Migori, Isiolo, Mombasa, 3 each in Garissa, Wajir, Muranga, Bungoma, Nakuru, Kisumu, Nyandarua, 2 in Kirinyaga,1 each in Kitui, Bomet, Machakos, Nyeri, Marsabit, Kisii, Elgeiyo Marakwet, Trans Nzoia, Narok, Meru, Tana River, Vihiga and Thika.

It is clear that the highest proportion (47.4%) of the investigations during the year was in Nairobi. This could be attributed to the centralized location of IPOA. It is expected that with decentralization of IPOA's services this trend will change with a fair coverage in other counties.

Out of the 157 cases investigated, sixty (60) were recommended for action for the DPP. The recommended action varied and mainly included criminal charges of murder, assault, and use of excessive force but also include non-criminal proceedings such as a public inquest. Eighty-seven (87) investigations were completed without the need for further action owing to various reasons. Cases closed without the need for further action include cases where another Agency was already investigating or taking relevant action such as where the Police have already instituted criminal action against a police officer or civil proceedings were ongoing in relation to the subject matter. Cases were also closed without need for further action where the complaints were withdrawn by the complainant and the withdrawal accepted by the Authority or due to lack of cooperation from the complainant or victim. Closure without the need for further action also include cases where the investigation was inconclusive owing to lack of evidence, resolution reached through other means such as arbitration or negotiation or no misconduct or criminal offence was identified. 10 were referred to other agencies (NPSC, EACC among others)

Status of Cases

The breakdown below in table 7.26 shows the status of investigations since the establishment of IPOA as at 30th June 2016.

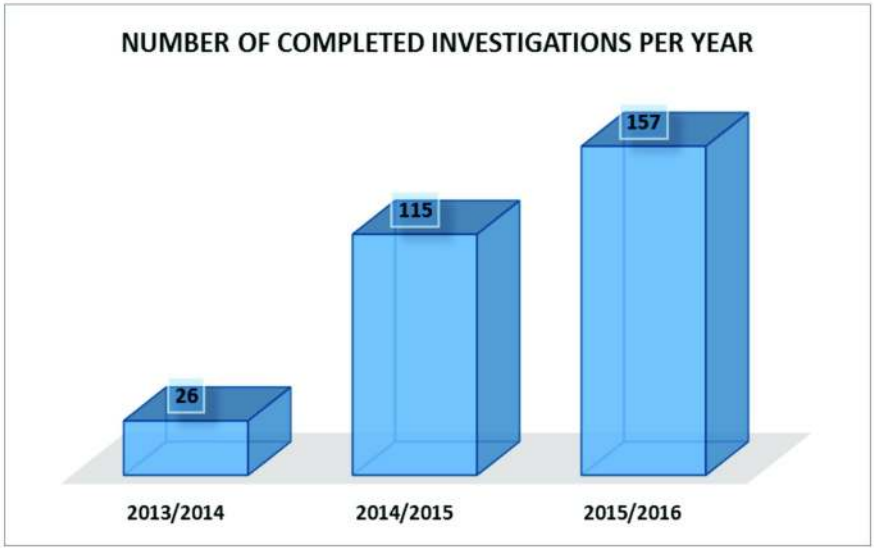
Table 7.26: Status Of Cases

Status	No. of cases
Cases with investigations ongoing	140
Completed investigations	303

Cases awaiting commencement of investigations	821
Cases forwarded to ODPP	58[5]
Cases in court[6]	23

Completion of investigations has gradually grown as shown in figure 7.9 below.

Figure 7.9: Growth In Completion Of Investigations



Challenges and Recommendations

Key challenges experienced by the Authority during the report period included delayed procurements, Lack of cooperation from some OCSs during inspections of police premises and inaccessibility to IPOA services due to its centralized locality. Challenges and recommendations are in table 7.27 below.

Table 7.27: Challenges And Recommendations

Challenge	Recommendation
Technical challenges	
Lack of cooperation from some OCSs during inspection of police premises	• Apply the law and hold the individual officers accountable on non-cooperation. • Engage the NPS leadership in dialogue for them to sensitize the police officers on need for cooperation and support to facilitate Authority's work
Delay in processing of complaints referred to IAU	Capacity of IAU be enhanced by IG
Police proceeding to undertake investigations and recommending inquests before informing the Authority and thus legally barring IPOA's investigations	Follow up with ODPP in addressing the issue
Lack of MoUs with critical stakeholders such as mobile telephone service providers, Government chemist and ODPP to assist with investigations and prosecution	IPOA to follow up with respective stakeholders
Inadequate knowledge on IPOA's mandate by the public and NPS	Conduct increased publicity forums on IPOA's mandate

7.3.15 Probation and Aftercare Service

Probation and Aftercare Service supports the administration of justice through provision of various advisory reports to the Judiciary to facilitate criminal justice adjudication. In this regard, the department participates in the administration of criminal law by assisting courts and penal authorities make more informed decisions on sentencing, bail and penal release assessments through provision of various assessment reports.

It is also the responsibility of the department to enforce resultant non-custodial Court orders to each individual, offence and sentence. Such orders enable the supervision and interventions in the lives of offenders placed on various statutory supervision orders with the aim of reducing re-offending and effecting behaviour change. Further, the department provides reintegration services to select psychiatric offenders and ex-offenders including those released on presidential power of mercy. These services to offenders are intertwined with victim support services and social crime prevention efforts aimed at creating harmony and peaceful co-existence among the citizenry. The foregoing functions are seen in the light of the underlying and shared task of all criminal justice agencies which relates with crime reduction and public protection.

The implementation of the above functions is anchored on department's legislative mandates *viz*: Probation of offenders Act and Community Service Orders Act, (which form its core programmes) as well as deriving further mandates from the Constitution, Criminal Procedure Code, Sexual

[5] Forty four out of the 58 files to ODPP had been returned to IPOA for subsequent action on prosecution, or inquest additional evidence.
[6] Out of 23 cases already in court, conviction was made on 2 police officers in the case of Kwekwe Mwandaza who was killed in Kilifi County.

Offences Act, Borstal Institutions Act, Children Act, The Penal Code, Power of Mercy Act, Victim Protection Act and other criminal justice policy instruments.

COURT WORK

Probation work has gone beyond the traditional practice and officers are now engaged in provision of reports related to (a) Presentence reports for probation orders and community service orders (b) bail information reports for bail decision making (c) victim impact statements (d) reports on Alterative Dispute Resolutions in criminal matters. Some of these practices have not found full legal backing but operate on policy and legal precedence.

Court Inquiries

During the period under review, there were a total of 55,914 cases inquired into for probation orders and Community service orders combined emanating from various courts countywide. This, however, excludes the 4,653 cases handled by probation officers for bail information reports. These inquiries and advisory reports related to sentencing and bail decision making resulted in various court sanctions including placement on probation orders and community service orders.

On the whole, there is still gross under utilization of alternative sanctions going by the figures below and the fact that prison facilities remain congested. However, a significant majority of prison population comprise of pre-trial detainees who cannot benefit from community measures.

(a) *Probation Orders*

Probation orders are judicial supervision order made by the court placing an offender under the supervision and rehabilitation of a probation officer. For the last 12 months (July 2015 to June 2016), a total of 12,638 Probation orders investigations were made by officers and Presentence reports prepared; out of that number 8,558 offenders were placed on probation orders. These figures comprise both adults and juveniles. Further to submission of presentence reports, 4,080 offenders were found unsuitable for probation and given alterative sanctions by the court. For those who were on probation supervision, 386 absconded and had warrant of arrests issues while another 259 orders were revoked and imprisonment instituted. This is an indication that there is serious need for support for the probation department to undertake the court supervision of offenders given probation orders.

Table 7.28: Probation Orders

2015/2016	Court ENQUIRIES				New Probation ORDERS				CASELOAD
JULY/JUNE	MALE		FEMALE		MALE		FEMALE		
	ADS	JUV	ADS	GIRLS	ADS	JUV	ADS	GIRLS	
July 2015	839	132	282	15	510	103	212	18	12345
August	591	97	254	28	456	89	215	26	11633
September	756	118	243	28	382	100	192	25	12670
October	757	115	208	23	460	92	188	8	12989
November	721	137	231	18	469	117	175	17	12743
December	569	81	170	11	322	79	133	9	11733
January 2016	567	102	110	18	355	77	97	23	11616
February	672	75	181	10	511	71	142	11	11248
March	900	104	226	14	456	101	180	21	12790
April	849	105	223	17	495	85	174	22	11953
May	613	111	196	27	393	79	160	22	11473
June	744	100	230	20	449	60	155	22	11194
TOTAL	**8578**	**1277**	**2554**	**229**	**5258**	**1053**	**2023**	**224**	

Community Service Orders

Community service orders are community punishment payback orders directing an offender to perform unpaid public work for the benefit of the community. For the last 12 months(July 2015 to June 2016), a total of 43280 cases were referred for CSO presentence reports out of which 42,052 offenders were found suitable and served their sentences under community service orders. Out of these numbers, 255 offenders absconded and have warrants of arrests issued and another 155 CSO orders were cancelled and other sentences preferred for failing to perform community service. Arresting those who do not comply with community service work especially in urban slums is still a great challenge.

Table 7.29: Community Service Orders

2015/2016	Court ENQUIRIES				New CSO ORDERS				Daily CASELOAD
JULY/JUNE	MALES		FEMALES		MALES		FEMALES		
	AD	JUV	AD	JUV	AD	JUV	AD	JUV	
July 2015	3692	6	1062	0	3636	4	998	0	7908
August	3499	7	758	0	3480	7	730	0	8643
September	3080	12	693	3	3028	12	691	3	8366
October	3249	10	654	5	3232	9	648	3	7994
November	3022	23	562	3	2933	15	551	3	8239
December	2448	1	443	0	2336	1	433	0	6188
January 2016	2383	4	323	0	2437	4	318	0	7547
February	3265	4	553	1	3186	3	545	1	7272
March	3330	12	795	0	3329	10	762	0	7784
April	3038	2	675	1	2877	2	662	1	8114
May	2792	7	495	0	2457	7	469	1	6955
June	1881	3	480	0	1789	3	429	7	6124
TOTAL	**35679**	**91**	**7493**	**13**	**34720**	**77**	**7236**	**19**	

Prison Decongestion through High Court Sentence Review

Sentence review is a normal preoccupation of judges handling criminal matters in various courts. However, the Chair of National Community Service orders committee does occasionally arrange to carryout deliberate sentence review in order to decongest the crowded prisons. Due to resource limitations, such review exercises were carried out in the months of November 2015 and April 2016. As a result, 1130 cases of serving prisoners had their sentences reviewed and sentences varied as follows: 346 were ordered to service community service orders for various durations, 63 were placed on probation order supervision while 132 were ordered to be repatriated to their country of origin (Ethiopia) while 85 prisoners had their prison imprisonment terms affirmed and thus continued with their sentences.

Support to ex-offender on Aftercare

There are no statutory provisions requiring an adult prisoner who has exited prison to be accorded supervision upon completion of prison sentence other than for those who may be declaimed to be subjected to it by the courts *abinitio*. As such only youthful offenders exiting from Borstal Institutions and rehabilitation schools may be subjected to post penal supervision for purposes of aftercare and reintegration by the department in spite of legislative gaps. By the end of the reporting period, we had 858 young ex-Borstal inmates under supervision which involve addressing challenges to their reintegration, providing empowerment and educational support.

Table 7.30: Ex-Borstal Inmates Under Aftercare Supervision

2015/2016	Cases on Supervision
July 2015	826
August	854
September	899
October	903
November	861
December	820
January 2016	817
February	839
March	904
April	859
May	904
June	858

Policy and Legislation

The legislative review process of the Probation of Offenders Act Cap 64 and that of the Community Service Orders Act No. 10 of 1998 which was initiated in the last reporting period has not advanced. It is not clear why these two enabling statutes have not reach parliament for action. The intentions of the Bills is to have actions currently undertaken by the department but not anchored in law to be done so and further, to bolster the services under probation and community service orders and more non-serious offenders serve alternative sentences and potentially ease overcrowding of the penal institutions.

Probation Service is playing a critical role in Bail decision making with the preparations of Bail information reports both at the High Court and magistrates courts. To bolster this, a Bail Information and Supervision Bill was initiated to purely cater for Probation Service bail work that is currently not well anchored in law or in the Bail and Bond Policy Guidelines as the latter only addresses functions of the Court and the Police. The processing and passing of this Bill is overdue.

Resource Allocation

The funds being allocated to the department for operational costs remain marginal. In the FY 2015/16, the department received Ksh. 233,709,323.00 for operational cost excluding the personnel emolument. This significantly inhibited the capacity of the department to optimise its operations especially in relation to court inquiries and supervision of court orders. As shown in the table below, tjis inadequate funding for the department impedes court actions and has a direct consequence on prison overcrowding. With regard to development vote, there was no change at all as the same amount, Ksh. 62, 850,000.00 was allocated to the department. Even then, challenges still abound with exchequer releases which inevitably slow done project completion. Thus, only Ksh. 299,559,323.00 was allocated to the department for operations in the year under review. Similarly, the number of probation officers has reduced considerably to 555 in this reporting period. There is need to increase the number of probation officers to correspond with increased demands from the courts arising from the increased number of magistrates and judges; work created by the Power of Mercy Committee; and cases from the Psychiatric Hospital in Mathari where the department has established a permanent liaison office.

Table 7.31: Resource Allocation

Recurrent budget	**230,587,528.00**	**233,709,323.00**	**10,341,795.00**
Development budget	62,850,000.00	62,850,000.00	0
Recurrent and Development budget combined	324,790,992.00	296,559,323.00	10,341,795.00

Source: Probation and Aftercare Service

Infrastructure and Office Construction

The development of infrastructure is still an area requiring substantial support. As noted above, the development vote for the department of probation has considerably gone down from a high of almost three hundred million in 2014/15 financial year to the current 62,850,000.00. The constructions are meant to improve on work environment and inmates hostels so as to increase access to justice and ease accommodation challenges. The following were the contracted and ongoing infrastructure developments;

Table 7.31: Development Projects 2015-2016

Construction Project	Contract Sum/ Estimated Cost	Status Of The Project/ Percent Of Completion
Siaya Probation Hostel	153,300,000	(61.3%)
Msambweni Probation Office	8,000,000.00	85%
Muranga East Probation Office	18,000,000.00	73%
Makueni Probation Office	14,500,050.00	75%

Construction Project	Contract Sum/ Estimated Cost	Status Of The Project/ Percent Of Completion
Turkana West (Kakuma) Probation Office	10,000,000.00	85%
Nyeri Central Probation Office	13,500,000.00	85%
Kisauni Probation Office	8,250,000.00	85%
Kapsabet (Nandi) Probation Office	11,200,000.00	60%
Nyandarua South (Engineer) Probation Office	8,500,000.00	75%
Chuka Probation office	10,000,000.00	90%
Bungoma East(Webuye) probation office	12,000,000.00	25%

Most of the projects were already ongoing and had been initiated during the previous period while others had additional works/phases and allocation thereto. Generally, the implementation of the above projects has been sluggish due to inadequate funding as well as financial austerity measures introduced in the course of their implementation. However, the department is committed to their full completion once resources are availed.

Information Community and Technology

The use of Information Technology forms a key component of reforms in service delivery. The department is progressing on well with the adoption and usage of IT amidst challenges. There are instances when probation officers fail to present requisite reports to court for lack of computers yet they cannot use commercial outlets owing for such sensitive work. There is still serious need for more computers to ease court work and generally improve on case management practices as some probation stations have only one commuter which has to be shared between officers and functions.

Development of web-based Offender Record Management System to ease offender data capture, storage, sharing and retrieval electronically had been initiated by the department and has been on pilot for some time. However, the system is still experiencing challenges mostly associated with internet service provision and has also not anchored all the functions.

Challenges

There is no gainsaying that the department of Probation and Aftercare Service has become a critical plank in the administration of justice in this country. This is evident with the increased service parameters being directed to it some of which are crucial in criminal justice adjudication. Unfortunately, it continues to suffer perennial resource deficits, which subsequently impede the overall functioning of the administration of justice. Perhaps, one of the reasons that dissuade courts from applying alternative sanctions is the perception that Probation Service does not have the capacity in terms of resources to expedite the cases for courts and to effectively supervise resultant orders.

The following are some of the challenges, which persistently are with the department;

1. Weak policy and legal mandates governing probation work. The parent Probation of Offenders Act has never been amended in decades while new programmes have cropped up and so it the CSO Act
2. Perennial meager funding that does not facilitate effective service deliver. Courts cannot use much of the department owing to this fact as offender may not be accorded adequate supervision in the community. Perhaps the current placing of the department with other security organs in same docket makes it hard for favourable consideration
3. Escalation of serious crimes including terrorism placing high demands on the performance of the department including bail reports in spite of limited resources.
4. Similarly, the Kenyan society is so vindictive and in some instances do not appreciate non-serious offenders to serve non-custodial measures in the community
5. Inadequate transport/vehicles to carryout court inquiries and supervision. The department still operates 1978 Land Rovers which break frequently and are uneconomical to run with the meager resources available
6. Inadequate training for probation officers to build competencies to address emerging crime complexities.
7. Slow adoption of ICT. The Probation Service offender records management system (ORMS) requires upgrading or overall. The inability to complete LAN installation in most stations owing to reduced funding compounds this problem.
8. The current number of probation officers is not adequate to meet the demands of all magistrates and High Court. A huge number of officers have left the service to join County governments and Constitutional Commissions while others have exited due to natural attrition. This has left us with a deficit which poses a serious capacity gaps made worse with increased mandates.

7.3.16 Department of Children Services

The Department draws its mandate from Section 38 of the Children Act, 2001. Its main mandate is to safeguard the welfare of children, in particular, the establishment, promotion, co-ordination and supervision of services and facilities designed to advance the well being of children and their families.

Children's Institutions

Currently the Department runs 14 Children Remand Homes that offer safe custody and care to children in conflict with the law pending finalization of their cases in courts. These are; Nairobi (at Kabete), Kiambu, Murang'a, Nyeri, Kericho, Eldoret, Machakos, Meru, Manga, Kisumu, Kakamega, Likoni, Malindi and Nakuru. The Department provided custody and care to 4982 children in the 14 Remand homes in 2015/16.

Further, the Department manages 10 Rehabilitation Schools for children in conflict with the law. The Rehabilitation Schools, formerly known as "Approved Schools", are established under Section 47 of the Children Act. These Rehabilitation Schools are; Kabete, Wamumu, Kericho, Kakamega, Othaya, Likoni, Kisumu, Dagoretti and Kirigiti. Getathuru Rehabilitation School is is used as the reception, assessment and classification for boys while Kirigiti acts as both a Rehabilitation school and a reception, assessment and classification centre for girls. During the review period, 1205 children were rehabilitated in the 10 Rrehabilitation schools.

The Department also manages 4 Children Rescue Centres for children in need of care and protection in Nairobi, Garissa, Thika and Machakos where 595 children were taken care of during the period under review.

To further deliver on its mandate, the Department has established 6 Child Protection Centres in Malindi, Nakuru, Nairobi, Siaya, Garissa and Kakamega. These are non-residential facilities that provide service hubs in the most disadvantaged areas where children, families and the community can receive seamless, integrated family services and information. By offering services within the community CPCs ensure that children get access to immediate support, guidance, monitoring and a chance to improve their lives in order to reach their full potential.

Charitable Children's Institutions

These are run by individuals, NGos or religious organizations for care and protection of children especially orphans and vulnerable children. There are over 400 such institutions all over the country which are registered by the National Council for Children's Services and supervised by the Department.

Child Helpline 116

Is a Government phone service that links children in need of care and protection to essential services and resources. The Department in collaboration with Childline Kenya (NGO) and UNICEF operates it. The call centre is situated within Kabete Rehabiltation School and has two satellite centres in Eldoret and Garissa. The Helpline started with a voice service but has now diversified to chats and SMS. In 2015, a total of 322,432 calls were received while in 2016, the number of calls received dropped to 263,648.

Counter Trafficking in Persons

The Department provides Secretariat to the Counter Trafficking in Persons Advisory Committee which provides advisory services to Government on issues of counter trafficking in persons especially women and children. The Committee is expected to operationalize National Trafficking Assistance Fund as per the Counter Trafficking in Persons act but the Fund is yet to be allocated funds though members have been appointed.

Kenya has been described as a country of source, transit and destination in human trafficking. According to the 2014/2015 U.S Government TIP report Kenya was ranked Tier 2 has countries whose governments do not fully comply with the Trafficking Victims Protection Act's minimum standards, but are making significant efforts to bring themselves into compliance with those standards. The most desirable ranking for Kenya is Tier 1. The country has formulated a National Plan of Action in order to deal with issues of trafficking in persons. In 2015, 153 cases of child trafficking were reported to children Offices. 2016 data is being compiled.

Child Care and Protection Officers Programme

The Department initiated this programme with support from JICA. It aims at building the capacity of government Juvenile Justice Agencies (JJAs), that is, Judiciary, Police, Children, Probation and Prisons to respond to issues of children in an integrated manner through a joint training programme. The JICA support came to an end in 2013 and the JJAs took over under the leadership of the Department of Children's Services. To date, two hundred and eight (208) Officers drawn from the five JJAs in four groups have successfully completed the three modules CCPO training programme.

Adoption

The Department continued to provide reports on adoption of children to the Family Division of the High Court as per orders issued. 190 reports were prepared and filled in the High Court in Nairobi.

Foster care and Guardianship the Department continued to facilitate foster care and guardianship services for children.

Other Activities and Achievements; -

1. Establishment of Child Protection Information Management System (CPIMS) to capture data on Children's caseloads nationally.
2. Establishment of structured system to respond promptly to Children in emergency situations through the formulation of a National Emergency Preparedness and Response Plan on children.
3. Rescuing, tracing and securing alternative placement for children in need of care and protection.
4. Provision of counselling and guidance to children and their families and enforcing orders made by courts of law
5. Supervision, inspection and facilitation of the registration of charitable children institutions and programmes in order to safeguard and promote the welfare of children admitted therein.
6. Participation in court user committees and NCAJ task force on children matters.
7. Rehabilitation and reintegration of child offenders into the community.
8. Provision of safe custody to children who are in contact with the juvenile justice system through the establishment of the Child Protection Units (CPUs) and Child Protection Centres (CPCs).
9. Sensitization of stakeholders on implementation of regulations, policies, National Standards and National Plans of Actions.
10. Partnership in AACs matters and numerous capacities building activities on legal instruments
11. Engagement through mobile courts e.g.Dadaab mobile court
12. Establishment and operationalization of Kenya Children Assembly (KCA) to promote and enhance child participation.
13. Combating violence against children through creation of awareness and advocacy on child rights.
14. Support to 17970 orphans in secondary schools through the Presidential Secondary School Bursary for Orphans and Vulnerable Children.
15. 260,000 households taking care of orphans supported through the Orphans and Vulnerable Children Cash Transfer programme (CT-OVC).

Challenges

1. A weak linkage between the juvenile justice actors, which at times compromises the rights of a child.
2. Old facilities at Remand Homes and Rehabilitation schools – most of the institutions were constructed during the colonial time.
3. Inadequate funding for the holding and rehabilitation facilities – leading to inadequate rehabilitation programmes, delays in family reunification and reintegration.
4. New trends and ever evolving cases involving children.
5. Delay in cases especially for children who have committed capital offences
6. Loss of evidence in delayed defilement cases.
7. Delay in children cases where children fail to testify immediately. In some cases, hearing come after a year and the child may have forgotten.

8. Children placed in rescue centres to protect evidence, the waiting detaches him/her from the family for long and some rescue centres do not offer education such as the remand homes. In this case, a child is denied some rights after being aggrieved.

9. Age assessment – persons above 18 end up in Children Remand Homes hence contributing to escapes.

10. Inadequate legal aid and lack of legal representation for children.

11. Inadequate holding places for children as they await their matters to be heard in court

12. Inadequate or lack of proper means of transport for the children to courts

13. Lack of funding to continue with the training of Juvenile Justice Agencies under the CCPO programme.

The establishment of the NCAJ Taskforce on Children Matters provides a good mechanism for addressing most of these challenges.

7.3.17 Legal Resources Foundation

The Legal Resources Foundation (LRF) is an independent, human rights organization that promotes access to justice through human rights education, research and policy advocacy initiatives. LRF's mission is to be a resource for justice, equity and resilience in communities through holistic participatory interventions and strategic partnerships. In this regard, LRF partners with both State and Non-State actors at national and regional levels to promote exchange learning for purposes of learning and experience. LRF further is an active member of the NCAJ, both at the Council and Technical Committee Level.

LRF in its continued work in partnership with the NCAJ, its Constituent CUCs around the country, and the Kenya Prison Service, National Police Service, Probation department, among other actors in the justice to enhance the space for access to justice and human rights in Kenya.

During this SOJAR period, NCAJ commissioned LRF and Rodi Kenya to undertake an Audit of the Criminal Justice System in Kenya in 2015. The audit is expected to end by December 2016.

7.3.18 The Cradle

The CRADLE - The Children's Foundation is a non-partisan, non-profit making and non-governmental organization committed to the protection, promotion and enhancement of the rights of the child through court representation, advocacy and law reform. The organization exists to protect and promote the rights of the child and see a just society for children.

During the period 2015/2016, the CRADLE offered legal aid to over 1500 children through its offices in Nairobi, Lodwar and Malindi. Majority of these cases involved children victims of different kinds of abuse. There was also a big demand for legal aid in child maintenance matters. The CRADLE was also able to offer legal representation to children in conflict with the law. The CRADLE actively participated in the Judiciary Children's Service Week by offering technical support in organising the week and also offering legal representation to children in conflict with the law in various courts.

The CRADLE runs a Probono Lawyers Scheme. A total of 89 cases were referred to pro bono lawyers country wide. The lawyers help in regions where the CRADLE has no physical presence. For effective representation of children the lawyers are taken through a three level training.

The CRADLE undertook four duty bearers' trainings during this period, two in Turkana, one in Malindi and one in Nairobi. The training equipped the duty bearers with skills and knowledge on child rights and current legal framework on child protection for better response to child abuse cases.

During this period The CRADLE offered psychosocial support to over 770 children in contact and conflict with the law, and child survivors.

The CRADLE engaged paralegals especially in Lodwar where there are no lawyers to offer legal support. This has gone a long way in enhancing child protection in the region. The CRADLE also conducted three child rights community awareness bazaars and four legal aid clinics within the country.

In policy and advocacy, The CRADLE participated in the NCAJ Taskforce on Children's Matters and continued to influence policies that affect children especially within the judicial system. The CRADLE is a member of the National Steering Committee of The Children's Bill. The CRADLE has also been an active member of different CUCs where we have been driving the children's agenda.

Challenges:

One of the major challenges that The CRADLE faced in its work was the slow progress of the children's matters where The CRADLE is watching brief for child victims. There have been great delays in prosecuting the cases and some matters have been on going for over four years. Given that the witnesses in these matters are children it affects the quality of evidence and subsequently the rate of convictions. There is a lot of witness interference in matters involving children.

Low capacity of magistrates and prosecutors to deal with children matters; for example, prosecutors, being not able to lead children to give evidence. We suggest thorough training of both the magistrates and prosecutors on how to handle children in contact with the law.

In Lodwar, there are no statutory institutions like remand homes to commit children to; children are held at the police stations together with adults, which is against their rights. There is no rescue centre to offer shelter for child victims, therefore hampering effectiveness of The CRADLE's work.

