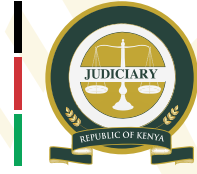




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STATE OF THE JUDICIARY AND THE ADMINISTRATION OF JUSTICE

Annual Report
2023/2024



Social Transformation
through Access to Justice

*Digital Transformation to
Accelerate Access to
Justice and Accountability*



State of the Judiciary and
the Administration of Justice
ANNUAL REPORT
Financial Year 2023/24



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Vision

To be an independent institution of excellence in the delivery of justice to all.

Mission

To dispense justice in a fair, timely, accountable and accessible manner, uphold the rule of law, advance indigenous jurisprudence, protect and promote the Constitution.

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FOREWORD

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

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



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

In line with our multi-door approach to justice, we inaugurated nine Court Annexed Mediation Registries during the year, offering a faster, less adversarial, and often more cost-effective alternative to traditional court processes. We also established eight Alternative Justice Systems (AJS) *ukumbi* suites and launched AJS County Action Plans in four counties, integrating traditional and community-based conflict resolution mechanisms into the formal justice system. These innovations demonstrate our commitment to delivering justice that is not only timely and efficient but also inclusive and responsive to the diverse needs of Kenyans across the country.

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

Despite these advancements, the Judiciary continues to face significant challenges, particularly with respect to adequate funding. Our current resource allocation does not meet the growing demands of the institution. Emerging issues, such as the security and safety of judicial personnel and court infrastructure, have introduced additional resource needs. Furthermore, the psychological toll on our judicial personnel, who are often required to adjudicate distressing cases, underscores the urgent need for a comprehensive wellness and stress-management programmes. Given that the security, safety and wellbeing of our personnel is paramount to the effective functioning of the Judiciary, we continue to call for allocation of additional resources necessary to implement these crucial support systems.

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

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

NOTE FROM THE DEPUTY CHIEF JUSTICE: ACCOUNTABILITY AND PERFORMANCE

.....



The 2023/24 State of the Judiciary and Administration of Justice Report (SOJAR) reflects the Judiciary's unwavering commitment to transparency and accountability in all aspects of its operations, judicial and administrative. A key highlight in this reporting period was the launch of the Social Transformation Through Access to Justice (STAJ) Blueprint 2023 – 2033. Our reorientation towards a people centred justice approach necessitated an institution wide shift not only in the conceptualisation and operationalisation of our programmes and strategies, but importantly, in how we monitor and assess our performance. I am committed to ensuring maximising the utility of limited human and fiscal resources by leveraging on our strengths and opportunities, linking inputs more directly to performance and results.

During the reporting period, the Judiciary has endeavoured to reorient its methods and methodologies towards people-centred and socially transformative impacts and outcomes. This means not only assessing the performance of judges, judicial officers and Judiciary staff as arbitrators of disputes, but also as justice connectors, promoters, and facilitators. Not looking at cases purely quantitatively, but considering them more holistically as justice journeys that require qualitative, tangible and transformative justice outcomes.

In this year's SOJAR, there is a marked shift towards linking the Judiciary's Annual Report to the principles, objectives, and indicators under the STAJ Blueprint. This reflects the shift within the institution over the reporting period to reorient our work planning and budgeting towards the objectives in the institutional Blueprint. The leadership of the Judiciary is buoyed by the robust unity of purpose and determination across the institution to realise the Social Transformation through Access to Justice (STAJ) vision. In presenting this Report to our partner state organs, stakeholders, and to the people of Kenya, we hope to galvanise support and embolden partnerships, institutional and non-institutional, towards ensuring access to justice for all, particularly the marginalised and vulnerable in our communities.

**Hon Lady Justice Philomena Mbete Mwilu, MGH
Deputy Chief Justice and Vice-President of the
Supreme Court of Kenya**

MESSAGE FROM THE CHIEF REGISTRAR OF THE JUDICIARY: BUILDING A STAJ BASELINE



It is an honor to join the Hon. Chief Justice in presenting the SOJAR Report for the FY 2023/2024 which holds a special significance in our history of annual reporting.

This is the first report since the unveiling of the Judiciary's ten-year Social Transformation through Access to Justice (STAJ) Blueprint which captures our commitment for realising the transformative goals embedded in the Kenyan Constitution. It therefore provides a baseline for assessing progress towards the realisation of the ambitious goals in the STAJ Blueprint.

In the year under review, the Judiciary saw a transition in the Office of the Chief Registrar. The term of the former Chief Registrar Hon. Anne A. Amadi came to an end on January 12, 2024. The key milestones documented in the SOJAR Report FY 2023/2024 could only be attained through her transformative leadership and successful transition when I assumed office on 25th March 2024.

In keeping with tradition, the Report documents the key milestones registered by the Judiciary at institutional level in compliance with the Judicial Service Act which requires the Chief Justice to submit an annual report to Parliament and to the public on the state of the Judiciary and the administration of justice. In fulfilment of the Judiciary's STAJ Blueprint to deliver a people-centred justice, a popular version has been developed to give a glimpse of the performance. Building on this tradition of accountability and to enhance inclusivity, the Judiciary administration will in the coming months develop a framework for annual reporting at the grassroots level. This will not only deepen citizen participation but will also enhance understanding and appreciation of the state of our Judiciary by all citizens in furtherance of the people-centered justice ethos of the STAJ Blueprint.

Hon Winfridah B. Mokaya
Chief Registrar of the Judiciary

ABBREVIATIONS

AfDB	African Development Bank
ADR	Alternative Dispute Resolution
AJS	Alternative Justice Systems
CJ	Chief Justice
CRJ	Chief Registrar of the Judiciary
CSR	Corporate Social Responsibility
DCRJ	Deputy Chief Registrar of the Judiciary
DCJ	Deputy Chief Justice
ELC	Environment and Land Court
ELRC	Employment and Labour Relations Court
EPU	Employee Protection Unit
GJC	Gender Justice Court
ICT	Information and Communication Technology
JCP	Judiciary Construction Projects
JCMS	Judiciary Complaints Management System
JLT	Judiciary Leadership Team
JMC	Judiciary Management Committee
JSC	Judicial Service Commission
JSTC	Judiciary Staff Training Committee
KJA	Kenya Judiciary Academy
KMJA	Kenya Magistrates and Judges Association
KJSA	Kenya Judicial Staff Association
LSK	Law Society of Kenya
MoU	Memorandum of Understanding
NHC	National Housing Corporation
NCSM	National Children's Service Month
OCSEA	Online Child Sexual Exploitation and Abuse
RA	Revenue Allocation
SCC	Small Claims Court
SGBV	Sexual and Gender-Based Violence
STAJ	Social Transformation through Access to Justice
TOC	Transnational Organized Crime
USDOJ	United States Department of Justice



EXECUTIVE SUMMARY

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

Caseload

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

Leveraging Technology

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

Access to Justice

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

Human Capital Development

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

Financial Resource Management

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

Transparency and Accountability

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

Jurisprudence

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



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

Takwimu za Kesi

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

Juhudi za Kutumia Teknolojia

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

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

Kupanua Milango ya Haki

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

Maendeleo ya Rasilimali ya Wafanyakazi kwenye Idara ya Mahakama

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

Usimamizi wa Rasilimali za Kifedha

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

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

Uwazi na Uwajibikaji

Katika suala la uwajibikaji, Mahakama ilipokea malalamiko 1,115, ambapo asilimia 93 yalitatuliwa, hasa yanayohusiana utovu wa nidhamu kazini. Mahakama ilipata kiwango cha jumla cha asilimia 97.26 katika tathmini ya utendaji na wastani wa asilimia 96.1 kulingana na wafanyakazi waliotahiniwa.

Juhudi za kupambana na ufidadi zililenga kutekeleza mapendekezo kutoka kwa Ripoti ya Tathmini ya Hatari ya Ufidadi, hasa katika operesheni za usajili na usimamizi wa wafanyakazi.

Sheria

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



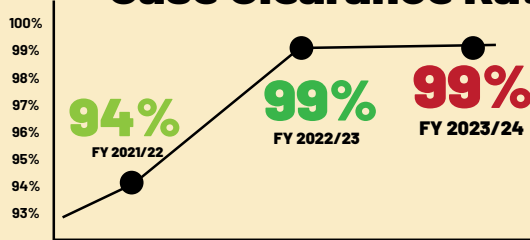


FY 2023/24

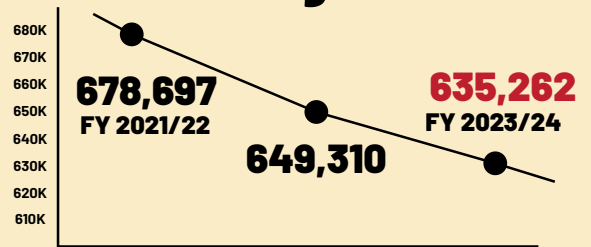
THE JUDICIARY

REDUCING CASE BACKLOG

Case Clearance Rate



Pending Cases



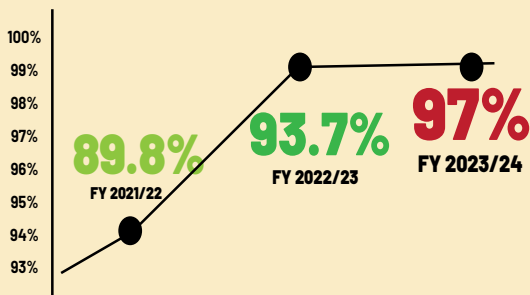
10%
Decrease in
Backlog

EXPANDING DOORWAYS OF JUSTICE

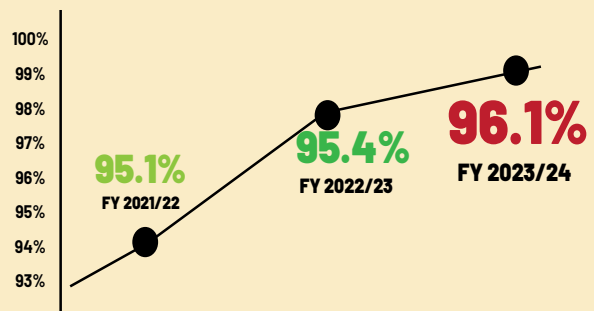


EXCELLENCE IN SERVICE DELIVERY

97% Overall Institutional
Performance



96.1% Average Individual
Performance

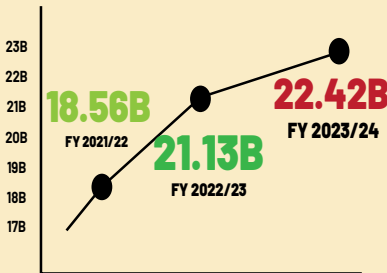


AT A GLANCE

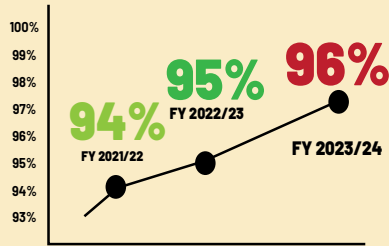


STRENGTHENED FINANCIAL MECHANISMS

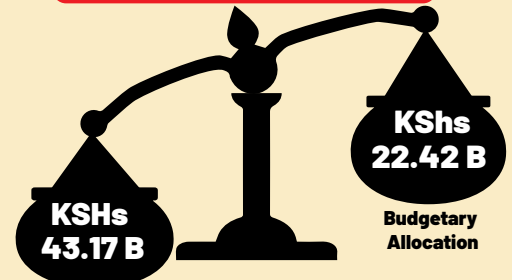
Budgetary Allocation



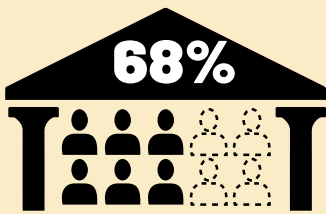
Absorption Rate



Budgetary Deficit
KShs 20.75 B



OPTIMAL STAFFING



Overall Staff Complement

Increase
64% → 68%
FY 2022/23 FY 2023/24

Increase
FY 2022/23 FY 2023/24
41% → 48%
of approved establishment for Judges & Magistrates

Optimal Establishment 80%

ACCOUNTABILITY IN THE JUDICIARY

1115 → **93%**
Complaints & Inquiries Resolved

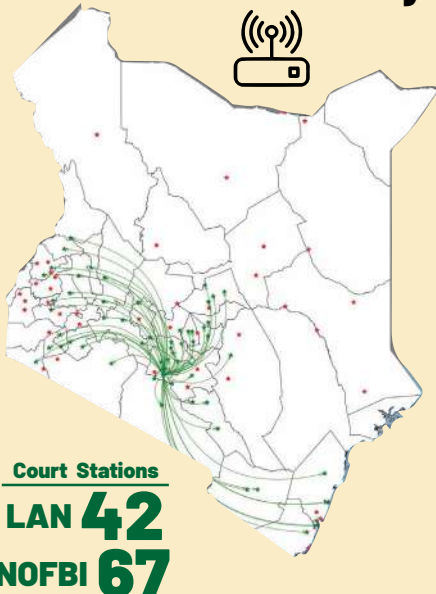
141 → **70**
Complaints Against Judges Concluded

7 → **3**
Disciplinary Cases Against Judicial Officers Concluded

116 → **51**
Disciplinary Cases Against Staff Concluded

LEVERAGING TECHNOLOGY FOR DELIVERY OF JUSTICE

Internet connectivity



E-FILING in all courts
100%

Mahakama Digitisation Programme

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

1,672 records scanned and uploaded to the Sexual Offender Electronic Register

GREEN JUSTICE

20
Court Stations Connected to Solar Energy

YEAR IN REVIEW 2023

Inauguration of the Maralal Law Courts building.



Inauguration of AJS suite at Lodwar, Turkana County.



Launch of E-filing, AJS action plan, Maslaha AJS centre and a High Court Sub-Registry in Mandera.



Chief Justice presenting the draft Penal Code (Amendment) Bill 2023 and Criminal Procedure (Amendment) Bill 2023 to the Speaker of the National Assembly.



Africa Judicial Dialogue on Adjudicating Transnational Organised Crimes and Illicit Financial Flows.



Swearing-in of 69 newly recruited Resident Magistrates.



Milimani Law Courts fraternity holding their annual Christmas Carols Service, themed: Rebirth and Transformation.



1

JULY

AUGUST

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

2

3

4

5

6



Launch of e-filing for court stations in Kiambu.



Supreme Court Judge Dr Smokin Wanjala at the opening of the Nairobi Arbitration Week.



Launch of the STAJ Blueprint.



PJ Byram Ongaya addressing the ELRC Annual Symposium and Exhibition.



IDLO Director General, H.E Jan Beagle hosted at Supreme Court for talks on advancing People Centred Justice initiatives.



Chief Administrative Secretaries Judgement at the High Court.



Chief Justice Martha Koome commissioning the Nairobi Land Justice Working Group.



The Judiciary hosted the Ford Foundation Global Board to discuss advancing social justice.



Inaugural Heads of Courts' consultative meeting.



The President, H.E William Ruto launching the 24th Annual Supplement of the Laws of Kenya.



The CJ and CRJ visiting the National Transcription Centre.



Deputy Chief Justice Philomena Mwilu at the Annual Mediation Summit.



Judiciary National Day of Mourning and celebrating the life of Hon. Monica Kivuti.



3rd Annual AJS Conference at Kabarak University in Nakuru County.



Presentation of the Judges' Retirement Benefits Bill, 2024 to the Chief Justice Martha Koome.



7

JANUARY



Former CRJ Hon. Anne Amadi, is bidding farewell following the end of her tenure.

8

FEBRUARY



The CJ joined women governors to reflect on gender equality and empowerment of women through devolution.

9

MARCH



Swearing in of the Hon. Winfridah Boyani Mokaya Chief Registrar of the Judiciary.

10

APRIL



Admission of lawyers to the Roll of Advocates at the Supreme Court.

11

MAY



Chief Justice Martha Koome launched six AJS suites and a court in MoiKen, Uasin Gishu County.

12

JUNE



Induction of the 20 newly appointed Judges of the High Court.



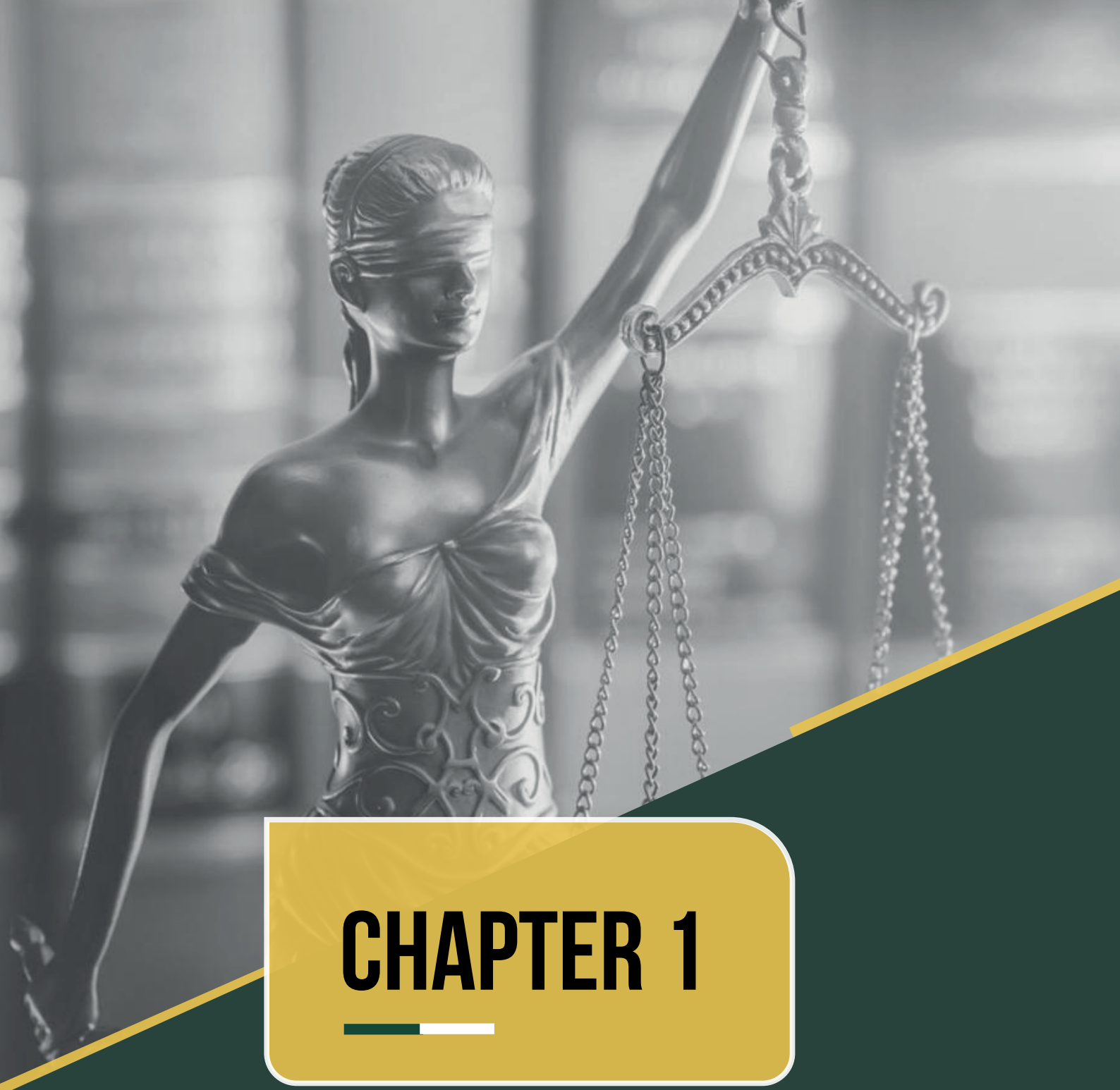
Roundtable meeting of Heads of Mission and Development Partners.



Launch of e-filing for all courts countrywide, a Data Tracking Dashboard and Caselist Portal.



Judges of the Supreme Court hosting law schools students in their endeavour to mentor the next generation of legal practitioners.

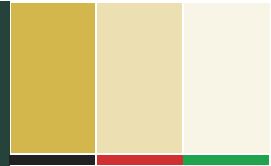


CHAPTER 1

Governance & Strategy Implementation



Governance & Strategy Implementation



1.1 INTRODUCTION

Governance and strategy implementation form the backbone of institutional success. Effective leadership and structured governance ensure communications and decisions are transparent, accountable, and aligned with the overall mission of the Judiciary, while robust strategy implementation transforms these decisions into measurable outcomes and impacts. The Judiciary has focused on redefining its leadership and governance frameworks to improve

judicial efficiency, enhance service delivery, and promote access to justice for all, including the vulnerable and marginalised.

This chapter outlines the governance structure and leadership of the Judiciary and Courts, along with the guiding policy framework. It highlights key strategic directions and implementation efforts and emphasizes collaborative engagements aimed at enhancing trust.

1.2 LEADERSHIP AND GOVERNANCE STRUCTURE OF THE JUDICIARY

1.2.1. Judiciary Leadership

The Chief Justice, as per Article 161(2) of the Constitution, is the Head of the Judiciary, deputised by the Deputy Chief Justice providing overall leadership and policy guidance to the Judiciary. The Chief Registrar of the Judiciary (CRJ) acts as the chief administrator and accounting officer, overseeing day-to-day operations and managing financial resources.



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



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



Hon Winfridah Boyani Mokaya

Figure 1.1: Judiciary Leadership

1.2.2. Court Structure and Leadership

The Constitution establishes courts at two levels: Superior Courts which include the Supreme Court, the Court of Appeal, the High Court, the Employment and Labour Relations Court, and the Environment and Land Court; and Subordinate Courts which include Magistrates Courts, Kadhis Courts, Courts Martial and Tribunals.

Superior Courts

The **Supreme Court** is established under Article 163 of the Constitution as the apex court in Kenya. It has exclusive original jurisdiction to hear and determine disputes relating to presidential elections and appellate jurisdiction to determine appeals from the Court of Appeal and tribunals constituted to consider the removal of a judge. The Supreme Court also has jurisdiction to give advisory opinions at the request of the national government, any State organ, or any county government with respect to any matter concerning county government, and jurisdiction to consider the validity of a declaration of a State of Emergency and any action taken or legislation made pursuant to a declaration of a State of Emergency.

The Supreme Court is led by the Chief Justice who serves as the President of the Court and is deputised by the Deputy Chief Justice who serves as the Vice President of the Court.

The **Court of Appeal** is established under Article 164 of the Constitution and hears appeals from the High Court, the Employment and Labour Relations Court (ELRC), and the Environment and Land Court (ELC). The Court is headed by the President of the Court of Appeal who is responsible for the efficient management and administration of the Court.

The **High Court** is established under Article 165 of the Constitution with unlimited original jurisdiction to determine all criminal and civil matters, cases concerning violation of the Bill of Rights, appeals emanating from subordinate courts, interpretation

of the Constitution, and supervisory jurisdiction over the subordinate courts and any person, body or authority exercising judicial or quasi-judicial function. The Principal Judge of the High Court serves as the head of the Court in overseeing the operations and administration of the High Court divisions and its judicial officers.

The **Employment and Labour Relations Court (ELRC)** is established under the Employment and Labour Relations Court Act pursuant to Article 162(2)(a) of the Constitution. The Court has jurisdiction over matters related to employment, labour practices, and industrial disputes. The Principal Judge of the ELRC oversees the operations and administration of the Court.

The **Environment and Land Court (ELC)** is established under the Environment and Land Court Act pursuant to Article 162(2)(b) of the Constitution, with jurisdiction to determine disputes relating to the environment and land. It also has appellate and supervisory powers over subordinate courts (including specialised tribunals) which deal with matters within the court's specialised jurisdiction. The court also has supervisory roles over public bodies making quasi-judicial decisions within its area of jurisdiction. The Presiding Judge of the ELC serves as the head of the court, overseeing its operations and administration.

Subordinate Courts

The **Subordinate Courts** are Magistrates Courts, Kadhis Courts, and Courts Martial which are established expressly in the Constitution, as well as Tribunals and other subordinate courts which may be established through legislation enacted by Parliament. Under this latter category are the Small Claims Court which is established under the Small Claims Court Act, and a host of Tribunals established by various Acts of Parliament.

The Registrars of the respective courts provide essential support in the daily administration of the courts and are administratively responsible to the Chief Registrar of the Judiciary.

At the station level, all superior court stations are overseen by Presiding Judges designated by the Chief Justice while subordinate court stations are overseen by Magistrates who are designated as Heads of Stations by the Chief Registrar in consultation with the Chief Justice. Figure 1.2 displays the court structure and leadership.

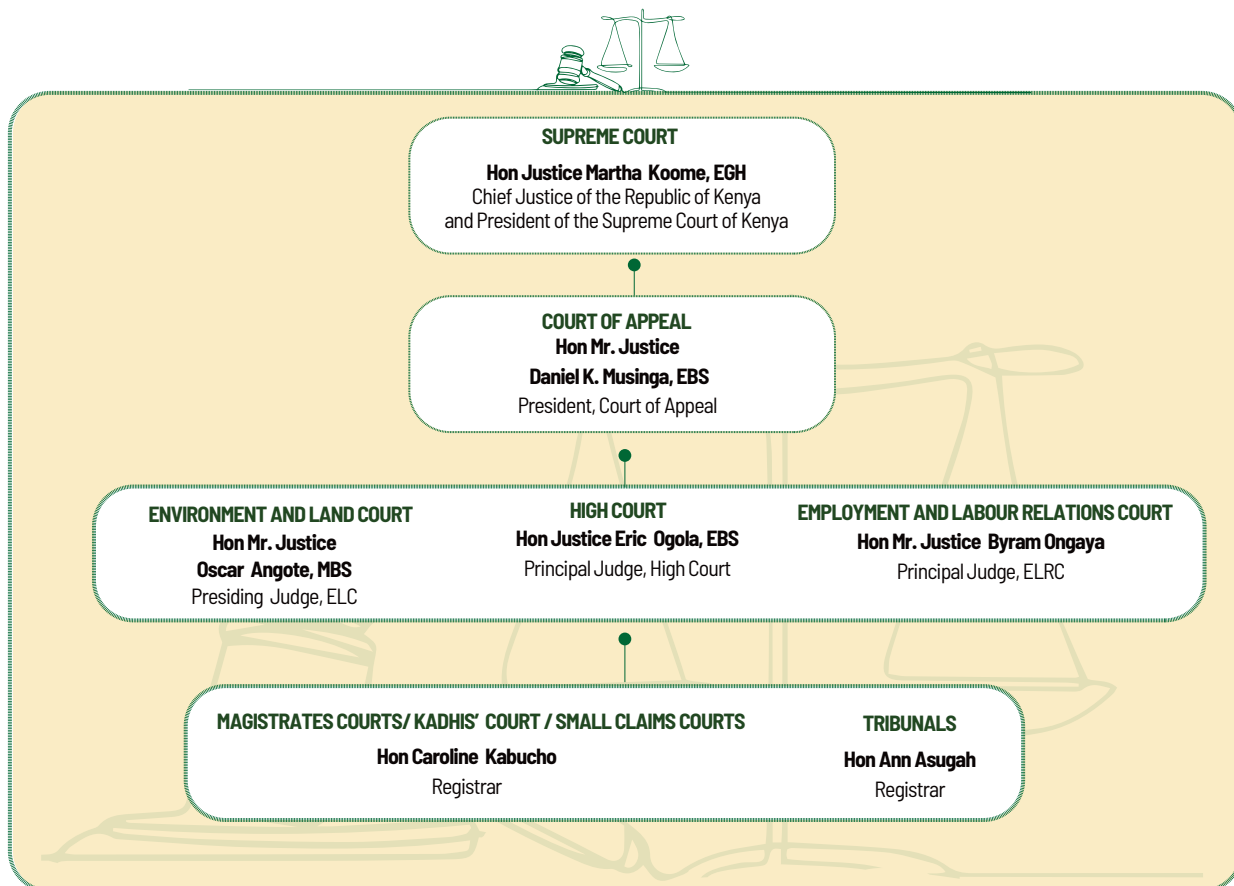


Figure 1.2: Court Leadership and Structure

1.2.3 Judiciary Leadership Teams

Judiciary Leadership Team (JLT)

CHAIR: Chief Justice

Key Functions: Policy & Strategy

Role:

- Receives reports from JMC.
- Makes policy prescriptions.
- Provides strategic direction.
- Links with stakeholders (e.g, Judicial Service Commission)

Judiciary Management Committee (JMC)

CHAIR: Deputy Chief Justice

Key Functions: Coordination & Oversight

Role:

- Enhances coordination among Judiciary committees.
- Provides oversight for effective activities
- Identifies and mitigates challenges in policy implementation.
- Monitors and evaluates administration progress.
- Ensures informed decision-making across leadership structures.

Judiciary Management Team

CHAIR: Chief Registrar of the Judiciary

Key Functions: Day to day administration of the Judiciary

Role:

- Re-engineering justice and service delivery processes and work methods.
- Enhancing budget planning and overall public financial management across the Judiciary.
- Strengthening resource and asset management.

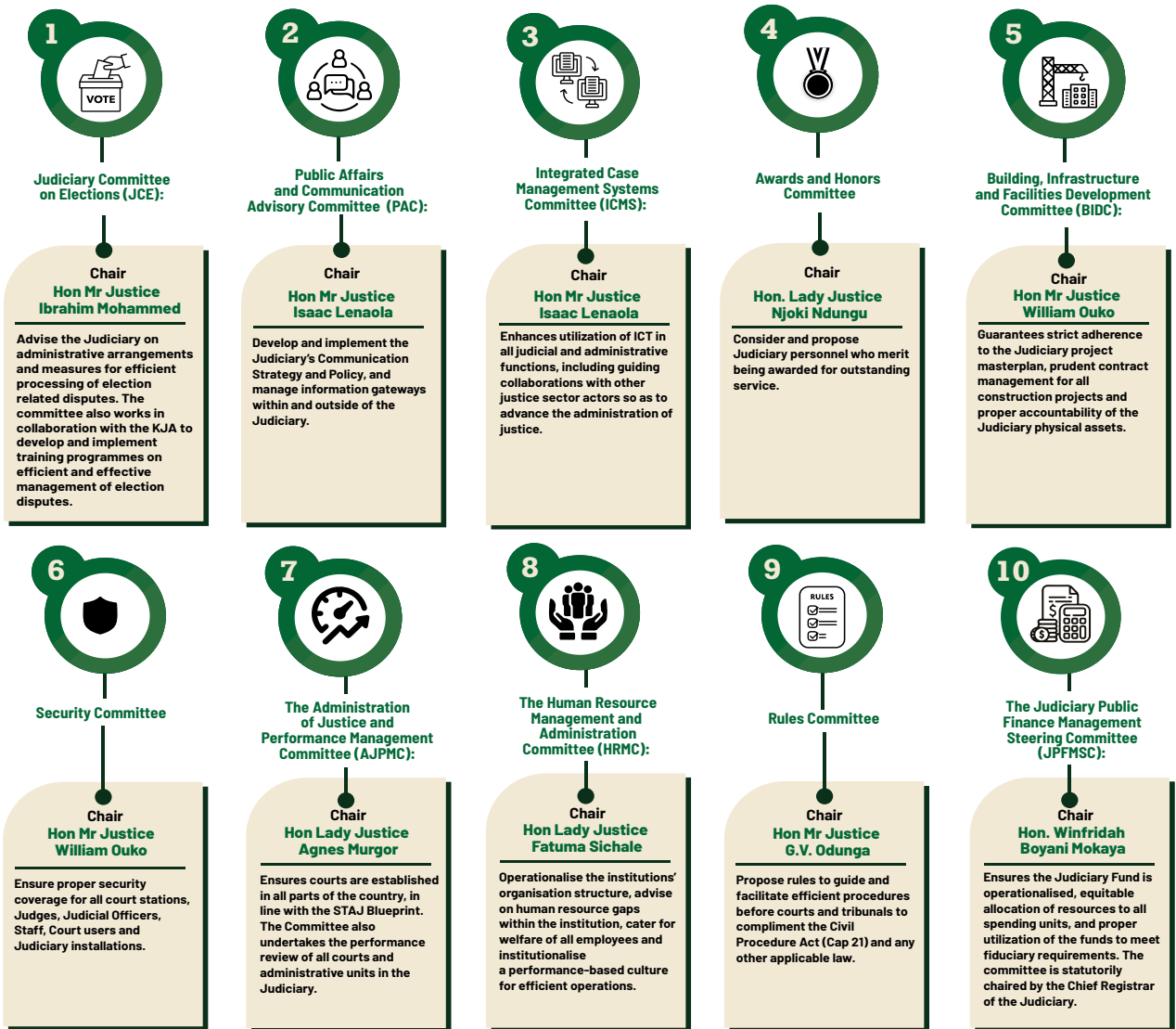
Figure 1.3: Judiciary Leadership Teams

1.2.4. Judiciary Standing Committee

The Chief Justice employs an organised framework of standing and ad-hoc committees to ensure effective governance. Standing committees cover all the core operations of the Judiciary, whereas ad-hoc committees are designated for specific tasks. Committees are composed of judges, judicial officers, and staff members.

At the station level, shared leadership is implemented through Leadership and Management Teams (LMTs) which bring together Judges, Judicial Officers and representatives of judicial staff to collaborate in station governance and decision-making on matters concerning administration and service delivery at the court station.

As part of proactive collaboration within the Judiciary and with the institution's partners in the justice sector, each court station has a Court Users Committee through which state and non-state actors work together at the grassroots level to address emerging concerns in the administration of justice.



LMTs

Leadership and Management Teams

Chaired by Presiding Judges, or Heads of Station to manage the affairs of courts stations

CUCs

Court User Committees

Provide a platform for actors in the justice sector at local or regional level to consider collaborative ways to improve service delivery.

Figure 1.4: Shared Leadership in the Judiciary and the Justice Sector

1.2.5 Transition in the Office of the Chief Registrar of the Judiciary

Hon. Anne A. Amadi completed her tenure as Chief Registrar of the Judiciary on January 12, 2024 after serving for two five-year terms. Hon. Amadi served under the leadership of three distinguished Chief Justices: Hon. Willy Mutunga, Hon. David Maraga, and Hon. Martha Koome.

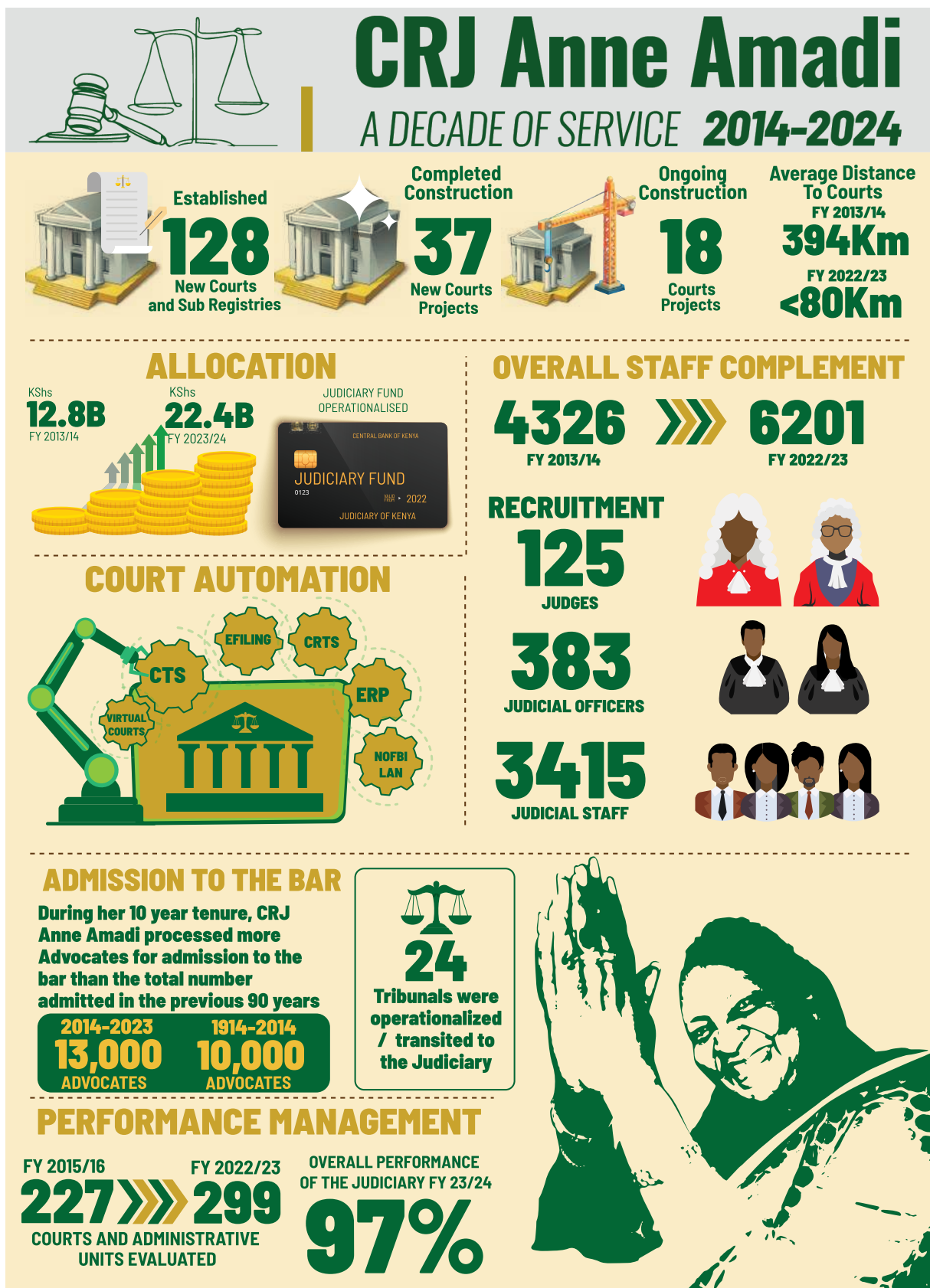


Figure 1.5: Milestones Recorded during Hon Anne Amadi's tenure as Chief Registrar



◀ **Outgoing Chief Registrar Anne Amadi poses with Chief Justice Martha Koome and former Chief Justices David Maraga and Prof Willy Mutunga during a farewell dinner hosted by Chief Justice Martha Koome on January 12, 2024 to celebrate her distinguished service as Chief Registrar.**



▲ **Outgoing Chief Registrar Anne Amadi delivers her valedictory address during a farewell dinner hosted by Chief Justice Martha Koome on January 12, 2024 to celebrate her distinguished service as Chief Registrar.**



As I look back, I cannot help but appreciate every situation and circumstance has helped me to realize just how blessed I am and be at peace with my inner self. As a believer in The Most High, one of the greatest lessons I have learned is that God uses our troubles, our bad breaks, set-backs and injustices for His own purposes to move us into our destinies. I am grateful to all who upheld me in prayer. I leave the Judiciary grateful and humbled that I survived even on days I thought I couldn't.

**Former Chief Registrar
of the Judiciary Anne Amadi**

Following a competitive recruitment process, Hon Winfridah Mokaya was appointed by the Judicial Service Commission and sworn in to serve as the Chief Registrar of the Judiciary on March 25, 2024.



◀ **Outgoing Chief Registrar Anne Amadi with incoming Chief Registrar Winfridah Mokaya moments after Hon Mokaya was sworn into office on March 25, 2024.**



▲ **Hon Winfridah Mokaya taking her Oath of Office as the Chief Registrar of the Judiciary on March 25, 2024.**



▲ **Chief Justice Martha Koome with Hon Winfridah Mokaya and the Deputy Chief Registrar of the Judiciary Hon Paul N. Maina, shortly after the new CRJ was sworn in.**

1.3 STRATEGIC FRAMEWORK

In the year under review, the Judiciary unveiled the Social Transformation Through Access to Justice (STAJ) Blueprint that will serve as the Judiciary's overarching strategic framework for the period 2023 to 2033. Moreover, the newly appointed Chief Registrar of the Judiciary, through her roadmap titled "The Road Ahead: A Calling to Deliver," outlined key priorities that shaped and directed the programmes and initiatives undertaken during the year. This roadmap reflected her commitment to institutional reform and operational efficiency, ensuring alignment with the broader goals of STAJ.

1.3.1 STAJ Blueprint

Launched in November 2023, the STAJ blueprint provides the roadmap for the Judiciary's role in animating the social justice transformative promise of the Constitution. STAJ focuses on strengthening the Judiciary as an independent, vibrant, efficient and accessible institution that is responsive to the aspirations of all Kenyans, especially the vulnerable and marginalised and which serves as a true guardian of the rule of law and our democracy.