ANNEX

ANNEX 1.: LIST OF JUDGES, JUNE, 2016

NAME	STATION
CHIEF JUSTICE	
HON. JUSTICE DR. WILLY MUTUNGA	Nairobi
DEPUTY CHIEF JUSTICE	
HON. LADY JUSTICE KAPLANA RAWAL	Nairobi
SUPREME COURT JUDGES	
Hon. Justice Philip K. Tunoi	Nairobi
Hon. Prof. Justice Jackton Boma Ojwang	Nairobi
Hon. Justice Mohammed K. Ibrahim	Nairobi
Hon. Justice Smokin Wanjala	Nairobi
Hon. Lady Justice Susanna Njoki Ndungu	Nairobi
COURT OF APPEAL JUDGES	

NAME	STATION
HON. MR. JUSTICE PAUL K. KARIUKI	**PRESIDENT, COURT OF APPEAL**
Hon. Mr. Justice E. M. Githinji	Nairobi
Hon. Mr. Justice Philip Nyamu Waki	Nyeri
Hon. Justice Alnashir Ramazanali Visram	Nairobi
Hon. Lady Justice Roselyne Nambuye	Nyeri
Hon. Lady Justice Hannah M. Okwengu	Nairobi
Hon. Lady Justice Martha Karambu Koome	Nairobi
Hon. Mr. Justice David Kenani Maraga	Kisumu
Hon. Lady Justice Wanjiru Karanja	Nairobi
Hon. Justice John Wycliffe Mwera	Nairobi
Hon. Justice Mohamed Abdulahi Warsame	Nairobi
Hon. Mr. Justice George B.M. Kariuki	Nairobi
Hon. Lady Justice Philomena M. Mwilu	Nairobi
Hon. Mr. Justice Milton S.A. Makhandia	Malindi
Hon. Mr. Justice Daniel Musinga	Kisumu
Hon. Mr. Justice F. Azangalala	Nairobi
Hon. Mr. Justice William Ouko	Malindi
Hon. Mr. Justice Patrick Omwenga Kiage	Nyeri
Hon. Mr. Justice Steven Gatembu Kairu	Kisumu
Hon. Mr. Justice Kathurima M'inoti	Malindi
Hon. Lady Justice Agnes K. Murgor	Kisumu
Hon. Lady Justice Fatuma Sichale	Nairobi
Hon. Lady Justice Jamila Mohammed	Nairobi
Hon. Mr. Justice Prof. James O. Odek	Nairobi
Hon. Mr. Justice Sankale Ole Kantai	Nairobi
PRINCIPAL JUDGE	
HON. MR. JUSTICE RICHARD MWONGO	Nairobi
ANTI-CORRUPTION AND ECONOMIC CRIMES DIVISION	
HON. LADY JUSTICE HEDWIG IMBOSA ONG'UNDI	PRESIDING JUDGE
CIVIL DIVISION	
HON. MR. JUSTICE MBOGHOLI MSAGHA	PRESIDING JUDGE
Hon. Mr. Justice J. K. Sergon	
Hon. Lady Justice Beatrice N. T. Jaden	
Hon. Lady Justice Lucy Mwihaki	
COMMERCIAL DIVISION	
HON. MR. JUSTICE FRED OCHIENG	PRESIDING JUDGE
Hon. Lady Justice Grace Nzioka	
Hon. Mr. Justice Francis Tuiyot	
Hon. Lady Justice Farah Amin Shaikh Mohammed	
Hon. Lady Justice Olga Sewe Akech	
Hon. Mr. Justice Richard Mwongo	Principal Judge
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION	
HON. MR. JUSTICE ISAAC LENAOLA	PRESIDING JUDGE
Hon. Mr. Justice Joseph Onguto	
Hon. Mr. Justice Edward M. Muriithi	
CRIMINAL DIVISION	
HON. LADY JUSTICE JESSIE WANJIKU LESIIT	PRESIDING JUDGE
Hon. Lady Justice Stella Ngali Mutuku	
Hon. Lady Justice Roselyn Cherotich Lagat Korir	
Hon. Mr. Justice Luka Kiprotich Kimaru	
Hon. Mr. Justice James Wakiaga	
Hon. Lady Justice Grace Ngenye	
EMPLOYMENT AND LABOUR COURT (NAIROBI)	
HON. MR. JUSTICE NDERI NDUMA	PRINCIPAL JUDGE
Hon. Lady Justice Monica Mbaru	
Hon. Lady Justice Hellen Wasilwa	
Hon. Mr. Justice Nelson Abuodha	
Hon. Lady Justice Linet Ndolo Ngume	
Hon. Mr. Justice Nzioki wa Makau	
FAMILY DIVISION	
HON. MR. JUSTICE AGGREY MUCHELULE	PRESIDING JUDGE
Hon. Mr. Justice William Musyoka Muasya	
Hon. Lady Justice Lydia Awino Achode	
Hon. Lady Justice Rose Edwina Atieno Ougo	
Hon. Lady Justice Margaret Muigai	
INDUSTRIAL COURT	
HON. MR. JUSTICE MATHEWS NDERI NDUMA	PRINCIPAL JUDGE
Hon. Lady Justice Monica Wanjiru Mbaru	
Hon. Lady Justice Hellen S. Wasilwa	
Hon. Mr. Justice Jorum Nelson Abuodha	
Hon. Lady Justice Linnet Ndolo Ngume	
Hon. Mr. Justice Nzioki wa Makau	
JUDICIAL REVIEW DIVISION	
HON. MR. JUSTICE GEORGE VINCENT ODUNGA	PRESIDING JUDGE

NAME	STATION
Hon. Lady Justice Roselyn Aburili	
JUDICIARY TRAINING INSTITUTE	
HON. PROF. JUSTICE J. OTIENO - ODEK	DIRECTOR/JUDGE OF APPEAL
LAND AND ENVIRONMENT	
HON. MR. JUSTICE SAMSON ODHIAMBO OKONG'O	PRESIDING JUDGE
Hon. Lady Justice Nyambura Gacheru	
Hon. Lady Justice Mary Muthoni Githumbi	
BARINGO (KABARNET LAW COURT)	
HON. MR. JUSTICE DAVID ONYANCHA	PRESIDING JUDGE
BOMET	
HON. MR. JUSTICE MARTIN MATI MUYA	PRESIDING JUDGE
BUNGOMA	
HON. MR. JUSTICE SAMUEL N. MUKUNYA	PRESIDING JUDGE
Hon. Lady Justice Abida Ali- Aroni	High Court
BUSIA	
HON. MR. JUSTICE WELDON KIPKORIR	PRESIDING JUDGE
Hon. Mr. Justice Anthony Kimani Kaniaru	Land and Environment
ELDORET	
HON. MR. JUSTICE GEORGE KANYI KIMONDO	PRESIDING JUDGE
Hon. Lady Justice Cecilia Wathaiya Githua	High Court
Hon. Mr. Justice Anthony Oteng'o Ombwayo	Land and Environment
EMBU	
HON. LADY JUSTICE FLORENCE N.	PRESIDING JUDGE
Hon. Mr. Justice Justus Bwonwong'a	High Court
GARISSA	
HON. MR. JUSTICE GEORGE M. A. DULU	PRESIDING JUDGE
HOMABAY	
HON. LADY JUSTICE HELLEN OMONDI	PRESIDING JUDGE
KAJIADO	
HON. MR. JUSTICE REUBEN NYAKUNDI	PRESIDING JUDGE
KAKAMEGA	
HON. LADY JUSTICE RUTH NEKOYE SITATI	PRESIDING JUDGE
Hon. Mr. Justice Enock Chacha Mwita	High Court
Hon. Mr. Justice Charles Mutungi Kariuki	High Court
KERICHO	
HON. LADY JUSTICE G. MUMBI NGUGI	PRESIDING JUDGE
Hon. Mr. Justice Marete Njagi	ELRC Court
KERUGOYA	
HON. MR. JUSTICE BOAZ OLAO	PRESIDING JUDGE/(LAND AND ENVIRONMENT)
Hon. Mr. Justice Robert Limo	High Court
KIAMBU	
HON. PROF. JUSTICE JOEL NGUGI	PRESIDING JUDGE
KISII	
HON. MR. JUSTICE JOSEPH R. KARANJA	PRESIDING JUDGE
Hon. Lady Justice Winfred Okwany	High Court
Hon. Mr. Justice John M. Mutungi	Land and Environment
KISUMU	
HON. MR. JUSTICE DAVID MAJANJA	PRESIDING JUDGE
Hon. Lady Justice Esther Nyambura Maina	High Court
Hon. Lady Justice Maureen Atieno Onyango	ELRC Court
Hon. Mr. Justice Stephen M. Kibunja	Land and Environment
KITALE	
HON. LADY JUSTICE HILLARY CHEMITEI	PRESIDING JUDGE
Hon. Mr. Justice Elijah Ogoti Obaga	Land and Environment
KITUI	
HON. LADY JUSTICE LILIAN NABWIRE MUTENDE	PRESIDING JUDGE
LAIKIPIA (NANYUKI LAW COURTS)	
HON. LADY JUSTICE MARY MUHANJI KASANGO	PRESIDING JUDGE
MACHAKOS	
HON. LADY JUSTICE PAULINE NYAMWEYA	PRESIDING JUDGE
Hon. Mr. Justice Eric K. O. Ogola	High Court
MALINDI	
HON. MR. JUSTICE SAID JUMA CHITEMBWE	PRESIDING JUDGE
Hon. Mr. Justice Oscar Amugo Angote	Land and Environment
MARSABIT	
HON. MR. JUSTICE KIARIE WA KIARIE	PRESIDING JUDGE
MERU	
HON. LADY JUSTICE ROSELINE P. V. WENDO	PRESIDING JUDGE
Hon. Mr. Justice Francis M. Gikonyo	High Court
Hon. Mr. Justice Peter Muchoki Njoroge	Land and Environment
MIGORI	
HON. MR. JUSTICE ANTHONY CHARO MRIMA	PRESIDING JUDGE
MOMBASA	
HON. MR. JUSTICE M. J. A. EMUKULE	PRESIDING JUDGE

NAME	STATION
Hon. Mr. Justice Patrick J. Otieno	High Court
Hon. Lady Justice Dora Chepkwony	High Court
Hon. Lady Justice Mugure Thande	High Court
Hon. Lady Justice Anne Abongo Omollo	Land and Environment
Hon. Mr. Justice James Rika Makau	ELRC Court
Hon. Mr. Justice Onesmus N. Makau	ELRC Court
MURANGA	
HON. MR. JUSTICE HATARI P. G. WAWERU	PRESIDING JUDGE
NAIVASHA AND NAROK HIGH COURT SUB-REGISTRY	
HON. LADY JUSTICE CHRISTINE WANJIKU MEOLI	PRESIDING JUDGE
NAKURU	
HON. LADY JUSTICE MAUREEN AKINYI ODERO	PRESIDING JUDGE
Hon. Lady Justice Janet Mulwa	High Court
Hon. Mr. Justice Anthony Ndungu	High Court
Hon. Mr. Justice Stephen O. Radido	ELRC Court
Hon. Mr. Justice Munyao Sila	Land and Environment
NYAMIRA	
HON. MR. JUSTICE CRISPIN NAGILLA	PRESIDING JUDGE
NYERI	
HON. MR. JUSTICE JAIRUS NGAAH	PRESIDING JUDGE
Hon. Lady Justice Abigail Mshila	High Court
Hon. Mr. Justice John Muting'a Mativo	High Court
Hon. Mr. Justice Byram Ongaya	Industrial Court
Hon. Lady Justice Njoki Waithaka	Land and Environment
SIAYA	
HON. MR. JUSTICE JAMES AARON MAKAU	PRESIDING JUDGE
TAITA TAVETA (VOI)	
HON. LADY JUSTICE NANCY JACQUELINE KAMAU	PRESIDING JUDGE
TANA RIVER (GARSEN/HOLA)	
HON. LADY JUSTICE ASENATH ONGERI	PRESIDING JUDGE
THARAKA NITHI (CHUKA LAW COURTS)	
HON. MR. JUSTICE ALFRED MABEYA	PRESIDING JUDGE
TURKANA /LODWAR	
HON. MR. JUSTICE STEPHEN RIECHI	PRESIDING JUDGE
WEST POKOT (KAPENGURIA LAW COURTS)	
HON. MR. JUSTICE STEPHEN GITHINJI	PRESIDING JUDGE
CHIEF REGISTRAR OF THE JUDICIARY	
HON. ANN AMADI	Nairobi
DEPUTY CHIEF REGISTRAR OF THE JUDICIARY	
VACANT	Nairobi
REGISTRARS	
SUPREME COURT	
Esther Nyaiyaki	Registrar
Hon. Lucy Njora	Deputy Registrar – Supreme Court
Anne Asuga	Deputy Registrar – Supreme Court
COURT OF APPEAL - NAIROBI	
Hon. Moses K. Serem	Registrar – Court of Appeal
Anne Wanjiku Nyoike	Deputy Registrar – Court of Appeal
COURT OF APPEAL-KISUMU	
Hon. Harrison Adika	Deputy Registrar
COURT OF APPEAL -MALINDI	
Hon. Paul K. Rotich	Deputy Registrar
COURT OF APPEAL SUB-REGISTRY -MOMBASA	
Hon. Viola Yator	Deputy Registrar
COURT OF APPEAL NYERI	
Hon. Joane Wambilyanga	Deputy Registrar
COURT OF APPEAL SUB-REGISTRY - ELDORET	
Hon. Mildred Munyekenya	Deputy Registrar
HIGH COURT	
Hon. Judith Omange	Registrar – High Court
Rosemary Kimingi	Office of the RHC
Hon. Jane Kemunto Ocharo	Office of the RHC
Hon. Kennedy L. Kandet	Registrar – Employment & Labour Relations
Hon. Daisy Chebet Mutai	Deputy Registrar
Hon. Peter M. Mulwa	Registrar – Magistrate Court
Hon. Caroline Kabucho	Assistant Registrar
Hon. Allan Temba Sitati	Deputy Registrar
Hon. Herbert Inonda Mwendwa	Office of the Judiciary Ombudsperson
Hon. Wilfrida Mokaya	Registrar - Judicial Service Commission
Hon. John Tamar	Deputy Registrar
Hon. Bernard O. Ochieng	Deputy Registrar
Hon. Sarapai Lyna Nafuna	Office of the Chief Justice – Programmes Liaison Laision
Hon. Lorraine Dinna Ogombe	Office of the Chief Justice – Legal Consel

NAME	STATION
Hon. Moses Wanyonyi Wanjala	Office of the Chief Justice – Legal Consel
Hon. Joseph Were	Office of the Chief Registrar of the Judiciary
Hon. Becky Mulemia Cheloti	Office of the Chief Registrar of the Judiciary
Hon. Denis Mikoyan	JTI/ Judiciary Transformation Secretariat
Clarence Otieno	Judiciary Training Institute
Hon. Benjamin A. Mitullah	Community Service Order Coordinator
Hon. Sandra Achieng Ogot	Office of the Principal Judge
Hon. Lillian Arika	Judiciary Committee on Elections
MILIMANI LAW COURTS	High Court Deputy Registrars
Hon. Jacob ole Kipury	Chief Magistrate - DR HC CA
Hon. Rose A.A. Otieno	Senior Principal Magistrate – DR Dismissals
Hon. Rose Nyanunga Makungu	Principal Magistrate – DR Civil
Hon. Elizabeth Chepkoech Tanui	Principal Magistrate – DR Commercial Div.
Hon. Nancy Mwende Nzau Makau	Resident Magistrate - DR Commercial Div.
Hon. Caroline J. Kendagor	Senior Resident Magistrate – DR Family
Hon. Isabela Nekesa Barasa	Resident Magistrate – DR ELC
Hon. Sharon Muteitsi Mwayuli	Resident Magistrate – DR ELC
Hon. Rosaline Adhiambo Aganyo	Resident Magistrate – DR Criminal
Hon. Esther Wangare Mburu	Resident Magistrate – DR Const. & JR.
Hon. Wilson Rading Outa	Resident Magistrate – DR Family
Hon. Fatuma Mwanza Rashid	Resident Magistrate - DR HC Civil
Caroline Mutenyo Watimmah	Resident Magistrate – DR Family Div.
CHIEF MAGISTRATES' COURT	
Hon. Daniel Ogola Ogembo	Chief Magistrate
Hon. Daniel Ochenja	Senior Principal Magistrate
Hon. Joyce Mkambe Gandani	Senior Principal Magistrate
Hon. Martha W. Mutuku	Senior Principal Magistrate
Hon. Charity Chebii Oluoch	Senior Principal Magistrate
Hon. Kenneth Kipkurui Cheruiyot	Principal Magistrate
Hon. Beatrice M. Mosiria	Principal Magistrate
Hon. Theresa Nyangena	Principal Magistrate
Hon. Hellen Onkwani	Senior Resident Magistrate
Hon. Eddah Savai Agande	Resident Magistrate
Hon. Miriam Mugure Peter	Resident Magistrate
Hon. Hannah Wamuyu Wanderi	Resident Magistrate
Hon. Christine Mukami Njagi	Resident Magistrate
ANTI-CORRUPTION COURT	
Hon. Kennedy Bidali	Chief Magistrate (Ombusperson)
Hon. Lawrence N. Mugambi	Senior Principal Magistrate
Hon. Felix Kombo	Principal Magistrate
TRAFFIC COURT	
Hon. Benson Musyoki Nzakyo	Senior Resident Magistrate
Hon. Electer Akoth Riany	Resident Magistrate
CHILDRENS' COURT	
Hon. Lucy Gitari	Chief Magistrate
Hon. Brenda Naswa Kituyi	Senior Resident Magistrate
Hon. Zipporah Wawira Gichana	Resident Magistrate
Hon. Mary Anjao Otindo	Resident Magistrate
Hon. Hellen Malikia Siika	Resident Magistrate
Hon. Gerhard Gitonga Muchege	Resident Magistrate
CITY COUNTY COURT	
Hon. Loise C. Komingoi	Chief Magistrate
Hon. Mary Wanja Njagi	Principal Magistrate
Hon. Margaret Wangare Kurumbu	Resident Magistrate
COOPERATIVE TRIBUNAL	
Hon. Alex Ithuku	Senior Principal Magistrate
Hon. Cecilia Karimi Kithinji	Resident Magistrate
MILIMANI COMMERCIAL COURTS	
Hon. Rachel Ngetich	Chief Magistrate
Hon. Ameyo Edna Asachi Nyaloti	Chief Magistrate
Hon. Elizabeth Katiwa Usui	Senior Principal Magistrate
Hon. Letizia M. Wachira	Senior Principal Magistrate
Hon. Grace Mmasi	Senior Principal Magistrate
Hon. David Mburu Wanjohi	Principal Magistrate
Hon. Mildred Obura	Principal Magistrate
Hon. Isaac Karasi Orenge	Senior Resident Magistrate
Hon. Esther Nasimiyu Wanjala	Senior Resident Magistrate
Hon. David Mbeja Obonyo	Senior Resident Magistrate
Hon. Peter Omuyele Muholi	Resident Magistrate
Hon. Leah Wandia Kabaria	Resident Magistrate
Hon. Irene Wangui Gichobi	Resident Magistrate
Hon. Margaret Wanjeri Murage	Resident Magistrate

NAME	STATION
KADHIS' COURT - UPPERHILL	
Hon. Sheikh A. Omar	Deputy Chief Kadhi
Hon. Ishaq Abduljabar Hussein	Kadhi II
MAKADARA LAW COURTS	
Hon. Emily Ominde	Chief Magistrate
Hon. Heston N. Nyaga	Chief Magistrate
Hon. Everlyne S.A. Olwande	Principal Magistrate
Hon. Angelo Kithinji Rwito	Principal Magistrate
Hon. Stephen Samuel Wadida Jalang'o	Senior Resident Magistrate
Hon. Kaimenyi Eva Kanyiri	Senior Resident Magistrate
Hon. Jacqueline Chepkoech Kibosia	Senior Resident Magistrate
Hon. Alice Wambui Macharia	Resident Magistrate
Hon. William Otieno Oketch	Resident Magistrate
Hon. Eunice Cherotich Kimaiyo	Resident Magistrate
KIBERA LAW COURT	
Hon. Anne C. Onginjo	Chief Magistrate
Hon. Elizabeth Nyarangi Juma	Senior Principal Magistrate
Hon. Bernard Ochoi	Principal Magistrate
Hon. Barbara Ojoo	Principal Magistrate
Hon. Ase Meresia Opondo	Senior Resident Magistrate
Hon. Derrick Khaemba Kuto	Senior Resident Magistrate
Hon. Faith Mueni Mutuku	Senior Resident Magistrate
Hon. Bryan Khaemba Mandila	Senior Resident Magistrate
Hon. Charles Nchore Ondiek	Resident Magistrate
Hon. Jane Wambui Kamau	Resident Magistrate
Hon. Dogo Sheikh Kabasoo	Kadhi II
JKIA LAW COURTS	
Hon. Lucas O. Onyina	Senior Principal Magistrate
NYANZA PROVINCE	
KISUMU LAW COURTS	
Hon. Julius K. Ng'arng'ar	Senior Principal Magistrate
Hon. Thomas Obutu Atanga	Principal Magistrate
Hon. Phylis Lusuah Shinyanda	Senior Resident Magistrate
Hon. Harrison Adika Musa Sajide	Senior Resident Magistrate – DR CoA
Hon. Kemunto Winfrida Onkunya	Senior Resident Magistrate
Hon. Angeline Achieng A. Odawo	Resident Magistrate
Hon. Rose Mugeni Ndombi	Resident Magistrate
Hon. Pauline Wangari Mbulika	Resident Magistrate – DR HC
Hon. Martha Awidhi Agutu	Resident Magistrate
Hon. Sukyan Omar	Principal Kadhi
WINAM LAW COURTS	
Hon. Bernard Kasavuli	Senior Resident Magistrate
Hon. Carolyne Naliaka Njalale	Resident Magistrate
Hon. Jocelyne Rino Kimeto	Resident Magistrate
MASENO LAW COURTS	
Hon. Dolphine Okundi	Senior Principal Magistrate
Hon. Kipngeno Reuben S. aka Sang	Senior Resident Magistrate
Hon. Barnabas Kibet Kiptoo	Resident Magistrate
SIAYA LAW COURTS	
Hon. Hazel Wandere	Principal Magistrate
Hon. Celesa Asis Okore	Senior Resident Magistrate
Hon. Jared Nyangena Sani	Resident Magistrate
BONDO LAW COURTS	
Hon. Moses Oyoko Obiero	Principal Magistrate
Hon. Edwin Wasike Nyongesa	Resident Magistrate
UKWALA LAW COURTS	
Hon. Gladys Adhiambo	Senior Resident Magistrate
Hon. Claire Nanjala Wanyama	Resident Magistrate
NYANDO LAW COURTS	
Hon. Patrick Olengo	Principal Magistrate
Hon. Millicent Chepkurui Nyigei	Resident Magistrate
TAMU LAW COURTS	
Hon. Sammy Aswani Opande	Senior Resident Magistrate
Hon. Maureen Cherono Nyigei	Resident Magistrate
HOMA-BAY LAW COURTS	
Hon. Patricia Gichohi	Chief Magistrate
Hon. Susan Ndegwa	Principal Magistrate
Hon. Paul Mutia Mayova	Senior Resident Magistrate
Hon. Emily Chemeli Kigen	Resident Magistrate
Hon. Nyaboga Idris Nyamagosa	Kadhi II
MBITA LAW COURTS	
Hon. Samson Ongeri Omwenga	Senior Resident Magistrate
Hon. Japheth Cheruiyot Bii	Resident Magistrate

NAME	STATION
MIGORI LAW COURTS	
Hon. Richard O. Odenyo	Senior Principal Magistrate
Hon. Edwin Nyaga Muriuki	Senior Resident Magistrate
Hon. Martin Maina Wachira	Resident Magistrate
Hon. Adan Ibrahim Tullu	Kadhi II
RONGO LAW COURTS	
Hon. Purity Chepkorir Koskey	Senior Resident Magistrate
Hon. Charles Mwaniki Kamau	Resident Magistrate
OYUGIS LAW COURTS	
Hon. Samuel M. Mokua	Senior Principal Magistrate
Hon. John Paul Nandi	Senior Resident Magistrate
Hon. Joy Shiundu Wesonga	Resident Magistrate
KISII LAW COURTS	
Hon. Jesse Njagi Nyaga	Chief Magistrate
Hon. John N. Muniu	Senior Principal Magistrate
Hon. Ruth B. Nabwire Maloba	Senior Resident Magistrate
Hon. Stephen Onjoro Khachuenu	Senior Resident Magistrate
Hon. Virginia Karanja	Resident Magistrate – DR HC
Hon. Vincent Mugendi Nyaga	Resident Magistrate
Hon. Symphie Nekesa Makila	Resident Magistrate
NYAMIRA LAW COURTS	
Hon. Eunice Kagure Nyutu	Principal Magistrate
Hon. Renee Musimbi Kitagwa	Resident Magistrate
OGEMBO LAW COURTS	
Hon. Naomi Wairimu	Senior Resident Magistrate
Hon. Caroline R.T. Ateya	Resident Magistrate
KEROKA LAW COURTS	
Hon. James N. Mwaniki	Principal Magistrate
Hon. Racheal Njoki Kahara	Resident Magistrate
KEHANCHA LAW COURTS	
Hon. Peter Ndwiga	Principal Magistrate
Hon. George Rachemi Sagero	Senior Resident Magistrate
WESTERN REGION:	
KAKAMEGA LAW COURTS	
Hon. Bildad Ochieng	Chief Magistrate
Hon. Samuel Wahome	Senior Principal Magistrate
Hon. Mary G. Chepseba	Senior Principal Magistrate
Hon. Benson Sikuku Khapoya	Senior Resident Magistrate - DR HC
Hon. James Ongondo	Senior Resident Magistrate
Hon. Malesi Eric Kidali	Senior Resident Magistrate
Hon. Felix Makoyo Omweri	Resident Magistrate
Hon. Sheikh Shaban Issa Muhammed	Kadhi II
MUMIAS LAW COURTS	
Hon. Teresia A. Odera	Principal Magistrate
Hon. Calestous Sindani Nambafu	Senior Resident Magistrate
Hon. Fredrick Mayaka Nyakundi	Resident Magistrate
BUTERE LAW COURTS	
Hon. Charles Soi Mutai	Principal Magistrate
Hon. Maureen Iberia Shimenga	Resident Magistrate
BUTALI LAW COURTS	
Hon. Maureen Lambisia Nabibya	Senior Resident Magistrate
Hon. Tony Kipkorir a.k.a. Tony Kwambai	Resident Magistrate
VIHIGA LAW COURTS	
Hon. Jacinta Atieno Orwa	Principal Magistrate
Hon. Willy Kipkoech Cheruiyot	Resident Magistrate
HAMISI LAW COURTS	
Hon. Evans W. Muleka	Senior Resident Magistrate
Hon. Dennis Onyango Ogal	Resident Magistrate
Hon. Ally Wayu Bakari	Kadhi II
BUNGOMA LAW COURTS	
Hon. John G. King'ori	Chief Magistrate
Hon. William Chepseba	Senior Principal Magistrate
Hon. Stephen O. Mogute	Principal Magistrate
Hon. Christopher L. Yalwala -	Senior Resident Magistrate – DR HC
Hon. Elias Ngugi Mwenda	Senior Resident Magistrate
Hon. Gabriel Peter Omondi	Senior Resident Magistrate
Hon. Lynet A. Olel	Resident Magistrate
Hon. Sebastian G.O. Ratori	Kadhi II
WEBUYE LAW COURTS	
Hon. Thomas Muraguri	Principal Magistrate
Hon. Chrispine Noel Choka Oruo	Resident Magistrate
KIMILILI LAW COURTS	
Hon. Dickson Odhiambo Onyango	Senior Principal Magistrate
Hon. Christine Achieng Menya	Resident Magistrate