The Blueprint emphasises the need to tackle systemic disparities within the justice framework and seeks to broaden access to justice as a means of fostering social change. It draws from the idea of people-centred justice - that is strengthening justice systems by putting people and their needs at the centre. The Judiciary's role under STAJ is not just to adjudicate disputes in courtrooms but also to facilitate dialogue, connect justice champions, and promote social harmony.

The Blueprint is built on five key principles:

- a) **Accessibility and Efficiency:** Ensuring that justice is available and reachable to all members of society

regardless of gender, socio-economic status, race, ability or any other characteristic and where all matters are resolved expeditiously.

- b) **Transparency and Accountability:** A justice system that is trustworthy, responsive and aligned with the needs and expectations of the society it serves.
- c) **Inclusiveness and Shared Leadership:** Involving diverse perspectives and fostering collaboration in decision-making processes.
- d) **Cooperative Dialogue:** Embracing collaboration, active communication, and inclusion of various stakeholders in shaping and implementing policies and practices within it.
- e) **Social Justice:** Ensuring that all individuals have access to legal assistance and aid.

The implementation of the STAJ Blueprint through a people-centred programming approach will deliver five outcomes critical to positioning the Judiciary as a facilitator of the constitutional mission of social transformation. The five outcomes which form the foundation of this report are:

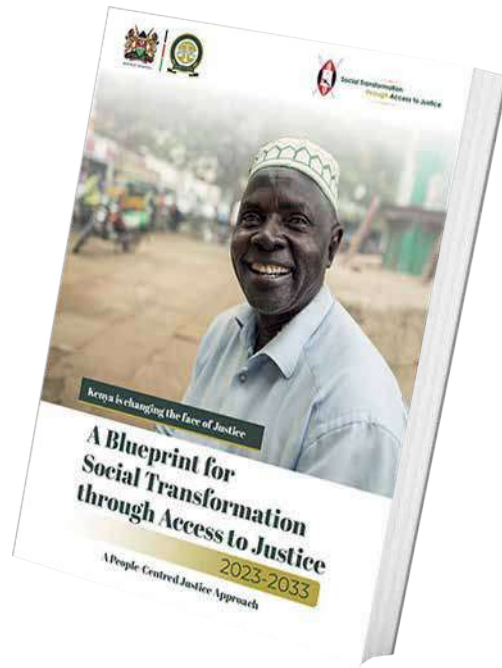
1. A strong institution that is independent, accessible, efficient and protects the rights of all, especially the vulnerable.
2. An inspired team of judges, judicial officers and staff committed to excellence in the delivery of justice.
3. Strengthened financial mechanisms that support the independence and integrity of the Judiciary.
4. Deepened partnerships that enhance coordination in the administration of justice.
5. Enhanced public trust and confidence in the judicial system.



• **AJS practitioners during the launch of the STAJ Blueprint on November 24, 2023.**

During the period under review, the Management Team undertook a systematic realignment of operational plans, annual work plans, Performance Management and Measurement Understandings (PMMU), and Performance Appraisal Systems (PAS), to the STAJ Blueprint. These instruments will enable the Judiciary to undertake, monitor and review the outcomes of STAJ.

Programmes, activities and interventions undertaken across the institution during the reporting period were thus anchored on the five principles that underpin the people centred justice approach under the Blueprint.



STAJ PRINCIPLES



STAJ OUTCOMES

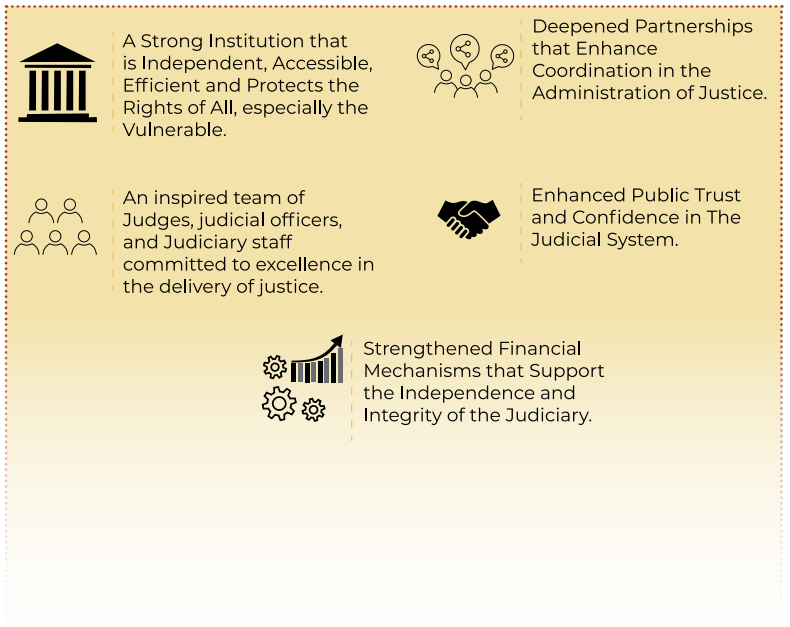


Figure 1.6: STAJ, Principles and Outcomes

1.3.2 The Road Ahead: A Call-to-Action Roadmap

The Chief Registrar of the Judiciary focuses on two main strands in her strategic vision. The first is enhancing institutional efficiency, which includes streamlining administrative processes, improving resource management and aligning operations with the principles of shared leadership and decentralisation. The second strand emphasises access to justice, particularly advocating for 100% government funding to treat justice as a public good. This involves fostering partnerships with stakeholders, promoting legal reforms and ensuring that the Judiciary remains responsive to the needs of the public.

The flagship priorities are as follows: First, supporting the implementation of the Social Transformation through Access to Justice (STAJ) agenda, with a focus on its innovative, people-centred justice model. Second, unlocking the full potential of the Judiciary Fund to enhance financial autonomy. Third, improving the management of the Judiciary's resources, including staff and assets, to boost operational efficiency. Fourth, streamlining the "policy to results" cycle to ensure clear, measurable outcomes. Finally, aligning institutional management with this cycle to clarify roles and responsibilities across the Judiciary, ensuring coherence in the division of labour.

1.4 KEY AREAS OF FOCUS

The Judiciary responded to emerging priorities that arose during the year, such as addressing new trends in the justice sector, accelerating automation and expanding access to alternative justice systems. These adaptive measures ensured that the Judiciary remained responsive to both immediate needs and long-term goals.

1.4.1. Strengthening Security of Judiciary Personnel, Court Users and Infrastructure

Several incidents during the year brought to the fore concerns about the status of security in the Judiciary. On June 15, 2024, a Magistrate passed away while receiving treatment after she was shot two days earlier by an off-duty police officer in open court at the Makadara Law Courts. This unprecedented attack underscored the long-standing fears regarding the safety and security of judges, judicial officers, staff and other court users. In another incident, gunmen shot at a convoy of Judiciary officers and staff from Garsen Law Courts who were travelling from a mobile court, further underscoring the urgent need for enhanced security measures.

In response, the Judiciary enhanced security measures at court stations and initiated discussions with the relevant government agencies for additional resources for improving security. It also conducted a comprehensive review of security protocols and is working with relevant agencies to implement necessary reforms. Strengthening security remains a top priority for the Judiciary.

Makadara Law Courts staff pay last respects in honour of the late Hon Monica Kivuti during the Judiciary National Day of Mourning held at the Station on June 18, 2024. Similar events were held across court stations countrywide.



1.4.2 Automation and Digitisation



“

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

**Macharia Njeru,
Former JSC Vice Chairperson**



“

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

**Mwaura Kabata,
LSK Vice President**



“

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

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

The Judiciary prioritised the integration of technology to accelerate the delivery of justice and promote environmentally sustainable practices. This included the rollout of the e-filing system to all courts and the launch of the Data Tracking Dashboard and the Cause List Portal.

The Judiciary also prioritised the establishment of the National Transcription Centre, which leverages Artificial Intelligence (AI) to serve as the central hub for all transcription services within the Judiciary. This initiative aims to enhance accuracy and speed in creating official court records, reducing delays associated with manual transcription. By automating the process, the Judiciary not only improves workflow efficiency but also ensures that legal professionals and litigants can access timely and reliable court documentation for various needs, further supporting the overall goal of modernising and expediting the justice system through technology.

1.4.3. Promotion of Alternative Dispute Resolution

The Judiciary continued to promote alternative forms of dispute resolution, including reconciliation, mediation, arbitration and traditional methods. Significant progress was made in institutionalising Court Annexed Mediation (CAM) as a key mechanism for alternative dispute resolution. Additionally, the Judiciary continued to champion and advance alternative justice systems, positioning them as viable and legitimate options for resolving disputes and improving access to justice for all Kenyans.

1.4.4 Social Justice

The Judiciary was instrumental in advancing social justice by implementing strategic initiatives designed to uphold fairness, equity, and the safeguarding of fundamental rights.

Child Justice: This entailed safeguarding and promoting the rights of children within the legal framework, emphasising procedures and outcomes that prioritise the needs of the child. Essential elements incorporate capacity building of judges and legal staff, diversion strategies for child offenders, child-centric court settings and restorative justice methodologies.

Gender Justice: The Judiciary continued in its unwavering commitment to eradicate the atrocity of sexual and gender-based violence from our society. A key part of the trauma-responsive justice approach under the Judiciary's Sexual and Gender-Based Violence (SGBV) Strategy is specialised court processes that ensure that victims and survivors of SGBV are not re-traumatised in the course of their justice journeys.

Green Justice: The Judiciary strived to harmonise judicial practices with the principles of environmental protection and sustainability to mitigate against climate change. These initiatives advance the overarching aim of sustainable development and advance a legal framework that maintains ecological equilibrium and promotes human welfare.

1.4.5 Transparency & Accountability

The Judiciary continued to build public trust by improving complaint resolution and communication mechanisms through collaborations, talk shows, and open days. A significant initiative was the development of the Anti-Corruption Guiding Framework for the Justice Sector. Spearheaded by NCAJ, the framework aims to combat corruption, enhance accountability, and improve service delivery. It outlines strategies for justice sector agencies to strengthen the investigation, prosecution, and adjudication of corruption cases. The framework was developed through consultations, stakeholder engagements and reviews of past anti-corruption reports.



Chief Justice Martha Koome with the NCAJ Committee on Anti-corruption to discuss coordination and reforms in the fight against corruption.

1.5 COOPERATIVE DIALOGUE

The Judiciary upheld its commitment to cooperative dialogue by actively promoting open communication, incorporating the perspectives of a wide range of stakeholders and fostering collaborations at national, regional and global levels.

1.5.1 International and Regional Engagements

The Judiciary sought to promote global collaboration, facilitate the exchange of knowledge, and strengthen the capabilities of judges, judicial officers and staff through international and regional exchanges. These exchanges enhanced the understanding of various legal systems, encouraged the adoption of best practices, and strengthened the Judiciary's capacity to address transnational legal issues.

- The Chief Justice attended the High-Level Presidential Dialogue at the African Development Bank Group Annual Meetings, which aimed to discuss the slow pace of transformation in Africa and identify key challenges and opportunities. The discussions also included reforms to the global financial architecture to align with Africa's Transformation Agenda.
- The Chief Justice addressed the Network of Data Protection Authorities in Africa conference, held under the theme "Promoting Regional Data Governance for Digital Transformation." The annual conference brought together data protection authorities, sector decision-makers, businesses, investors and multinational executives operating across Africa and beyond.

- The Judiciary hosted the United Nations Under-Secretary and Special Advisor on the Prevention of Genocide and held discussions that centred on hate speech, sexual violence and its correlation with genocide.
- The Judiciary visited Rwanda to engage on mutual understanding of justice systems, fostering collaboration on best practices in judicial reforms.



◀ **Chief Justice Martha Koome attending the High-Level Presidential Dialogue at the Annual Meetings of the African Development Bank Group on May 29, 2024.**



◀ **Supreme Court Judge Njoki Ndungu hosted the United Nations Under-Secretary & Special Advisor on the Prevention of Genocide, Ms. Alice Wairimu Nderitu on March 5, 2024.**

1.5.2 National and County Government Engagements

One of the primary objectives of engagements with the national government involves ensuring sufficient resources for the Judiciary to support initiatives that improve access to justice. Interactions with the County government address infrastructural obstacles that have hindered the full realisation of

the right to access justice, particularly through the provision of necessary facilities and acquisition of land for the construction of court premises.

Recent discussions included:

- Establishment of a permanent Court of Appeal in Eldoret, as well as dialogues exploring potential collaborations on court infrastructure.
- Various meetings on the administration of justice within the counties.



Nandi County Governor H.E. Stephen Sang paid a courtesy call on Kapsabet High Court Presiding Judge Joseph Karanja to discuss potential areas of collaboration on February 14, 2024.



A team of Judiciary officers led by Garissa High Court Presiding Judge John Onyiego and ELC Judge John Mutungi meeting Manderu Governor HE Mohamed Adan Khalif to discuss areas of collaboration.

1.5.3 Collaboration with Justice System Stakeholders and Partners

Engagement with stakeholders within the justice system fosters ongoing discourse and updates aimed at harmonising judicial operations to enhance governance in the administration of justice.

- The Chief Justice presented the draft Penal Code and Criminal Procedure Bill 2023 to the Speaker of the National Assembly.
- The Chief Registrar of the Judiciary held engagements with the Law Society of Kenya and its Branch Chairpersons to address concerns regarding the effective administration of justice.
- The Kenya Judiciary Academy collaborated with Law Africa Publishers to publish reports and enhance the availability of reference materials on judicial processes and procedures.



Chief Justice Martha Koome with the Speaker of the National Assembly Hon. Moses Wetangula, after presenting the draft Penal Code (Amendment) Bill 2023 and Criminal Procedure (Amendment) Bill 2023 on October 19, 2023.

1.5.4 Engagement with Civil Society and Development Partners

The Judiciary's ongoing engagements with the Civil Society and Development Partners have been focused on enhancing effectiveness, transparency, and social impact. These collaborations entail

promoting legal reforms, delivering justice to marginalised communities, and enhancing the capacity of the Judiciary.

- Discussions with the US Ambassador to Kenya on enhancing access to justice, which includes the establishment of specialised courts for transboundary crimes, money laundering and terrorism.
- Engagements with the Ford Foundation Global Board regarding the advancement of social justice, with a particular emphasis on People-Centred Justice programs.



H.E Neil Wigan, OBE British High Commissioner and H.E Henriette Geiger, Ambassador of the European Union Delegation during a roundtable meeting of Heads of Mission and Development Partners hosted by the Chief Justice on January 30, 2024.



Chief Justice Martha Koome holds discussions with Ambassador Meg Whitman on strengthening partnerships between the Judiciary and U.S.-funded agencies on February 13, 2024.

1.6 THE JUDICIARY AS A CENTRE OF EXCELLENCE

The Judiciary has continued to position itself as a centre of excellence, demonstrated by the development of a world-class Kenya Judiciary Academy and benchmarking visits from other judiciaries, which recognize Kenya's leadership in judicial transformation. The Judiciary's commitment to excellence is also reflected in the numerous awards and recognitions received by both courts and individual members.

1.6.1 World Class Kenya Judiciary Academy

The Kenya Judiciary Academy (KJA) is being transformed into a world-class centre of excellence in judicial training, research and regional dialogue. It will be a judicial think tank, fostering intellectual exchange and connecting the Judiciary with contemporary societal developments.

1.6.2 Benchmarking by other Judiciaries

The Judiciary hosted various judiciaries interested in benchmarking with Kenya's Judiciary and exchanging best practices. Such exchanges foster the acquisition of knowledge from diverse legal frameworks, enhance judicial methodologies and leverage global collaborations in the pursuit of justice administration.

- The Chief Justice hosted a delegation from the Judiciary of Ghana to exchange insights on automation and digitisation.
- The Supreme Court of Kenya hosted a delegation headed by Hon Justice Yang Linping, Deputy Chief Justice and Vice President of the Supreme People's Court of China, in a joint effort to enhance South-South collaboration in the realms of green justice and environmental governance.



Court of Appeal Judge Gatembu Kairu hosting a delegation from the Judiciary of Ghana to share experiences on automation and digitisation on November 15, 2023.



Chief Justice Martha Koome and Deputy Chief Justice Philomena Mwilu hosted a delegation led by Hon. Justice Yang Linping, Deputy Chief Justice and Vice-President of the Supreme People's Court of China on November 6, 2023.



Court of Appeal President, Justice Daniel Musinga and appellate judges Mohamed Warsame and Aggrey Muchelule receiving a delegation from the Judiciary of Somalia who visited the Court on June 11, 2024.



Mandera Law Courts Head of Station Hon Peter Wasike leading a panel session on Gender Responsive ADR mechanisms under the theme of Pastoral Land Governance in Ethiopia on January 20, 2024.



1.6.3 Awards and Accolades

The Kenya Judiciary garnered numerous accolades for its exemplary work and contributions to legal practice. Notably, the late High Court Judge David Majanja was honoured as Judge of the Year by the LSK Nairobi Branch. Additionally, Supreme Court Judge Isaac Lenaola was elected Vice President of the Residual Special Court for Sierra Leone,

while Milimani Children's Court Resident Magistrate Festus Terer was recognised by Business Daily as one of the top 40 men under 40 years.

The Meru Law Courts garnered trophies for their commitment to embracing Information Technology and Communication Systems.



◀ **Former President of Tanzania HE Jakaya Kikwete presents the African Female Leader of the Year Award 2023 to Chief Justice Martha Koome at the Africa Leadership Magazine event in Addis Ababa, Ethiopia, on March 16, 2024.**



▶ **Supreme Court Judge Isaac Lenaola elected Vice President of the Residual Special Court for Sierra Leone.**



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



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

1.7 CORPORATE SOCIAL RESPONSIBILITY

The Judiciary's ongoing efforts to engage in philanthropic activities, support humanitarian causes, and give back to the community have had a positive impact on society.

Initiatives in the year included the Chief Justice's participation in the Mukurwe-ini Annual Education Day held at Kiriti Stadium. This event celebrated the remarkable accomplishments of the students and highlighted the essential importance of education along with the boundless potential inherent in each individual within our academic institutions.

Deputy Chief Justice Philomena Mwilu at Kenyatta National Hospital Children's Ward on a Corporate Social Responsibility outreach on July 16, 2023.



Court of Appeal Judges visit the Missionaries of Charity Mother Teresa Home on December 18, 2023.

1.8 CEREMONIAL DUTIES

During the year, 1,124 advocates were admitted to the bar while a total of 18,921 digital annual practising certificates were issued, reflecting the Judiciary's shift toward digital efficiency in managing the issuance of certificates. 729

advocates were appointed as Commissioners for Oaths and another 656 as Notaries Public.

The Chief Justice and the Chief Registrar also presided over the administration of the Oath of Office to persons appointed to various constitutional and statutory offices.



◀ **A section of Advocates admitted to the bar on March 8, 2024**



◀ **Hon Athman Abdulhalim takes Oath of Office as the Chief Kadhi on July 31, 2023**



▲ **CPA Mary Wanyonyi takes Oath of Office as the Chairperson of the Commission on Revenue Allocation on July 17, 2023**



◀ **Swearing in of Justice Davide Majanja as JSC Commissioner on May 28, 2024**



▶ **Swearing in of Omwanza Ombati as JSC Commissioner on May 14, 2024**

All Courts GO DIGITAL

Launch of

- ✓ E-filing in ALL courts nationwide
- ✓ Data Tracking Dashboard
- ✓ Causelist portal

Social T

CHAPTER 2

Access to Justice





2.1. INTRODUCTION

The Constitution mandates the Judiciary to eliminate barriers, streamline procedures, and ensure access to court services. This chapter highlights the initiatives undertaken to improve access to justice, analyses court statistics, and reviews the role being played by technology in the administration of justice.

2.2. INITIATIVES TO ENHANCE ACCESS TO JUSTICE

2.2.1. Establishment of Courts and Sub-Registries

The Judiciary has continued to expand its physical presence across the country in furtherance of its constitutional obligation to enhance access to justice.

The Judiciary is focused on establishing a High Court station in every county as required under Section 12(1) of the High Court (Organization and Administration) Act. During FY2023/24, three High Court stations were established in Thika, Kibera and Nyandarua, bringing the total number of High Court stations to 46 across 42 counties. With the establishment of the High Courts in Thika and Kibera, Kiambu and Nairobi City counties joined Nakuru and Laikipia in the list of counties with two High Court stations.

New High Court sub-registries were also established in Mandera and Samburu (Maralal). Consequently, during the year under review, the High Court has presence in 46 of the 47 counties. Four of these counties are served by sub-registries in Lamu, Mandera, Samburu, and Elgeyo Marakwet.

One new ELRC sub-registry was established in Voi, raising the number of ELRC stations to 10, with 11 sub-registries. Similar expansion was undertaken in the ELC with the establishment of three new stations in Ol-Kalou, Voi and Naivasha and a sub-registry in Lodwar. These brought the number of ELC stations to 40 enhancing the accessibility of justice in land and environmental disputes.

The Judiciary is also working steadily towards the establishment of a subordinate court in all the 290 constituencies. This is in line with the institution's commitment to ensure no litigant travels for more than 100 kilometers to access a physical court. During the reporting period, the mobile courts in Port Victoria, Malaba, and Etago were upgraded to fully fledged Magistrates' Courts, raising the total number of Magistrates' Courts to 137.



Chief Justice Martha Koome launches the High Court, ELC and e-filing at Ol-Kalou Law Court, Nyandarua county

A total of 27 Small Claims Courts were established during the period under review, with deliberate focus on the border towns of Busia, Loitoktok, Lamu, Malaba, Mandera, and Moyale, to ensure these courts can facilitate resolution of disputes arising from cross-border trade. Other Small Claims Courts were established in Chuka, Dadaab, Embu, Garissa, Kakuma, Kericho, Kerugoya, Kisii, Kitale, Kitui, Makindu, Malindi, Migori, Murang'a, Nanyuki, Narok, Ruiru, Siaya, Taveta, Voi and Wajir.

Two Tribunals, namely the Capital Markets Tribunal and the National Examinations Appeals Tribunal, were transited to the Judiciary, bringing to 26 the total

number of Tribunals operating under the Judiciary. Table 2. 1 illustrates the establishment of courts and sub-registries, and the transition of Tribunals during the reporting period.

Table 2. 1: Establishment of courts and sub-registries, and transition of tribunals

Court Level	FY 2022/23		New Established in FY 2023/24		Total	
	Stations	Sub-registry	Stations	Sub-registry	Stations	Sub-registry
Supreme Court	1	2	-	-	1	2
Court of Appeal	6	6	-	-	6	6
High Court	42	6	4	2	46	8
ELRC	10	10	-	1	10	11
ELC	37	2	3	1	40	3
Magistrates Court	137	-	3	-	140	-
Kadhis Court	47	-	-	-	47	-
Small Claims Court	12	1	27	-	39	1
Tribunals (Transited to the Judiciary)	24	1	2	2	26	3

2.2.2. Court Circuits

Circuits are need-based court sessions designed to expedite the resolution of disputes and bring justice closer to the people. This is achieved by temporarily deploying Judges and Judicial Officers to specific court

stations with high caseloads. Table 2.2 illustrates the total number of court circuits held during the reporting period per court level, and the number of matters handled during the circuits.

Table 2.2: Court circuits per court level

Court	No. of Court Circuits	Circuit Cases Resolved
Court of Appeal	28	155
High Court	34	1,393
ELC	6	97
ELRC	7	354
Tribunals	32	2,830

2.2.3. Mahakama Popote

Mahakama Popote is an initiative that allows the Judiciary to optimise available human capital by deploying Judicial Officers to support service delivery across the country regardless of the court stations in which cases are filed. Virtual courts and e-filing enable judicial officers access court documents and hold court sessions remotely. *Mahakama Popote* leverages on technology to enable judicial officers serving in stations with lower caseloads to take up matters filed in stations with higher caseloads without physical travel to those stations.

In FY2023/24, four court stations were placed under the *Mahakama Popote* initiative, enabling litigants in

these stations to tap into the wider pool of Judicial Officers based in other stations. These were Milimani Commercial Court, Mombasa Magistrates Court, Nairobi Small Claims Court and the Thika Small Claims Court. A total of 7,665 cases in these courts were distributed to Judicial Officers in other court stations with lower

caseloads, out of which 6,269 were resolved as shown in Table 2.3.

Table 2. 3: Breakdown of Cases Handled through Mahakama Popote

S/No	Court Station	Cases Allocated	Cases Concluded	CCR	Pending Cases
1	Milimani Commercial	2,931	1,820	62%	1,111
2	Mombasa Magistrates Court	621	350	56.4%	271
3	Nairobi SCC	3,463	3,463	100%	0
4	Thika SCC	650	636	97.8%	14
	Total	7,665	6,269	79.05%	1,396

2.2.4. Mobile Courts

At the heart of the STAJ blueprint is the Judiciary's commitment to ensure accessibility of justice to all, particularly for marginalised and vulnerable populations. As work progresses towards establishing a court in each of the 290 constituencies, the Judiciary deploys mobile courts as an interim strategy to avail judicial services to populations who have to cover great distances or difficult terrain to reach established courts.

In the year under review, there were 57 operational mobile courts where a total of 9,207 cases were filed, with 7,283 cases being resolved.

The average distance from these mobile courts to their parent stations was 80 kilometres, with the furthest mobile court sitting more than 230 kilometres from its parent station.

2.2.5. The National Children Service Month

Each year, the Judiciary, along with other actors in the justice system, dedicates a month to expedite children's cases and raise public awareness about children-related legal procedures. This collaborative effort, known as the National Children Service Month, is observed in November across all court stations. During this period, all pending children's cases that have been unresolved for more than six months are prioritized for hearing and conclusion. This initiative reflects the justice sector's commitment to enhancing the justice system's responsiveness to children's justice needs.



Deputy Chief Justice Philomena Mbete Mwilu speaks during the launch of the National Children Service Month on November 13, 2021 at the Mavoko Law Courts



Procession to mark the launch of the Children Service Month at the Naivasha Law Courts

During the Children Service Month held in November 2023, a total of 2,095 cases were resolved by the courts. As illustrated in Figure 2.1, 1169 were below 1 year, 478 of these cases were between 1 to 3 years, while 448 cases were over three years. Of the resolved cases, 51 per cent were criminal cases, whereas 49 per cent were civil cases.

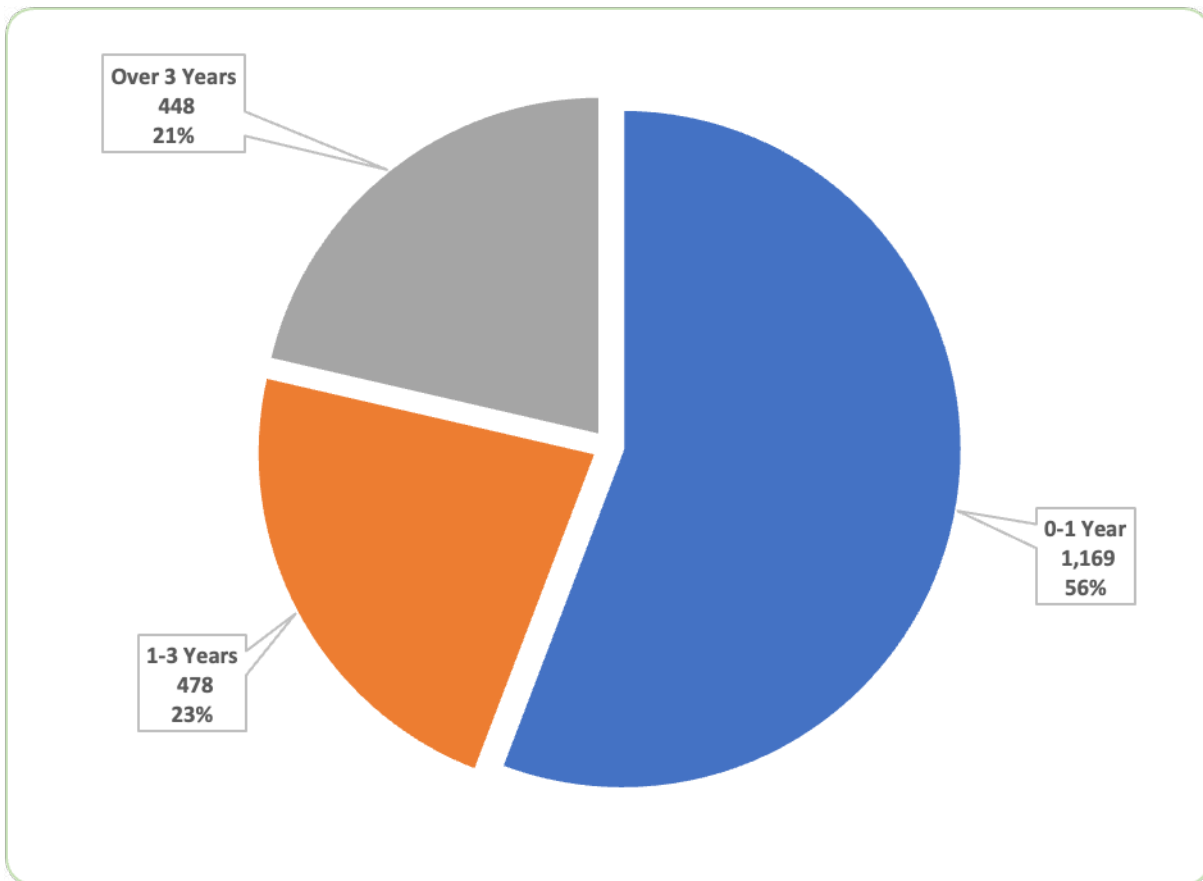


Figure 2. 1: Children matters resolved during the November 2023 Children Service Month by age

In addition to resolving children's cases during the service month, the Rules Committee prepared several regulations under the Children Act, 2022, including the Children (Adoption Proceedings) Regulations, 2023, the Children (Foster Care) (Procedure and Practice) Rules, 2023, the Children (Guardianship) (Procedures) Rules, 2023, and the Children (Children in Conflict with the Law) (Procedure and Practice) Rules, 2023. Stakeholder engagement and validation processes for these rules were completed and submitted to the Chief Justice for consideration.

2.2.6. Pro-Bono Scheme for Indigent Litigants

To enhance access to justice for vulnerable and marginalised groups, the Judiciary continued to administer the *pro bono* scheme through allocation of funds for indigent clients to access legal services. KSh79 million was issued to courts to settle claims from advocates who offered pro bono services as presented in Table 2.4.

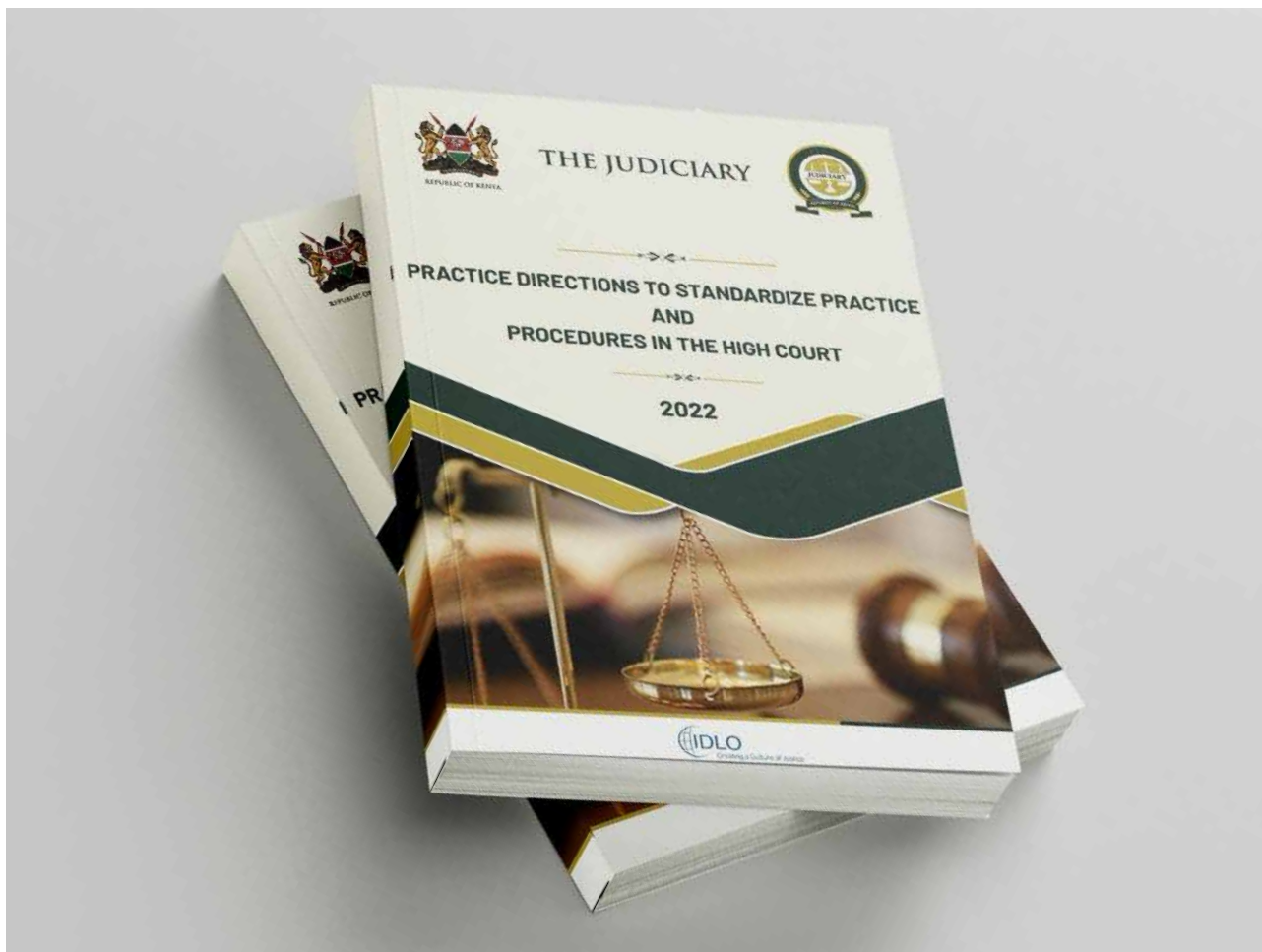
Table 2. 4: Distribution of Pro bono Funds

Court Rank	Amount (Ksh)
COA	4,280,000
High Court	36,670,810
Magistrates Court	32,400,000
Tribunals	6,000,000
Total	79,350,810

2.2.7. Simplification of Court Procedures

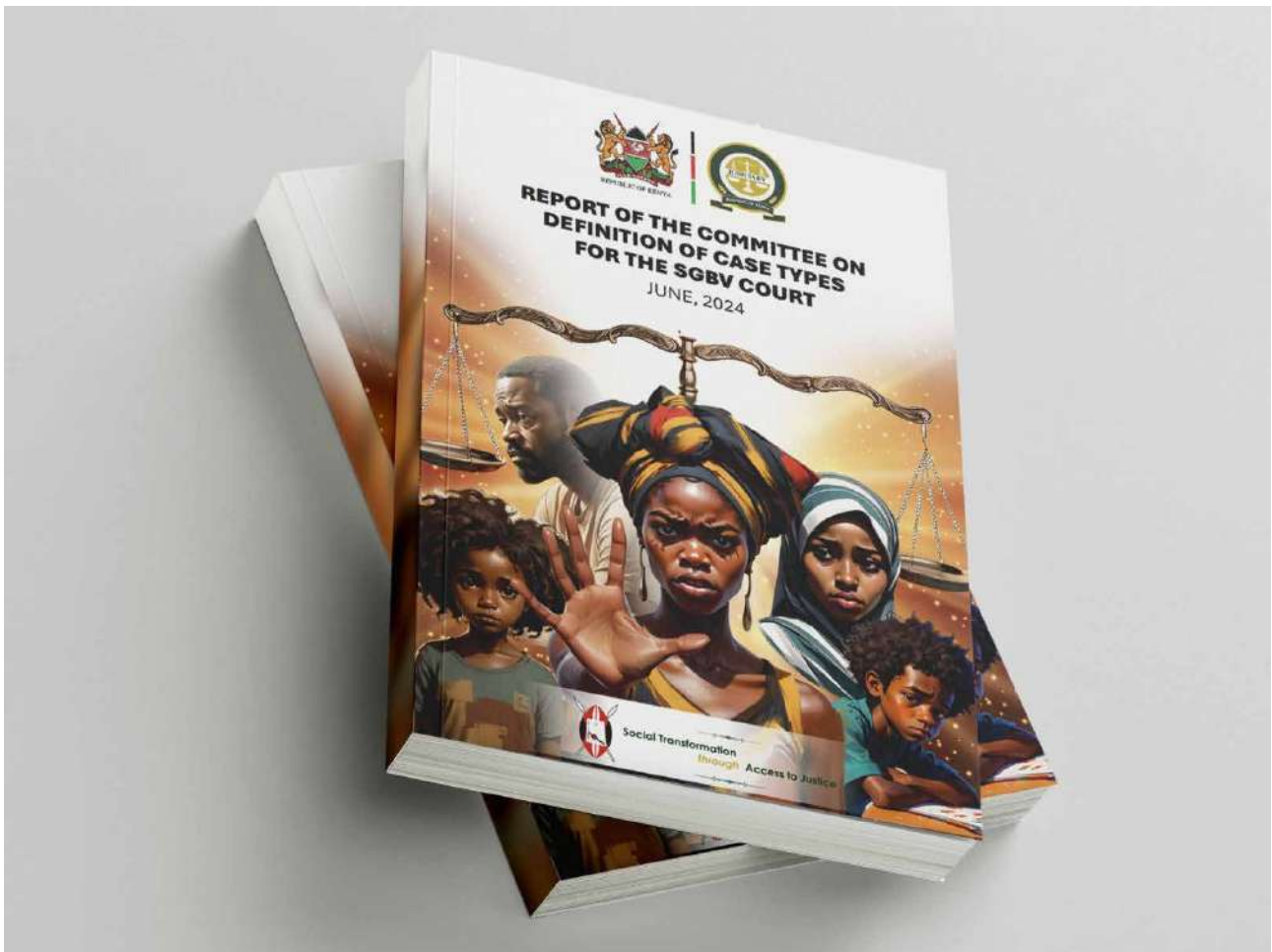
The Judiciary complimented efforts to bring its services closer to the people with initiatives geared towards breaking down other barriers to access to justice such as complex court procedures. Towards this end, an Automation Process Guide for the Court of Appeal was published to assist litigants navigate technology solutions deployed at the court and ensure seamless processes and procedures that conform with the policy documents of the Court.

Additionally, the High Court Practice Directions frequently asked questions (FAQs) were developed and distributed to all High Court stations.



Practice Directions to Standardise Practice and Procedures in the High Court

Guidelines for standardising the operations of the Sexual and Gender-Based Violence (SGBV) Courts were also developed during the reporting period. Upon recommendation of the Committee that developed the guidelines, the Chief Justice renamed the specialised SGBV Court to the Gender Justice Court to promote a survivor-centred approach to the resolution of SGBV cases, placing the rights, needs, safety, dignity and well-being of survivors at the centre of all prevention and response measures concerning SGBV.



Report of the Committee on Definition of Case Types for the SGBV Court

2.2.8. Development of Court Infrastructure

While budget constraints persist as explained in Chapter Six of this report, the Judiciary continues to invest in the development, refurbishment and maintenance of infrastructure to enhance physical access to justice and the quality of its facilities. This will ensure that court users and its workforce enjoy a safe and dignified environment for court operations.

2.2.8.1. Construction Projects

Contingent to the availability of resources, the construction of new court buildings continued alongside the implementation of refurbishment projects aimed at enhancing safety, accessibility, and functionality.

During Financial Year 2023/24, construction works were ongoing at Meru, Eldoret, Kwale, Voi, Lodwar, Homabay, Eldama Ravine, Mavoko, Kandara, Wanguru, Githongo, Mandera, Marimanti, Habaswein, Mukurweini and Takaba. The Marsabit Judge's residence was completed.

The Judiciary also signed a Memorandum of Understanding with the National Housing Corporation (NHC) which will offer technical expertise to support the supervision of the Judiciary's construction projects. Pursuant to this MoU, NHC was involved in the supervision of construction works in Meru, and the refurbishment of select offices within the Supreme Court Building.



Chief Registrar of the Judiciary, Hon Winfridah Mokaya conducting inspection visits to construction sites at Meru, Githongo, and Wanguru court stations.