NAME	STATION
SIRISIA LAW COURTS	
Hon. Lilian Nafula Kiniale	Senior Principal Magistrate
Hon. Mukabi Kimani	Resident Magistrate
BUSIA LAW COURTS	
Hon. Hannah Njeri Ndungu	Chief Magistrate
Hon. George Njenga Wakahiu	Chief Magistrate
Hon. Ronaldine Mocho Washika	Senior Resident Magistrate
Hon. Martha Nanzushi Anyona	Senior Resident Magistrate
Hon. Josephine Nyatuga Maragia	Resident Magistrate
Hon. Christabel Irene Agutu	Resident Magistrate
Hon. Opacha Jamal Omodoi	Kadhi II
RIFT VALLEY REGION:	
NAKURU LAW COURTS	
Hon. David Kemei	Chief Magistrate
Hon. Joel K. Ng'eno	Chief Magistrate
Hon. Josephat Burudi Kalo	Chief Magistrate
Hon. Liz Lynne W. Gicheha	Senior Principal Magistrate
Hon. Victor Ndururu	Senior Principal Magistrate
Hon. Ben Mararo	Principal Magistrate
Hon. Joe Mkutu Omido	Senior Resident Magistrate
Hon. Judicaster Nthambi Nthuku	Senior Resident Magistrate
Hon. Faith K. Munyi	Senior Resident Magistrate
Hon. Alice Chemosop Towett	Resident Magistrate
Hon. Kelly Eunice Aoma	Resident Magistrate
Hon. Faith Kawira Muguongo	Resident Magistrate
Hon. Wilson Kipchumba Kitur	Resident Magistrate
Hon. Abdilaziz Maalim Mohamed	Kadhi II
NAIVASHA LAW COURTS	
Hon. Peter Gesora	Chief Magistrate
Hon. Esther Kimilu	Senior Resident Magistrate
Hon. Zainab Abdul Rahaman	Resident Magistrate – *DR HC*
Hon. Selina Nelima Muchungi	Resident Magistrate
MOLO LAW COURTS	
Hon. Wendy K. Micheni	Chief Magistrate
Hon. Daniel Ole Keiwua	Senior Principal Magistrate
Hon. James Helekia Sijenyi Wanyanga	Resident Magistrate
Hon. Ritah Mukungu Amwayi	Resident Magistrate
ELDORET LAW COURTS	
Hon. Tripsisa Wamae	Chief Magistrate
Hon. Margaret Wambani Onditi	Chief Magistrate
Hon. Charles Obulutsa	Senior Principal Magistrate
Hon. Lily M. Nafula	Senior Principal Magistrate
Hon. Harrison Barasa Omwima	Principal Magistrate
Hon. Mildred Munyekenye	Senior Resident Magistrate – DR HC
Hon. Gilbert K. Too	Senior Resident Magistrate
Hon. Stella Nekesa Telewa	Resident Magistrate
Hon. Tom Mark Olando	Resident Magistrate
Hon. Nicodemus Nyamwega Moseti-	Resident Magistrate
Hon. Zaharani Omar	Kadhi I
KAPSABET LAW COURTS	
Hon. Dolphina A. A. Kayila	Principal Magistrate
Hon. Ezekiel Angaga Obina	Senior Resident Magistrate
Hon. Cheronoh M. Kesse	Senior Resident Magistrate
KITALE LAW COURTS	
Hon. Patrick Wandera	Chief Magistrate
Hon. Paul Biwott	Senior Principal Magistrate
Hon. Mary Immaculate Gwaro	Principal Magistrate
Hon. Dorcas Wangeci Maiteri	Senior Resident Magistrate – DR HC
Hon. Vincent Okello Adet	Senior Resident Magistrate
Hon. Grace Nasike Sitati	Resident Magistrate
Hon. Peter Wabomba Wasike	Resident Magistrate
Hon. Carolyne Nyaguthii Mugo	Resident Magistrate
Hon. Charity Cheruto Kipkorir	Resident Magistrate
KERICHO LAW COURTS	
Hon. George M.A. Ong'ondo	Senior Principal Magistrate
Hon. Joseph Ndururi	Principal Magistrate – DR HC
Hon. Catherine Kinya Mungania	Senior Resident Magistrate
Hon. Solomon K. Ngetich	Senior Resident Magistrate
Hon. Judith Achieng Nyagol	Resident Magistrate
Hon. Byson Benjamin Limo	Resident Magistrate
Hon. Sambul M. Muhiyidin	Kadhi II
SOTIK LAW COURTS	
Hon. Bernard Obae Omwansa	Senior Resident Magistrate
Hon. Nancy Nang'uni Barasa	Resident Magistrate

NAME	STATION
BOMET LAW COURTS	
Hon. Pamela Achieng	Principal Magistrate
Hon. Gideon Kiage Oenga	Resident Magistrate
ITEN LAW COURTS	
Hon. Hezron Moibi Nyaberi	Principal Magistrate
Hon. Nelly Chepchirchir	Resident Magistrate
KABARNET LAW COURTS	
Hon. Samson. O. Temu	Senior Resident Magistrate
Hon. Ezra Masira Ayuka	Resident Magistrate
ELDAMA - RAVINE LAW COURTS	
Hon. Margaret A. Kasera	Principal Magistrate
Hon. Rhoda Yator	Senior Resident Magistrate
NAROK LAW COURTS	
Hon. Wilbroda Juma	Chief Magistrate
Hon. Tito Maoga Gesora	Principal Magistrate
Hon. Bildad Rogoncho Kimwele	Resident Magistrate
KILGORIS LAW COURTS	
Hon. Robert M. Oanda	Senior Resident Magistrate
Hon. Amos Kiprop Makoross	Senior Resident Magistrate
Hon. Monica Nasiche Munyendo	Resident Magistrate
KAJIADO LAW COURTS	
Hon. Susan M. Shitubi	Chief Magistrate
Hon. Stephen Mbungi	Senior Principal Magistrate
Hon. Evans Ayiema Mbicha	Resident Magistrate – DR HC
Hon. Juma Khamisi Tsamuo	Kadhi II
LOITOKTOK LAW COURTS	
Hon. Mathias Okuche	Senior Resident Magistrate
KAPENGURIA LAW COURTS	
Hon. Douglas Machage	Principal Magistrate
Hon. Phoebe Yiswa Kulecho	Resident Magistrate
MARALAL LAW COURTS	
Hon. Charles N. Ndegwa	Principal Magistrate
Hon. Abraham Karugia Gachie	Resident Magistrate
LODWAR LAW COURTS	
Hon. Mwangi Karimi Mwangi	Principal Magistrate
Hon. Christine Wekesa Mulongo	Senior Resident Magistrate – DR HC
KAKUMA LAW COURTS	
Hon. Jackline Wekesa Mukhwana	Senior Resident Magistrate
Hon. Khamis Ramadhani	Kadhi II
NANYUKI LAW COURTS	
Hon. Lucy Mutai	Chief Magistrate
Hon. Josephat W. Gichimu	Principal Magistrate
Hon. Evanson Bett	Senior Resident Magistrate – DR HC
NYAHURURU LAW COURTS	
Hon. Judith Wanjala	Chief Magistrate
Hon. Peter Ndege	Senior Resident Magistrate
Hon. Ocharo Momanyi	Senior Resident Magistrate
Hon. Susan Njeri Mwangi	Resident Magistrate
Hon. Victoria Achieng Ochanda	Resident Magistrate
Hon. Alice Wairimu Mukenga	Resident Magistrate
CENTRAL REGION:	
NYERI LAW COURTS	
Hon. John Onyiego	Chief Magistrate
Hon. Philip Mutua	Principal Magistrate
Hon. Joane N. Wambilyanga	Senior Resident Magistrate – DR CoA
Hon. Christine Wekesa Mulongo	Senior Resident Magistrate
Hon. Ruth Kefa Chebesio	Senior Resident Magistrate
Hon. Onesmus K. Towett	Senior Resident Magistrate
Hon. John Ochoe Aringo	Resident Magistrate
Hon. Catherine Wanjugu Mburu	Resident Magistrate
Hon. Nelly Wangechi Kariuki	Resident Magistrate – DR HC
Hon. Kutwaa Mohammed Abdalla	Kadhi I
OTHAYA LAW COURTS	
Hon. Ben Mark Ekhubi	Senior Resident Magistrate
Hon. Raymond Kibet Langat	Resident Magistrate
KARATINA LAW COURTS	
Hon. Florence Wangari Macharia	Principal Magistrate
Hon. Vicky Adhiambo Kachuodho	Resident Magistrate
MUKURWEINI LAW COURTS	
Hon. Johnstone Munguti	Principal Magistrate
Hon. Victor Otieno Chianda	Senior Resident Magistrate
MURANG'A LAW COURTS	
Hon. Roselyne Oganyo	Chief Magistrate
Hon. Antony Mwicigi	Principal Magistrate

NAME	STATION
Hon. James Jesse Masiga	Resident Magistrate
Hon. Eric Otieno Wambo	Resident Magistrate
Hon. Malampu Abdilatif Silau	Kadhi II
KANGEMA LAW COURTS	
Hon. Jared O. Magori	Principal Magistrate
Hon. Dennis Mungai Kivuti	Senior Resident Magistrate
KIGUMO LAW COURTS	
Hon. Agnes Mwangi Wahito	Senior Resident Magistrate
Hon. Agneta Atieno Ndege Ogonda	Resident Magistrate
THIKA LAW COURTS	
Hon. Theresa Murigi	Chief Magistrate
Hon. Abdulgadir R. Lorot	Senior Principal Magistrate
Hon. Benson Ireri	Principal Magistrate
Hon. Grace A. Omodho	Senior Resident Magistrate
Hon. Jerop Brenda Bartoo	Resident Magistrate
Hon. Christine Asuna Okello	Resident Magistrate
Hon. Geoffrey Onsarigo Osoro	Resident Magistrate
Hon. Isaack Hassan Mohamed Noor	Kadhi II
GATUNDU LAW COURTS	
Hon. Anne Mwangi	Principal Magistrate
Hon. Ngumi Wangeci	Senior Resident Magistrate
Hon. Emily Nyongesa Nafula	Senior Resident Magistrate
KANDARA LAW COURTS	
Hon. Manuela Wanjiru Kinyanjui	Senior Resident Magistrate
KIAMBU LAW COURTS	
Hon. Dr. Julie Oseko	Senior Principal Magistrate
Hon. Stella Atambo	Principal Magistrate
Hon. Justus Mulei Kituku	Principal Magistrate
Hon. Bryan Khaemba Mandila	Senior Resident Magistrate
Hon. Simon Kaigongi Arome	Resident Magistrate
GITHUNGURI LAW COURTS	
Hon. Charles Ariba Kutwa	Principal Magistrate
Hon. Melanie Celestine A. Awino	Senior Resident Magistrate
KIKUYU LAW COURTS	
Hon. Daniel M. Ngalu	Principal Magistrate
Hon. Elvis Michieka	Senior Resident Magistrate
LIMURU LAW COURTS	
Hon. Godfrey Oduor	Senior Principal Magistrate
Hon. Njalale Karen Mukhaye	Senior Resident Magistrate
ENGINEER LAW COURTS	
Hon. Martin Kinyua Mutegi	Senior Resident Magistrate
Hon. Georgina Nasaakopakasi	Resident Magistrate
KERUGOYA LAW COURTS	
Hon. Francis Andayi	Chief Magistrate
Hon. Juliet Atema Kasam	Senior Resident Magistrate – DR HC
Hon. Yusuf Barasa Mukhula Barasa	Resident Magistrate
BARICHO LAW COURTS	
Hon. Evans Hezekiah Keago	Principal Magistrate
Hon. Monicah Njoki Kivuti	Resident Magistrate
GICHUGU LAW COURTS	
Hon. Agnes Ndunge Makau	Senior Resident Magistrate
Hon. Mercy Nasimiyu Wanyama	Resident Magistrate
WANG'URU LAW COURTS	
Hon. Peter N. Kiama	Principal Magistrate
Hon. Daffline Nyaboke Sure	Resident Senior Resident Magistrate Magistrate
EASTERN REGION:	
EMBU LAW COURTS	
Hon. Maxwell Gicheru	Chief Magistrate
Hon. Robinson O. Oigara	Principal Magistrate
Hon. Samuel Kiprotich Mutai	Senior Resident Magistrate
Hon. Vincent Obondi Nyakundi	Resident Magistrate - DR HC
Hon. Julian Kabugo Ndeng'eri	Resident Magistrate
RUNYENJES LAW COURTS	
Hon. Beatrice Muthoni Kimemia	Principal Magistrate
Hon. Lawrence Kyasya Mwendwa	Resident Magistrate
SIAKAGO LAW COURTS	
Hon. Thomas Nzyoki	Principal Magistrate
Hon. Jackson Obuya Omwange	Resident Magistrate
MERU LAW COURTS	
Hon. Evans Makori	Chief Magistrate
Hon. Lucy Ambasi	Chief Magistrate
Hon. Joseph Karanja	Principal Magistrate
Hon. Monica Nyarango Nyakundi	Principal Magistrate
Hon. Stella Nabwire Abuya	Principal Magistrate

NAME	STATION
Hon. Carolyne Kenda Obara	Senior Resident Magistrate – DR HC
Hon. Eva Wanjiku Wambugu	Resident Magistrate
CHUKA LAW COURTS	
Hon. Alfred G. Kibiru	Senior Principal Magistrate
Hon. Mwakwambirwa M. Sudi	Senior Resident Magistrate
MARIMANTI LAW COURTS	
Hon. Linus Nyakundi Mesa	Senior Resident Magistrate
NKUBU LAW COURTS	
Hon. Duke Atuti Ocharo	Senior Resident Magistrate
Hon. Nerolyne Miraho Idagwa	Resident Magistrate
GITHONGO LAW COURTS	
Hon. Charles Alberto Obonyo Mayamba	Senior Resident Magistrate
Hon. Caroline Kemei	Resident Magistrate
MAUA LAW COURTS	
Hon. Samuel Soita	Senior Principal Magistrate
Hon. Andrew Githinji Munene	Senior Resident Magistrate
Hon. John Waweru Wang'ang'a	Resident Magistrate
Hon. Oscar Muigai Ruguru Wanyaga	Resident Magistrate
Hon. Muriuki Nicholas Murithi	Kadhi II
TIGANIA LAW COURTS	
Hon. Sogomo Gathogo	Senior Resident Magistrate
Hon. Paul Matanda Wechuli	Resident Magistrate
MACHAKOS LAW COURTS	
Hon. Lucy Mbugua	Chief Magistrate
Hon. Carolyne Ocharo	Principal Magistrate
Hon. Lucy Chebet Kaittany	Senior Resident Magistrate – DR HC
Hon. Lester Simiyu	Senior Resident Magistrate
Hon. Irene Marcia Kahuya	Senior Resident Magistrate
Hon. Yusuf Abdalla Shikanda	Senior Resident Magistrate
Hon. Kibelion Kipkurui	Senior Resident Magistrate
Hon. Catherine Khakasa Kisiangani	Senior Resident Magistrate
Hon. Mwaito Salim Juma	Kadhi II
MAVOKO LAW COURTS	
Hon. Linus Pogh'on Kassan	Senior Principal Magistrate
Hon. Peter Oduor Ooko	Principal Magistrate
Hon. Jacqueline Adhiambo Agonda	Senior Resident Magistrate
Hon. Linda Akosa Mumassabba	Resident Magistrate
KITHIMANI LAW COURTS	
Hon. Martha Akoth Opanga	Senior Resident Magistrate
Hon. Gilbert Omuyaku Shikwe	Resident Magistrate
KANGUNDO LAW COURTS	
Hon. Desderias Orimba	Principal Magistrate
Hon. Maisy P. Chesang	Resident Magistrate
Hon. Sinkiyian Nkini Tobiko	Resident Magistrate
TAWA LAW COURTS	
Hon. Margaret Nafula Makokha	Senior Resident Magistrate
Hon. Hosea Mwangi Nganga	Resident Magistrate
MAKUENI LAW COURTS	
Hon. Richard Kipkemoi Koech	Senior Resident Magistrate
Hon. Corilus Osero Nyawiri	Senior Resident Magistrate
Hon. Timothy Nchoe Sironka	Resident Magistrate
KILUNGU LAW COURTS	
Hon. Patrick Wambugu Mwangi	Senior Resident Magistrate
Hon. Everlyne Makungu Onzere	Resident Magistrate
MAKINDU LAW COURTS	
Hon. Gerald Muuo Mutiso	Senior Resident Magistrate
Hon. David Munyao Ndungi	Resident Magistrate
Hon. Elizabeth Murugi Muiru	Resident Magistrate
KITUI LAW COURTS	
Hon. Mary Anne Murage	Chief Magistrate
Hon. Esther Boke	Principal Magistrate
Hon. Rose Ombata	Resident Magistrate – DR HC
Hon. Ali Dida Wako	Kadhi II
MUTOMO LAW COURTS	
Hon. Joseph N. Nyakundi	Principal Magistrate
Hon. Stephen Kalai Ngii	Resident Magistrate
MWINGI LAW COURTS	
Hon. Kibet Sambu	Principal Magistrate
Hon. Grace Wangui Kirugumi	Resident Magistrate
Hon. Karanja Thulkif Waweru	Kadhi II
KYUSO LAW COURTS	
Hon. Bethwel Kimutai Matata	Senior Resident Magistrate

NAME	STATION
MARSABIT LAW COURTS	
Hon. Boaz Maura Ombewa	Senior Resident Magistrate
Hon. Tom Mbayaki Wafula	Resident Magistrate
Hon. Abdullahi Mohammed	Kadhi I
ISIOLO LAW COURTS	
Hon. Samuel M. Mungai	Chief Magistrate
Hon. Rosemelle Anyango Mutoka	Chief Magistrate
Hon. Joan Irura	Senior Resident Magistrate
Hon. Robert Gitau Mundia	Resident Magistrate
Hon. Kunyuk John Tito	Kadhi II
Hon. Galgalo Adan	Kadhi II - Garbatulla
Hon. Mustafa Guyo Shunu	Kadhi II - Merti
MOYALE LAW COURTS	
Hon. Edward Kiprono Too	Senior Resident Magistrate
Hon. Simon Kimani Mburu	Resident Magistrate
Hon. Abdi Osman Sheikh	Kadhi II
COAST REGION:	
MOMBASA LAW COURTS	
Hon. Teresia Matheka	Chief Magistrate
Hon. Julius Mukut Nangea	Chief Magistrate
Hon. Ogoti Douglas Nyambane	Chief Magistrate
Hon. Simon R. Rotich	Senior Principal Magistrate
Hon. Henry Nyabuto Nyakweba	Principal Magistrate
Hon. Francis N. Kyambia	Principal Magistrate
Hon. Davis G. Karani	Principal Magistrate
Hon. Betty Chepkemei Koech	Senior Resident Magistrate
Hon. Irene Ruguru Ngotho	Senior Resident Magistrate – DR HC
Hon. Alberty Saitabau Lesootia	Senior Resident Magistrate – DR LRBC
Hon. Edgar Matsigulu Kangoni	Senior Resident Magistrate
Hon. Martin Osano Achoka Rabera	Senior Resident Magistrate
Hon. Lilian Tsuma Lewa	Resident Magistrate
Hon. Dorothy I.N.N. Wasike	Resident Magistrate
Hon. Viola Jepkorir Yator	Resident Magistrate
Hon. Erick Musyoka Mutunga	Resident Magistrate
KADHIS' COURT MOMBASA	
Hon. Al Muhdhar A. Hussein	Chief Kadhi
Hon. Athman Abduhalim Hussein	Principal Kadhi Kadhi II
Hon. Salim Mwidadi Abdullah	Kadhi II
Hon. Mwambele M. Suleiman	Kadhi II
SHANZU LAW COURTS	
Hon. Diana Rachel Kavedza-Mochache	Principal Magistrate
Hon. Anastasia Gathoni Ndung'u	Resident Magistrate
MALINDI LAW COURTS	
Hon. Charles C. Mbogo	Chief Magistrate
Hon. Sylvia R. Wewa	Principal Magistrate
Hon. Yvonne Khatambi Inyama	Senior Resident Magistrate
Hon. Caroline Muthoni Nzibe	Resident Magistrate
Hon. Janette Wandia Nyamu	Resident Magistrate
Hon. Salim S. Mohammed	Kadhi I
GARSEN LAW COURTS	
Hon. James Macharia Muriuki	Senior Resident Magistrate
Hon. Stephen Munene Nyaga	Resident Magistrate
Hon. Rashid Kokonya Otundo	Kadhi II
KALOLENI LAW COURTS	
Hon. Robinson K. Ondieki	Principal Magistrate
Hon. Lucy Khahendi Sindani	Resident Magistrate
KILIFI LAW COURTS	
Hon. Dominica Nyambu	Senior Principal Magistrate
Hon. Leah Njambi Waigera	Senior Resident Magistrate
Hon. Leah Nekesa Kisabuli	Resident Magistrate
Hon. Talib B. Mohammed	Kadhi I
VOI LAW COURTS	
Hon. Elena Gathoni Nderitu	Senior Principal Magistrate
Hon. Mogire Onkoba	Senior Resident Magistrate
Hon. Eugene Melville Kadima	Resident Magistrate
Hon. Swaleh Mohamed Ali	Kadhi II
MARIAKANI LAW COURTS	
Hon. Nathan Shiundu Lutta	Senior Principal Magistrate
Hon. Lewis Kamanga Gatheru	Resident Magistrate
Hon. Maldi Omar Khamis Swaleh	Kadhi II
WUNDANYI LAW COURTS	
Hon. Nicholas N. Njagi	Senior Principal Magistrate

NAME	STATION
TAVETA LAW COURTS	
Hon. James Omburah	Senior Resident Magistrate
Hon. Geoffrey Ontita Kimang'a	Resident Magistrate
KWALE LAW COURTS	
Hon. Doreen Mulekyo	Chef Magistrate
Hon. Cosmas Mutungwa Maundu	Senior Principal Magistrate
Hon. Paul Kipkemoi Mutai	Resident Magistrate
Hon. Bedzenga Said Khamis	Kadhi I
Hon. Wendo Shaban Wendo	Kadhi II
Hon. Mohamed Garama Randu	Kadhi II - Msambweni
LAMU LAW COURTS	
Hon. Angela Njeri Thuku	Senior Resident Magistrate
Hon. David Muchangi Ireri	Resident Magistrate
Hon. Hamisi M. Mshali	Kadhi I
Hon. Gavana Awadh Mohamed	Kadhi II - Witu
MPEKETONI LAW COURTS	
Hon. Walter Onchuru	Principal Magistrate
HOLA LAW COURTS	
Hon. Dennis Matutu Kiprono	Senior Resident Magistrate
Hon. Juma A. Abdalla	Kadhi I
NORTH-EASTERN REGION:	
GARISSA LAW COURTS	
Hon. Margaret Wachira	Chief Magistrate
Hon. Timothy Ole Tanchu	Senior Resident Magistrate
Hon. Victor Karago Asiyo	Resident Magistrate – DR HC
Hon. Sheikh M. Hassan	Kadhi I
Hon. Mvudi Masoud Makange	Kadhi II - Daadab
Hon. Daffa Hassan Omar	Kadhi II
Hon. Mohamud I. Mohamed	Kadhi II - Ijara
Hon. Mohamed Kule Muhumed	Kadhi II - Balambala
WAJIR LAW COURTS	
Hon. Enock Cherono	Senior Principal Magistrate
Hon. Mursal Mohamed Sizi	Kadhi II
Hon. Muktar Billow Salat	Kadhi II - Habaswein
Hon. Abdullahi Abdiwahab Mursal	Kadhi II
Hon. Dadacha Ali Ibrahim	Kadhi II - Bute
Hon. Wehliye Mohamed Sheikh	Kadhi II - Eldas
MANDERA LAW COURTS	
Hon. Peter Nyagaka Areri	Senior Resident Magistrate
Hon. Duncan Kiptoo Mtai	Resident Magistrate
Hon. Habib Salim Vumbi	Kadhi II
Hon. Fahad Ismael Mohamed	Kadhi II
Hon. Hussein Mohamed Hassan	Kadhi II - Elwak
Hon. Ahmed Issack Maalim	Kadhi II – Tagabu
Total Number of Magistrate	**451 (Male 227; Female 224)**
Total Number of Kadhis	**56**

ANNEX 1.2: COURT USER COMMITTEES SUMMARY REPORT

COURT	ACHIEVEMENTS	CHALLENGES
Baricho	• Reduced number of case backlog • Improvement in rehabilitation of prisoners • Reduced bureaucracy and immediate response to children matters due to diversion of children (so that they do not go to court) • Reduced alcohol related offences	• Securing a convenient venue for CUC meetings since the court doesn't have space. • Inconsistent CUC membership due to transfers of members of staff. • Other commitments of CUC members thus making it hard to convene meetings. • Insufficient funds • Frequent adjournment of cases in the lower courts • Delay in police to avail files and exhibits in court thus derailing prosecution of cases
Bomet	• Reduction in liquor related cases through use of ADR • Adequate court officials who are ready to assist	• Information from public not forwarded to the police • Movement of exhibits to police not clear and securing of crime scenes not well done • Lack of a Court building and space • Lack of police officers during scenes of crime visits • Court procedures are still complex to members of public • Lack of proper induction to Court Interpreters • Slow typing of proceedings and judgments • Lack of coordination between probation office and worksite

COURT	ACHIEVEMENTS	CHALLENGES
		supervisors for CSO work site placement • Lack of children holding cells
Bondo	• The coordination amongst stakeholders has progressed and the challenges are identified and addressed sufficiently. • Better management of the court and staff needs, identify the challenges and addressing them as they occur, improving efficiency, better working relationship.	• Insufficient funds • Shortage of staff • Insufficient funds to hold public sensitization programs on roles of Judiciary. • No staff latrines, no furniture and no Internet.
Bungoma	• Recovery of missing files • Increase in number of placements of CSO • Probation office is now in Court hence communication is efficient.	• Absenteeism of LSK official and Land Registrar to respond to issues • *'Boda boda'* menace • Collusion of police, prisons and court officials to release people from prisons • Lack of children's officer in Bungoma • No customer care desk at the court due to lack of funds
Busia	NO REPORT	
Butali	• On-time presentation of remandees to court for court sessions • Execution of more arrest warrants • Reduced backlog of old cases • The continued use of ADR mechanisms thus lessening the burden of cases that unnecessarily end up in court • Improved teamwork	• Failure by expert witnesses from Webuye Hospital to attend court sessions • Police not embraced offers from both the Courts and RODI Kenya to facilitate the production of witness statements • Inadequate state counsel • Lack of a local database for records of conviction • Increase in missing police files • Delay in funding • Long distance to collect P3 forms for defilement cases • Lack of a child rescue centre
Butere	NO REPORT	
Chuka	• Successful open day • Smooth running of the station	• Parties not fixing dates in civil registries & probate even when cases are ready for confirmation & hearing • Frivolous adjournments & absence by advocates • Accused persons not being brought before courts at times • Non-appearance by either party in court for cases to proceed. • Lack of resources
City Court	NO REPORT	
Eldama – Ravine	NO REPORT	
Eldoret	• Use of the social media for communication i.e. gmail, facebook to engage the community • Improved engagement of various agencies	• Photocopy of statements for inmates • Case Backlog • Negative public perception about the court. • Lack of Integrity and unethical behaviour expressed through Corruption • Lack of structured coordination and communication among actors in the Justice Sector • Poor time management within the court and court users committee meetings. • Unavailability of Police Files • Shoddy Investigations by police officers • Delayed Probation and Children Officer's Reports • Absence of Litigants and Counsels during court proceedings
Embu	• Inception of the witness protection program • Training of agencies on Children Matters	• Non-attendance of county government representatives to meetings • Lack of funds • Compliance with laws that aggrieve the government • Failure by police to avail files in court • Slashing, by the county government, of the budget set to cater for street children. • Outdated filing system in the lands office and non-cooperation with the CUC.
Engineer		• Delay in releasing remandees by the courts • Insufficient security provided to the court • *'Perfected'* witness statements by police • Police don't avail witness statements to the courts • Delay in settling succession matters • Less collaboration by chiefs
Garissa	• L.S.K providing probono services to children in conflict with the law	• Lack of adequate security in the court room • Lack of sufficient court orderlies
Garsen	NO REPORT	
Gatundu	• Good security for the court with security scan at the gate. • Full-time customer care desk. • Court signage for directions • Consistent use of file movement registers • The working relationship between the different court users is cordial and good co-operation between	• Shortage of staff in the Registries for implementation of resolution. • No internet in the station – we use modems which are not sufficiently funded. • Inability to implement case management system due to lack of staff, internal and computers. • Implementation of the resolutions is at times hindered by

COURT	ACHIEVEMENTS	CHALLENGES
	various court users. • Ability to know the challenges other departments are facing while carrying on their day to day's work. • The court users are explained the need for expeditious hearing and disposal cases have they put more efforts to achieve this.	lack of funds. • Most members do not attend all the meetings hence they do not understand their roles properly. • Insuficient funding
Gichugu	• Improvement of court security by adding more security personnel • Establishment of victim of violence desk for both male and female at the police station • Active children's court	• Bonding of inmates • Less cooperation from the village chiefs • Delay in releasing prisoners • Medical officers have not been cooperative and in most occasions not attending Court. • No clear records of prisoners • Delay in reports from the government chemist • Lack of bail assessment reports from the probation department • Late registration of cases by police officers and ODPP • Insufficient funds due to delayed repayment of balances from the Head quarters Nairobi
Githongo	• Reduction of case backlog • Adaption of ADR to clear case backlogs • Improved safe keeping of the police records • Involvement of Ripples International to ease access to justice for the poor and vulnerable • Implementation of Bail and Bond policy thus reducing prison congestion	• Increase in fraudulent deals within the court station • Perennial litigants • Lack of funds by police to facilitate transfer of boys to Borstal institutions • Lack of cells for holding remandees • Increase in child neglect cases • Lack of Transport of remandees to court and back to prison • Lack of cooperation from chiefs in handling of succession cases
Githunguri		• Lack of children holding facility • Missing police files • Inadequate state counsels • Delay in execution of warrants of arrest by police officers • Lack of sufficient transport to move prisoners from prison to court and back • Disconnect between prosecution, investigating officers and station commanders
Hamisi	NO REPORT	
Hola	NO REPORT	
Homa – Bay	• Regular reviews of cases have led to the decongestion of prison population. • The CUC has led to a better flow of information from stakeholders to the general public. • The court environment has become more customers friendly and is more focused on service delivery. • The role of the judiciary and other stakeholders in the administration of justice has been demystified for the common man.	• Lack of funds • Delay in presenting P3 and post mortem reports to courts • Missing police files
Isiolo	• Establishment of mobile court at Serolipi thus easing delivery of justice. • Elders have been trained on various areas of justice delivery • Use of AJS making access to justice cheap and affordable.	• Vastness of the Isiolo County – some areas like Merti and Garbatulla are in the remote parts of the County while infrastructural network is underdeveloped, hence accessibility is challenging. • Some people still shunning away from using AJS thus causing huge backlogs at the courts • Lack of funds • Lack of support from county government • Lack of children remand home
Iten	• Reduction of case backlog • Improved working relationship with other justice actors • More engagement with the stakeholders	• Inadequate resources to mobilize CUC members • Prison department using one vehicle to ferry remandees to main court and mobile court at Tot region. • Execution of notices to attend court in traffic matters. • Investigating officers are not adequately facilitated after they are transferred when required to attend court. • Lack of enough working space for the staff • We need a perimeter wall to enhance security. • Lack of standby generator. • Lack of enough infrastructure (Currently using a condemned building)
JKIA	NO REPORT	
Kabarnet		• Efforts being thwarted by influential interested personalities in some certain cases • Court jurisdictions – vastness and remoteness of the area • Insecurity
Kadhis Court Mombasa	• Addition of 22 new kadhis and addition of new kadhis courts in Msambweni, Witu and Mariakani	• High cost of litigation leading to denied justice • Shortage of marriage books • Conflict of interest in collection of marriage solemnizing fees, '*ada*'.

COURT	ACHIEVEMENTS	CHALLENGES
		• Rampant under age marriage • Lack of sufficient funding • New taking pleading processes are still complex
Kajiado	NO REPORT	
Kakamega	• Formation of Sub-committees to handle emerging issues in the region within the CuC • Improved relation and communication with the stakeholders. • Improved participation in Court Process by the stakeholders. • Stakeholders involvement in the discussion and approval of the High Court plan	• No sitting allowance for the Court Users Committee meetings held • Lack of good decision making by the Head of the Station on matters that need to be acted upon • Limited funding for the CuC • Lack of transport reimbursement for the members of the CUC who attend meetings. • Recommendation made not implemented at the national Level. • Judicial Officers overwhelmed with work hence limited time to CUC activities. • Some departments sending junior staff to represent them in CuC meetings, hence lack of consistency in representation and affects matters affect such departments are they keep delaying.
Kakuma	• Missing files availed and progress made on the specific cases • The Judiciary has been allocated an office/ registry and a hall to conduct court sessions by the DCC.	• Prison congestion due to delay by the headquarters to release list of beneficiaries • Encroachment into land allocated for judiciary by a private developer • Due to demand at work or high staff turnover, bonding the IRC medical staff has become a problem for the prosecution. • In terms of bond terms, the terms become very difficult for the refugees considering that they don't own property e.g. land, log books etc • Refugees giving incorrect names leading to many to jump bail • Children protection unit not opened • Interpreters are a problem in courts; they come late when required or they never attend court at all when required thus causing delay in the delivery of justice.
Kaloleni	• Qualification for JPIP CUC grant • Community outreach programs that have led to reduction of sexual and traffic related offences.	• Absence of judiciary representation in many public forums • Understanding of the bail and bonds
Kandara	• Improvement in follow up of prisoners living with mental disabilities. • Sensitization of the members of public through outreach programs	• Late presentation of plea files • Interference of defilement cases by family members • Missing exhibits • Delays in availing witness statements to court thus delaying cases.
Kangema	• Reduced crime level due to lower pleas being taken to court • Supply of court furniture • Use of ADR being embraced thus fast tracking justice delivery	• Delay in starting of court sessions • Poorly filled P3 forms • Interference from locals and some chiefs in implementation of ADR • Lack of sufficient funds to organize CUC meeting. • Meeting held in court room. • No allowance to members. • Lack of funds for team building activities for C.U.C members. • Lack of member's motivation activities • Some stakeholders failing to attend meetings in time due to means of transport from their areas.
Kangundo	• Reduced number of forfeiture case	• Non-production of police files to court • Lack of witnesses and/or failure to bond them • Frequent adjournments from the investigating officers without valid reasons. • Lack of children holding facility
Kapenguria	• Mobile court at Alale making it easy for people from far flank areas to access justice in time.	• Age assessment of accused persons • Accused absconding and failure of police executing warrants of arrest • Sampling of exhibits • Challenge in getting previous records of accused during sentencing • Lack witnesses especially for murder cases • Lack of children holding facility • Lack of adequate prosecutors.
Kapsabet	• Establishment of two mobile courts thus ease in accessing justice. • Outreach programs to sensitize public on drug abuse and children's matters. • Training of judicial staff in ICT • Bringing of the container for filing Court files	• No proper case preparation & case prosecution • Lack of knowledge of the Court processes by witnesses i.e witnesses are not aware of the court processes • Lack of resources • Lack of coordination, collaboration within the agencies • Stigma of sexual offences • Vast area of jurisdiction with only 3 magistrates • Lack of funds • Delay in delivery of police files to courts

COURT	ACHIEVEMENTS	CHALLENGES
		• Lack of juvenile remand home in Nandi county • Transporting children offenders to court • There are no holding cells for Children in courts • Cases of lost or misplaced files in courts; • Illiteracy about the court procedures by members of the public • Weakening of cases by threatening of witnesses or issue of threats to witnesses by Accused persons • Traditional settlement of cases "KIPKA". In most cases a hindrance to justice for the weaker sex or party such as women and children. • Corruption • Frequent transfers of judicial officers and staff
Karatina	• Good sensitization on police reforms, and good teamwork noted amongst Security. Agencies in Mathira east and West Sub-Counties. • Planning the modalities for availing E-Cause Lists • Other Police Units assisting the Traffic Base Commander in apprehending Notice to attend Court (NtAC) abscondees. • Team work of all judicial sector agencies in service delivery. • Proposal for the JPIP Grant was successful, and the expected amount is Kshs. 500,000. • Individual departments' initiative, as well as frequent case-conferencing with the Bench, has been the hall-mark of AJS/ADR Program. • Remandees being brought to court on time. • Prosecution office received office furniture.	• Lack of adequate office space for prosecution. • Karatina male remandee population is very high. • Delay in concluding cases for some remandees who have been in Remand prison for 4 years, 3 years and 18 months. • Missing original and photocopies of support documents for cases.
Kehancha	• Expeditious handling of children's cases	• Clinical officers not filling P3 forms well as a result many sex offenders get acquitted • Lack of a children protection unit (CPU) • Lack of patrols in the area leading to increase in crime • Lack of KCB agent for paying of court fees in excess of sh.500 • Corruption • Poor relationship between the police and the court • Withdrawal of cases without reasonable cause • Shortage of judicial staff • Non-attendance of court sessions by the Children Officers on cases pertaining to children matters • Long distance to access the court thus, need for a mobile court • Absconding of court mostly by accused persons on rape and defilement charges that are released on bond. • Delay in getting reports from the government chemist • Non-working relationship with the Migori court.
Kericho	NO DATA	
Keroka	• All accused person is provided with statements before hearing dates thus reducing adjournment of cases. • Reduced Crime rate- Out of the speedy conclusion of cases and convictions made. • Timely registration of pleas has been achieved • Increased collaborations with the community through collaboration and co-opting of new members. • Judiciary has simplified its procedures- The court has been able to go beyond the court room to the community making people to know that justice is not expensive and should be sought • Notable cooperation, openness and collaboration among the stakeholders • Reduced remand congestion • Reduced case backlog • Court process serving has been improved and there is a lot of transparency • Currently prosecution files are timely availed and cases of missing police files are minimal. • Easy access to justice through the elimination of cartels, brokers and corruption tendencies within the court corridors.	• Facts and exhibits not being provided on plea and hearing dates thus making prosecution of cases very difficult. • Delay in the release and availing of Government chemist reports resulting to a dismissal or an acquittal of accused person for want of prosecution • Notable noncompliance to interim orders issued by the court. • Laxity in the execution of warrants of arrests issued by the court. • Threatening of witnesses
Kerugoya	• Drastic reduction in complaints of missing files and office of Judiciary Ombudsperson • Increased work output • A successful Open day • Reduced case backlog	• Delays to get government chemist reports • No women's prison within Kirinyaga County • No children's remand home within Kirinyaga County.

COURT	ACHIEVEMENTS	CHALLENGES
Kiambu	NO REPORT	
Kibera		• Increased crime involvement by children • Delays in prosecution of cases involving children. • Delays in conducting investigations by the police station. • Delays in getting reports from the government chemist
Kigumo	• Improvement in availing police files to court	• Few police officers and thus posing a security challenge in the region • Congestion of cells • Delay in getting reports from the government chemist • Delays in prosecution of cases due to frequent adjournments and lack of witness statements. • Delay in the payment of court fees due to lack of a KCB agent nearby.
Kikuyu		• Remandees arrive late to court due to lack of vehicle as discussed in the Cuc meeting
Kilgoris		• Kisii Prison facility is overcrowded • Doctors do not come court hence the issuance warrants of arrest in order for officers to come to testify.
Kilifi		• Children cases are taking too long to be heard • Some victims are to testify and this stigmatizes them. • Age assessment done at Kilifi district hospitals is inaccurate leading to the collapse of the cases • Children involved in crimes are remanded in the same remand home with those in need of care and protection thereby influencing negatively them • Minors put in remand homes due to lack of cash bail. • Unfilled p3 forms which lead to delay of cases in court. • Children who require lawyers are unrepresented.
Kilungu		• Cases taking too long before they are disposed • Long hours of being held in police custody before production of suspect in court • Inadequate time given to the accused person to cross-examine witness • Poor access to medical care by prisoners.
Kimilili	• Crime reduction in the region because of the prompt response by the police. • Increased number of staff.	• Corruption is a menace in the region • Delayed production of the remandees in the court • Warrant of arrest for traffic offenders, are never executed because offenders could not be traced hence causing backlog in cases. • Delayed transportation of remandees due limited vehicles • Police not bringing files to court, therefore delaying justice
Kisii		
Kisumu	• Streamlined working relations with other stakeholders • Succesfully held CUC meetings • Essential feedback from other stakeholders • Ofice has been provided for liaison for the police and ODPP	• Perception of none implementation of what was agreed upon • Poor infrastructure • Poor internet connectivity • Absence of court clerks to do the interpretations
Kitale	• Indiscipline cases among members of staff addressed. • Litigants waiting bay constructed. • The court had a stand at the Kitale ASK SHOW where members of staff explained the court process to the public. • All members of staff trained on the High Court Registry operation manual. • Case management system to manage backlog installed. • Improved file management in the respective registries of the court. • Witness statements given to accused persons in good time • Outreach and public awareness pro gramme • Radio/tv talk shows to the public about court activities. • Team building amongst the CUC members • CSR Activities such as tree planting • Setting up a library at the prisons.	• Lack of title deed for the court. • Encroachment on our land by the county government of Trans Nzoia. • Lack of furniture for the litigants waiting Bay. • Funds for construction of residential houses for judicial officers and staff yet to be allocated. • Insufficient court rooms. Four judicial officers hear case in chambers • Shortage of ELC Judges. • Lack of financial resources to finance CUC desired activities such as:
Kithimani	• Good working relation between probation officers and courts. • Adequate transport for remandees from the prison facility to court and back • Reduced case load at the probation n office	
Kitui	NO REPORT	

COURT	ACHIEVEMENTS	CHALLENGES
Kwale	• Improved turnout of witnesses due to fare reimbursement which has improved the process of hearing • Reduced summons and warrants issuance, court attendance is on time • Ministry of health has waived all charges levied on gender based violence cases • Improved communication between court, and litigants	• Non-bonding of witnesses • Many pending cases due to unexecuted warrants of arrest • Delays in hearing of matters • Non-appearance of non - clinical officers court and other experts leading to postponement of cases.
Kyuso	NO REPORT	
Lamu		• Lack of children protection center • Lack of holding ground of juveniles because the cells are few in the Police Station to hold them
Limuru	• Doctors allowed to attend court on Monday, Wednesdays as ideal days	• Lack of funds, to do photocopy witness statements by policy • Missing files from police custody • Police Officers not heeding court summary • Lack of counseling services for those accused persons, who would otherwise be suitable for either Probation or Community service.
Lodwar	NO REPORT	
Loitoktok		• Police files not been taken to the ODPP's in good time • The need for a well-established prison because the police cells are very small • Lack of children holding facility • Need for a children protection unit (CPU)
Machakos	• Wamunyu mobile court. • Active case management pilot program • Engagement with the children rescue center. • Addressed issues of security at the court. • Acquired more office space at the AG's office and county government. • Initializing process of allocation of land at the leased premises.	• Insufficient funds to cater for sub-committees e.g. children CUC which has been separated and has been funded by legal resource foundation. • Wamunyu residents need their own separate CUC • No provision of funding of Machakos County CUC and Makueni county CUC. • Need for training of stake holders on thematic areas
Makadara		• Personnel and staff at the court remain a challenge not just for the court, but for the other agencies which support the court's work. • Coordination still needs strengthening to ensure better outcomes. • The Court infrastructure is still inadequate, with small court rooms
Makindu	NO REPORT	
Makueni		• Lack of a Children Protection Unit (CPU)
Malindi	NO REPORT	
Mandera	NO REPORT	
Maralal		• Lack of holding facility for children undergoing trial • FGM offences are very prevalent in the area
Mariakani		• Early marriages for child girl in the area • Parent using their girl children to solicit money from adults. • Early and unplanned pregnancies among primary and secondary school going to girls. • Defilement also very high • Drug trafficking
Marimanti		
Marsabit	• There is transparency in the running affairs of the court station. • Meeting brings on board all the stake holders of various departments in the county to discuss various issues they share in common. • Construction of a high court in the county and posting of a High Court Judge. • Successful open day in November 2015 where the CUC were the facilitators which included the public of Marsabit County.	• Not all departments attend these meetings regularly due to other commitments and hence cannot meet the set targets. • Inadequate funding of the meeting, hence fewer attends.
Maseno	NO REPORT	
Maua		• Overcrowding of the Kangeta prison facility • A problem with the execution of warrants of arrest by the police in the area • Missing police files
Mavoko		• Disappearance of witnesses before they testify in sexual offences cases
Mbita		• Defilement is on the high

COURT	ACHIEVEMENTS	CHALLENGES
		• Early marriages for girls
Meru	• Improvement in timely arrival of remandees. • Determination of age before registration of pleas. • Slight improvement in surrender of cash bail to Court. • Slight improvement in issuance of witness statement. • Cases heard expeditiously. • Sexual Offences register opened. • A list of process servers published and officers now wearing identification badges. • Period of detention reduced. • Improved professionalism. • Timely registration of pleas. • Increased efficiency in availing of files by Police Officers. • Minor witnesses heard expeditiously. • Enactment of new rules providing for allocation of pro bono lawyers to children in conflict with the law. • Reduced illegal detention of vehicles. • Regular meetings to stress the importance of CUC. • New pro bono rules sanctioning Counsel in case of non-attendance. • Improved attendance of CUC meetings by stakeholders. • Installation of local network. • Allocation of land by County Government to expand the Court. • Separation of the Court cells. • Release of suspects on Police bond to create space. • Construction of a new building to reduce congestion in the prison.	• Lack of good coordination between the Police and Prison Officers. • Inadequate competent medical officers • Heavy workload hence delays. • Lack of good coordination between the Police and Prison officers. • Laxity in surrendering cash bail in Court. • Delays in issuance of witness statements. • High illiteracy • Hostility to Process Servers by some litigants. • Inadequate resources to the police • Lack of adequate personnel. • Lack of goodwill by a few police officers. • Lack of vehicles to ferry officers in good time. • Long distance from the courts. • Lack of attendance by police witnesses. • Unfamiliarity with court procedures. • Unfriendly Court rooms. • Disappearance of witness. • Lack of goodwill by some police officers. • Delayed payment of pro-bono briefs. • Inadequate allocation of funds for CUC activities. • Delay in payment of pro bono briefs. • Professional misconduct by some Counsel. • Failure of department heads to attend CUC personally. • Lack of pocket allowance to enable those travelling from far. • Transportation hence delays in carrying out Court activities. • Slow discharge of administration functions. • Delay in typing of proceedings. • Long procedures in detaining title. • Limited space. Children mix with adults. • Inadequate allocation of funds for expansion. • Lack of allocation of funds to complete the new building. No much for expansion.
Migori	NO REPORT	
Milimani		• Inadequate space for queuing and keeping files. • Too much time taken on proceedings due to shortage of staff. • Important documents and exhibits missing.
Molo	• Presence of mobile courts between Kuresoi and Olenguluone every week • Improvement in opening of care and protection files for children in Elburgon office • Reduced number of traffic accidents round Mau summit attributed to stiff penalties instilled by courts on traffic offenders	• Impersonation of staff at the DPPS office, who solicit money purporting to influence the outcome of matters pending in court. • Slow movement of files at the registry • Shortage of offices in Molo OCS office • Poor handling of exhibits • Disappearance of essential files • Court orderlies attending duties while drunk (police officers) • Court hearing of children's matters taking too long in court, resulting into stigmatization of victims.
Mombasa	NO REPORT	
Moyale		• Lack of knowledge by prisoners on court processes • Increase in cases concerning child neglect, attributed to by marital differences • Congested prison cells • Congested registry

COURT	ACHIEVEMENTS	CHALLENGES
		• Upsurge of child hawking within Moyale town
Mpeketoni		• High crime rate, the youth are engaging in in criminal activities due to idleness and unemployment. • Increase in defilement cases, attributing to moral decay
Mukurweini	NO REPORT	
Mumias		• Lack of a children's facility at the police station • Lack of a prison facility • Inadequate funding for probation officers.
Murang'a		• Lack of fully established organizational structure i.e. secretariat and technical committees • No clear policy guidelines • Inconsistency in participation and high turnover of participating members • Inadequate participation of some stakeholders at technical level • Inadequate and un-proportionate resource base among various stakeholders • Lack of enforcement mechanisms despite the legislative mandate • Different terms and conditions of service among CUC institutions • Limiting legal framework • Lack of County coverage by some member institutions • Lack of clear criteria for identifying institutions to be in the committee • Low caliber representation from some member institutions • Disjointed planning and implementation
Mutomo		• Non-existence of a children's home within the sub-county
Mwingi	• Creating of sub-committees • Every member of staff is a team player in running of station affairs • Filling P3 forms in respect of Sexual offences done free of charge • Active mobile court at Migwani	• Reimbursement of transport expenses for witnesses • Shoddy investigations by police • Delay in obtaining DNA
Naivasha	• Cleared backlog of cases	• Pro-bono services are a challenge for many vulnerable groups since few lawyers offer these services. • Few language interpreters in court. • Physically and mentally challenged have a difficult time seeking justice
Nakuru		
Nanyuki	• Taking justice closer to the people by establishing a mobile court in Ngobit Laikipia Central	• Limited infrastructure • Inadequate equipments. Few computers • Lack of communication devices. • Vast distances - The county is geograpically large hence some witnesses from far flung areas
Narok	NO REPORT	
Ndhiwa	NO REPORT	
Ngong	NO REPORT	
Nkubu		• Lack of enough personnel at the Children Remand
Nyahururu	• Setting up of Rumuruti mobile court • Efficiency of work being done by gender based violence desk at Nyahururu police station in helping sexual and gender based victims get critical help and justice.	• Pleas taken late in the day; therefore, offenders placed on one day community service orders do not perform substantial work.
Nyamira	• Introduction of identification badges for all judicial officers to get rid of brokers parading as advocates within court premises	• Non-ascertainment of the age of minors leading to misplacement • Missing files from court not reaching the DPPS office hence hindering progress of cases • Overpopulated prison cells • Poor investigations, therefore good cases get thrown out because they lack merit of prosecution. • Late commencement of cases at court due to lack of advocates
Nyando		• Case backlog • Failure by police to bond witnesses • Inadequate staffing at OCPDS office • Lack of vehicle to carry children remandees to court
Nyeri	• Formation of a street children committee • Diversion of children cases leading to decongestion in court listings • Identification of six probono lawyers • Refurbishment of police station creating child	• Lack of an advocates room • Lack of sitting space for clients at the cells. • Limited security at the cells.

COURT	ACHIEVEMENTS	CHALLENGES
	friendly cells. • Training of stakeholders on matters concerning children	
Ogembo		• Lack of adequate infrastructure • Lack of adequate staff i.e. prosecution officers and magistrates. • No title deed to facilitate construction of a modern court.
Othaya	• Collegiality among staff has ensured smooth running of court activities. • Complaints reporting mechanism strengthened • Colour coding of files to ensure expeditious disposal of cases. • Launch of the Bar Bench Committee has enabled expeditious disposal of cases particularly on civil and succession cases. • Punctuality of members of staff • Alternative Justice System (AJS) programmes has reduced backlog by 70%. • CUC training on sentencing and bail/bond policies. • CUC collaboration and cooperation led to the reduction of backlog i.e. timely production of remandees, police files availed in court, witness statements handed to the accused during plea taking. • Community activities visit to Mahiga Children Home and Othaya Rehabilitation School. • Training of elders in the AJS programme Law 101. • Visit to the Nyeri Women prison. • Attending of Provincial Administration Barazas to ensure members of the public are sensitized on court process and on corruption alleviation	• Lack of infrastructure we do not have court, chambers and registries. The new court building has stalled from 2013. • Shortage of staff. Station has 20 members of staff. • Lack of funding for team building exercise, training on registry manuals etc. • The court has only one (1) prosecutor who is shared between the two courts. • Delay in production of government chemist reports. • The station does not have an equipped library. • CUC meetings in a year not sufficient. To address emerging problems in time. • The budgetary allocation has not been sufficient due to ceilings hence in adequate resources.
Oyugis		• Insecurity • Unexecuted warrants due to issuance of wrong contacts • Lack of transport • Undated files
Rongo	NO REPORT	
Runyenjes	• Availability of court interpreters • Timely bonding of witnesses • Availability of probation officers in court, absenteeism is a thing of the past.	• Inadequate court space • Stalled construction of new court • Exhibits sent to the government chemist, take long before they are returned • No planned activities of the CUC • Lack of washrooms for members of the public, attending court, and for accused persons held in the cell. • Shoddy investigation by police officers due to shortage of personnel, and uncooperative members of the public.
Shanzu	• Friendly court staff • Improved bonding of witnesses.	• Constrained facilities, no holding facility for children • Lack of children's witness box • Non-production of files in court due to police transfers
Siakago	• Reduced population at the prison	• Transportation of remandees a problem due to lack of transport, which has to be borrowed each time
Siaya	• Judicial officers no longer share chambers	• Limited space within chambers. • Lack of proper security at court • Lack of female prison facility • High increase in defilement cases
Sirisia		• Pending warrants of arrest
Sotik	• Timely production of remandees in court	• Unexecuted warrants of arrest
Tamu	NO REPORT	
Taveta		• Lack of children remand facility in the entire Taita Taveta. • Lack of a women's prison. • Lack of Children's holding cell, at the court. • Understaffed DPPS office
Tawa	• Major problems amongst the various stake holders have been solved at the CUC meetings which has lead to timely disposal of cases. • The work relationship amongst various stake holders has tremendously improved. • We have visited various childrens' homes within Mbooni and conducted outreach programmes. • We have been able to reach out to the various stake holders in the justice system.	• Late disbursement of funds forcing CUC to postpone meetings. • Inadequate resource allocation. • Inadequate accounts and procurement staff.
Thika	• Training of officers on gender based issues • Construction of CPU	• Police files not readily available in court. • Police not willing to execute warrants of arrest for abscondees • Copies of ruling and judgement are not availed on time. • Security within the court premises not well maintained.