2.2.8.2. Refurbishment Projects

Facilities in several courts across the country underwent refurbishment works ranging from renovation of ablution blocks to repairs and general improvements. New or upgraded ablution blocks were underway in Loitoktok, Kilgoris, Bungoma, and Bondo. Wundanyi, Milimani, Oyugis, Sirisia, Kilungu, Mombasa, Busia, Engineer, Molo, and Nyeri Courts underwent various renovations, while Ogembo and Meru Law Courts undertook improvements in their holding cells and customer care facilities. A building that was donated by the County Government of Siaya to house a court in Yala was also under renovation.

2.2.8.3. Leasing

The Judiciary renewed leases for 15 properties, including Kenya Reinsurance Plaza, Kenya Reinsurance, Kenya National Library and NHIF, bringing the total number of leases to 33. Additionally, the leases for Marimanti and Mukurweini Law Courts were regularised with their respective County Governments.

2.2.8.4. Solar Projects

Solar PV systems were installed in 20 court stations namely; Oyugis, Ndhiwa, Ukwala, Madiany, Ruiru, Modogashe, Mandera, Mbita, Lodwar, Gatundu, Limuru,

Kahawa, Nyando, Kiambu, Kilifi, Mariakani, Runyenjes, Kimilili, Marimanti, and Kajado.

Installation of solar PV systems serves the triple objective of Greening the Judiciary and reducing operational costs, while providing more reliable power to support the increased uptake of technology in the administration of justice, particularly in remote regions.

2.2.8.5. Fleet Management

The Judiciary acquired 56 vehicles to facilitate Judges, Court Stations and administrative offices during the FY2023/24 to facilitate the delivery of justice. 31 vehicles were direct purchases and 25 were under a leasing programme.



New vehicles delivered under a leasing arrangement at the Milimani Law Courts before distribution for use in various courts to support the delivery of justice.

2.2.8.5.1 Age Distribution of the Judiciary Vehicles

The age distribution of vehicles within the Judiciary's fleet highlighted a pressing need for comprehensive repair and replacement programmes. Only 85 units were under 5 years old, while the remaining majority (83%) exceeded six years of operation.

The largest segments of the fleet comprised 208 vehicles in the 11 -15 years range and 134 units in the 6-10 years range as shown in Figure 2.2. This age profile suggests that a significant portion of the fleet is increasingly susceptible to mechanical issues, which hinder operational efficiency and incur higher maintenance costs.

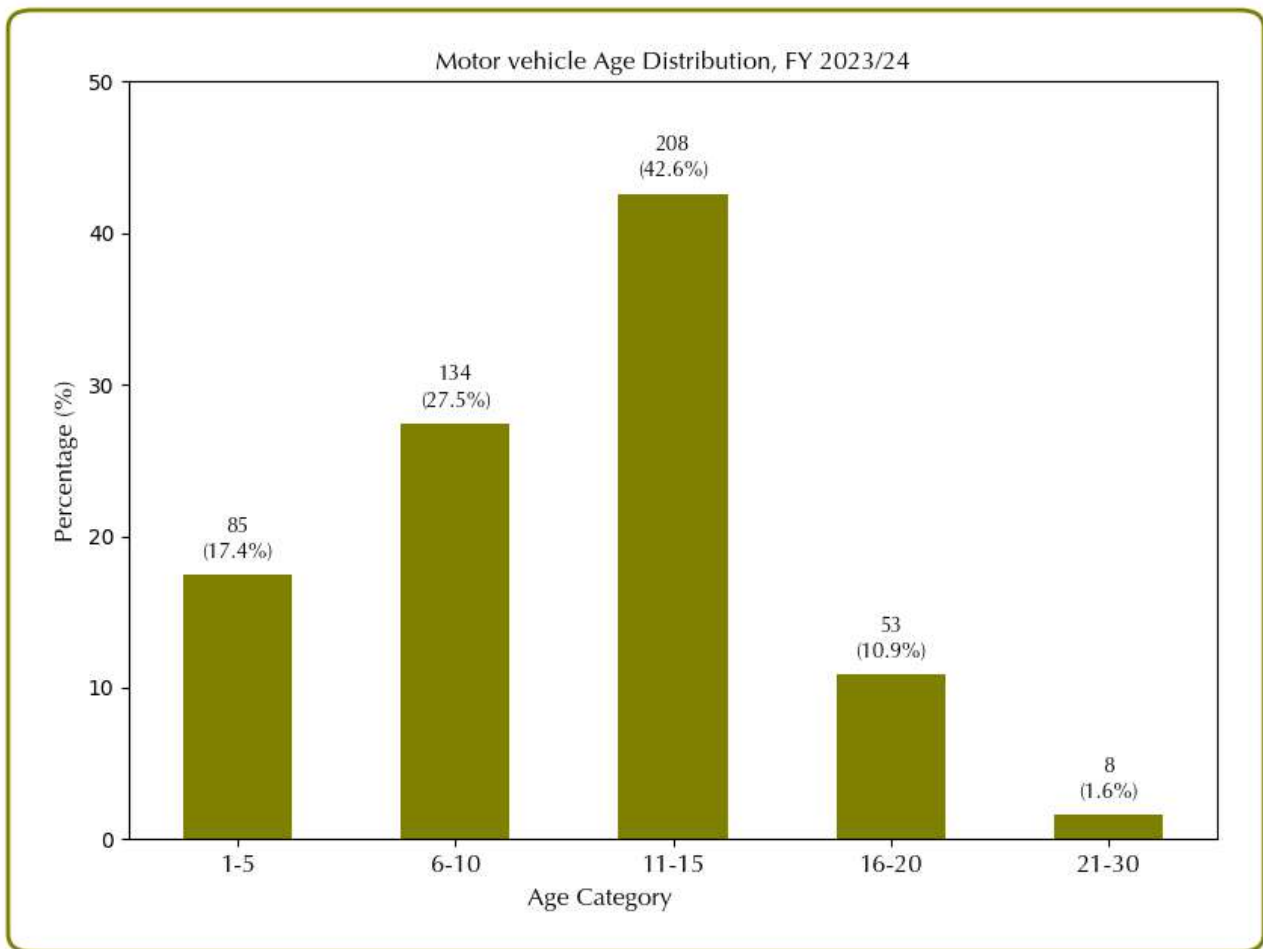


Figure 2.2: Age distribution of Judicial Motor Vehicle, FY2023/24

2.2.9. Expanding the Doorways of Justice

Article 159 of the Constitution mandates the Judiciary to promote alternative forms of dispute resolution, including through mediation and traditional dispute resolution mechanisms. In its ongoing efforts to uphold this constitutional obligation, the Judiciary has been actively collaborating with stakeholders to broaden access to justice for all by embracing alternative dispute resolution through Court Annexed Mediation and Alternative Justice Systems (AJS) to create a more inclusive, efficient, and responsive legal system.

2.2.9.1. Court Annexed Mediation

Court Annexed Mediation (CAM) is an alternative dispute resolution (ADR) mechanism where courts refer cases to a neutral mediator to help resolve conflicts. During the year, the Mediation Accreditation Committee (MAC) interviewed 517 applicants for the CAM mediator role. Of these, 146 candidates were approved, 304 were put under mentorship, and 67 applicants were unsuccessful.

Nine new CAM registries were established at Homa Bay, Voi, Garissa, Kenol, Isiolo, Marsabit, Makueni, Nyahururu,

and Narok court stations, increasing the total number of mediation registries from 54 to 63. Additionally, mediation services were introduced in five more court stations—Kitui, Kabarnet, Karatina, Voi, and Ndhwa—raising the number of counties using mediation to 41. There are also ongoing plans to set up ADR centers in Eldoret, Malindi, Iten, and Gatundu.

2.2.9.2. Alternative Justice Systems

Under the leadership of the National Steering Committee for the Implementation of the Alternative Justice Systems (AJS) Policy (NaSCI-AJS), several initiatives aimed at mainstreaming and advancing AJS were implemented during the year.

County AJS Action Plans for Mandera, Turkana, Narok and Uasin Gishu Counties were launched, marking the start of a unique innovation in including citizens and communities in advancing access to justice and collaborating with county governments in opening the doorways of justice. These counties now join Kajiado, and Nakuru where AJS County Action Plans were previously developed and is being implemented.

Additionally, AJS Suites were unveiled in Lamu, Samburu, Nyandarua, Mandera, Turkana, Uasin Gishu, Narok, and Nakuru where a unique Christian Platform AJS Suite was unveiled.



The launch moment: Enkaji Erishare (House of Reconciliation) Alternative Justice Systems in Narok County by DCJ Philomena Mbeti Mwilu flanked by Narok Governor H.E. Patrick ole Ntutu.

In the counties with County Action Plans, and where the Judiciary is actively monitoring referrals, a total of 1,256 cases were referred to AJS with 1,073 cases being successfully resolved. This culminated in a noteworthy success rate of 85 per cent compared to 41 per cent success rate recorded in the previous year. Kajiado recorded the highest number of cases referred to AJS, totalling 385. The County also achieved the highest resolution rate, with 366 cases, resulting in a success rate of 95 per cent. Figure 2.3 illustrates matters referred and resolved through AJS per county.

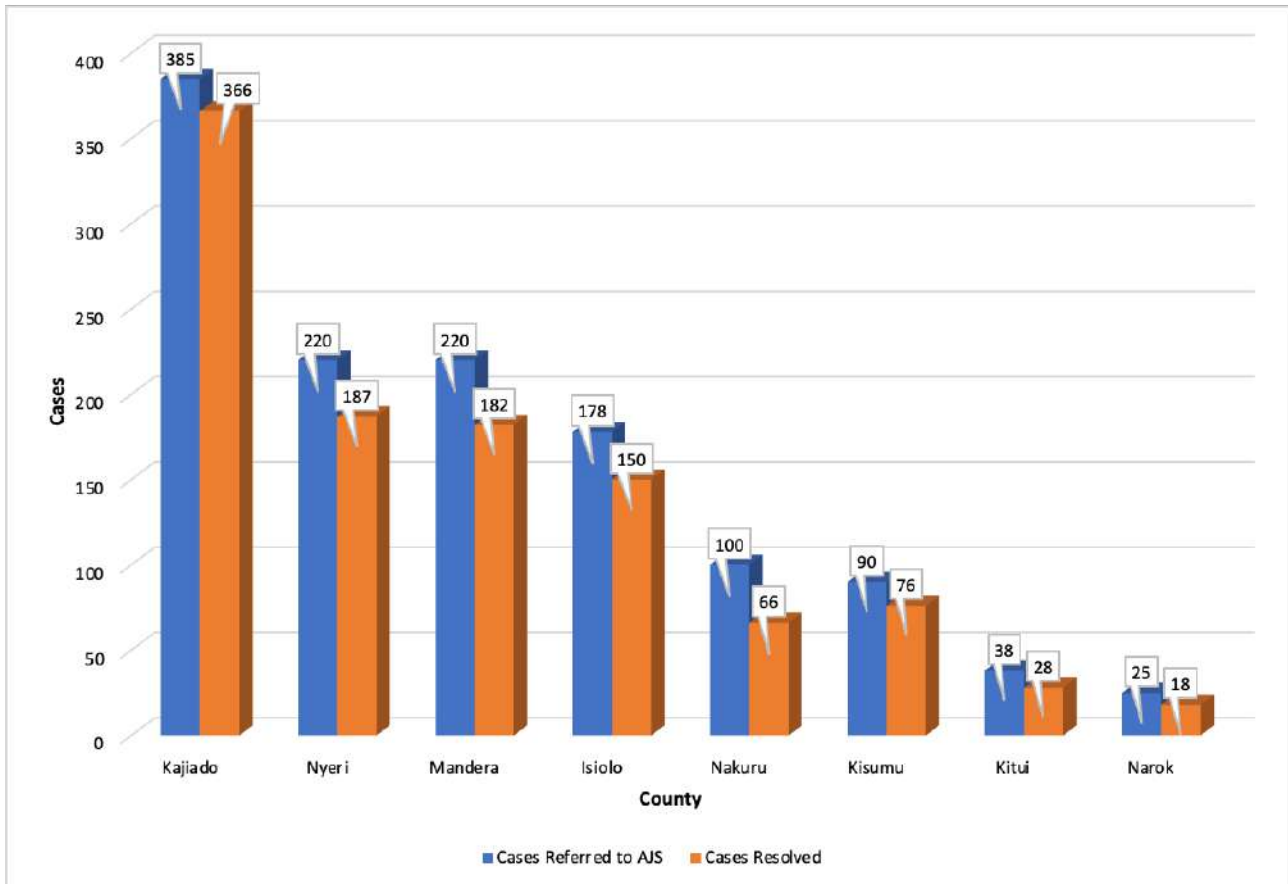


Figure 2. 3: Referral and Resolution of AJS Matters per county

NaSCI-AJS also spearheaded sensitization and capacity building for key stakeholders on AJS. During the reporting period, the committee held the third National AJS conference at Kabarak University, Nakuru, with the aim of expanding the explorations as well as consensus building on what it means to realise the constitutional concept of justice and operationalise the multi-door methods of accessing Justice in Kenya.

The NaSCI-AJS committee also conducted thirteen training sessions aimed at building capacity of participants. Among the areas covered in training sessions included familiarising participants with doctrinal knowledge of AJS and the AJS Policy, capacitating them to lead implementation of the AJS Policy in their regions, and to constitute a pool of AJS champions.

Further, a total of 500 stakeholders were sensitised on AJS. This included social justice centres and media bloggers regarding the acceleration and utilisation of AJS in informal settlements, discussions with market committees aimed at promoting AJS for dispute resolution within market environments, and dialogues with elders concerning the application of AJS in resolving community disputes. In addition, sensitization on AJS was undertaken through radio, television, social media and conferences, reaching more than 20,000 people.

2.3. DISPUTE RESOLUTIONS THROUGH COURTS

The Judiciary caseload statistics provide an overview of the volume and types of cases that courts handle. These statistics encompass various elements, starting with the total number of cases filed, resolved, and number of pending cases, which indicates how many matters remain unresolved by the end of a reporting period. These statistics are categorized into cases by type and station. These parameters present a picture of the functioning of the judicial system, illustrating both the challenges and successes in the administration of justice.

2.3.1. Overall Statistics

2.3.1.1. Filed and Resolved Cases

During the FY2023/24, a total of 516,121 cases were filed in all courts across the country while 509,664 cases were resolved resulting to a case clearance rate of 99% as shown in table 2.5.

Table 2.5: Filed and resolved cases per court rank

Court Rank	Filed cases FY 2023-24			Resolved cases FY 2023-24			CCR
	CR	CC	ALL	CR	CC	ALL	
Supreme Court	N/A	82	82	N/A	67	67	82%
Court of Appeal	1,171	3,456	4,627	631	2,200	2,831	61%
High Court	22,385	26,007	48,392	17,439	33,298	50,737	105%
ELRC	N/A	4,215	4,215	N/A	8,014	8,014	190%
ELC	N/A	7,475	7,475	N/A	9,629	9,629	129%
Magistrates	268,582	114,695	383,277	244,848	131,612	376,460	98%
Tribunals	N/A	13,914	13,914	N/A	15,503	15,503	111%
Small Claims	N/A	41,524	41,524	N/A	33,527	33,527	81%
Kadhis	N/A	12,615	12,615	N/A	12,896	12,896	102%

The Judiciary has seen a steady increase in the number of cases filed and resolved over the past five reporting periods following the COVID-19 pandemic. This growth reflects the Judiciary's adaptation to pandemic-related disruptions and highlights the continued demand for judicial services as illustrated in Figure 2.4.

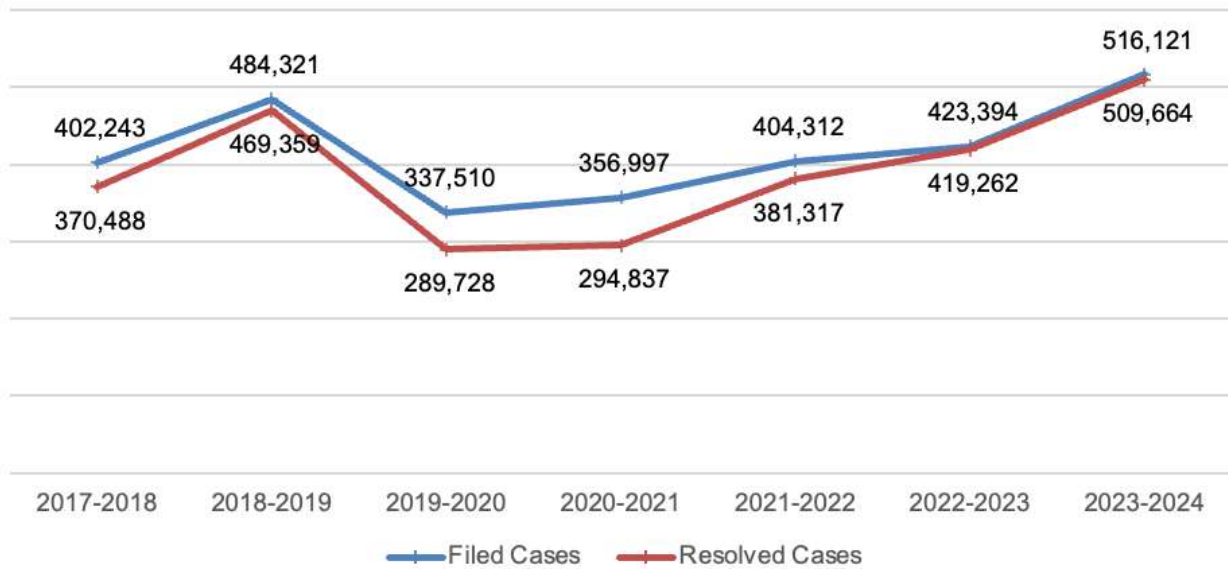


Figure 2.4: Trends in filed and resolved cases

Criminal cases continue to contribute to a larger proportion of filed cases. The number of filed criminal cases made up the majority of registered cases at 57 per cent. This was an increase by 15 per cent compared to FY2022/2023. Similarly, the number of filed civil matters increased by 32 per cent continuing an upward trend which began four years ago. This is shown in Figure 2.5.

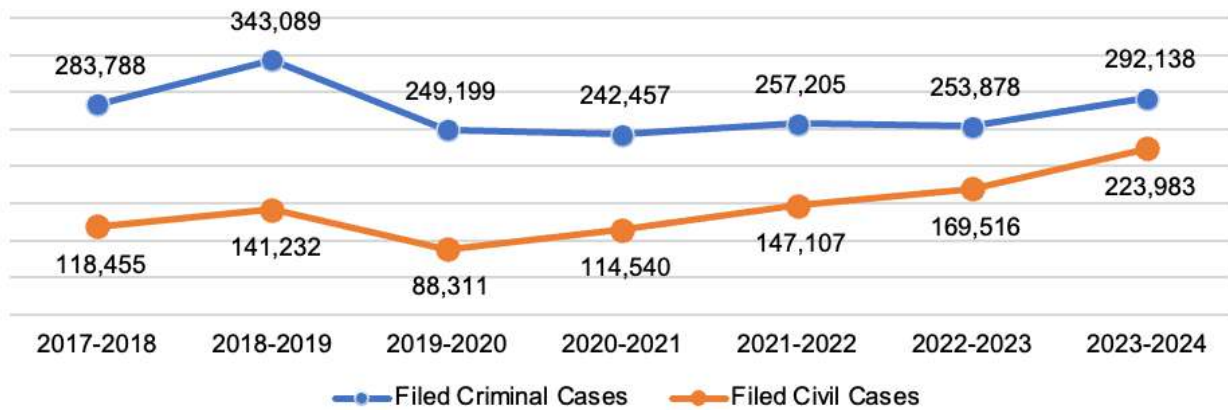


Figure 2.5: Trends in Filed Criminal and Civil Cases

During the same period, courts maintained an upward trend in the number of resolved cases. The resolution of criminal and civil cases increased by 14 and 32 per cent respectively compared to the last reporting period. This led to a reduction in case backlog as depicted in Figure 2.6.