COURT	ACHIEVEMENTS	CHALLENGES
		• Thika Law Court register not well maintained.
Tigania	• Availability of new court building ready for use	• Lack of children's remand, children are mixed together with adults • Congested prison cells (Meru women's prisons)
Ukwala	• On-going construction of high court in Siaya	• No mobile court for Ugunja • Lack of funds to repair house, for RM. • Non-production in court in a timely manner of female remandees in court by police • Inadequate court space • Lack of holding cells within the court.
Vihiga	• Improved discipline amongst staff • Minimal corruption cases • E- case management system (Courtside) a result of benchmarking • Justice at last exercise has been ongoing • Four bonding sessions • Public outreach sensitization on CUC. • Justice of peace visit at GK Prison Kisumu. • Reduced remand period. • CUC members Trained on Alternative dispute. resolution mechanism on the 22.4.16. • Qualified as a beneficiary of JPIP funding for CUC activities.	• Jurisdiction issues in alcoholic drinks control act so to robbery with violence being handled by a judicial officer doubling up as the head of station. • Inadequate judicial officers (2) against the increasing number of caseload which hampers expeditious delivery of justice to litigants. • Regular power outages • Laxity in the part of ODPP by failure to avail witnesses in time hence delay in determination of cases. • Serious security lapse within court precinct occasioned by court orderlies. • Insufficient allocation of funds (AIE) • Cumbersome procedures at the District treasury hence a need to be delinked. • Station motor vehicle grounded for a long time hence inconveniencing delivery of services. • CUC (G O K) funding is inadequate as our members are drawn from Kisumu and Vihiga counties hence transportation issues to attend the venue is a challenge, • Members of public expect to be motivated by provision with refreshments, sensitization is a challenge • Our stakeholders more so the area chiefs need to be capacitated on sexual offences, bail and bond policy guidelines. • Illiteracy on part of litigants on need to record statements as witnesses, accused right to bail. • Problems with KCB Mtaani as the dealers do not have sufficient float to transact and also delays occasioned by poor network. • While paying on Mpesa there are mis-postages due to ignorance on part of litigants. • Complains of Mpesa charges when transacting. • Rampant cases of reversal by litigants to Safaricom hence loss of revenue
Voi	• Through DR all accused persons in murder cases are provided with counsel under pauper briefs. • Mobile courts established • Special office set at the police station dealing with gender based violence • Fees waived for defilement cases • Sensitization done to convicts in prison in manner of presenting	• Payment of counsels are delayed • Funding not adequate • Absence of infrastructure such that the court chiefs have no sitting space at chief's office at Kasagu • High levels of poverty in the society present a challenge in all other cases that require p3. • During weekend, registration is not possible, hence significant level of non-attendance • Most accused persons and appellants are unrepresented.
Wajir	NO REPORT	
Wang'uru	• Enhanced cooperation among stake holders. • Enabled removal of bottle necks and improved administration of justice.	• We are unable to activate the Mpesa Bill Account due to network problems. • Some members not reporting back as required.
Webuye	NO REPORT	
Winam		• Some cases where Investigating Officer do not record statement from critical witnesses • No space for keeping exhibits in the Court
Wundanyi	NO REPORT	

ANNEXURES TO CHAPTER 2

Annex 2.1: Civil Cases Backlog By COA Station, Case Type And Age, 2015/16

Station	Court name	1-2 Years	2-5 Years	5-10 Years	Over 10 years	All Backlog
Kisumu	Civil application	1	0	0	0	1
	Civil appeal	18	5	1	1	25
	Certificate applications	0	0	0	0	0
	Commercial appeals	3	0	0	0	3
	Election petitions	3	0	0	0	3
	Family appeals	3	4	0	0	7
	Labour relations	0	1	0	0	1
	Land appeals	27	5	0	0	32
Malindi	Civil application	0	0	0	0	0
	Civil appeal	50	54	0	0	104
	Certificate applications	0	0	0	0	0
	Commercial appeals	9	0	0	0	9
	Election petitions	0	0	0	0	0
	Family appeals	2	0	0	0	2
	Labour relations	0	0	0	0	0
	Land appeals	3	0	0	0	3
Nairobi	Civil application	86	69	19	0	174
	Civil appeal	339	486	198	27	1050
	Certificate applications	0	0	0	0	0
	Commercial appeals	0	0	0	0	0
	Election petitions	0	0	0	0	0
	Family appeals	0	0	0	0	0
	Labour relations	0	0	0	0	0
	Land appeals	0	0	0	0	0
Nyeri	Civil application	1	0	0	0	1
	Civil appeal	1	0	0	0	1
	Certificate applications	0	0	0	0	0
	Commercial appeals	0	0	0	0	0
	Election petitions	0	0	0	0	0
	Family appeals	0	0	0	0	0
	Labour relations	2	0	0	0	2
	Land appeals	3	1	0	0	4
All stations	TOTAL	515	590	199	28	1332

Annex 2.2: Criminal Cases Backlog By COA Station, Case Type And Age, 2015/16

Station		1-2 Years	2-5 Years	5-10 Years	Over 10 years	All Backlog
Kisumu	Criminal application	0	0	0	0	0
	Criminal appeal	136	29	1	0	166
	Criminal misc	0	0	0	0	0
Malindi	Criminal application	0	0	0	0	0
	Criminal appeal	0	44	6	0	50
	Criminal misc	0	0	0	0	0
Nairobi	Criminal application	0	2	0	0	2
	Criminal appeal	42	61	266	33	402
	Criminal misc	0	0	0	0	0
Nyeri	Criminal application	0	0	0	0	0
	Criminal appeal	21	5	0	1	27
	Criminal misc	0	0	0	0	0
All Stations	All Case Types	194	141	266	34	647

Annex 2.3: Trend On Pending Cases By High Court Station And Broad Case Type

Court Name	2012/2013			2013/2014			2014/2015			2015/2016		
	CR	CV	ALL	CR	CV	ALL	CR	CV	ALL	CR	CV	ALL
Bomet										78	265	343
Bungoma	773	2,721	3,494	844	3,467	4,311	968	3,874	4,842	769	2638	3407
Busia	377	2,687	3,064	516	3,034	3,550	492	3,270	3,762	364	1858	2222
Chuka										18	517	535

Court Name	2012/2013			2013/2014			2014/2015			2015/2016		
	CR	CV	ALL	CR	CV	ALL	CR	CV	ALL	CR	CV	ALL
Eldoret	1,586	4,020	5,606	1,992	5,151	7,143	1,617	4,856	6,473	1388	3084	4472
Embu	345	2,138	2,483	-137	2,076	1,939	-	2,617	2,617	314	2468	2782
Garissa	262	171	433	583	213	796	602	161	763	265	166	431
Garsen										64	116	180
Homabay	105	104	209	31	202	233	-	1,045	1,045	52	1019	1071
Kabarnet										1	0	1
Kajiado										53	81	134
Kakamega	799	3,138	3,937	734	3,496	4,230	924	4,299	5,223	661	4652	5313
Kapenguria										69	40	109
Kericho	117	2,662	2,779	232	3,040	3,272	156	2,712	2,868	199	1934	2133
Kerugoya	428	3,168	3,596	658	4,621	5,279	924	4,528	5,452	217	2236	2453
Kiambu										0	1	1
Kisii	665	8,130	8,795	690	9,146	9,836	692	9,535	10,227	198	1994	2192
Kisumu	699	3,730	4,429	1,088	5,476	6,564	1,107	5,756	6,863	341	3544	3885
Kitale	159	3,989	4,148	345	4,372	4,717	701	4,307	5,008	437	1944	2381
Kitui										151	206	357
Lodwar										47	2	49
Machakos	420	982	1,402	1,154	1,621	2,775	1,325	2,169	3,494	479	8573	9052
Malindi	364	776	1,140	389	766	1,155	290	788	1,078	165	739	904
Marsabit										32	176	208
Meru	759	4,043	4,802	919	4,828	5,747	-	4,838	4,838	666	4115	4781
Migori				-	-	-	20	186	206	159	1060	1219
Milimani Civil Division		32,138	32,138	-	33,118	33,118	-	21,975	21,975	0	12986	12986
Milimani Commercial & Admirality Division		6,422	6,422	-	7,275	7,275	-	6,957	6,957	0	5448	5448
Milimani Constitutional Law & Human Rights		406	406	-	343	343	-	343	343	0	192	192
Milimani Criminal Division	2,681		2,681	2,611	-	2,611	3,198	-	3,198	2609	152	2761
Milimani Family Division		24,968	24,968		26,552	26,552		18,917	18,917	0	21173	21173
Milimani Judicial Review Division		1,214	1,214		1,130	1,130		1,375	1,375	0	53	53
Mombasa	490	4,439	4,929	594	4,976	5,570	852	6,380	7,232	1206	9934	11140
Muranga	476	946	1,422	503	970	1,473	799	1,342	2,141	709	2807	3516
Naivasha							269	232	501	257	537	794
Nakuru	1,555	7,857	9,412	2,357	9,389	11,746	2,630	9,820	12,450	1542	6967	8509
Nanyuki										149	436	585
Narok										40	53	93
Nyamira										64	200	264
Nyeri	606	4,215	4,821	1,135	6,013	7,148	1,184	6,874	8,058	604	5006	5610
Siaya										245	715	960
Voi										81	267	348
Total	13,666	125,064	138,730	17,238	141,275	158,513	18,750	129,156	147,906	14693	113,265	127,958

Annex 2.4: Pending Criminal Cases By Type For High Court Station, 2015/16

Court Name	Murder	Criminal Applications	Criminal Appeal	Criminal Revision	Criminal Second Appeal	All Criminal cases
Bomet	0	3	72	3	0	78
Bungoma	168	50	506	45	0	769
Busia	55	22	173	114	0	364
Chuka	17	1	0	0	0	18
Eldoret	386	131	833	38	0	1388
Embu	93	26	155	39	1	314
Garissa	65	59	141	0	0	265
Garsen	8	0	38	18	0	64
Homabay	52	0	0	0	0	52
Kabarnet	0	0	1	0	0	1
Kajiado	42	5	6	0	0	53
Kakamega	252	13	396	0	0	661
Kapenguria	38	6	24	1	0	69
Kericho	93	11	91	4	0	199
Kerugoya	59	11	140	6	1	217
Kiambu	0	0	0	0	0	0
Kisii	155	9	19	15	0	198
Kisumu	175	9	157	0	0	341
Kitale	86	33	278	39	1	437
Kitui	44	1	105	0	1	151
Lodwar	11	9	27	0	0	47
Machakos	26	44	396	13	0	479
Malindi	36	21	106	2	0	165
Marsabit	8	4	20	0	0	32
Meru	332	30	268	35	1	666
Migori	87	7	51	14	0	159
Milimani Civil Division	0	0	0	0	0	0
Milimani Commercial & Admirality Division	0	0	0	0	0	0
Milimani Constitutional Law & Human Rights	0	0	0	0	0	0
Milimani Criminal	449	899	1008	253	0	2609
Milimani Family Division	0	0	0	0	0	0
Milimani Judicial Review	0	0	0	0	0	0
Mombasa	214	47	900	43	2	1206
Muranga	97	29	580	3	0	709
Naivasha	87	19	129	16	6	257
Nakuru	405	211	911	15	0	1542
Nanyuki	24	22	103	0	0	149
Narok	0	40	0	0	0	40
Nyamira	61	3	0	0	0	64
Nyeri	135	108	328	33	0	604
Siaya	67	12	72	77	17	245
Voi	12	0	66	3	0	81
Total	**3839**	**1895**	**8100**	**829**	**30**	**14,693**

Annex 2.5: Pending Civil Cases By Type For High Court Station, 2015/16

	Commercial Matters	Commercial Misc	Windingup Cause	Incometax Appeal	Bankruptcy Cause	Bankruptcy Notice	Civil Matter	Civil Misc	Civil App	Family Appeal	Family Misc	Probate Admin	Divorce	Adoption	Matrimonial Property	Judicial Review	Judicial Misc	Judicial Ele	Const Humanright	All civil cases
Bomet	0	0	0	0	0	0	13	4	13	0	0	220	0	1	0	0	0	0	3	254
Bungoma	0	0	0	0	0	0	223	438	586	0	2	1390	0	0	2	2	3	1	12	2659
Busia	1	0	0	0	0	0	57	246	113	5	0	1432	0	0	0	1	0	10	3	1868
Chuka	0	0	0	0	0	0	11	8	26	0	2	470	0	0	2	1	0	0	1	521
Eldoret	0	0	0	0	0	0	249	598	632	1	0	1556	30	0	0	37	3	0	48	3154
Embu	0	0	0	0	2	0	91	248	176	0	1	1924	5	3	0	0	0	0	31	2481
Garissa	0	0	0	0	0	0	114	38	12	0	0	0	2	0	46	0	0	0	0	212
Garsen	0	0	0	0	0	0	6	0	36	0	2	31	0	0	0	0	0	0	0	75
Homabay	0	0	0	0	0	0	2	0	0	0	0	1016	0	1	0	0	0	0	0	1019

	Commercial Matters	Commercial Misc	Windingup Cause	Incometax Appeal	Bankruptcy Cause	Bankruptcy Notice	Civil Matter	Civil Misc	Civil App	Family Appeal	Family Misc	Probate Admin	Divorce	Adoption	Matrimonial Property	Judicial Review	Judicial Misc	Judicial Elc	Const Humanright	All civil cases
Kabarnet	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kajiado	0	0	0	0	0	0	10	9	37	0	0	23	0	0	0	8	0	0	3	90
Kakamega	0	7	0	0	0	0	260	318	298	2	0	3765	3	0	0	11	0	125	31	4820
Kapenguria	0	0	0	0	0	0	2	1	4	0	0	31	0	0	0	0	1	0	2	41
Kericho	122	0	0	0	0	0	1	41	269	0	0	1458	0	24	1	0	14	0	17	1947
Kerugoya	0	0	0	0	0	0	59	64	110	0	31	1954	3	4	3	2	0	0	3	2233
Kiambu	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kisii	1	0	0	0	0	0	139	310	580	1	0	835	38	18	0	20	12	3	56	2013
Kisumu	4	0	0	0	35	2	538	623	478	0	0	1825	1	18	1	74	13	0	54	3666
Kitale	0	0	1	0	3	0	16	134	254	0	0	1507	1	10	0	9	0	9	22	1966
Kitui	0	0	0	0	0	0	0	15	182	0	0	8	0	1	0	0	0	0	0	206
Lodwar	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2
Machakos	0	0	0	0	0	0	1123	1573	1053	0	220	4582	0	20	0	1	0	0	1	8573
Malindi	3	0	1	0	6	0	83	133	79	0	0	371	34	1	2	9	0	0	49	771
Marsabit	0	0	0	0	0	0	0	1	7	0	0	0	0	0	0	1	0	0	0	9
Meru	1	0	0	0	2	0	1470	446	697	0	15	1450	19	3	6	187	19	100	28	4443
Migori	0	0	0	0	0	0	1	44	49	0	0	932	0	0	0	1	0	0	2	1029
Milimani Civil Division	0	0	0	0	0	0	4055	4022	4905	0	0	0	0	0	0	0	0	0	0	12982
Milimani Commercial & Admirality Division	3357	1823	115	14	145	84	0	30	0	0	0	0	0	0	0	0	0	0	0	5568
Milimani Constitutional Law & Human Rights Division	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0	0	609	618
Milimani Criminal Division	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Milimani Family Division	0	0	0	0	0	0	391	1	91	119	351	19447	433	325	304	0	0	0	0	21462
Milimani Judicial Review Division	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	622	24	0	4	650
Mombasa	375	10	14	0	20	0	1585	2619	2613	76	106	2185	262	22	24	313	919	24	208	11375
Muranga	2	0	0	0	0	0	71	140	535	1	38	1986	5	17	2	9	5	0	24	2835
Naivasha	8	0	0	0	0	0	43	15	142	3	1	276	1	0	5	12	0	0	15	521
Nakuru	0	0	0	0	0	0	924	1364	992	7	5	3583	19	36	28	212	1	2	64	7237
Nanyuki	0	0	0	1	0	0	0	0	0	3	1	105	2	0	1	0	0	0	2	115
Narok	0	0	0	0	0	0	0	12	19	0	0	22	0	0	0	0	0	0	0	53
Nyamira	12	0	0	0	5	0	1	0	129	22	25	6	0	0	183	0	0	0	1	384
Nyeri	0	1	0	0	0	0	495	761	218	0	5	3349	25	31	0	23	2	13	32	4955
Siaya	0	0	0	1	0	0	2	2	3	0	1	180	0	0	0	0	0	0	2	191
Voi	0	0	0	0	0	0	13	0	37	0	0	215	0	0	0	1	1	0	0	267
Total	**3,886**	**1,841**	**131**	**16**	**218**	**86**	**12,048**	**14,260**	**15,375**	**240**	**806**	**58,134**	**883**	**535**	**610**	**1,565**	**1,017**	**287**	**1,327**	**113,265**

Annex 2.6: Case Backlog In High Court Stations, 2015/16

	1-2 Years	2-5 Years	5-10 Years	Over 10 years	All Backlog
Bomet High Court	117	7	2		126
Bungoma High Court	632	1,184	888	268	2972
Busia High Court	570	905	321	64	1860
Chuka High Court	23	21	6	4	54
Eldoret High Court	915	1,543	522	316	3296
Embu High Court	344	730	531	564	2169
Garissa High Court	154	236			368
Garsen High Court		11	3	1	15
Homabay High Court	231	358	180	17	786
Kajiado High Court					
Kakamega High Court	1,299	2,467	607	358	4731
Kapenguria High Court					
Kericho High Court	290	473	617	503	1883
Kerugoya High Court	578	1,265	73	16	1932
Kisii High Court	480	1,000	217	49	1746
Kisumu High Court	734	1,614	590	177	3115
Kitale High Court	353	685	544	519	2101
Kitui High Court	2		3		5
Lodwar High Court	10	14			24
Machakos High Court	1,006	1,837	2,725	3,093	8661
Malindi High Court	174	294	58	5	531
Marsabit High Court	1				1
Meru High Court	945	1,716	982	686	4329
Migori High Court	287	470	91	12	860
Milimani Civil Division	932	3,738	2,565	4,758	11993
Milimani Commercial & Admirality Division	956	1,751	1,436	594	4737
Milimani Constitutional Law & Human Rights Division	195	105	12		312
Milimani Criminal Division	478	912	398	36	1824
Milimani Family Division	1,934	3,252	4,351	10,433	19970
Milimani Judicial Review Division	97	139	86	30	352
Mombasa High Court	1,187	1,742	1,168	729	4826
Muranga High Court	1,016	1,685	13		2714
Naivasha High Court	328	40			368
Nakuru High Court	1,503	3,081	1,824	613	7021
Nanyuki High Court	46	25	7		78
Narok High Court	25	2			27
Nyamira High Court	138	84	24		246
Nyeri High Court	634	1,348	827	1,913	4722
Siaya High Court	1				1
Voi High Court	111	5			116
Backlog All High Court	**18,669**	**34,697**	**21,659**	**25,739**	**100764**

Annex 2.7: Case Backlog by type in ELRC, 2015/16

Court name	Case type	1-2 Years	2-5 Years	5-10 Years	Over 10 years	Total Backlog
Kericho	CBAs	0	0	0	0	0
	Causes disputes	148	5	0	0	153
	ELRC petition	1	0	0	0	1
	ELRC misc	0	0	0	0	0
	ELRC appeal	0	0	0	0	0
	ELRC review	0	0	0	0	0
Kisumu	CBAs	0	0	0	0	0
	Causes disputes	259	210	28	0	497
	ELRC petition	5	0	0	0	5
	ELRC misc	5	3	0	0	8
	ELRC appeal	1	0	0	0	1
	ELRC review	0	0	0	0	0
Mombasa	CBAs	0	0	0	0	0
	Causes disputes	415	141	0	0	556
	ELRC petition	3	0	0	0	3
	ELRC misc	0	1	0	0	1
	ELRC appeal	8	1	0	0	9
	ELRC review	0	0	0	0	0
Nairobi	CBAs	1	0	0	0	1
	Causes disputes	1419	2171	652	23	4265
	ELRC petition	31	18	0	0	49
	ELRC misc	4	4	0	0	8
	ELRC appeal	8	6	0	1	15
	ELRC review	0	0	0	0	0
Nakuru	CBAs	0	0	0	0	0
	Causes disputes	456	107	6	1	570
	ELRC petition	0	0	0	0	0

	ELRC misc	1	0	0	0	1
	ELRC appeal	0	0	2	0	2
	ELRC review	0	0	0	0	0
Nyeri	CBAs	0	0	0	0	0
	Causes disputes	91	8	8	0	107
	ELRC petition	3	0	0	0	3
	ELRC misc	0	0	0	0	0
	ELRC appeal	0	0	0	0	0
	ELRC review	0	0	0	0	0

Annex 2.8: Case backlog by Type and Age for ELC, 2015/16

Court Name	Case Type	1-2 Years	2-5 Years	5-10 Years	Over 10 years	Total Backlog
Bungoma	ELC matters	149	379	104	53	685
	ELC misc	9	102	72	31	214
	ELC appeals	1	5	20	4	30
Busia	ELC matters	138	182	5	2	327
	ELC misc	0	0	0	0	0
	ELC appeals	1	8	0	0	9
Eldoret	ELC matters	374	726	259	120	1479
	ELC misc	6	12	1	0	19
	ELC appeals	13	21	12	4	50
Embu	ELC matters	523	48	2	1	574
	ELC misc	0	0	0	0	0
	ELC appeals	0	0	0	0	0
Kakamega	ELC matters	252	348	11	4	615
	ELC misc	0	0	0	0	0
	ELC appeals	1	4	0	0	5
Kericho	ELC matters	71	149	72	73	365
	ELC misc	0	0	0	0	0
	ELC appeals	1	1	0	0	2
Kerugoya	ELC matters	126	317	14	1	458
	ELC misc	13	10	0	0	23
	ELC appeals	25	81	0	0	106
Kisii	ELC matters	401	1085	171	20	1677
	ELC misc	24	102	5	0	131
	ELC appeals	19	78	21	5	123
Kisumu	ELC matters	249	455	26	9	739
	ELC misc	0	2	1	0	3
	ELC appeals	0	7	1	0	8
Kitale	ELC matters	129	320	231	33	713
	ELC misc	0	0	1	0	1
	ELC appeals	7	0	-8	0	-1
Malindi	ELC matters	153	354	89	8	604
	ELC misc	1	0	0	0	1
	ELC appeals	1	8	1	0	10
Meru	ELC matters	0	1	0	0	1
	ELC misc	0	0	1	0	1
	ELC appeals	2	26	0	1	29
Milimani	ELC matters	902	1776	397	74	3149
	ELC misc	64	297	14	11	386
	ELC appeals	29	18	3	0	50
Mombasa	ELC matters	218	535	412	82	1247
	ELC misc	30	144	137	35	346
	ELC appeals	10	24	7	1	42
Nakuru	ELC matters	335	744	177	70	1326
	ELC misc	0	0	0	0	0
	ELC appeals	1	0	0	1	2
Nyeri	ELC matters	474	364	8	1	847
	ELC misc	6	0	0	0	6
	ELC appeals	43	0	0	0	43
All Stations		**4,801**	**8,733**	**2,267**	**644**	**16,445**

Annex 2.9: Pending Civil Cases By Type In Magistrate Court, 2013/14 To 2015/16

NAME OF COURT	PENDING CASES AS AT 30TH JUNE 2014			PENDING CASES AS AT 30TH JUNE 2015			PENDING CASES AS AT 30TH JUNE 2016		
	CR	CV	ALL	CR	CV	ALL	CR	CV	ALL
Baricho	542	144	686	636	367	1,003	754	670	1,424
Bomet	1,694	1,278	2,972	1,803	1,462	3,265	298	504	802
Bondo	778	199	977	1,049	330	1,379	182	291	473
Bungoma	4,980	4,002	8,982	5,734	3,381	9,115	1,388	1,810	3,198
Busia	874	2,202	3,076	1,736	2,603	4,339	2,157	469	2,626

NAME OF COURT	PENDING CASES AS AT 30TH JUNE 2014			PENDING CASES AS AT 30TH JUNE 2015			PENDING CASES AS AT 30TH JUNE 2016		
	CR	CV	ALL	CR	CV	ALL	CR	CV	ALL
Butali	362	658	1,020	469	800	1,270	538	587	1,125
Butere	267	705	972	403	882	1,285	214	642	856
Chuka	787	1,077	1,864	884	1,220	2,104	753	915	1,668
Eldama Ravine	326	279	605	-	438	438	418	428	846
Eldoret	6,991	3,621	10,612	625	4,226	4,851	3857	2,097	5,954
Embu	736	523	1,259	927	587	1,514	789	2029	2,818
Engineer	231	128	359	1,405	1,121	2,526	435	405	840
Garissa	941	132	1,073	1,118	141	1,258	641	101	742
Garsen	183	67	250	271	73	344	198	28	226
Gatundu	693	1,737	2,430	1,742	1,974	3,716	481	1,160	1,641
Gichugu				198	-	198	291	453	744
Githongo	159	30	189	202	34	236	0	65	65
Githunguri	356	1,646	2,002	373	1,684	2,057	369	773	1,142
Hamisi	609	388	997	743	370	1,113	1105	97	1,202
Hola	26	17	43	-	19	19	140	46	186
Homabay	686	429	1,115	973	-	973	414	336	750
Isiolo	206	210	416	362	218	580	287	280	567
Iten	2,422	464	2,886	4,016	520	4,536	2,271	437	2,708
JKIA							0	0	0
Kabarnet				363	-	363	0	163	163
Kajiado	830	2,179	3,009	1,117	2,828	3,945	1,418	2,503	3,921
Kakamega	4,279	1,893	6,172	4,877	2,098	6,975	2,018	1,470	3,488
Kakuma	230	0	230	249	25	274	0	11	11
Kaloleni	243	647	890	413	647	1,060	96	332	428
Kandara	412	676	1,088	269	820	1,089	298	579	877
Kangema	306	315	621	432	312	744	102	148	250
Kangundo	265	522	787	752	676	1,428	603	195	798
Kapenguria	751	149	900	1,313	82	1,395	570	85	655
Kapsabet	1,440	1,767	3,207	993	2,015	3,009	739	1,265	2,004
Karatina	305	455	760	405	351	756	542	906	1448
Kehancha	610	307	917	784	321	1,105	0	128	128
Kericho	1,016	1,850	2,866	1,414	1,898	3,312	939	1,889	2,828
Keroka	439	746	1,185	811	906	1,717	440	506	946
Kerugoya	835	2,611	3,446	990	2,724	3,714	374	866	1,240
Kiambu	1,476	2,307	3,783	1,796	2,575	4,371	1,048	2,206	3,254
Kibera	5,406	0	5,406	9,194	3,591	12,785	9,543	15	9,558
Kigumo	1,507	1,024	2,531	1,821	1,548	3,369	2,261	687	2,948
Kikuyu	800	1,939	2,739	1,135	2,189	3,324	718	1,525	2,243
Kilgoris	593	133	726	1,628	180	1,808	756	396	1,152
Kilifi	1,169	2,851	4,020	1,206	3,090	4,295	1,056	1,699	2,755
Kilungu	136	257	393	408	419	828	199	224	423
Kimilili	1,396	335	1,731	1,855	462	2,317	811	375	1,186
Kisii	931	2,511	3,442	2,630	2,801	5,430	1,797	2,022	3,819
Kisumu	1,025	3,825	4,850	1,293	4,162	5,455	1,542	2,111	3,653
Kitale	3,715	2,295	6,010	4,233	2,564	6,797	1,940	1,644	3,584
Kithimani	436	851	1,287	260	1,064	1,324	317	405	722
Kitui	2,496	5,227	7,723	2,450	1,529	3,979	1,415	3,664	5,079
Kwale	1,073	1,519	2,592	1,531	1,690	3,221	882	1,194	2,076
Kyuso	95	132	227	118	205	324	217	380	597
Lamu	297	137	434	405	165	570	258	51	309
Limuru	597	2,732	3,329	1,791	3,204	4,994	710	1,286	1,996
Lodwar	622	83	705	1,087	138	1,225	194	29	223
Loitoktok							0	0	0
Machakos	666	5,414	6,080	1,160	5,417	6,577	1,284	5,543	6,827
Makadara	11,949	0	11,949	14,889	0	14,889	8,915	18	8,933
Makindu	1,235	453	1,688	2,563	850	3,413	2,162	1362	3,524
Makueni	352	634	986	640	1,124	1,764	486	599	1,085
Malindi	1,591	1,275	2,866	2,440	1,339	3,779	1,528	1,233	2,761
Mandera	46	39	85	285	76	361	67	31	98
Maralal	48	36	84	340	2	342	165	45	210
Mariakani	1,080	624	1,704	1,883	917	2,800	488	866	1,354
Marimanti	95	32	127	261	57	318	195	71	266
Marsabit	296	28	324	670	42	712	220	77	297
Maseno	1,312	1,838	3,150	3,167	2,096	5,263	979	1,446	2,425
Maua	2,243	1,400	3,643	2,927	1,599	4,527	2,124	2,051	4,175
Mavoko	1,722	1,891	3,613	1,921	1,875	3,797	1,026	2,225	3,251
Mbita				695	488	1,184	349	162	511
Meru	2,406	3,647	6,053	3,226	4,103	7,329	1,298	6,041	7,339
Migori	361	2,434	2,795	984	2,154	3,138	563	1,787	2,350
Milimani Ant-Corruption	96	0	96	104	0	104	99	5	104