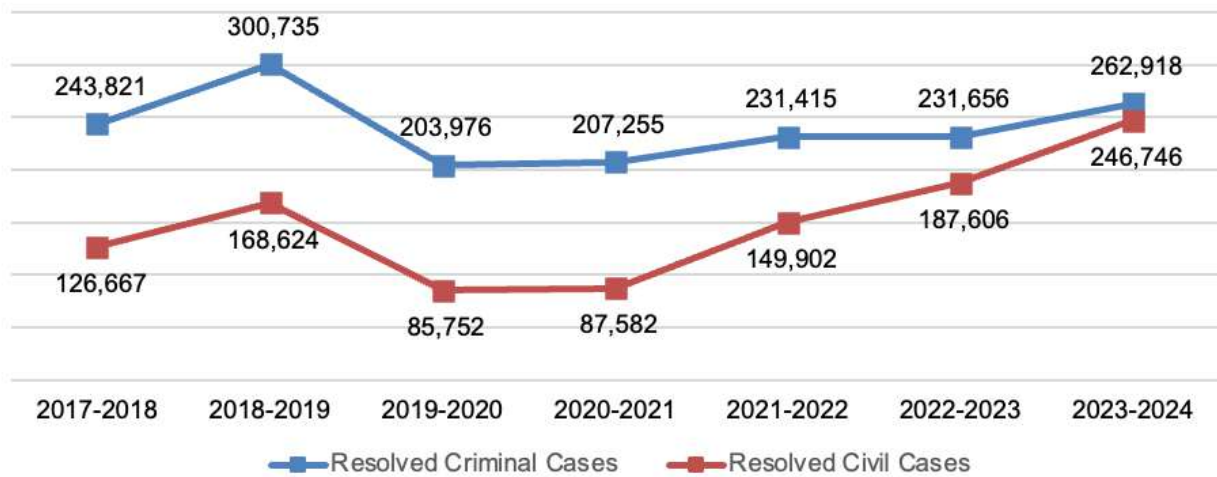


Figure 2.6: Trends in Resolved Criminal and Civil Matters

Filed cases Per County

Eleven counties—Nairobi City, Kiambu, Nakuru, Mombasa, Meru, Machakos, Kakamega, Uasin Gishu, Bungoma, Kisumu, and Nyeri—account for over 50% of all cases filed in the Judiciary. Nairobi City County leads by a considerable margin with 110,374 filings, followed by Kiambu at 48,872 and Nakuru at 26,505. In contrast, 36 counties report filings below the national average of 10,685 cases, with counties such as Isiolo, Elgeyo Marakwet, West Pokot, Marsabit, Lamu, Mandera, Wajir, Tana River, and Samburu recording fewer than 2,000 cases each.

Figure 2.7 offers a geographical overview of case filings, highlighting higher concentrations in urbanized and more populous areas such as Nairobi and its surrounding regions, as well as Mombasa. Meanwhile, rural and less densely populated counties experience lower case filings. These disparities are largely driven by population density and access to court services.

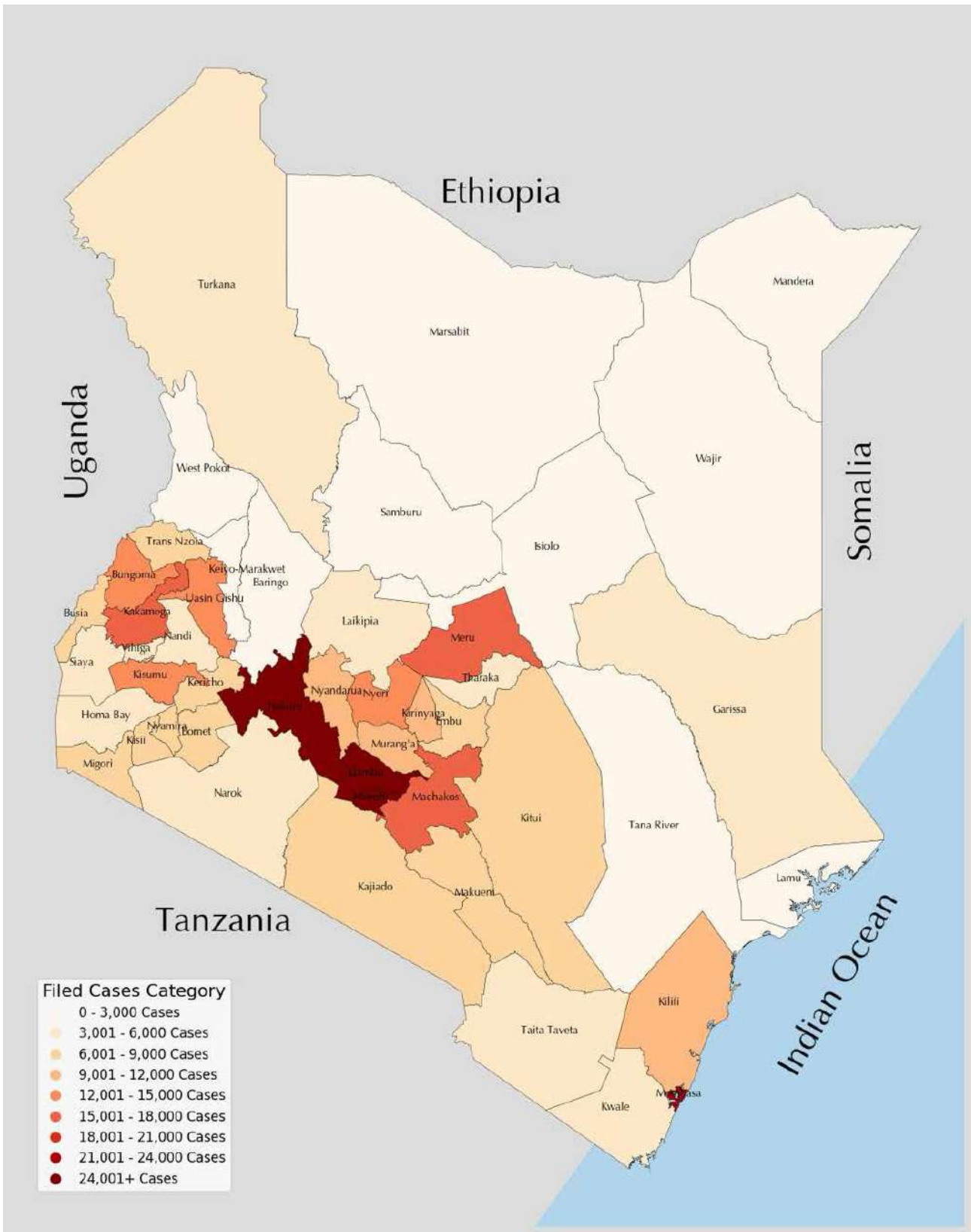


Figure 2. 7: Geographical Distribution of Filed Cases per County

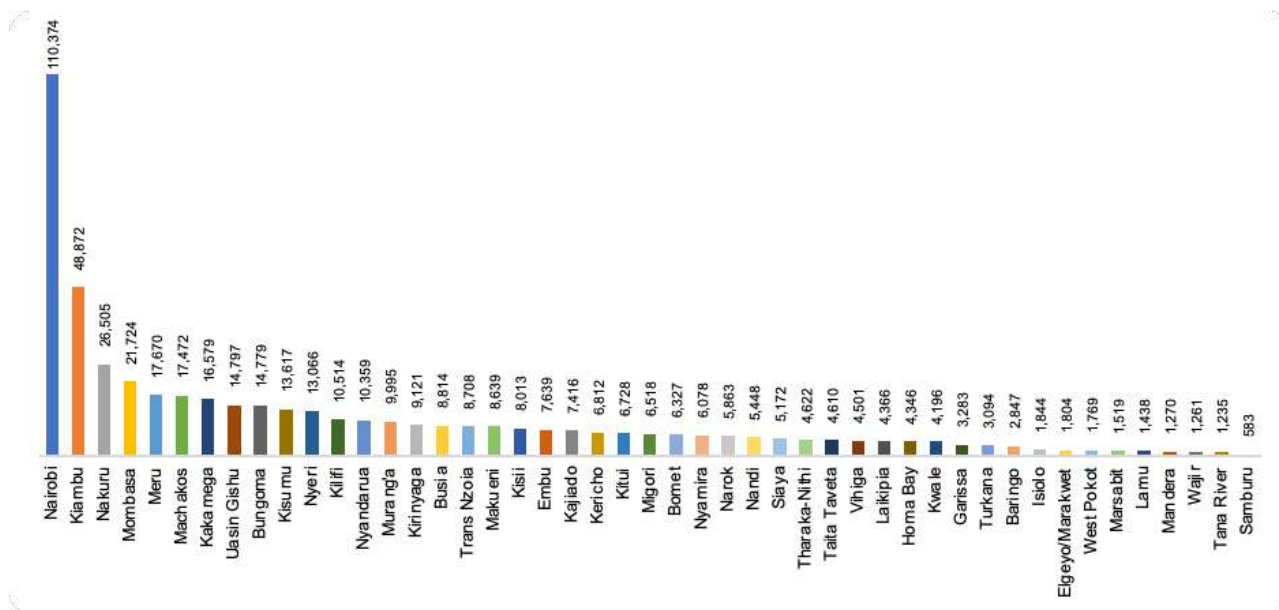


Figure 2. 8: Number of filed cases per county

2.3.1.2. Pending Cases

A pending case is a matter that remains unresolved in the court at a given point in time. As compared to the previous year, the number of pending cases in the year declined by 2.16% from 649,342 to 635,262. However, there was a reported increase in pending cases at the Supreme Court, Court of Appeal, Magistrates' Courts, and Small Claims Courts as presented in Table 2.6. These courts had a rising caseload per Judge/Judicial Officer. The Judiciary will continue enhancing the capacity of courts to address rising pendency. The sharp rise in the number of cases pending at SCC is as a result of various factors including expansion of the court, which has attracted a large number of filings without commensurate employment of more adjudicators.

Table 2.6: Overall Pending cases

Court Rank	FY 2022- 2023			FY 2023- 2024*			% change
	CR	CC	All	CR	CC	All	
Supreme Court	0	32	32	-	47	47	47%
Court of Appeal	2,377	9,027	11,404	3,313	9,340	12,653	11%
High Court	16,168	51,633	67,801	20,916	45,332	66,248	-2%
ELRC	-	9,896	9,896	-	6,973	6,973	-30%
ELC	-	14,585	14,585	-	12,927	12,927	-11%
Magistrates' Courts	271,377	244,013	515,390	279,945	224,629	504,574	-2%
Tribunals	-	21,181	21,181	-	14,568	14,568	-31%
Small Claims	-	7236	7,236	-	14,642	14,642	102%
Kadhis' Courts	-	1,817	1,817	-	2,630	2,630	45%
All Courts	289,922	359,420	649,342	304,174	331,088	635,262	-2.16%

*This represents an updated baseline

2.3.1.3. Case Backlog

Case backlog refers to matters that remain unresolved in court beyond the timeframes set by statutes or performance standards. Matters that remain unresolved beyond 60 days in the Small Claims Courts are classified as backlog. In all other courts, any matter that is older than one year is categorized as backlog.

During the reporting period, the overall case backlog in the Judiciary went down by 10 per cent from 272,678 cases in June 2023 to 244,267 cases at the end of June 2024. The ELRC, ELC, Tribunals and Kadhis' Courts had the highest reduction at 37 per cent, 20 per cent, 29 per cent and 82 per cent respectively. Table 2.7 shows backlog trends in various courts.

Table 2.7: Case Backlog Trends

Court Rank	FY 2022-23		Total Backlog	FY 2023-24*		Total Backlog
	1-3 years	Over 3 years		1-3 years	Over 3 years	
Supreme Court	5	0	5	7	0	7
Court of Appeal	3,772	3,170	6,942	3,525	2,297	5,822
High Court	17,367	28,873	46,240	11,445	19,661	31,106
ELRC	6,250	1,587	7,837	4,682	245	4,927
ELC	3,378	4,782	8,160	2,981	3,644	6,625
Magistrates' Courts	119,285	66,618	185,903	127,551	59,819	187,370
Tribunals	6,505	10,071	16,576	2,406	5,691	8,097
Kadhis' Courts	534	481	1,015	247	66	313
All Courts	157,096	115,582	272,678	152,844	91,423	244,267

*This represents an updated baseline

On the other hand, Small Claims Court backlog increased by 5 per cent from 4,795 cases at the end of FY2022/23 to 5,019 cases at the end of FY2023/24.

Table 2.8: Small Claims Court case backlog

Court Rank	FY 2022-23		Total Backlog	FY 2023-24		% change
	60 days to 3 years	Over 3 years		60 days to 3 years	Over 3 years	
Small Claims	4,790	5	4,795	5,012	7	5%

2.3.1.4. Adjournment Rates

The Judiciary is committed to a zero-adjournment policy to guarantee expeditious delivery of justice. The overall rate of adjournment in scheduled case events (i.e. hearings, judgments, and rulings) reduced from 19% in FY2022/23 to 13% in FY2023/24 as depicted in table 2.9.

Table 2.9: Adjournment Rates

Court Level	Rate of Adjournment June 23	Rate of Adjournment June 24
Supreme Court	<1%	<1%
Court of Appeal	14%	14%
High Court	7%	7%
ELRC	3%	2%
ELC	7%	14%
Magistrates' Courts	20%	18%
Kadhis' Courts	2%	4%
Tribunals	6%	6%
Small Claims Courts	7%	3%
All Courts	19%	13%

External factors accounted for the highest number of instances of adjournment at 63 per cent as depicted in figure 2.9.

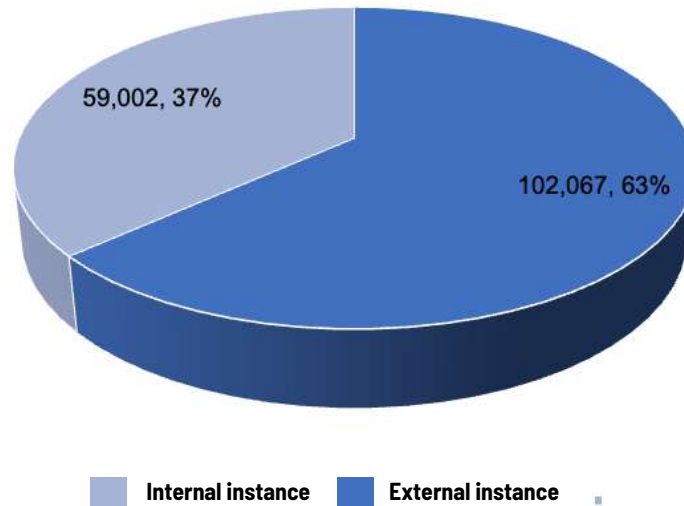


Figure 2.9: Reasons for adjournment

Specifically, Figure 2.10 demonstrates top ten reasons for adjournment. Of these, witnesses not present (22.1%) was highest cause of adjournment, followed by court on official duty (10.5%) and advocate not ready (9.7%).

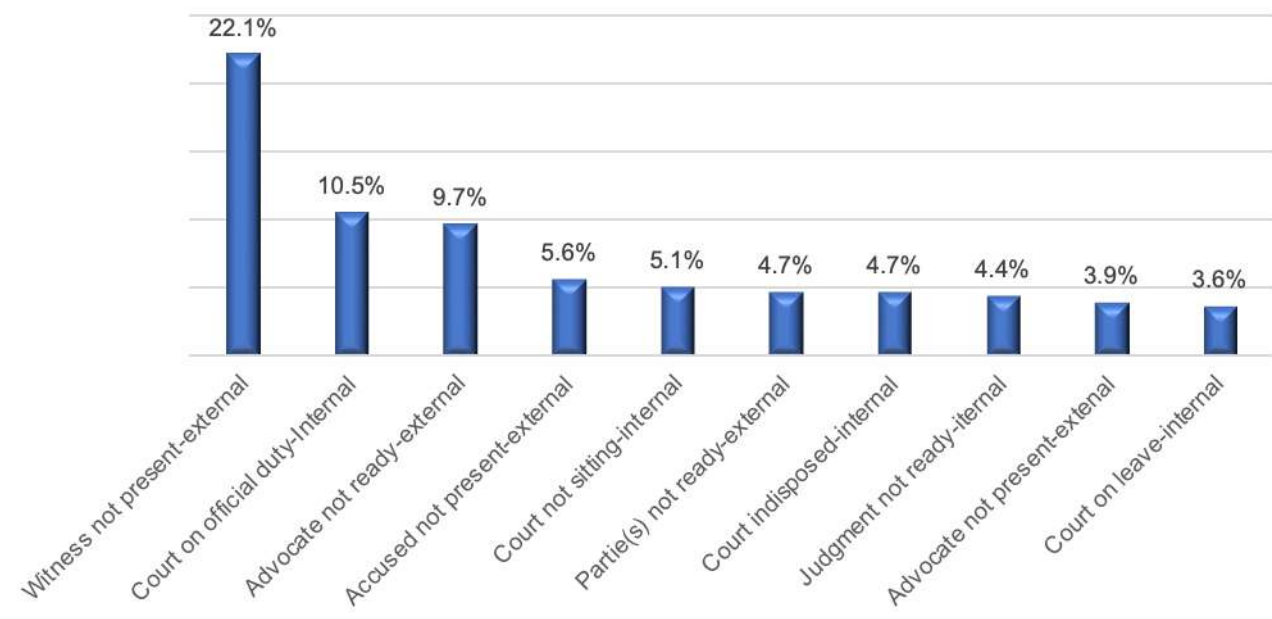


Figure 2.10 Causes of Adjournment

2.3.1.5. Gender Statistics in Courts

Experiences of court users in accessing court services can differ based on gender. Understanding gender dynamics is essential for promoting equality, and gender statistics provide valuable insights, including indicators and benchmarks to assess progress and analyse underlying factors. The Judiciary gathers data on the gender of litigants—both plaintiffs and defendants. Collecting this information is vital for understanding court usage and identifying who engages with the system. By analysing gender-related data, the Judiciary develops targeted policies and programmes that address the specific challenges faced by different genders in the court system, fostering a more inclusive and equitable environment for all users.

Gender distribution among litigants varies depending on the type of case and the legal issues at hand. In FY2023/24, women made up one-third of all individual court users in superior courts, whether as plaintiffs or defendants. However, the proportion of women applicants was notably higher in the ELRC (49%) and the ELC (47%). At the High Court, women accounted for 11% of applicants. Women constituted 12% of those accused in murder cases and 3% in anti-corruption cases.

In the Magistracy, women represented 12 per cent of all individual court users, either as plaintiffs or defendants. They were the majority in civil matters, making up 64% of plaintiffs. In contrast, men dominated traffic offenses (98%), robbery cases (96%), and anti-corruption cases (77%). For children in conflict with law, boys constituted 88 per cent. At the Kadhis Courts, 39% of applicants were male, while women made up the majority in divorce (90%) and matrimonial causes (59%). Similarly, men comprised 61% of applicants at the Tribunals.

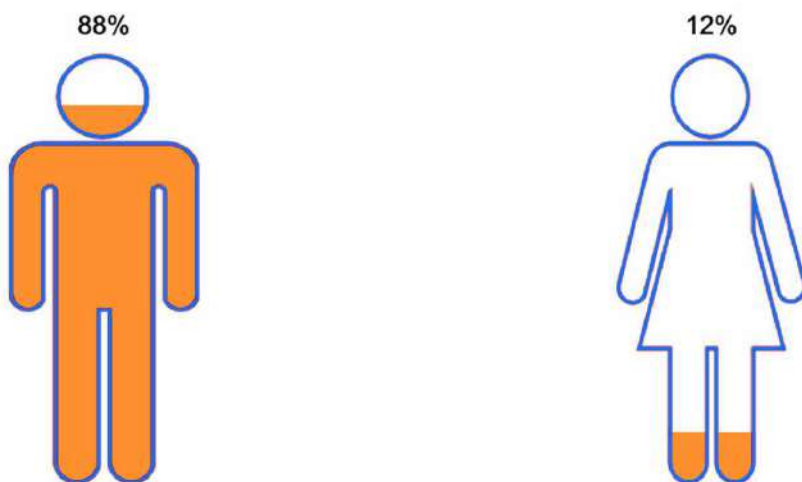


Figure 2.11: Proportion of individual court users by gender at the Magistrates' Courts

2.3.2. Court Specific Statistics

This section presents a detailed overview of the court-specific statistics providing valuable insights on how individual courts are managing their caseloads.

2.3.2.1. The Supreme Court

The Supreme Court of Kenya has exclusive original jurisdiction to hear and determine disputes related to presidential elections and appellate jurisdiction to hear and determine appeals from the Court of Appeal in specified matters. Additionally, it gives advisory opinions upon request from the national government, any State organ, or any county government on matters concerning county government. The Court also hears appeals from tribunals set up to consider the removal of a judge under Article 168(8) and considers applications related to a declaration of a State of Emergency.