NAME OF COURT	PENDING CASES AS AT 30TH JUNE 2014			PENDING CASES AS AT 30TH JUNE 2015			PENDING CASES AS AT 30TH JUNE 2016		
	CR	CV	ALL	CR	CV	ALL	CR	CV	ALL
Milimani Childrens	128	8,546	8,674	126	9,679	9,805	2963	8,511	11,474
Milimani Commercial	0	29,067	29,067	0	27,750	27,750	0	39,581	39,581
Milimani Magistrate	6,124	949	7,073	12,277	949	13,226	9,229	0	9,229
Molo	920	1,553	2,473	7,308	7,109	14,417	2,120	1,763	3,883
Mombasa	11,969	23,994	35,963	12,857	25,437	38,295	12,136	26,074	38,210
Moyale				29	246	275	74	42	116
Mpeketoni							0	0	0
Mukurwe-ini	62	90	152	500	8	508	57	54	111
Mumias	951	1,848	2,799	1,182	1,987	3,169	534	1,272	1,806
Muranga	1,605	2,811	4,416	2,496	3,203	5,700	919	2,773	3,692
Mutumo	93	119	212	346	224	571	186	73	259
Mwingi	341	1,486	1,827	616	2,370	2,986	444	806	1,250
Nairobi City	0	889	889	0	889	889	817	6	823
Naivasha	1,259	3,569	4,828	2,519	3,798	6,317	1,673	3,527	5,200
Nakuru	5,082	18,635	23,717	6,572	18,182	24,754	5,205	20,839	26,044
Nanyuki	475	552	1,027	724	666	1,390	1104	539	1,643
Narok	1,709	1,464	3,173	2,595	1,605	4,200	682	1,030	1,712
Ndhiwa	218	175	393	280	227	507	162	191	353
Ngong'							0	0	0
Nkubu	1,244	554	1,798	1,737	549	2,286	817	478	1,295
Nyahururu	1,916	2,265	4,181	1,856	2,530	4,386	2,529	1,650	4,179
Nyamira	759	692	1,451	968	2,147	3,115	395	645	1,040
Nyando	625	3,263	3,888	861	3,475	4,336	747	1,938	2,685
Nyeri	696	4,055	4,751	3,687	6,410	10,097	505	1,490	1,995
Ogembo	1,789	1,496	3,285	2,712	3,059	5,771	1,080	1,880	2,960
Othaya	208	53	261	239	73	312	199	84	283
Oyugis	1,034	1,028	2,062	1,082	1,166	2,248	516	198	714
Rongo	765	594	1,359	1,079	931	2,010	864	594	1,458
Runyenjes	159	273	432	243	307	550	171	125	296
Shanzu	1,238	0	1,238	1,757	0	1,757	2,304	1	2,305
Siakago	763	163	926	998	436	1,434	726	890	1,616
Siaya	251	329	580	757	570	1,327	989	727	1,716
Sirisia	669	60	729	1,207	-	1,207	254	37	291
Sotik	884	1,165	2,049	1,499	1,422	2,921	679	999	1,678
Tamu	196	350	546	219	389	608	81	135	216
Taveta	303	92	395	471	131	602	112	131	243
Tawa	116	159	275	137	350	487	84	141	225
Thika	2,730	4,084	6,814	4,245	4,716	8,961	2,212	5,733	7,945
Tigania	1,769	651	2,420	2,254	835	3,089	2,419	825	3,244
Tononoka	142	1,627	1,769	172	2,052	2,224	156	759	915
Ukwala	324	124	448	786	219	1,005	409	261	670
Vihiga	606	1,777	2,383	1,132	1,736	2,868	0	1,107	1,107
Voi	365	693	1,058	444	905	1,349	268	735	1,003
Wajir	259	77	336	150	12	162	104	6	110
Wanguru	549	884	1,433	900	1,210	2,110	419	418	837
Webuye	1,046	1,452	2,498	2,497	2,006	4,503	845	550	1,395
Winam	952	3,921	4,873	1,453	4,178	5,631	1,265	664	1,929
Wundanyi	174	195	369	311	247	558	187	216	403
Total	**139,545**	**209,779**	**349,324**	**200,127**	**238,264**	**438,391**	**133,372**	**199,642**	**333,014**

Annex 2.10: Case Backlog By Magistrate Court Station, 2015/16

Court Name	Total backlog	1 - 2 years	2 - 3 years	3 - 5 years	Over 5 years
Baricho	253	176	72	5	-
Bomet	358	138	173	55	-
Bondo	179	135	41	4	-
Bungoma	1,863	531	968	343	21
Busia	1,455	791	594	54	16
Butali	517	199	257	61	-
Butere	629	258	366	5	-
Chuka	936	291	287	263	95
Eldama Ravine	379	154	167	53	5
Eldoret	2,901	1,136	1,234	387	144
Embu	1,962	321	524	616	501
Engineer	404	253	152	2	-
Garissa	303	149	150	5	-
Garsen	62	51	10	1	-
Gatundu	1,086	391	435	208	52
Gichugu	160	106	48	11	-
Githongo	26	19	7	-	-

Court Name	Total backlog	1 - 2 years	2 - 3 years	3 - 5 years	Over 5 years
Githunguri	647	289	206	110	42
Hamisi	404	243	149	12	-
Hola	52	25	21	6	-
Homabay	336	185	146	5	-
Isiolo	268	133	105	26	4
Iten	2,298	191	231	314	1,562
Kabarnet	72	15	32	26	-
Kajiado	2,237	679	808	765	-
Kakamega	1,743	835	757	185	-
Kakuma	22	27	-	-	-
Kaloleni	185	52	157	-	1
Kandara	502	164	285	54	-
Kangema	110	35	33	37	5
Kangundo	247	146	75	24	2
Kapenguria	169	104	49	16	-
Kapsabet	1,405	501	619	262	23
Karatina	794	268	270	120	136
Kehancha	34	-	35	25	-
Kericho	1,987	579	775	554	79
Keroka	576	245	285	47	-
Kerugoya	431	216	181	28	6
Kiambu	2,215	576	554	363	722
Kibera	2,320	1,136	1,099	86	-
Kigumo	1,867	991	806	63	7
Kikuyu	1,364	502	652	209	1
Kilgoris	556	371	154	31	-
Kilifi	2,086	570	883	606	27
Kilungu Nunguni	72	59	12	2	-
Kimilili	801	340	343	74	44
Kisii	2,657	780	858	816	203
Kisumu	1,976	741	930	254	51
Kitale	2,099	699	1,002	397	1
Kithimani	366	159	187	18	2
Kitui	3,830	803	1,070	985	972
Kwale	1,138	449	625	90	-
Kyuso	236	118	112	6	-
Lamu	113	72	36	5	-
Limuru	1,557	587	794	177	-
Lodwar	97	69	25	3	-
Machakos	5,429	641	1,552	1,965	1,271
Makadara	5,037	1,995	2,609	436	-
Makindu	1,764	650	693	365	56
Makueni	758	285	400	72	1
Malindi	1,588	561	795	231	1
Mandera	32	22	9	-	1
Maralal	10	9	-	5	-
Mariakani	551	300	242	12	-
Marimanti	54	27	17	11	-
Marsabit	24	9	13	1	1
Maseno	1,576	454	539	524	59
Maua	2,109	559	772	524	254
Mavoko	1,164	883	293	-	-
Mbita	172	138	35	-	-
Meru	6,194	941	1,619	1,609	2,025
Migori	980	840	101	25	14
Milimani Anticorruption Court	82	24	32	25	1
Milimani Childrens Court	9,910	1,694	4,717	2,680	819
Milimani Commercial	32,086	4,749	13,055	11,506	2,776
Milimani CM's Court	1,777	823	785	182	-
Molo	2,972	917	1,139	770	146
Mombasa	29,066	2,692	8,466	7,160	10,748
Moyale	37	11	18	7	1
Mukurwe-ini	34	16	17	1	-
Mumias	1,444	259	745	367	73
Muranga	2,491	473	620	726	672
Mutumo	120	50	55	17	-
Mwingi	790	221	200	231	138
Nairobi City Court	724	125	450	139	10
Naivasha	3,692	1,076	1,682	898	36
Nakuru	22,033	1,918	4,002	5,974	10,139
Nanyuki	807	275	316	137	79
Narok	1,257	434	548	207	68
Ndhiwa	100	69	29	2	-
Nkubu	788	319	348	93	28

Court Name	Total backlog	1 - 2 years	2 - 3 years	3 - 5 years	Over 5 years
Nyahururu	3,313	906	1,387	739	281
Nyamira	530	201	286	41	2
Nyando	1,876	339	559	573	405
Nyeri	1,331	457	563	226	85
Ogembo	2,066	791	784	467	24
Othaya	57	28	29	-	-
Oyugis	302	163	132	7	-
Rongo	584	368	188	7	21
Runyenjes	71	23	23	23	2
Shanzu	948	660	284	3	1
Siakago	1,081	260	305	313	203
Siaya	1,017	216	273	501	27
Sirisia	49	31	12	8	-
Sotik	1,126	252	517	240	117
Tamu	115	57	38	20	-
Taveta	97	47	48	2	-
Tawa	95	72	26	-	-
Thika	6,114	1,543	2,459	1,706	406
Tigania	1,806	644	882	249	31
Tononoka	456	274	125	54	3
Ukwala	300	188	72	40	-
Vihiga	680	99	240	214	127
Voi	473	158	179	112	24
Wajir	9	4	5	1	-
Wanguru	376	111	207	57	1
Webuye	892	327	449	120	-
Winam	1,214	479	545	136	54
Wundanyi	143	83	57	4	-
TOTAL	**218,115**	**52,293**	**78,433**	**51,639**	**35,955**

Annex 2.11: Filed And Resolved Cases In Magistrate Court, 2013/14 To 2015/16

NAME OF COURT	2013/2014						2014/2015						2015/2016					
	CR		CV		ALL		CR		CV		ALL		CR		CV		ALL	
	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC
Baricho	1,550	1,296	104	32	1,654	1,328	3,384	3,290	3,596	3,373	6,980	6,663	2,772	1,725	601	71	3,373	1,796
Bomet	2,032	1,417	236	0	2,268	1,417	1,825	1,716	184	0	2,009	1,716	2,604	1,937	153	101	2,757	2,038
Bondo	1,402	753	74	10	1,476	763	711	440	150	19	861	459	1,696	849	112	41	1,808	890
Bungoma	4,899	3,939	1,626	765	6,525	4,704	2,287	1,533	457	1,078	2,745	2,611	3,951	1,872	802	111	4,753	1,983
Busia	4,236	3,664	566	536	4,802	4,200	4,521	3,659	489	88	5,010	3,747	6,096	1,449	974	103	7,070	1,552
Butali	1,029	863	272	29	1,301	892	671	564	240	98	911	661	1,802	1589	204	75	2,006	1,664
Butere	687	551	205	236	892	787	658	522	267	90	925	612	1,264	457	193	73	1,457	530
Chuka	1,787	1,690	487	435	2,274	2,125	1,477	1,380	459	316	1,936	1,696	1,441	1,809	549	167	1,990	1,976
Eldama Ravine	1,940	1,679	84	84	2,024	1,763	170	1,556	264	105	434	1,661	1,829	1,436	216	26	2,045	1,462
Eldoret	10,957	5,310	919	402	11,876	5,712	1,225	7,591	875	270	2,100	7,861	11,636	5,149	1,632	834	13,268	5,983
Embu	1,942	1,699	340	99	2,282	1,798	504	313	248	184	752	497	1,979	759	506	130	2,485	889
Engineer	1,665	1,473	86	10	1,751	1,483	1,439	265	1,032	39	2,471	304	1,532	128	417	18	1,949	146
Garissa	2,649	1,932	73	23	2,722	1,955	1,222	1,045	71	62	1,292	1,107	2,014	486	27	5	2,041	491
Garsen	451	349	61	49	512	398	175	87	8	2	183	89	505	169	41	4	546	173
Gatundu	1,746	1,417	326	14	2,072	1,431	2,332	1,283	324	87	2,656	1,370	1,983	1,611	442	203	2,425	1,814
Gichugu	930	1,260	27	12	957	1,272	544	346	94	504	638	851	802	683	458	138	1,260	821
Githongo	952	793	36	6	988	799	173	131	7	3	180	133	1,542	1570	65	23	1,607	1,593
Githunguri	1,841	1,690	246	56	2,087	1,746	184	167	154	116	338	283	1,880	829	289	160	2,169	989
Hamisi	1,186	871	38	4	1,224	875	887	753	86	103	973	857	1,694	846	114	4	1,808	850
Hola	311	296	15	11	326	307	108	176	7	4	114	181	435	262	32	18	467	280
Homabay	2,410	2,123	179	243	2,589	2,366	1,167	880	136	659	1,304	1,539	1,724	736	200	25	1,924	761
Isiolo	926	887	79	23	1,005	910	667	511	124	116	791	627	841	413	70	15	911	428
Iten	3,420	3,179	74	29	3,494	3,208	2,791	1,197	67	12	2,859	1,209	2,181	1,898	3	2	2,184	1,900
JKIA													-	0	-	0	-	0
Kabarnet	1,319	1,684	103	43	1,422	1,727	954	591	36	126	991	717	1,535	1677	165	76	1,700	1,753
Kajiado	2,127	2,055	226	426	2,353	2,481	1,135	848	827	178	1,963	1,026	3,681	1641	1,073	95	4,754	1,736
Kakamega	5,546	2,568	472	459	6,018	3,027	4,481	3,883	584	379	5,065	4,262	3,231	2,227	61	91	3,292	2,318
Kakuma	317	87	0	0	317	87	75	56	53	28	127	83	794	380	52	2	846	382
Kaloleni	359	263	148	32	507	295	384	214	82	82	466	296	429	518	231	206	660	724
Kandara	617	347	315	219	932	566	202	345	234	90	436	435	1,239	828	252	73	1,491	901
Kangema	1,857	1,678	51	30	1,908	1,708	1,228	1,102	33	36	1,261	1,138	981	935	111	69	1,092	1,004
Kangundo	1,045	998	192	54	1,237	1,052	1,351	863	210	57	1,561	920	1,565	968	186	55	1,751	1,023
Kapenguria	1,938	1,474	36	126	1,974	1,600	2,692	2,130	23	90	2,715	2,220	2,661	1,871	52	39	2,713	1,910
Kapsabet	5,258	4,825	415	280	5,673	5,105	3,301	3,748	457	209	3,758	3,957	5,102	2,070	508	125	5,610	2,195
Karatina	2,697	2,549	280	323	2,977	2,872	3,115	3,015	290	394	3,405	3,409	1,256	913	308	166	1,564	1,079
Kehancha	1,013	627	31	19	1,044	646	301	127	56	42	357	169	1,575	2040	36	10	1,611	2,050
Kericho	4,805	4,354	496	160	5,301	4,514	4,831	4,433	63	15	4,894	4,448	7,648	4,516	844	56	8,492	4,572
Keroka	2,066	1,919	280	88	2,346	2,007	1,827	1,455	337	177	2,164	1,632	2,078	809	231	63	2,309	872
Kerugoya	1,010	492	419	304	1,429	796	667	512	124	11	791	523	1,547	1273	954	242	2,501	1,515
Kiambu	5,448	4,840	610	483	6,058	5,323	1,550	1,229	447	179	1,997	1,408	5,663	679	1,917	159	7,580	838
Kibera	4,996	3,169	0	0	4,996	3,169	4,379	591	4,182	591	8,561	1,182	16,494	2923		3	16,494	2,926
Kigumo	3,303	2,187	194	45	3,497	2,232	2,327	2,013	2,623	2,099	4,950	4,112	2,752	1,957	382	81	3,134	2,038
Kikuyu	2,305	1,934	368	164	2,673	2,098	2,697	2,362	623	373	3,320	2,735	2,843	735	519	113	3,362	848

NAME OF COURT	2013/2014						2014/2015						2015/2016					
	CR		CV		ALL		CR		CV		ALL		CR		CV		ALL	
	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC
Kilgoris	2,171	1,843	73	42	2,244	1,885	1,915	880	214	167	2,129	1,047	2,278	1465	255	33	2,533	1,498
Kilifi	890	388	323	365	1,213	753	76	39	342	103	709	274	2,319	500	379	97	2,698	597
Kilungu	533	475	130	33	663	508	533	261	176	14	2,961	2,375	1,467	1016	314	51	1,781	1,067
Kimilili	2,479	2,174	105	32	2,584	2,206	2,768	2,309	193	66	4,564	2,576	2,976	746	240	23	3,216	769
Kisii	4,473	4,083	447	83	4,920	4,166	3,911	2,213	653	363	1,278	673	6,289	2,057	1,343	302	7,632	2,359
Kisumu	2,564	2,109	1,118	1,188	3,682	3,297	889	621	389	52	7,043	6,256	1,956	944	1,065	721	3,021	1,665
Kitale	6,004	3,594	556	471	6,560	4,065	6,668	6,150	375	106	1,712	1,676	8,185	3,020	681	166	8,866	3,186
Kithimani	1,750	1,544	271	18	2,021	1,562	1,346	1,522	367	154	1,475	5,220	2,115	1,129	477	59	2,592	1,188
Kitui	1,655	1,169	347	262	2,002	1,431	1,132	1,178	344	4,042	2,615	1,986	2,156	828	1,217	131	3,373	959
Kwale	2,704	2,392	335	69	3,039	2,461	2,300	1,842	315	144	473	377	2,431	1,798	635	270	3,066	2,068
Kyuso	482	457	120	61	602	518	370	346	104	30	743	607	541	236	279	56	820	292
Lamu	511	414	43	13	554	427	700	592	43	15	3,130	1,464	765	513	57	17	822	530
Limuru	2,339	2,260	687	437	3,026	2,697	2,446	1,252	684	212	1,017	497	2,441	929	671	112	3,112	1,041
Lodwar	1,012	635	9	1	1,021	636	956	491	61	6	1,771	1,273	815	634	8	16	823	650
Loitoktok													-	0	-	0	-	0
Machakos	1,935	1,930	854	434	2,789	2,364	1,294	799	477	474	8,365	5,425	3,319	1836	1,059	209	4,378	2,045
Makadara	14,843	7,566	0	0	14,843	7,566	8,365	5,425	0	0	4,337	2,611	15,572	4,227	-	13	15,572	4,240
Makindu	3,302	2,538	453	232	3,755	2,770	3,870	2,542	467	70	1,090	775	3,285	664	715	44	4,000	708
Makueni	1,617	1,613	349	311	1,966	1,924	1,365	1,077	1,612	1,122	395	211	618	725	67	97	685	822
Malindi	1,503	856	463	711	1,966	1,567	1,486	637	89	25	2,353	1,257	2,325	1069	370	69	2,695	1,138
Mandera	288	242	152	113	440	355	520	281	39	2	560	283	606	560	11	11	617	571
Maralal	876	828	47	11	923	839	687	395	13	47	701	442	1,407	1016	17	3	1,424	1,019
Mariakani	2,631	2,075	400	17	3,031	2,092	1,886	1,083	467	174	686	495	1,904	1,413	580	141	2,484	1,554
Marimanti	857	868	59	33	916	901	640	474	46	21	4,205	2,092	1,037	703	62	31	1,099	734
Marsabit	924	628	30	2	954	630	658	284	30	16	688	300	924	680	54	17	978	697
Maseno	2,015	1,323	257	33	2,272	1,356	3,877	2,022	327	70	3,900	3,016	2,327	2,132	329	75	2,656	2,207
Maua	5,828	5,554	474	220	6,302	5,774	3,660	2,975	240	41	395	211	7,262	996	420	116	7,682	1,112
Mavoko	4,635	3,880	1,157	381	5,792	4,261	385	186	10	25	2,560	1,284	2,474	1429	1,304	432	3,778	1,861
Mbita					0	0	1,229	534	530	41	1,759	575	880	370	183	9	1,063	379
Meru	3,803	2,089	677	282	4,480	2,371	2,001	1,181	559	103	709	274	3,538	1,249	746	240	4,284	1,489
Migori	1,370	1,393	562	833	1,932	2,226	1,445	822	4	284	1,449	1,106	1,304	584	1,791	196	3,095	780
Milimani Ant-Corruption	27	9	-	-	27	9	10	2	0	0	10	2	-	10	23	0	23	10
Milimani Children's	684	556	1,911	365	2,595	921	110	112	1,898	765	2,008	877	633	57	1,875	710	2,508	767
Milimani Commercial			4,550	7,989	4,550	7,989	0	0	8,831	10,148	8,831	10,148	-	0	10,391	4,451	10,391	4,451
Milimani Magistrate	28,902	25,082	0	0	28,902	25,082	12,190	6,037	0	0	12,190	6,037	20961	11,107	-	1	20,961	11,108
Molo	7,110	7,056	290	151	7,400	7,207	7,073	685	5,634	78	12,707	763	6,228	2191	434	116	6,662	2,307
Mombasa	2,955	2,495	3,007	552	5,962	3,047	3,511	2,623	1,625	181	5,136	2,804	16,244	6,925	2,000	986	18,244	7,911
Moyale	231	260	18	10	249	270	111	82	247	1	358	83	528	389	23	23	551	412
Mpeketoni													-	0	-	0	0	0
Mukurwe-ini	730	703	64	46	794	749	790	352	20	101	810	453	658	431	99	29	757	460
Mumias	2,043	1,577	355	232	2,398	1,809	1,869	1,638	225	86	2,094	1,724	1,453	988	342	218	1,795	1,206

NAME OF COURT	2013/2014						2014/2015						2015/2016					
	CR		CV		ALL		CR		CV		ALL		CR		CV		ALL	
	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC	IC	RC
Muranga	2,577	1,866	438	308	3,015	2,174	1,453	562	556	163	2,009	725	2,898	1721	724	468	3,622	2,189
Mutumo	625	570	171	161	796	731	490	236	122	17	612	253	790	557	67	25	857	582
Mwingi	1,114	976	132	36	1,246	1,012	1,139	864	1,034	150	2,174	1,014	921	294	212	26	1,133	320
Nairobi City					0	0	0	0	0	0	0	0	56	94	-	0	56	94
Naivasha	12,919	12,206	806	105	13,725	12,311	3,130	1,871	543	314	3,673	2,184	11,401	726	1,239	77	12,640	803
Nakuru	9,198	7,115	2,134	396	11,332	7,511	5,296	3,806	8,924	9,377	14,221	13,183	3,529	1,602	710	372	4,239	1,974
Nanyuki	1,497	1,625	129	92	1,626	1,717	1,743	1,494	161	47	1,904	1,541	5,384	1,571	337	46	5,721	1,617
Narok	4,014	3,070	254	74	4,268	3,144	2,909	2,023	171	30	3,080	2,053	5,384	2,920	136	136	5,520	3,056
Ndhiwa	633	477	43	5	676	482	339	277	77	25	416	302	592	407	417	30	1,009	437
Ngong'													-	0	-	0	-	0
Nkubu	2,434	1,878	146	26	2,580	1,904	1,596	1,103	60	65	1,656	1,168	1,668	1,107	183	27	1,851	1,134
Nyahururu	3,921	3,046	310	133	4,231	3,179	1,361	1,421	391	126	1,752	1,547	4,409	802	650	46	5,059	848
Nyamira	1,876	1,611	306	122	2,182	1,733	1,445	1,236	1,646	191	3,091	1,427	1,882	870	577	112	2,459	982
Nyando	2,396	2,169	233	130	2,629	2,299	2,562	2,326	241	29	2,803	2,355	3,538	684	287	97	3,825	781
Nyeri	1,720	1,541	447	361	2,167	1,902	20024	17,033	4,245	1,890	24,269	18,923	2,251	944	477	206	2,728	1,150
Ogembo	2,241	1,168	275	73	2,516	1,241	2,124	1,201	2,774	1,211	4,898	2,412	2,825	1,398	394	105	3,219	1,503
Othaya	498	373	46	23	544	396	666	635	211	191	877	826	1,351	1027	63	28	1,414	1,055
Oyugis	2,167	1,612	124	78	2,291	1,690	530	482	215	77	745	559	2,237	1256	3,172	51	5,409	1,307
Rongo	947	595	329	67	1,276	662	889	575	389	52	1,278	627	1,287	832	1,492	109	2,779	941
Runyenjes	854	728	90	72	944	800	272	188	199	165	471	353	879	592	287	36	1,166	628
Shanzu	1,893	1,125		0	1,893	1,125	2,057	1,538	0	0	2,057	1,538	3,327	1,145	-	0	3,327	1,145
Siakago	1,470	1,175	79	15	1,549	1,190	1,107	872	1,237	964	2,344	1,836	1,512	981	195	41	1,707	1,022
Siaya	1,102	1,060	138	53	1,240	1,113	1,037	531	306	65	1,343	596	1,217	972	282	92	1,499	1,064
Sirisia	1,314	814	23	43	1,337	857	1,458	920	79	192	1,537	1,112	1,554	1180	33	12	1,587	1,192
Sotik	3,218	2,675	420	129	3,638	2,804	2,189	1,574	379	122	2,568	1,696	2,712	2,643	415	382	3,127	3,025
Tamu	518	357	64	0	582	357	188	165	70	31	258	196	780	348	68	44	848	392
Taveta	674	457	62	23	736	480	550	382	83	44	633	426	573	490	60	70	633	560
Tawa	524	439	285	249	809	688	449	428	331	140	780	568	380	373	10	136	390	509
Thika	10,547	9,354	1,096	1,592	11,643	10,946	3,876	2,361	926	294	4,802	2,655	10,960	1,074	1,945	154	12,905	1,228
Tigania	2,437	1,823	176	172	2,613	1,995	2,748	2,264	196	12	2,944	2,275	3,448	795	59	9	3,507	804
Tononoka	352	237	563	207	915	444	57	27	525	100	582	127	96	31	958	143	1,054	174
Ukwala	778	817	57	15	835	832	916	455	130	34	1,046	489	813	717	4	12	817	729
Vihiga	1,782	1,654	195	600	1,977	2,254	1,258	733	362	402	1,620	1,135	426	1004	960	228	1,386	1,232
Voi	1,947	1,767	227	222	2,174	1,989	1,973	1,894	218	6	2,191	1,900	1,798	1,623	351	168	2,149	1,791
Wajir	673	571	18	4	691	575	153	262	66	131	219	393	579	284	27	13	606	297
Wanguru	1,122	786	174	112	1,296	898	1,068	717	571	245	1,639	962	1,374	1009	364	81	1,738	1,090
Webuye	2,569	2,205	228	59	2,797	2,264	3,653	2,202	610	56	4,263	2,258	2,739	1,645	289	77	3,028	1,722
Winam	1,749	1,163	162	127	1,911	1,290	1,486	985	349	92	1,835	1,077	1,787	980	411	101	2,198	1,081
Wundanyi	801	690	128	25	929	715	698	561	92	40	790	601	804	787	146	63	950	850
All Magistrates' Courts	304,751	243,634	41,990	28,305	346,741	271,939	206,529	167,074	76,758	48,921	283,287	215,994	**339,659**	152,673	**64,499**	18,185	**404,158**	170,858