2.3.2.1.1. Filed and Resolved Cases

During the period under review, 82 cases were filed in the apex court. These comprised 40 Petitions, 40 Applications, and 2 Advisory Opinions. The Court resolved 67 matters of which 28 were Petitions, 36 Applications, and 3 Advisory Opinions. There was only one incident of adjournment in the year. Figure 2.12 shows the number of filed and resolved cases per case type.

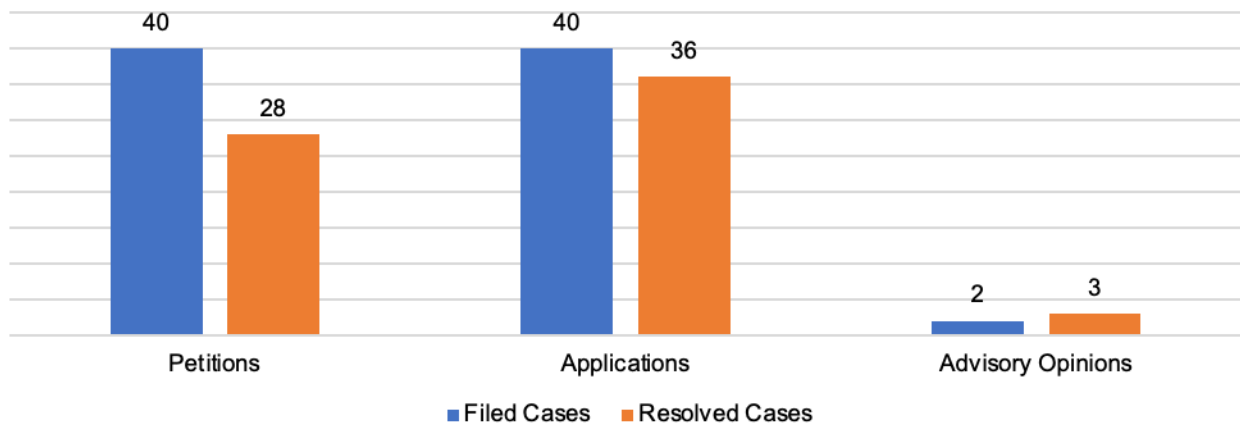


Figure 2.12: Filed and Resolved Cases, Supreme Court

The number of cases filed in the Supreme Court has been on an upward trajectory since its inception. In FY2023/24, the Court resolved fewer cases than were filed as illustrated in Figure 2.13.

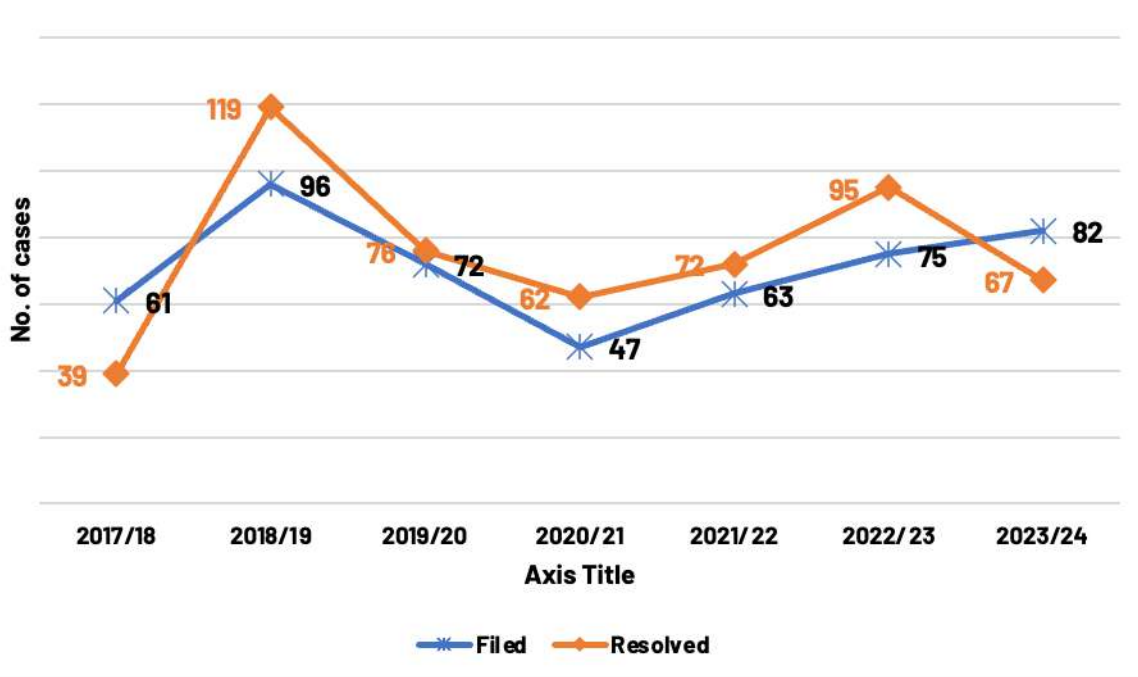


Figure 2.13: Trend on Filed and Resolved Cases, Supreme Court

2.3.2.1.2. Pending Cases

At the end of the reporting period, the court had 47 pending cases, reflecting a 47 per cent increase from the 32 cases that were pending at the beginning of the financial year. Trends of pending cases in the Court is shown in Figure 2.14.

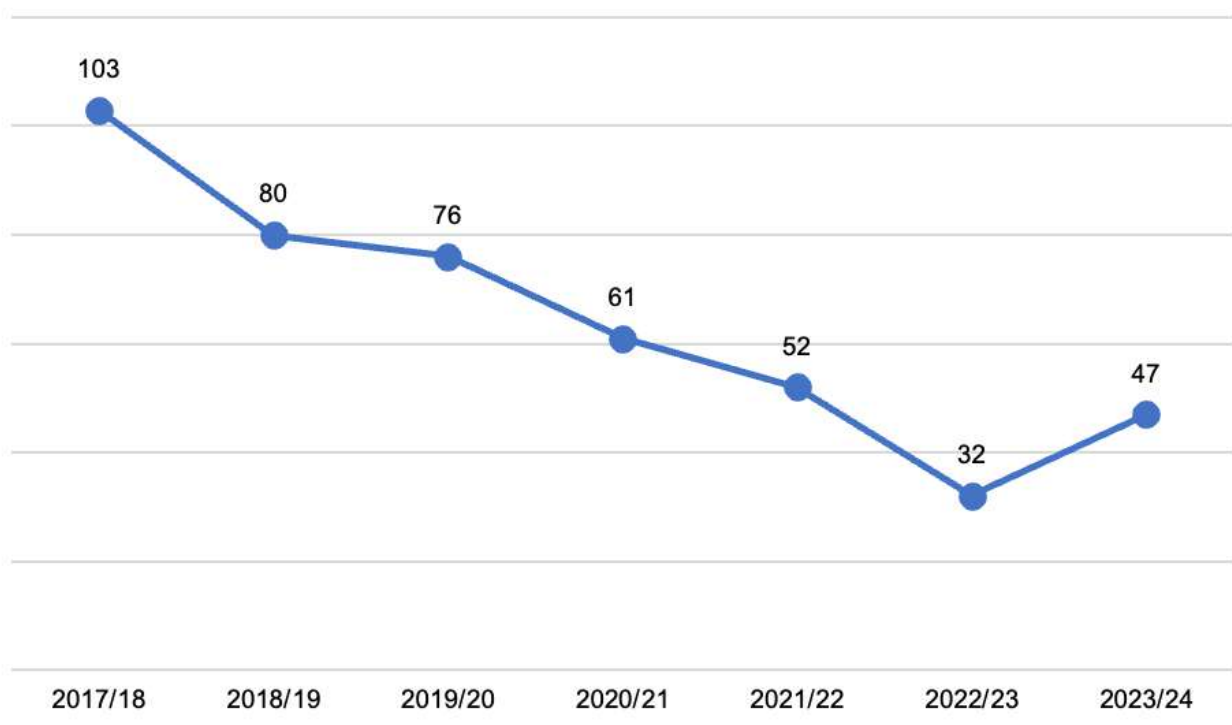


Figure 2.14: Trends in pending cases, Supreme Court

2.3.2.1.3. Case Backlog

The number of cases that have been pending for over a year in the Court increased from 5 to 7. This rise highlights a 40% growth in the case backlog.

2.3.2.2. The Court of Appeal

The Court of Appeal (COA) derives its jurisdiction from Article 164(3) of the Constitution. It is tasked with hearing appeals from the High Court and other courts or tribunals as specified by statute. As an appellate court, it is usually presided over by a bench of three judges or an expanded bench of five judges in some instances. The Court handles both criminal and civil matters, whether through appeals or applications.

There were six Court of Appeal stations during the reporting period being Kisumu, Mombasa, Nairobi, Nakuru, Nyeri, and Eldoret. The Nairobi station is further divided into the Criminal and Civil Divisions. Furthermore, the Court had sub-registries in Busia, Garissa, Kakamega, Kisii, Malindi, and Meru to decentralise its operations across the country.

2.3.2.2.1. Filed and Resolved Cases

During the year, 4,851 cases were filed in COA, reflecting a 36 per cent increase from the previous reporting period and continuing its upward trend. The Court also resolved 2,831 cases, representing a 13% rise compared to the preceding year. Figure 2.15 shows the annual trend on filed and resolved cases across all the COA stations.

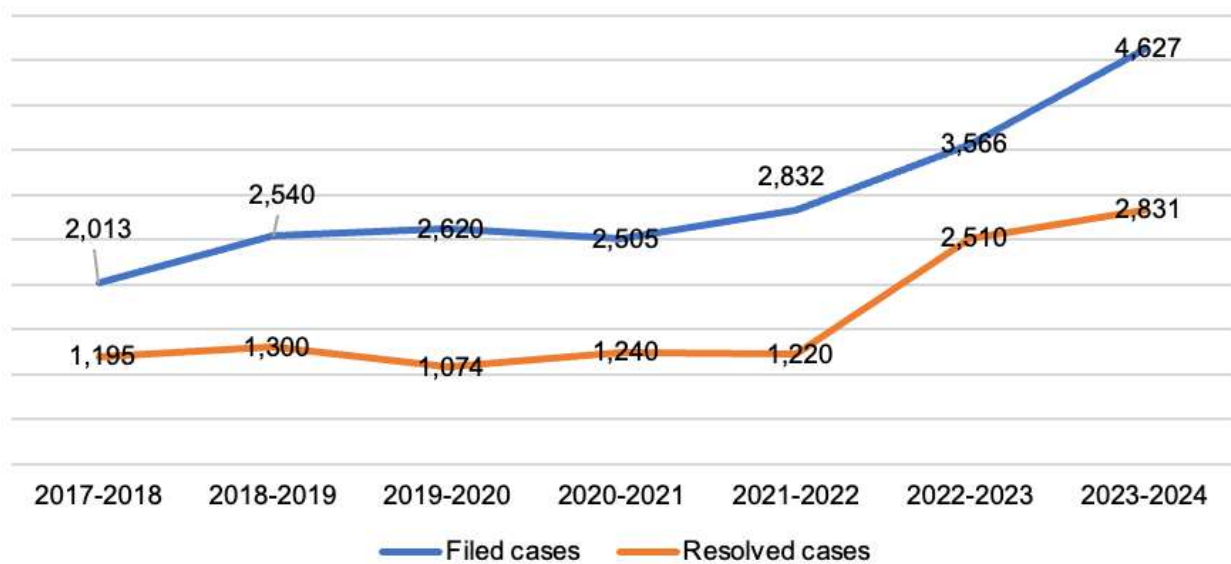


Figure 2.15: Trend on Filed and Resolved Cases, Court of Appeal

In the Court, civil matters made up the majority of filed cases comprising three out of every four cases. During the year, a total of 3,456 civil cases were filed, compared to 1,171 criminal cases. The Court resolved 2,200 civil matters and 631 criminal cases, resulting in case clearance rates of 64 per cent for civil cases and 54 per cent for criminal cases. This demonstrates an increase in the pendency of cases in the Court.

2.3.2.2. Pending Cases

There has been a consistent increase in the number of pending cases at the Court. As at June 30, 2024, the Court had 12,653 pending cases, reflecting a 7 per cent rise from the 11,795 cases recorded as at July 1, 2023. Six years ago, the pending cases at the COA amounted to 6,050 cases, the data shows that pending cases has more than doubled since then. Figure 2.16 shows the distribution of pending cases by broad case type in COA.

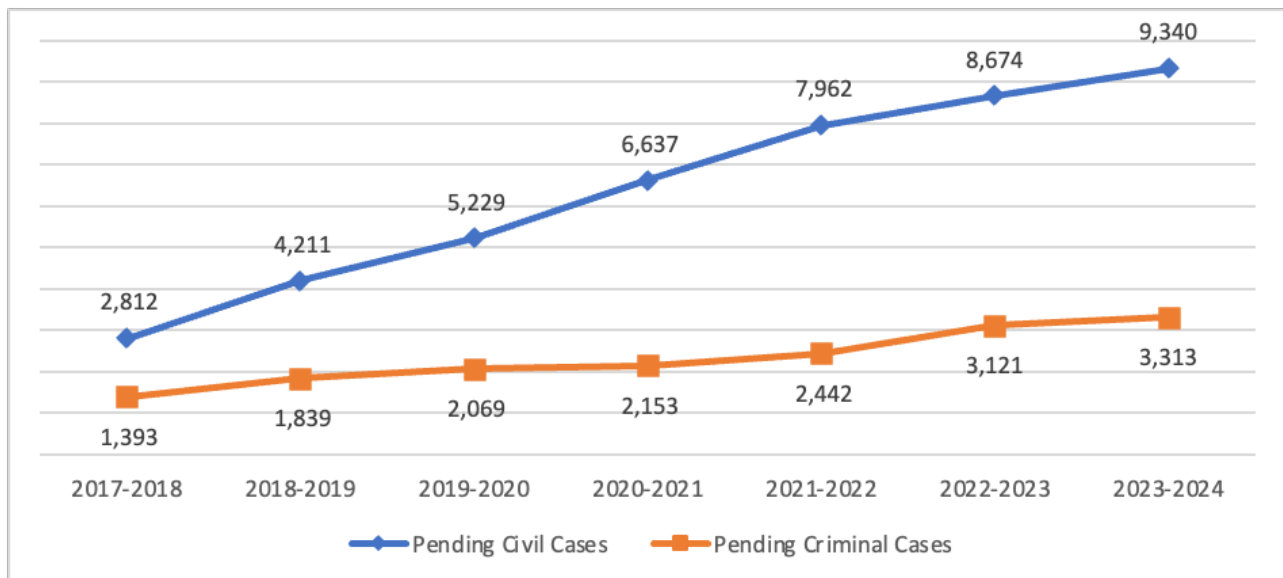


Figure 2.16: Trends of Pending Cases, Court of Appeal

Majority of the pending cases were at Nairobi civil division which contributed 35 per cent of all pending cases in the court. This was followed by Kisumu with 26 per cent. This is shown in Figure 2.17.

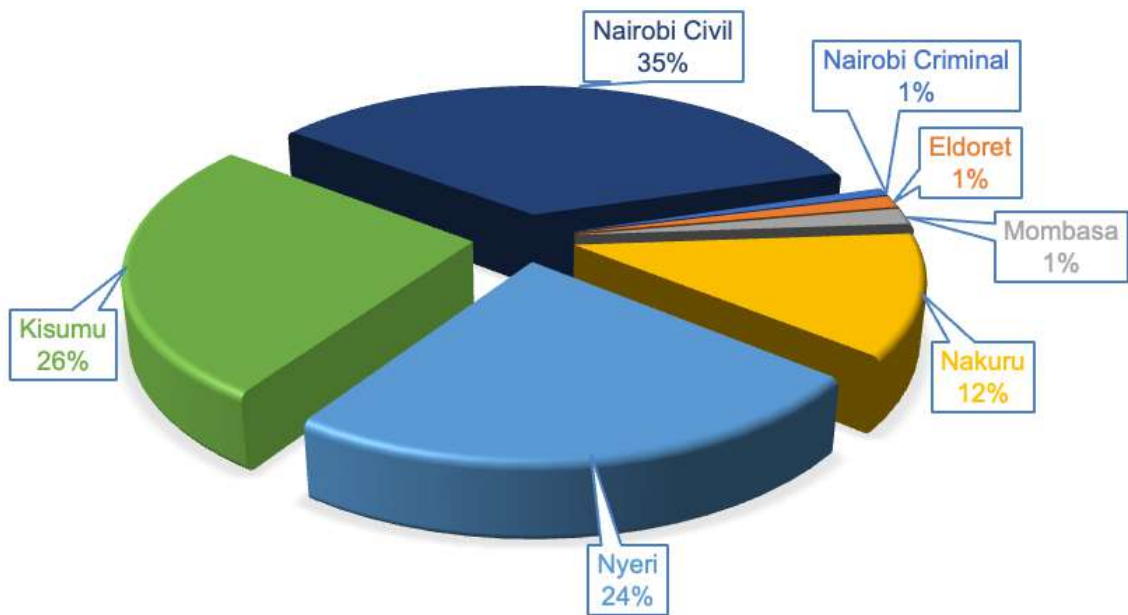


Figure 2.17: Pending cases per court station

2.3.2.2.3. Case Backlog

Out of the 12,653 pending cases in the court, 5,822 (46 per cent) are considered case backlog, having been in the court for over a year. This represents a 13 per cent decrease from the previous financial year. The backlog aged between one to three years constituted 61 per cent, while those over three years were 39% of the total case backlog in the court. Figure 2.18 show the breakdown of case backlog in COA.

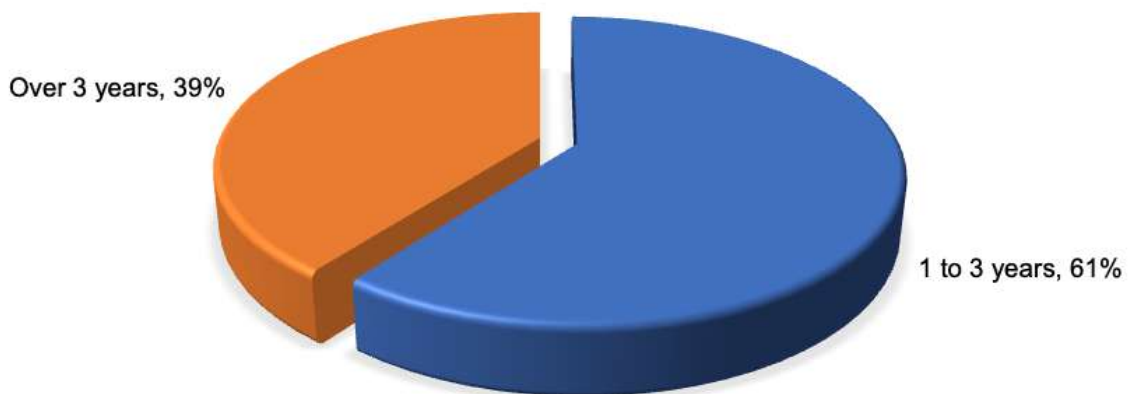


Figure 2.18: Case Backlog in COA

The case backlog has decreased over the past two financial years. It peaked at 7,426 cases in FY2021/22 but declined to 6,942 cases in FY2022/23 and further to 5,822 cases in FY2023/24. Figure 2.17 depicts the trend of case backlog in the Court of Appeal.