Annex 2.12a: Pending Criminal Cases By Type In Magistrate Court, 2015/16

Name of Magistrate Court	PENDING																						
	Abortion & infanticide	Abuse Of Office	Alarming Publication	Alcoholic related Offences	Arson	Assault, Grievous Harm	Attempted Murder	Bankruptcy	Breach of Trust	Child Negligence	Child Stealing	Children in Conflict with Law	Children in need of care & protection	Constitutional & Human right violati	Corruption and Integrity	Counterfeiting Trademark	Creating Disturbance	Criminal Trespass	Deceiving Principal	Destruction of Evidence	Disobedience	Economic Crimes	Escape from Custody	Failure to comply with Management reg.
Baricho	4	-	43	-	7	1	-	-	27	2	2	1	1	-	-	1	91	6	-	-	-	-	1	-
Bomet	-	-	75	-	1	-	-	-	2	1	23	-	-	-	-	-	8	8	-	-	-	-	4	-
Bondo	-	-	-	-	6	3	2	-	11	-	-	1	-	-	-	-	-	4	-	-	-	-	-	-
Bungoma	-	-	106	-	15	1	-	-	58	6	7	1	8	-	-	2	105	1	-	-	-	-	-	-
Busia	-	-	84	-	46	4	-	12	79	4	199	3	8	3	-	9	74	7	-	-	-	1	2	-
Butali	-	1	61	-	8	1	-	-	28	5	4	-	3	-	-	-	64	9	-	-	-	-	-	-
Butere	-	-	26	-	5	-	-	-	4	-	-	8	19	-	-	-	-	3	-	-	-	-	-	-
Chuka	2	-	32	-	2	2	-	3	5	1	29	-	-	-	-	-	19	2	-	1	-	-	1	-
Eldama Ravine	3	-	-	-	5	-	-	-	14	-	5	-	2	-	-	-	32	1	-	-	-	-	1	-
Eldoret	9	-	442	-	20	69	-	-	126	26	512	-	7	3	-	15	79	26	-	3	-	6	3	1
Embu	-	-	55	52	3	13	-	-	7	2	26	-	8	-	-	7	93	3	-	-	-	5	4	-
Engineer	4	-	3	4	6	1	-	1	17	-	-	-	5	-	-	-	56	-	-	-	-	-	-	-
Garissa	1	2	2	-	7	-	-	1	28	-	5	-	4	1	-	6	12	9	-	-	-	3	2	-
Garsen	-	-	1	-	-	2	-	-	10	-	11	-	1	-	-	1	13	19	-	1	-	-	1	-
Gatundu	1	-	41	-	2	11	-	-	15	-	5	2	5	-	1	-	72	5	-	-	-	-	3	-
Gichugu	-	-	63	1	3	-	-	-	11	-	-	-	-	-	-	-	14	-	-	1	-	-	-	-
Githongo	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Githunguri	-	-	14	4	2	7	-	-	21	-	18	-	4	-	-	-	-	9	-	-	-	-	-	-
Hamisi	-	-	60	77	1	-	-	-	47	1	8	-	-	-	-	1	97	-	-	-	-	-	-	-
Hola	-	-	-	-	-	-	5	-	9	-	4	-	12	-	-	-	4	-	-	-	-	1	2	-
Homabay	-	-	-	-	7	-	-	-	14	-	10	-	6	-	-	1	12	7	-	-	-	-	-	-
Isiolo	-	-	4	-	-	3	-	6	18	-	5	-	1	-	-	1	10	2	-	-	-	-	1	-
Iten	7	-	208	-	36	2	-	-	35	-	17	-	30	-	-	-	111	8	-	-	-	1	5	1
JKIA Magistrate Court	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kabarnet	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kajiado	-	-	-	-	7	1	-	-	67	2	24	3	9	-	-	-	27	10	-	-	-	-	-	-
Kakamega	2	-	189	-	12	4	-	76	92	1	50	3	7	3	-	3	205	13	-	-	-	10	-	-
Kakuma	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kaloleni	-	-	-	-	-	-	-	-	-	-	10	-	1	-	-	-	9	-	-	-	-	-	-	-
Kandara	1	-	-	-	4	-	-	5	3	-	7	-	3	1	-	1	38	4	-	-	-	-	3	-
Kangema	-	-	1	-	-	-	1	-	8	-	-	-	-	-	-	-	8	-	-	-	-	1	-	-
Kangundo	3	-	39	24	2	9	-	-	26	1	5	-	7	-	3	-	66	3	-	-	-	1	-	-
Kapenguria	2	-	85	-	1	1	-	1	25	-	11	2	5	-	-	-	29	3	-	-	-	-	2	-
Kapsabet	-	-	54	-	8	-	-	-	15	1	39	-	12	3	-	3	-	3	-	1	-	4	1	-
Karatina	-	-	21	11	2	9	-	-	15	1	38	-	2	-	-	2	48	-	-	-	-	-	-	-
Kehancha	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kericho	-	2	-	-	14	5	1	-	65	3	52	-	8	-	-	3	-	9	-	-	-	6	-	4

Name of Magistrate Court	PENDING																							
	Abortion & infanticide	Abuse Of Office	Alarming Publication	Alcoholic related Offences	Arson	Assault, Grievous Harm	Attempted Murder	Bankruptcy	Breach of Trust	Child Negligence	Child Stealing	Children in Conflict with Law	Children in need of care & protection	Constitutional & Human right violati	Corruption and Integrity	Counterfeiting Trademark	Creating Disturbance	Criminal Trespass	Deceiving Principal	Destruction of Evidence	Disobedience	Economic Crimes	Escape from Custody	Failure to comply with Management reg.
Keroka	-	-	1	-	2	5	-	-	23	-	15	1	-	1	-	1	-	4	-	-	-	-	2	-
Kerugoya	-	-	30	-	1	2	-	41	8	-	-	-	1	-	-	1	7	3	-	-	-	-	-	-
Kiambu	-	-	-	41	1	3	-	7	42	2	20	-	10	2	-	1	46	3	-	-	-	3	2	-
Kibera	3	1	130	-	10	51	-	10	202	8	-	-	15	3	-	18	136	25	-	-	-	6	1	-
Kigumo	3	-	-	133	15	20	-	-	85	1	53	1	-	1	-	-	204	15	-	-	-	-	1	-
Kikuyu	2	-	8	-	2	1	-	3	33	2	38	2	22	-	-	1	26	2	-	1	-	-	1	-
Kilgoris	6	-	-	-	6	13	-	-	29	1	43	-	16	2	-	-	29	28	-	-	-	-	7	-
Kilifi	9	-	-	2	11	13	-	-	19	-	96	-	19	-	-	-	39	18	-	2	-	3	-	-
Kilungu Nunguni	-	-	22	-	3	3	-	-	6	-	3	-	1	-	-	-	15	13	-	-	-	-	-	-
Kimilili	-	-	10	-	7	4	-	-	28	1	5	-	7	-	-	-	28	8	-	-	-	2	-	-
Kisii	3	1	98	-	13	-	-	72	22	-	20	-	262	6	-	-	22	13	-	-	-	2	2	-
Kisumu	-	5	-	3	2	11	-	6	35	-	2	-	-	-	-	7	37	1	-	-	-	12	-	-
Kitale	-	-	-	-	21	12	-	-	73	9	62	-	36	3	4	-	71	50	-	-	-	-	3	-
Kithimani	1	-	-	-	2	2	-	-	29	-	-	-	1	-	-	4	-	5	-	-	-	-	-	-
Kitui	-	-	9	-	6	1	-	-	45	-	66	-	-	-	-	-	66	9	-	-	-	-	2	1
Kwale	-	3	8	-	6	25	-	16	21	1	35	-	8	1	-	1	56	15	-	-	-	-	9	1
Kyuso	-	-	29	-	4	-	-	-	5	-	15	17	-	-	-	-	22	-	-	-	-	-	-	-
Lamu	-	-	3	-	6	1	-	-	15	-	18	-	-	-	-	2	11	8	-	-	-	-	-	-
Limuru	1	-	2	1	8	-	-	-	-	-	108	-	-	1	-	2	-	-	-	-	-	-	-	-
Lodwar	-	-	-	-	7	3	-	-	-	-	3	-	7	-	-	-	-	-	-	-	-	-	1	-
Loitokitok Magistrate Court	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Machakos	-	-	32	-	7	12	-	6	55	1	93	1	64	-	1	5	105	22	-	-	-	2	-	1
Makadara	12	3	27	-	18	239	-	6	380	81	-	-	27	15	-	15	706	66	-	2	-	22	9	-
Makindu	4	-	15	17	4	10	-	-	53	6	23	4	4	-	2	-	138	95	-	-	-	-	6	-
Makueni	1	-	-	-	4	3	-	7	22	-	3	2	3	-	-	2	27	10	-	-	-	-	2	-
Malindi	4	-	-	4	9	8	-	1	37	-	61	1	11	-	14	8	62	12	-	1	-	-	1	-
Mandera	-	-	-	-	-	2	-	-	1	-	2	-	-	-	-	-	-	2	-	-	-	-	-	-
Maralal	-	-	-	-	1	1	-	2	-	-	-	1	1	-	-	-	4	-	-	-	-	-	1	-
Mariakani	-	-	-	-	5	-	-	-	4	-	2	-	-	-	-	-	13	2	-	-	-	-	-	-
Marimanti	1	-	68	-	1	1	-	-	9	-	8	-	-	-	-	-	11	1	-	-	-	-	2	-
Marsabit	-	-	-	1	-	3	-	3	8	-	5	-	-	-	-	-	80	1	-	-	-	-	-	-
Maseno	-	-	116	-	4	4	-	1	44	13	12	-	1	1	-	-	81	19	-	-	-	1	-	6
Maua	-	-	153	116	12	2	-	8	51	-	35	3	23	-	3	-	164	7	-	-	-	-	10	-
Mavoko	-	-	24	-	4	4	-	-	15	6	6	-	4	-	1	-	45	32	-	-	-	-	-	-
Mbita	-	-	9	15	2	1	-	-	14	-	-	-	2	-	-	-	17	3	-	-	-	3	1	-
Meru	1	1	69	-	22	16	-	86	56	3	45	3	19	-	1	9	73	19	-	-	-	2	-	-
Migori	-	-	45	-	8	1	-	1	9	3	8	2	1	-	-	5	22	11	-	-	-	1	1	4
Milimani Anticorruption Court	-	13	-	-	-	-	-	-	-	-	-	-	-	-	-	57	-	-	-	-	-	10	-	-
Milimani Childrens Court	-	-	-	-	-	-	-	-	1	-	2,911	-	5	-	-	-	1	-	-	-	-	-	-	-

Name of Magistrate Court	PENDING																							
	Abortion & infanticide	Abuse Of Office	Alarming Publication	Alcoholic related Offences	Arson	Assault, Grievous Harm	Attempted Murder	Bankruptcy	Breach of Trust	Child Negligence	Child Stealing	Children in Conflict with Law	Children in need of care & protection	Constitutional & Human right violati	Corruption and Integrity	Counterfeiting Trademark	Creating Disturbance	Criminal Trespass	Deceiving Principal	Destruction of Evidence	Disobedience	Economic Crimes	Escape from Custody	Failure to comply with Management reg.
Milimani Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Milimani Magistrate Court	-	-	-	3	-	47	-	-	8	52	-	-	-	2	-	-	20	17	-	-	-	5	4	-
Molo	-	1	14	-	15	-	-	16	27	-	10	14	18	-	-	-	55	20	-	-	-	-	-	-
Mombasa	3	1	44	28	8	32	4	1	128	29	-	1	5	2	2	39	2,213	42	-	-	-	19	2	1
Moyale	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	5	1	-	-	-	-	-	-
Mpeketoni Magistrate Court	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mukurwe-ini	-	-	2	-	-	-	-	-	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mumias	-	1	-	-	1	2	-	165	6	4	3	1	19	-	-	1	7	3	-	-	-	5	1	-
Muranga	-	-	17	-	2	-	-	14	15	1	120	-	20	-	4	3	82	4	-	-	-	2	4	-
Mutumo	-	-	12	-	1	10	-	-	2	-	-	-	1	-	-	6	4	2	-	-	-	-	-	-
Mwingi	-	-	-	1	-	-	3	15	9	-	-	-	2	-	-	1	55	-	-	-	-	-	1	-
Nairobi City Court	-	-	1	-	-	9	-	1	14	23	-	-	-	-	-	2	4	5	-	1	-	-	1	-
Naivasha	-	4	-	-	3	2	1	6	69	-	2	-	84	1	-	6	42	7	-	-	-	3	1	-
Nakuru	6	1	300	211	14	7	31	-	171	2	303	8	26	-	6	28	264	65	-	3	-	2	7	-
Nanyuki	5	-	31	-	2	-	-	190	19	-	112	-	48	-	-	4	19	36	-	-	-	-	-	-
Narok	-	2	-	-	-	4	-	115	12	2	39	2	16	1	-	4	-	14	-	-	-	-	2	1
Ndhiwa	-	-	4	-	4	2	-	-	5	-	4	-	-	-	-	1	12	3	-	-	-	-	-	1
Ngong Magistrate Court	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nkubu	-	-	116	-	5	16	-	-	15	-	10	-	14	1	31	2	49	2	-	-	-	-	2	-
Nyahururu	2	-	3	46	20	21	-	287	66	4	269	1	332	-	-	2	63	27	-	-	-	5	4	-
Nyamira	-	-	108	-	1	-	-	4	5	-	1	-	-	-	-	2	22	3	-	-	-	-	1	-
Nyando	-	-	36	10	6	-	-	1	27	-	21	-	-	-	-	1	19	3	-	-	-	-	-	-
Nyeri	-	3	-	10	10	-	-	4	22	-	7	-	2	-	-	10	-	6	-	-	2	4	-	2
Ogembo	1	-	53	-	41	1	-	-	33	-	2	-	2	-	20	2	99	23	-	1	-	-	1	-
Othaya	2	-	9	-	-	2	-	-	4	-	96	-	1	-	-	-	-	-	-	-	-	-	-	-
Oyugis	-	-	-	-	-	2	-	-	-	-	-	-	-	-	1	1	38	-	-	-	-	-	2	-
Rongo	-	-	10	-	35	12	-	-	31	-	2	-	6	2	-	2	52	14	-	-	-	-	-	-
Runyenjes	-	-	-	2	2	2	-	-	5	-	2	-	3	-	-	-	27	1	-	-	-	-	-	-
Shanzu	1	-	25	-	14	27	-	-	89	-	2	-	11	1	-	-	110	47	-	-	-	-	6	-
Siakago	1	-	49	-	8	1	-	-	25	-	-	-	36	-	-	-	58	9	-	1	-	-	-	-
Siaya	-	-	105	-	8	11	-	-	44	-	10	-	10	-	-	1	51	11	-	1	-	-	3	-
Sirisia	1	-	7	-	7	1	-	-	3	7	13	-	1	1	-	-	36	3	-	-	-	-	-	-
Sotik	-	-	-	-	5	1	-	321	-	-	-	-	4	-	-	5	-	-	-	-	-	-	-	-
Tamu	-	-	-	12	1	-	-	-	8	-	-	-	1	-	-	2	4	1	-	-	-	-	1	-
Taveta	-	-	-	-	1	-	-	-	2	-	1	-	-	-	-	-	6	20	-	-	-	-	-	-
Tawa	-	-	4	-	2	2	-	-	-	-	3	-	-	-	-	-	6	5	-	-	-	1	-	-
Thika	1	12	15	28	9	25	-	-	61	9	-	18	10	2	-	12	61	21	-	-	-	4	-	1
Tigania	3	-	261	376	30	3	-	1	66	-	6	1	6	-	-	1	210	45	-	-	-	-	1	-
Tononoka	-	-	-	-	-	-	-	-	1	-	133	-	-	-	-	-	-	-	-	-	-	-	-	-

Name of Magistrate Court	PENDING																								
	Abortion & infanticide	Abuse Of Office	Alarming Publication	Alcoholic related Offences	Arson	Assault, Grievous Harm	Attempted Murder	Bankruptcy	Breach of Trust	Child Negligence	Child Stealing	Children in Conflict with Law	Children in need of care & protection	Constitutional & Human right violati	Corruption and Integrity	Counterfeiting Trademark	Creating Disturbance	Criminal Trespass	Deceiving Principal	Destruction of Evidence	Disobedience	Economic Crimes	Escape from Custody	Failure to comply with Management reg.
Ukwala	1	1	102	-	8	2	-	-	24	-	-	-	2	-	-	-	18	2	-	-	-	-	-	-
Vihiga	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Voi	-	-	34	-	3	-	-	-	7	-	2	-	11	-	-	6	9	2	-	-	-	-	-	-
Wajir	-	-	-	-	1	-	-	-	6	-	2	3	1	1	-	1	4	1	-	-	-	-	-	-
Wanguru	-	-	40	-	-	7	-	-	12	1	7	-	1	1	-	2	24	5	-	-	-	-	-	-
Webuye	2	-	-	-	6	20	-	-	37	-	20	1	7	7	-	-	13	8	-	-	-	1	-	-
Winam	-	-	84	11	12	23	1	1	87	13	35	-	24	8	2	-	58	8	-	-	-	-	-	-
Wundanyi	-	-	-	-	-	3	-	-	7	-	4	-	1	-	-	-	-	-	-	-	-	-	-	-
Total	**119**	**58**	**4,103**	**1,244**	**751**	**923**	**49**	**1,523**	**3,564**	**342**	**6,183**	**112**	**1,473**	**80**	**96**	**342**	**7,579**	**1,182**	**-**	**20**	**2**	**159**	**144**	**25**

Annex 2.12b: Pending Criminal Cases By Type In Magistrate Court, 2015/16

Name of Magistrate Court	PENDING																										
	Failure to follow Procurement rules	Felony	Forgery	Fraud	House Breaking, Burglary etc	Immigration Offences	Impersonation	Inquest	Malicious Damage	Manslaughter	Miscellaneous Anticorruption Cases	Miscellaneous Criminal	Obstruct of Justice	Obtaining by false pretense	Offences related to Morality	Other Criminal offences	Possession Narcotic drugs	Possession of Firearm	Public Health Act Offences	Robbery	Robbery with Violence	Sexual Offences	Stealing	Stock Theft	Terrorism	Traffic	Uttering False document	Wildlife related offences	Total Criminal
Baricho	-	2	5	7	46	-	1	2	3	-	-	-	-	-	1	28	-	87	5	7	6	48	50	4	-	262	-	3	754
Bomet	-	1	1	-	54	-	-	7	11	1	-	-	-	8	-	17	1	4	-	4	4	18	36	4	-	-	2	3	298
Bondo	-	1	1	1	41	-	2	-	-	4	1	-	-	4	-	-	-	2	1	-	17	52	11	8	-	8	-	1	182
Bungoma	-	1	16	5	272	8	8	79	38	-	-	-	4	44	-	64	1	16	5	17	19	142	170	-	-	168	-	1	1,388
Busia	-	25	32	2	458	-	-	99	81	10	2	-	10	73	1	123	3	16	-	9	58	298	192	18	-	87	11	14	2,157
Butali	-	3	1	18	142	-	-	8	46	-	-	-	2	14	-	17	-	2	1	-	7	57	36	-	-	-	-	-	538
Butere	-	-	-	2	58	-	-	-	3	2	-	-	-	19	-	14	-	4	2	-	6	27	5	3	-	4	-	-	214
Chuka	-	2	6	1	139	-	-	5	31	11	-	-	5	9	-	58	-	4	-	-	9	50	-	7	-	305	-	12	753
Eldama Ravine	-	-	-	2	61	2	1	3	7	1	-	-	1	17	-	18	-	2	-	5	14	48	18	4	-	151	-	-	418
Eldoret	1	-	14	249	592	-	13	58	90	15	3	-	7	44	-	59	-	32	6	16	103	478	387	32	-	282	4	25	3,857

Name of Magistrate Court	PENDING																											
	Failure to follow Procurement rules	Felony	Forgery	Fraud	House Breaking, Burglary etc	Immigration Offences	Impersonation	Inquest	Malicious Damage	Manslaughter	Miscellaneous Anticorruption Cases	Miscellaneous Criminal	Obstruct of Justice	Obtaining by false pretense	Offences related to Morality	Other Criminal offences	Possession Narcotic drugs	Possession of Firearm	Public Health Act Offences	Robbery	Robbery with Violence	Sexual Offences	Stealing	Stock Theft	Terrorism	Traffic	Uttering False document	Wildlife related offences	Total Criminal
Embu	1	6	11	8	72	1	5	5	23	5	4	-	1	38	3	31	-	47	-	-	14	45	79	11	-	92	1	8	789
Engineer	-	10	-	-	60	-	-	8	8	2	1	-	-	10	-	53	-	49	-	-	2	55	36	4	-	30	-	10	435
Garissa	-	1	12	13	118	35	14	1	14	10	3	-	-	-	-	39	10	22	-	-	13	75	61	2	16	95	-	4	641
Garsen	-	1	2	1	14	3	-	-	8	-	-	-	2	3	1	15	-	8	-	2	4	37	8	12	-	5	2	10	198
Gatundu	-	-	2	10	92	-	3	-	19	3	-	-	-	10	-	9	-	41	-	6	10	60	37	-	1	13	-	2	481
Gichugu	-	-	1	5	54	-	-	2	18	2	-	-	-	8	-	20	-	33	-	-	3	21	24	2	-	3	-	2	291
Githongo	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Githunguri	-	2	5	1	52	-	1	8	12	-	-	-	2	16	-	31	2	65	-	3	18	39	33	-	-	-	-	-	369
Hamisi	-	6	-	14	260	-	1	-	21	-	-	-	-	2	-	53	-	31	-	3	68	184	127	11	-	18	-	14	1,105
Hola	-	-	6	3	35	1	-	-	1	-	-	-	-	-	-	7	-	2	-	-	3	13	19	8	-	-	-	5	140
Homabay	-	4	13	2	71	-	2	15	16	3	-	-	-	9	2	28	-	32	3	-	13	58	39	8	-	36	-	3	414
Isiolo	-	8	5	-	30	-	3	2	24	1	5	-	1	9	-	35	4	8	-	6	9	27	15	7	2	27	1	7	287
Iten	-	1	5	1	202	2	1	16	43	11	-	-	-	15	-	102	2	1	105	-	19	91	68	9	-	1,027	-	89	2,271
JKIA Magistrate Court	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kabarnet	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kajiado	1	11	15	4	129	6	3	27	26	7	-	-	2	67	-	166	3	89	50	28	22	115	224	17	-	221	-	35	1,418
Kakamega	-	3	37	33	334	-	3	24	63	5	-	-	28	53	4	168	2	25	-	6	89	137	187	21	-	102	-	24	2,018
Kakuma	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kaloleni	-	-	-	-	-	-	-	4	-	-	-	-	-	1	-	14	-	-	-	2	1	2	11	3	-	38	-	-	96
Kandara	-	-	4	-	37	8	1	-	7	-	-	-	-	14	-	15	-	33	3	-	1	34	20	-	-	51	-	-	298
Kangema	-	-	3	-	17	-	-	-	9	-	-	-	-	-	-	5	-	3	-	-	4	25	2	-	-	14	1	-	102
Kangundo	-	1	4	-	98	-	5	2	40	1	-	-	-	38	-	47	-	72	-	4	6	22	65	4	-	5	-	-	603
Kapenguria	-	1	1	1	151	3	-	2	16	7	-	-	3	17	-	36	1	11	-	-	6	57	53	3	-	27	-	7	570
Kapsabet	-	3	-	16	174	1	4	31	11	9	-	-	3	4	5	57	3	18	-	14	9	165	24	12	-	14	-	18	739
Karatina	-	-	2	-	80	-	1	16	29	-	-	-	5	17	-	21	-	26	-	-	12	57	70	3	-	42	-	12	542
Kehancha	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kericho	-	5	15	10	199	-	4	36	43	7	-	-	5	30	1	40	-	12	2	4	28	169	132	5	-	1	5	14	939

| Name of Magistrate Court | PENDING | | |

Name of Magistrate Court	PENDING																											
	Failure to follow Procurement rules	Felony	Forgery	Fraud	House Breaking, Burglary etc	Immigration Offences	Impersonation	Inquest	Malicious Damage	Manslaughter	Miscellaneous Anticorruption Cases	Miscellaneous Criminal	Obstruct of Justice	Obtaining by false pretense	Offences related to Morality	Other Criminal offences	Possession Narcotic drugs	Possession of Firearm	Public Health Act Offences	Robbery	Robbery with Violence	Sexual Offences	Stealing	Stock Theft	Terrorism	Traffic	Uttering False document	Wildlife related offences	Total Criminal
Mariakani	-	-	4	-	58	-	-	52	2	-	-	-	-	-	-	76	-	10	1	2	10	40	29	3	-	173	1	1	488
Marimanti	-	-	-	-	27	-	-	-	5	-	-	-	-	-	-	5	1	-	26	1	-	16	-	5	-	7	-	-	195
Marsabit	-	-	-	1	14	13	-	-	-	2	-	-	-	5	-	19	-	6	-	10	3	27	15	1	1	1	-	1	220
Maseno	-	4	2	-	175	-	3	10	33	1	1	-	5	12	-	23	6	37	-	1	23	149	76	23	-	86	4	2	979
Maua	-	4	6	-	369	2	1	9	97	1	-	-	-	57	12	197	1	41	7	30	64	73	354	32	-	157	-	23	2,124
Mavoko	-	20	14	32	44	-	-	40	28	6	-	-	10	54	-	52	-	34	-	6	35	35	209	3	-	261	-	2	1,026
Mbita	-	1	3	1	65	-	1	8	10	1	-	-	2	11	-	35	-	12	9	2	4	55	29	-	-	25	-	8	349
Meru	1	-	5	14	204	-	2	21	67	2	-	-	2	56	1	48	1	36	-	16	21	87	159	-	-	69	22	39	1,298
Migori	-	9	5	1	99	-	1	2	21	-	-	-	-	20	-	67	1	24	1	8	19	75	50	2	-	31	1	4	563
Milimani Anticorruption Court	10	-	-	-	-	-	3	-	-	-	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-	3	-	99
Milimani Childrens Court	-	19	-	-	7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9	10	-	-	-	-	-	2,963
Milimani Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Milimani Magistrate Court	-	16	438	235	51	71	25	42	18	6	-	-	6	396	-	185	10	46	-	2	72	68	730	-	23	6,631	-	-	9,229
Molo	-	21	11	2	327	-	2	61	79	2	-	-	-	96	-	325	-	110	-	3	57	236	244	5	-	300	-	49	2,120
Mombasa	2	63	72	650	257	41	6	121	367	11	4	-	24	196	587	325	20	311	16	40	90	267	789	-	19	5,237	8	9	12,136
Moyale	-	-	-	-	16	-	-	1	-	-	-	-	-	-	-	5	1	14	-	-	4	13	12	1	-	-	-	-	74
Mpeketoni Magistrate Court	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mukurwe-ini	-	-	-	1	14	-	-	1	1	-	-	-	-	6	-	-	-	7	-	-	2	10	3	-	-	-	-	-	57
Mumias	-	4	8	7	88	-	3	4	20	-	3	-	-	7	1	94	1	8	-	-	6	31	28	-	-	-	2	-	534
Muranga	-	1	3	4	89	-	1	26	21	4	-	-	-	13	1	84	-	93	-	4	10	54	73	2	-	143	4	1	919

Name of Magistrate Court	PENDING																												
	Failure to follow Procurement rules	Felony	Forgery	Fraud	House Breaking, Burglary etc	Immigration Offences	Impersonation	Inquest	Malicious Damage	Manslaughter	Miscellaneous Anticorruption Cases	Miscellaneous Criminal	Obstruct of Justice	Obtaining by false pretense	Offences related to Morality	Other Criminal offences	Possession Narcotic drugs	Possession of Firearm	Public Health Act Offences	Robbery	Robbery with Violence	Sexual Offences	Stealing	Stock Theft	Terrorism	Traffic	Uttering False document	Wildlife related offences	Total Criminal
Mutumo	-	1	2	-	26	-	-	-	22	2	-	-	-	-	-	25	-	2	-	1	7	33	11	5	-	9	-	2	186
Mwingi	-	-	-	3	106	-	-	4	12	4	-	-	-	2	-	32	-	19	-	-	2	49	31	-	-	85	-	8	444
Nairobi City Court	-	4	115	107	19	6	6	10	3	3	-	-	2	85	-	12	-	10	-	-	3	14	286	-	-	70	1	-	817
Naivasha	-	18	12	-	144	1	4	65	34	7	1	-	3	38	-	145	-	77	-	10	41	129	195	17	-	497	-	4	1,673
Nakuru	-	9	123	6	456	1	8	107	180	12	71	-	15	337	8	293	4	137	2	17	126	389	666	67	-	663	-	53	5,205
Nanyuki	-	14	9	3	103	1	-	15	36	2	10	-	-	22	1	120	1	52	-	6	28	66	93	18	-	1	1	36	1,104
Narok	-	8	13	5	63	-	5	41	13	4	1	-	-	20	-	54	2	16	1	1	34	97	57	-	-	-	2	31	682
Ndhiwa	-	-	3	-	40	-	1	6	1	2	-	-	-	2	-	14	1	7	-	1	5	24	5	9	-	3	-	2	162
Ngong Magistrate Court	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nkubu	-	2	9	6	148	-	3	5	78	4	-	-	4	44	-	17	-	17	1	9	15	57	128	3	-	2	-	2	817
Nyahururu	-	12	9	37	196	-	1	60	39	2	-	-	3	36	3	150	7	59	-	-	45	258	171	47	-	174	14	54	2,529
Nyamira	-	-	2	1	81	-	2	8	9	-	-	-	4	-	1	56	1	2	-	2	6	27	8	2	-	36	-	-	395
Nyando	-	9	7	3	108	-	1	8	23	4	-	1	11	8	-	49	-	13	-	-	27	92	63	14	-	182	-	-	747
Nyeri	3	28	16	11	35	1	6	33	7	2	-	-	1	27	3	-	1	60	-	1	33	74	57	11	-	-	10	3	505
Ogembo	-	9	6	-	307	-	-	66	72	3	-	-	2	50	7	39	2	2	-	14	11	76	86	5	-	39	5	-	1,080
Othaya	-	1	1	-	10	-	-	1	-	-	-	-	-	3	-	46	-	6	-	4	-	11	1	-	-	-	-	1	199
Oyugis	-	-	-	-	131	-	-	1	5	-	-	-	1	6	-	188	-	4	-	5	7	69	55	-	-	-	-	-	516
Rongo	-	10	10	-	162	-	3	2	30	5	-	-	-	25	-	45	-	49	6	4	18	114	93	-	-	122	-	-	864
Runyenjes	-	-	1	1	26	-	-	-	4	-	-	-	-	-	-	6	-	30	-	5	1	19	13	-	-	20	-	1	171
Shanzu	-	-	8	14	282	1	12	13	73	7	-	-	-	92	-	193	3	139	-	-	103	255	402	5	-	362	1	6	2,304
Siakago	-	5	1	1	147	-	1	22	22	7	2	-	-	11	1	95	-	42	-	1	12	60	64	9	-	30	-	5	726
Siaya	-	1	9	2	224	-	1	11	37	9	-	-	-	10	-	25	3	35	9	-	27	75	94	22	-	123	4	13	989
Sirisia	-	-	1	-	64	-	-	5	17	-	-	-	-	1	-	17	-	7	1	-	4	33	1	4	-	18	-	1	254
Sotik	-	5	5	-	91	-	-	12	9	2	9	-	-	-	-	58	-	25	-	-	5	66	23	-	-	33	-	-	679
Tamu	-	-	2	-	7	-	-	-	-	2	-	-	-	5	-	4	-	1	-	1	2	16	6	5	-	-	-	-	81
Taveta	-	1	-	-	20	-	1	1	2	1	-	-	-	4	-	6	1	1	-	6	6	6	8	-	-	15	1	2	112
Tawa	-	-	-	-	3	-	-	1	9	-	-	-	-	6	-	3	-	5	-	-	-	4	15	1	-	13	-	1	84

Name of Magistrate Court	PENDING																											
	Failure to follow Procurement rules	Felony	Forgery	Fraud	House Breaking, Burglary etc	Immigration Offences	Impersonation	Inquest	Malicious Damage	Manslaughter	Miscellaneous Anticorruption Cases	Miscellaneous Criminal	Obstruct of Justice	Obtaining by false pretense	Offences related to Morality	Other Criminal offences	Possession Narcotic drugs	Possession of Firearm	Public Health Act Offences	Robbery	Robbery with Violence	Sexual Offences	Stealing	Stock Theft	Terrorism	Traffic	Uttering False document	Wildlife related offences	Total Criminal
Thika	-	22	30	56	275	-	7	19	50	7	13	-	11	204	-	244	3	174	2	-	78	207	414	22	-	75	6	4	2,212
Tigania	-	6	5	2	485	-	2	4	145	4	3	-	10	35	1	177	3	35	71	14	51	67	167	59	-	42	-	21	2,419
Tononoka	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	7	-	-	-	10	3	-	-	-	-	-	156
Ukwala	-	-	-	1	85	-	-	8	7	13	-	-	-	8	1	14	-	15	-	-	18	47	19	3	-	10	-	-	409
Vihiga	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Voi	-	-	1	-	18	-	-	12	3	2	-	-	-	8	-	20	-	8	24	3	10	22	34	-	-	12	-	17	268
Wajir	-	-	-	-	9	5	-	1	1	1	-	-	-	1	-	38	1	1	-	-	2	11	4	-	-	9	-	-	104
Wanguru	-	7	4	3	67	-	1	12	20	-	-	-	-	7	-	25	-	28	1	4	5	33	41	3	-	54	-	4	419
Webuye	-	2	4	7	188	-	7	79	10	1	-	-	-	34	-	110	2	-	25	4	30	129	53	15	-	17	-	6	845
Winam	-	2	6	61	172	-	7	10	24	3	2	-	3	32	-	17	3	121	18	10	81	124	190	6	-	1	3	2	1,265
Wundanyi	-	1	-	-	29	1	-	-	-	4	-	-	-	7	-	30	-	14	-	-	2	27	25	13	-	14	-	5	187
Total	**21**	**514**	**1,649**	**1,996**	**15,497**	**346**	**361**	**2,080**	**3,642**	**420**	**354**	**29**	**274**	**4,268**	**684**	**8,023**	**169**	**4,368**	**623**	**581**	**3,185**	**10,503**	**13,888**	**893**	**77**	**27,509**	**214**	**1,131**	**133,372**

Annex 2.13: Pending Civil Cases By Type In Magistrate Court, 2015/16

Name of Magistrate Court	PENDING															
	Adoption	CBAs	Custody Maintenance	Divorce separation	ELC	Election petition	ELRC	Guardianship	Income tax	Libel	Misc civil	Other civil	Running down	Succession	Workman compensation	Total Civil
Baricho	-	-	-	5	-	-	-	-	-	4	3	59	202	391	6	670
Bomet	-	16	177	21	-	-	5	-	-	1	9	122	139	10	4	504
Bondo	-	-	3	2	-	-	-	-	-	-	-	24	157	92	13	291
Bungoma	-	4	51	58	-	-	-	-	-	2	3	1,000	615	6	71	1,810
Busia	-	-	1	-	-	-	-	-	3	9	-	335	120	-	1	469
Butali	-	-	23	5	-	-	-	-	-	-	-	144	142	-	273	587
Butere	-	-	4	6	-	-	-	-	-	-	-	151	390	26	65	642
Chuka	-	-	38	29	-	-	2	-	-	13	34	376	183	240	-	915
Eldama Ravine	-	-	29	3	-	-	1	-	-	-	-	45	241	107	2	428
Eldoret	-	-	-	70	-	-	-	-	-	1	1	926	886	60	153	2,097
Embu	1	-	195	64	-	1	4	-	-	20	83	1,115	377	168	1	2,029
Engineer	-	-	2	4	-	-	-	-	-	-	1	174	-	224	-	405
Garissa	-	-	22	1	-	-	-	-	1	-	-	8	52	17	-	101
Garsen	-	-	-	-	-	-	-	-	-	-	-	-	28	-	-	28

Name of Magistrate Court	PENDING															
	Adoption	CBAs	Custody Maintenance	Divorce separation	ELC	Election petition	ELRC	Guardianship	Income tax	Libel	Misc civil	Other civil	Running down	Succession	Workman compensation	Total Civil
Gatundu	-	-	-	14	24	-	4	-	-	1	-	33	496	277	311	1,160
Gichugu	-	1	2	6	-	-	-	-	-	-	-	48	6	390	-	453
Githongo	-	-	1	1	-	-	-	-	-	-	-	35	28	-	-	65
Githunguri	-	-	-	15	-	-	-	-	-	-	6	164	158	397	33	773
Hamisi	-	-	6	3	-	-	1	-	-	-	-	38	18	27	4	97
Hola	-	-	11	-	-	-	-	-	-	-	-	10	24	1	-	46
Homabay	-	-	4	15	-	-	-	-	-	1	-	47	179	80	10	336
Isiolo	-	-	25	12	-	-	1	-	-	-	7	173	56	6	-	280
Iten	-	-	74	6	-	-	3	-	-	3	-	216	34	77	24	437
JKIA Magistrate Court	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kabarnet	-	-	29	4	-	-	-	-	-	1	1	23	-	105	-	163
Kajiado	-	-	4	22	-	-	16	-	-	-	48	855	550	257	751	2,503
Kakamega	-	-	147	55	-	-	-	-	-	14	-	472	573	-	209	1,470
Kakuma	-	-	8	-	-	-	-	-	-	1	-	2	-	-	-	11
Kaloleni	-	-	1	1	-	-	-	-	-	-	-	40	109	29	152	332
Kandara	-	-	4	1	-	-	-	-	-	1	6	6	289	33	239	579
Kangema	-	-	13	6	-	-	-	-	-	-	6	47	43	33	-	148
Kangundo	-	-	-	-	-	-	-	-	-	-	1	48	119	26	1	195
Kapenguria	-	-	13	4	-	1	2	-	-	-	-	18	47	-	-	85
Kapsabet	-	-	1	2	-	-	-	-	-	-	1	185	227	670	179	1,265
Karatina	-	-	1	16	-	-	-	-	-	1	10	231	81	447	119	906
Kehancha	-	-	-	3	-	-	-	-	-	-	-	125	-	-	-	128
Kericho	1	-	19	50	-	-	-	-	1	1	17	694	985	2	119	1,889
Keroka	-	-	-	9	-	-	-	-	-	-	13	158	299	11	16	506
Kerugoya	-	-	-	18	-	-	-	-	-	-	6	448	-	394	-	866
Kiambu	-	-	1	17	-	1	11	-	-	-	2	910	244	1,020	-	2,206
Kibera	-	-	-	-	-	1	1	-	-	1	2	9	-	1	-	15
Kigumo	-	10	-	-	29	2	-	-	-	-	4	189	387	59	7	687
Kikuyu	-	-	-	42	-	1	-	-	-	3	1	390	551	351	186	1,525
Kilgoris	-	-	-	10	-	-	-	-	1	-	43	68	250	18	6	396
Kilifi	1	-	49	20	-	-	3	-	1	6	20	531	824	82	162	1,699
Kilungu Nunguni	-	-	-	-	-	-	-	-	-	4	1	10	194	15	-	224
Kimilili	-	-	53	27	-	-	-	-	-	15	-	187	66	27	-	375
Kisii	-	-	1	71	-	1	-	-	-	-	239	1,002	680	2	26	2,022
Kisumu	-	23	391	100	-	-	-	1	-	1	15	754	662	4	160	2,111
Kitale	2	402	23	105	-	1	5	1	-	28	2	288	689	17	81	1,644
Kithimani	-	-	-	-	-	-	-	-	-	-	-	93	311	1	-	405
Kitui	-	-	12	78	-	1	1	-	-	-	9	1,486	1,152	925	-	3,664
Kwale	-	1	18	11	-	-	35	-	-	7	8	231	712	127	44	1,194
Kyuso	-	-	-	4	-	-	-	-	-	-	-	114	25	237	-	380
Lamu	-	-	-	6	-	-	-	-	-	-	1	28	15	1	-	51
Limuru	-	-	-	16	-	-	-	-	-	-	-	152	307	675	136	1,286

Name of Magistrate Court	PENDING															
	Adoption	CBAs	Custody Maintenance	Divorce separation	ELC	Election petition	ELRC	Guardianship	Income tax	Libel	Misc civil	Other civil	Running down	Succession	Workman compensation	Total Civil
Lodwar	-	-	15	1	-	-	-	-	-	-	1	5	-	1	6	29
Loitokitok Magistrate Court	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Machakos	1	-	2	110	-	-	4	-	-	12	602	1,723	2,682	256	151	5,543
Makadara	-	-	-	-	-	-	-	-	-	-	-	18	-	-	-	18
Makindu	-	-	12	17	-	-	-	-	-	20	-	113	1,193	7	-	1,362
Makueni	-	-	3	1	-	7	-	-	-	9	-	96	340	103	40	599
Malindi	-	-	185	7	-	1	10	-	1	12	35	675	205	1	101	1,233
Mandera	-	-	28	-	-	1	-	-	-	-	-	2	-	-	-	31
Maralal	-	-	24	4	-	-	-	-	-	1	-	7	-	9	-	45
Mariakani	-	-	-	-	-	-	-	-	-	1	1	149	521	-	194	866
Marimanti	-	-	17	4	-	-	-	-	-	-	-	40	2	8	-	71
Marsabit	-	-	22	-	-	-	-	-	-	-	3	32	12	1	7	77
Maseno	-	5	-	3	-	1	-	-	-	17	2	75	1,312	28	3	1,446
Maua	-	-	158	18	-	1	-	-	-	5	32	1,412	112	313	-	2,051
Mavoko	-	-	-	9	-	2	2	-	-	2	10	23	628	4	1,545	2,225
Mbita	-	-	-	13	-	-	-	-	-	-	-	48	99	-	2	162
Meru	3	-	821	258	-	1	1	1	-	10	397	3,008	267	685	589	6,041
Migori	-	-	1	10	-	-	-	-	-	-	5	1,764	-	7	-	1,787
Milimani Anticorruption Court	-	-	-	-	-	-	-	-	-	-	-	5	-	-	-	5
Milimani Childrens Court	5	-	8,073	2	-	-	-	276	-	-	-	150	3	-	2	8,511
Milimani Commercial	-	-	118	4,789	92	1	32	10	-	93	-	18,991	10,221	2	5,232	39,581
Milimani Magistrate Court	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Molo	-	-	-	3	-	-	235	-	-	2	12	149	1,299	62	1	1,763
Mombasa	1	119	3	165	-	9	118	-	13	60	10	11,519	7,583	104	6,370	26,074
Moyale	-	-	24	1	-	-	-	-	-	-	1	11	1	3	1	42
Mpeketoni Magistrate Court	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mukurwe-ini	-	-	-	2	-	-	-	-	-	-	-	18	28	6	-	54
Mumias	-	-	13	10	-	-	3	-	-	1	1	9	730	6	499	1,272
Muranga	-	-	68	21	-	-	-	-	-	8	34	849	664	1,120	9	2,773
Mutumo	-	18	-	1	-	-	-	-	-	6	-	-	22	26	-	73
Mwingi	-	-	28	22	-	-	-	-	-	10	-	176	281	289	-	806
Nairobi City Court	-	-	-	-	-	-	-	-	2	-	-	4	-	-	-	6
Naivasha	1	-	4	55	-	-	-	-	-	-	6	429	1,469	36	1,527	3,527
Nakuru	60	10,211	1,639	303	-	2	195	17	1	6	203	26	5,863	259	2,054	20,839
Nanyuki	-	-	32	30	-	-	37	-	1	-	23	124	155	137	-	539
Narok	1	301	7	15	-	-	2	-	-	4	-	105	449	59	87	1,030
Ndhiwa	-	-	1	16	-	-	-	-	-	-	2	15	154	3	-	191
Ngong Magistrate Court	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nkubu	-	-	-	8	-	-	1	-	-	10	-	320	131	-	8	478
Nyahururu	-	11	1	50	-	2	5	-	-	7	5	614	362	542	51	1,650
Nyamira	-	1	20	3	-	-	-	-	-	-	-	345	221	54	1	645
Nyando	-	2	-	17	-	1	1	-	-	10	-	197	1,397	13	300	1,938

Name of Magistrate Court	PENDING														
	Adoption	CBAs	Custody Maintenance	Divorce separation	ELC	Election petition	ELRC	Guardianship	Income tax	Libel	Misc civil	Other civil	Running down	Succession	Workman compensation	Total Civil
Nyeri	-	1	166	99	-	-	1	-	-	-	9	538	533	115	28	1,490
Ogembo	1	-	65	53	-	1	-	-	-	13	476	635	484	60	92	1,880
Othaya	-	-	-	-	-	-	-	-	-	-	1	8	47	27	1	84
Oyugis	-	-	-	-	-	-	-	-	-	-	-	107	85	6	-	198
Rongo	-	-	13	15	-	-	-	-	-	4	2	415	131	-	14	594
Runyenjes	-	-	4	3	-	-	-	-	-	-	-	50	46	22	-	125
Shanzu	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1
Siakago	-	-	16	35	-	1	-	-	-	1	21	307	26	483	-	890
Siaya	-	-	-	13	-	-	2	-	-	9	7	279	204	210	3	727
Sirisia	-	-	4	2	-	-	-	-	-	2	-	9	6	14	-	37
Sotik	-	-	191	24	-	-	142	-	1	19	7	146	351	118	-	999
Tamu	-	-	-	-	-	-	-	-	-	-	-	10	78	1	46	135
Taveta	-	-	24	2	-	-	-	-	-	1	-	66	26	12	-	131
Tawa	-	-	1	1	-	-	-	-	-	1	-	13	124	1	-	141
Thika	-	1	-	126	188	-	4	-	-	10	144	1,305	1,770	1,708	477	5,733
Tigania	1	-	35	19	-	-	77	-	-	11	14	504	119	44	1	825
Tononoka	-	-	718	-	-	-	-	26	-	-	10	3	-	2	-	759
Ukwala	-	-	20	4	-	-	-	-	-	3	3	87	142	2	-	261
Vihiga	-	-	75	25	-	1	-	-	-	17	127	309	175	365	13	1,107
Voi	-	-	62	7	-	-	-	-	-	1	5	122	454	84	-	735
Wajir	-	-	1	-	-	-	-	-	-	-	-	5	-	-	-	6
Wanguru	-	47	24	17	-	-	7	1	-	4	7	160	116	32	3	418
Webuye	-	-	9	-	-	-	-	-	-	24	-	235	189	59	34	550
Winam	1	-	20	39	-	-	14	-	12	6	1	185	326	-	60	664
Wundanyi	-	-	38	2	-	-	-	-	-	2	1	35	13	123	2	216
TOTAL	80	11,174	14,261	7,492	333	42	988	333	38	573	2,823	63,817	58,773	15,797	23,118	199,642

Annex 2.14: Filed And Resolved Cases In Kadhi Court Station, 2013/14 To 2015/16

KADHI COURT	2013/14		2014/15		2015/16	
	IC	RC	IC	RC	IC	RC
Bungoma	88	72	53	56	37	6
Bute	-	-	-	-	32	0
Dadaab	-	-	-	-	129	13
Eldas	-	-	-	-	9	0
Eldoret	32	46	4	7	40	9
Elwak	-	-	-	-	-	0
Garbatulla	-	-	-	-	-	0
Garissa	278	442	68	74	264	32
Garsen	35	31	66	57	72	21
Habaswein	-	-	-	-	47	19
Hola	56	45	101	79	65	19
Homabay	-	-	-	-	0	0
Ijara	-	-	-	-	20	0
Isiolo	42	13	0	0	10	8
Kajiado	6	2	0	0	24	4
Kakamega	185	195	0	0	153	20
Kericho	-	-	-	-	27	1
Kibera	-	-	0	0	15	3
Kilifi	44	26	15	11	30	8
Kisumu	35	47	23	68	140	33
Kitale	6	2	10	9	11	0
Kitui	-	-	56	49	12	1
Kwale	440	321	169	47	244	159
Lamu	47	41	81	70	115	34
Lodwar	-	-	0	0	462	18
Machakos	8	5	56	49	11	0
Makindu	-	-	456	135	-	0
Malindi	68	43	14	17	127	44
Mandera	241	227	105	100	109	9
Mariakani	-	-	-	-	9	0
Marsabit	80	71	0	0	128	51
Migori	-	-	28	16	14	7
Mombasa	528	320	210	350	255	202
Moyale	40	28	0	0	8	19
Msambweni	-	-	-	-	-	0
Muranga	9	8	0	0	3	2
Mwingi	-	-	-	-	0	0
Nairobi	329	275	328	294	462	389
Nakuru	-	-	-	-	121	30
Nyeri	31	25	0	0	42	13
Takaba	-	-	-	-	-	0
Thika	57	53	24	23	8	3
Voi	227	222	11	5	67	0
Wajir	407	403	0	0	413	30
Total	**3,319**	**2,963**	**1,878**	**1,516**	**3,735**	**1,207**

Name of Magistrate Court	PENDING																							
	Abortion & infanticide	Abuse Of Office	Alarming Publication	Alcoholic related Offences	Arson	Assault, Grievous Harm	Attempted Murder	Bankruptcy	Breach of Trust	Child Negligence	Child Stealing	Children in Conflict with Law	Children in need of care & protection	Constitutional & Human right violati	Corruption and Integrity	Counterfeiting Trademark	Creating Disturbance	Criminal Trespass	Deceiving Principal	Destruction of Evidence	Disobedience	Economic Crimes	Escape from Custody	Failure to comply with Management reg.
Ukwala	1	1	102	-	8	2	-	-	24	-	-	-	2	-	-	-	18	2	-	-	-	-	-	-
Vihiga	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Voi	-	-	34	-	3	-	-	-	7	-	2	-	11	-	-	6	9	2	-	-	-	-	-	-
Wajir	-	-	-	-	1	-	-	-	6	-	2	3	1	1	-	1	4	1	-	-	-	-	-	-
Wanguru	-	-	40	-	-	7	-	-	12	1	7	-	1	1	-	2	24	5	-	-	-	-	-	-
Webuye	2	-	-	-	6	20	-	-	37	-	20	1	7	7	-	-	13	8	-	-	-	1	-	-
Winam	-	-	84	11	12	23	1	1	87	13	35	-	24	8	2	-	58	8	-	-	-	-	-	-
Wundanyi	-	-	-	-	-	3	-	-	7	-	4	-	1	-	-	-	-	-	-	-	-	-	-	-
Total	**119**	**58**	**4,103**	**1,244**	**751**	**923**	**49**	**1,523**	**3,564**	**342**	**6,183**	**112**	**1,473**	**80**	**96**	**342**	**7,579**	**1,182**	**-**	**20**	**2**	**159**	**144**	**25**

Annex 2.12b: Pending Criminal Cases By Type In Magistrate Court, 2015/16

Name of Magistrate Court	PENDING																										
	Failure to follow Procurement rules	Felony	Forgery	Fraud	House Breaking, Burglary etc	Immigration Offences	Impersonation	Inquest	Malicious Damage	Manslaughter	Miscellaneous Anticorruption Cases	Miscellaneous Criminal	Obstruct of Justice	Obtaining by false pretense	Offences related to Morality	Other Criminal offences	Possession Narcotic drugs	Possession of Firearm	Public Health Act Offences	Robbery	Robbery with Violence	Sexual Offences	Stealing	Stock Theft	Terrorism	Traffic	Uttering False document	Wildlife related offences	Total Criminal
Baricho	-	2	5	7	46	-	1	2	3	-	-	-	-	-	1	28	-	87	5	7	6	48	50	4	-	262	-	3	754
Bomet	-	1	1	-	54	-	-	7	11	1	-	-	-	8	-	17	1	4	-	4	4	18	36	4	-	-	2	3	298
Bondo	-	1	1	1	41	-	2	-	-	4	1	-	-	4	-	-	-	2	1	-	17	52	11	8	-	8	-	1	182
Bungoma	-	1	16	5	272	8	8	79	38	-	-	-	4	44	-	64	1	16	5	17	19	142	170	-	-	168	-	1	1,388
Busia	-	25	32	2	458	-	-	99	81	10	2	-	10	73	1	123	3	16	-	9	58	298	192	18	-	87	11	14	2,157
Butali	-	3	1	18	142	-	-	8	46	-	-	-	2	14	-	17	-	2	1	-	7	57	36	-	-	-	-	-	538
Butere	-	-	-	2	58	-	-	-	3	2	-	-	-	19	-	14	-	4	2	-	6	27	5	3	-	4	-	-	214
Chuka	-	2	6	1	139	-	-	5	31	11	-	-	5	9	-	58	-	4	-	-	9	50	-	7	-	305	-	12	753
Eldama Ravine	-	-	-	2	61	2	1	3	7	1	-	-	1	17	-	18	-	2	-	5	14	48	18	4	-	151	-	-	418
Eldoret	1	-	14	249	592	-	13	58	90	15	3	-	7	44	-	59	-	32	6	16	103	478	387	32	-	282	4	25	3,857

Annex 2.16: Case Backlog For Kadhis' Court Stations, 2015/16

Court Name	1-2 Years	2-5 Years	5-10 Years	Over 10 years	All Backlog
Bungoma	2	2	-	-	4
Daadab	26	-	-	-	26
Eldoret	9	16	6	-	31
Garissa	44	1	-	-	45
Garsen	14	5	-	-	19
Hola	-	-	-	-	-
Isiolo	16	59	31	1	107
Kibera	5	17	-	1	23
Kilifi	-	-	-	-	-
Kisumu	-	-	-	-	-
Kitale	1	-	-	-	1
Kitui	1	-	-	-	1
Kwale	28	17	2	-	47
Lamu	-	-	-	-	-
Lodwar	-	-	-	-	-
Machakos	2	1	-	-	3
Malindi	19	23	-	-	42
Mandera	32	1	-	-	33
Marsabit	25	13	-	-	38
Migori	-	-	-	-	-
Mombasa	173	301	95	-	569
Moyale	25	4	2	-	31
Muranga	1	1	-	-	2
Nairobi	-	-	-	-	-
Nakuru	2	2	1	1	6
Nyeri	4	-	-	-	4
Thika	-	-	-	-	-
Voi	9	2	-	-	11
Wajir	-	-	-	-	-
Total	**440**	**365**	**117**	**-**	**922**

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