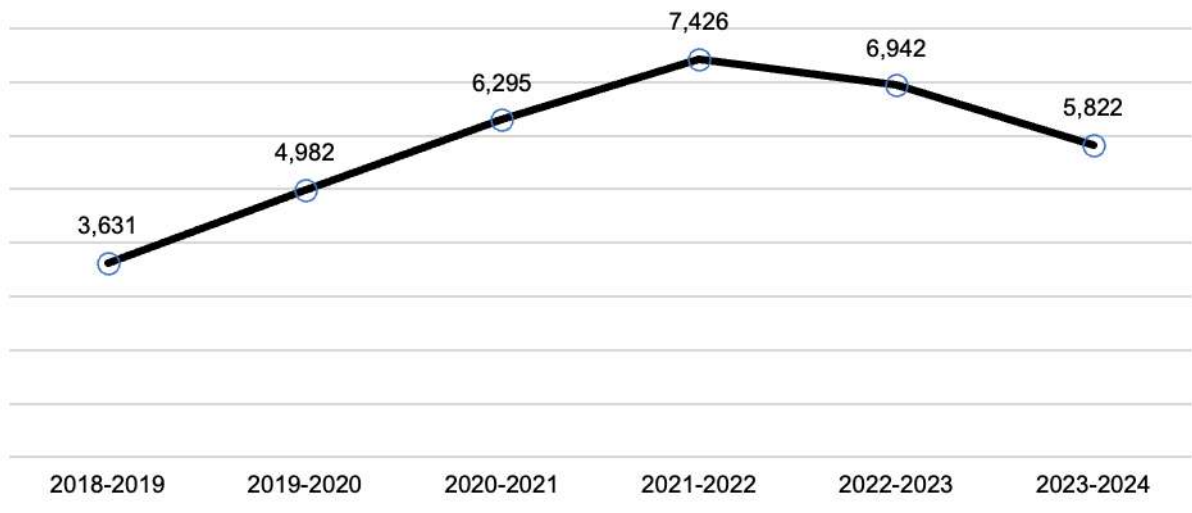


Figure 2.19: Trend on Case Backlog, COA

2.3.2.3. The High Court

The High Court is established under Article 165 of the Constitution with unlimited original jurisdiction to determine all criminal and civil matters, appeals emanating from subordinate courts and cases concerning violation and or infringement of the Constitution among others. During the reporting period there were 47 fully operational High Court stations across 45 counties and 6 High Court sub-registries. Overall Court statistics are presented in Appendix 2.1.

2.3.2.3.1. Filed and Resolved Cases

The number of cases filed in the court increased by 33 per cent, from 36,476 in FY2022/23 to 48,392 in the period under review. Likewise, the number of resolved cases increased by 27 per cent, from 41,347 to 50,737 in the same period. The Court achieved the desirable case clearance rate of over 100 per cent, at 105 per cent, signifying a reduction in pending cases. Post COVID-19 period, both filed and resolved cases have consistently risen. This is shown in Figure 2.18 and detailed in Appendix 2.2 and Appendix 2.3.

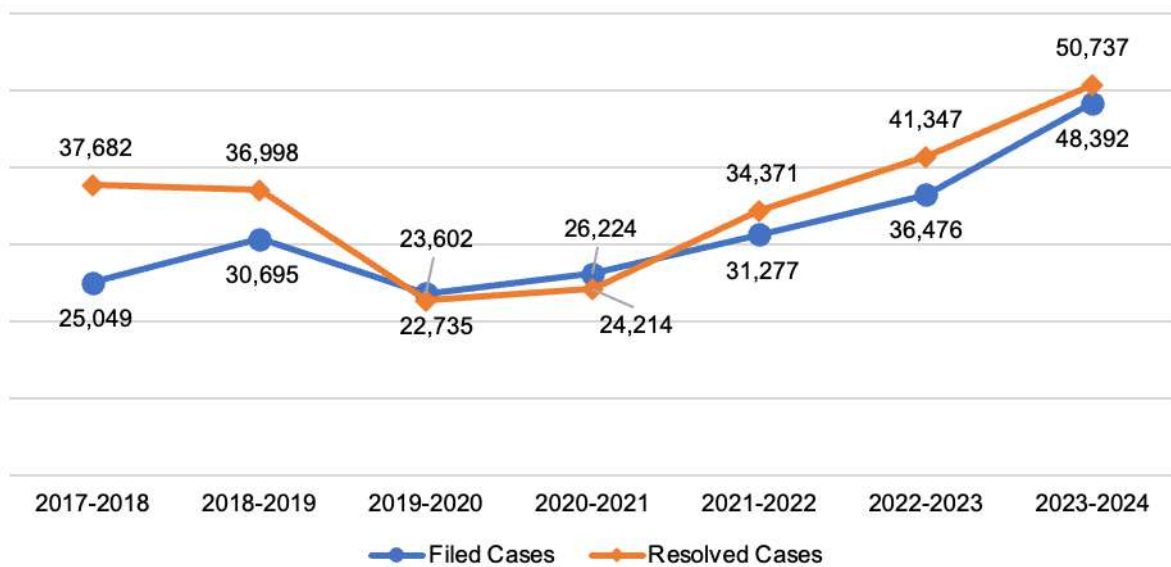


Figure 2.20: Trends of Filed and Resolved Cases, High Court

The majority of matters registered and resolved in the High Court were civil cases which had a case clearance rate of 128 per cent, a decrease from 146 per cent the previous year. In contrast, the clearance rate for criminal cases improved from 63 per cent to 78 per cent during the same period as shown in Figure 2.20.

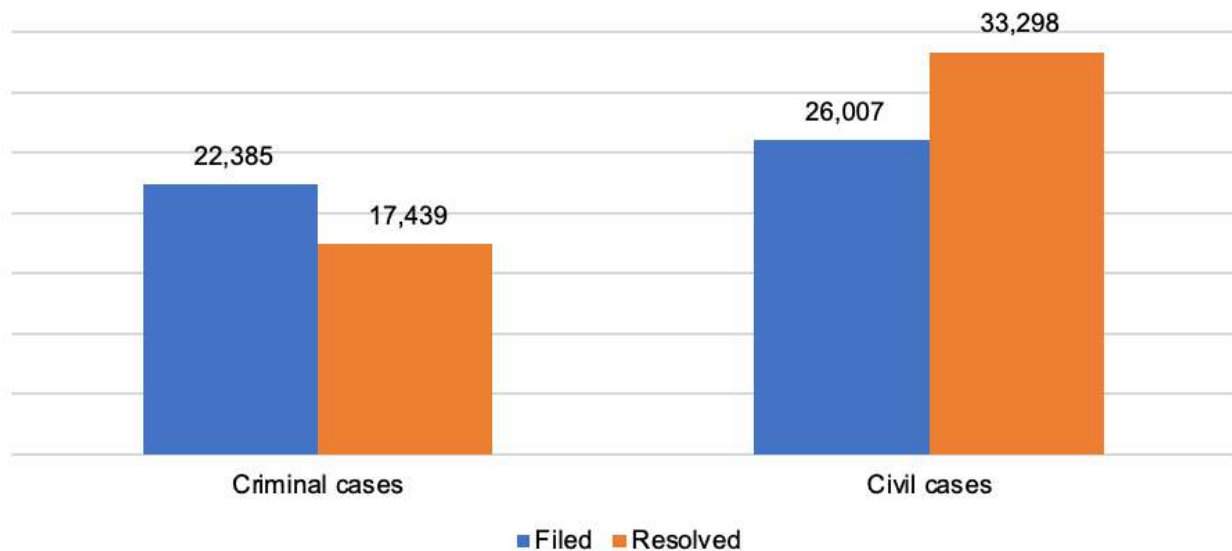


Figure 2.21: Distribution of filed and resolved cases in FY 2023/24

In the criminal cases category, criminal revisions accounted for the largest number of both filed and resolved cases, totalling 13,051 and 10,111 respectively (Figure 2.20). This represented 58.3 per cent of filed criminal cases and 58 per cent of resolved criminal cases. This resulted to a rise in pending criminal cases.

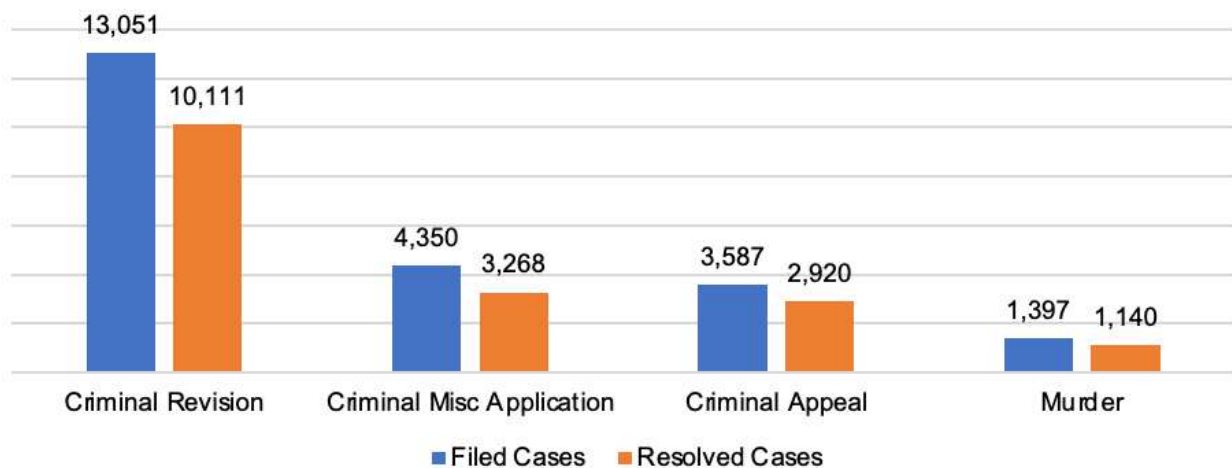


Figure 2.22: Distribution of filed and resolved Criminal cases in FY 2023/24

In the civil cases category, the highest number of filings were for miscellaneous applications and civil appeals, while most resolved cases involved miscellaneous applications and probate & administration, as illustrated in Figure 2.23. With the expanded jurisdiction most probate & administration cases, and divorce matters, are now being heard in the Magistrates' Courts.

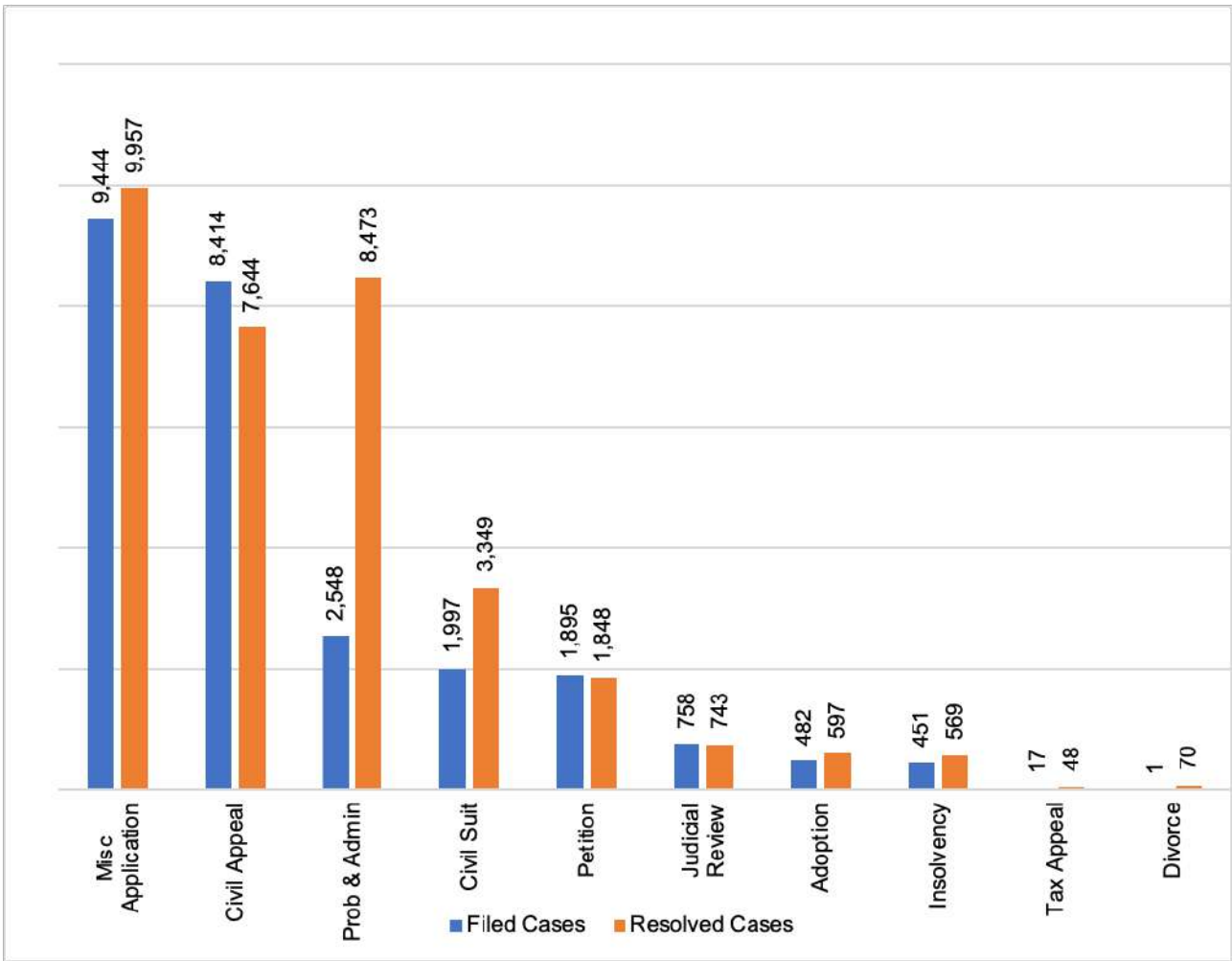


Figure 2.23: Distribution of filed and resolved Civil cases in FY 2023/24

2.3.2.3.2. Pending Cases

The number of pending civil cases has been steadily decreasing over the past few years. In contrast, the number of unresolved criminal cases has fluctuated, with a significant drop in FY2022/23 followed by a slight increase in FY2023/24 as illustrated in Figure 2.24 and detailed in Appendix 2.4.

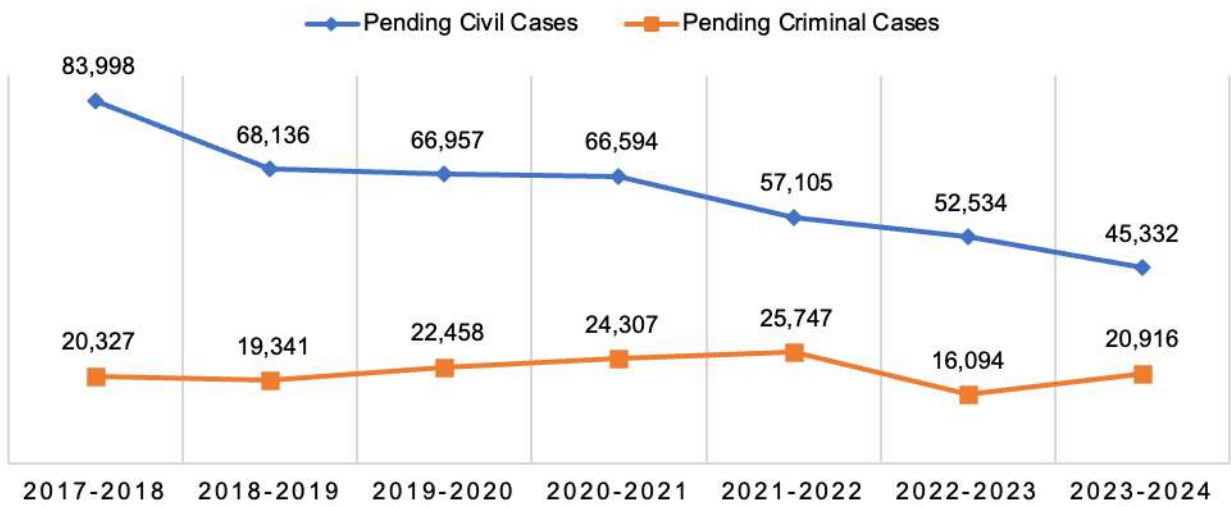


Figure 2.24: Trends in Pending Criminal and Civil Cases in FY 2023/24

2.3.2.3.3. Case Backlog

As at June 30, 2024, the overall case backlog in the court was 31,106 cases representing 68 per cent of all pending cases. Matters pending for over three years constituted the largest proportion (63%) while those between one and three years represented 37% of case backlog as shown in Figure 2.25

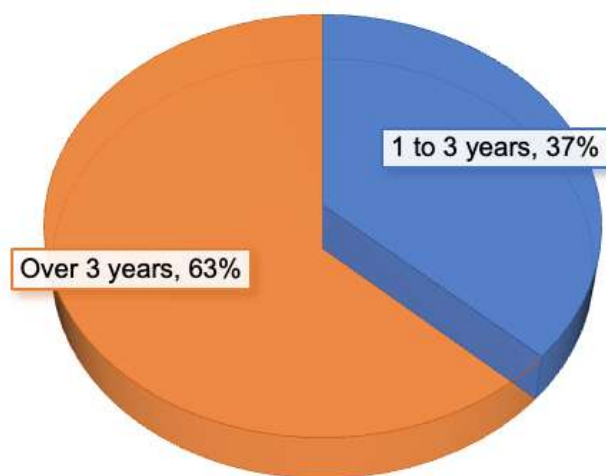


Figure 2.25: Case backlog by age

2.3.2.4. Employment and Labour Relations Court

The Employment and Labour Relations Court (ELRC) is a specialized superior court established under Article 162(2) of the Constitution, tasked with hearing and determining employment and industrial relations disputes. Matters at the Court are categorised as either Collective Bargaining Agreements (CBA), Cause Disputes, Petitions, Miscellaneous Applications, Appeals, or Reviews.

During the period under review, there were 10 ELRC stations in Bungoma, Eldoret, Kakamega, Kericho, Kisumu, Malindi, Mombasa, Nairobi, Nakuru, and Nyeri. Kakamega, Kericho, and Malindi stations were supported by visiting judges. To further improve on access to justice, the Judiciary operationalised 10 ELRC sub-registries in Garissa, Kisii, Kitale, Kitui, Machakos, Meru, Naivasha, Siaya, Thika, and Voi. The court was served by 28 Judges.

2.3.2.4.1. Filed and Resolved Cases

A total of 4,215 new matters were filed in the Court and 8,014 cases were concluded. The Court thus had a CCR of 190 per cent, an increase from 157 per cent recorded the previous year. Figure 2.24 shows trends in case filing and resolutions in the Court. This trend highlights an increase in both filed and resolved cases in the most recent periods, particularly after FY2020/21.

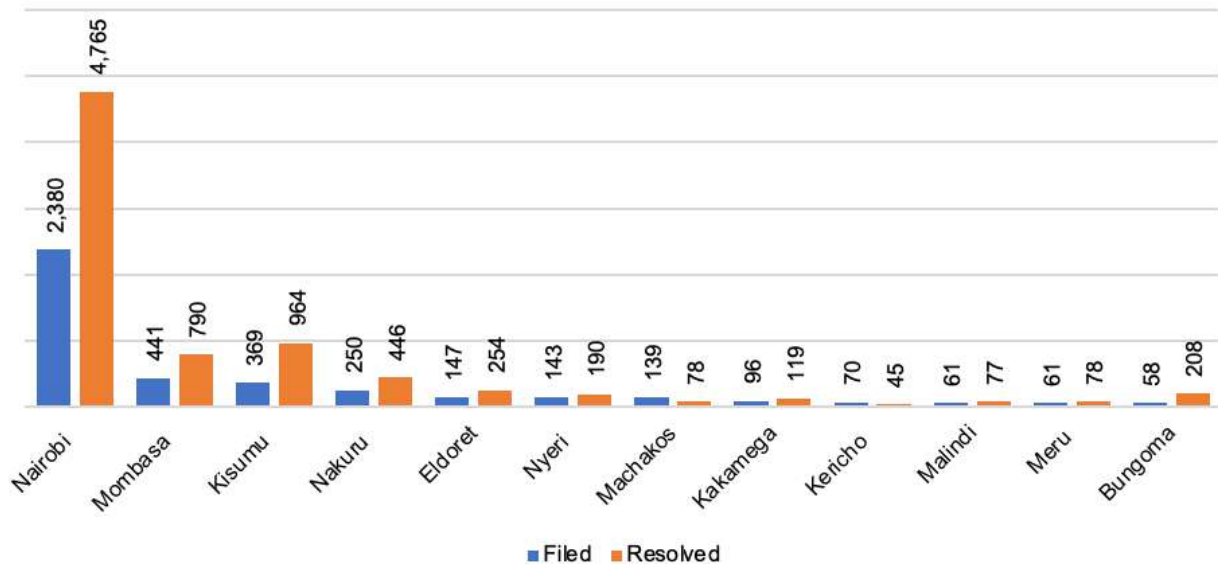


Figure 2.26: Filed and Resolved cases per ELRC court station

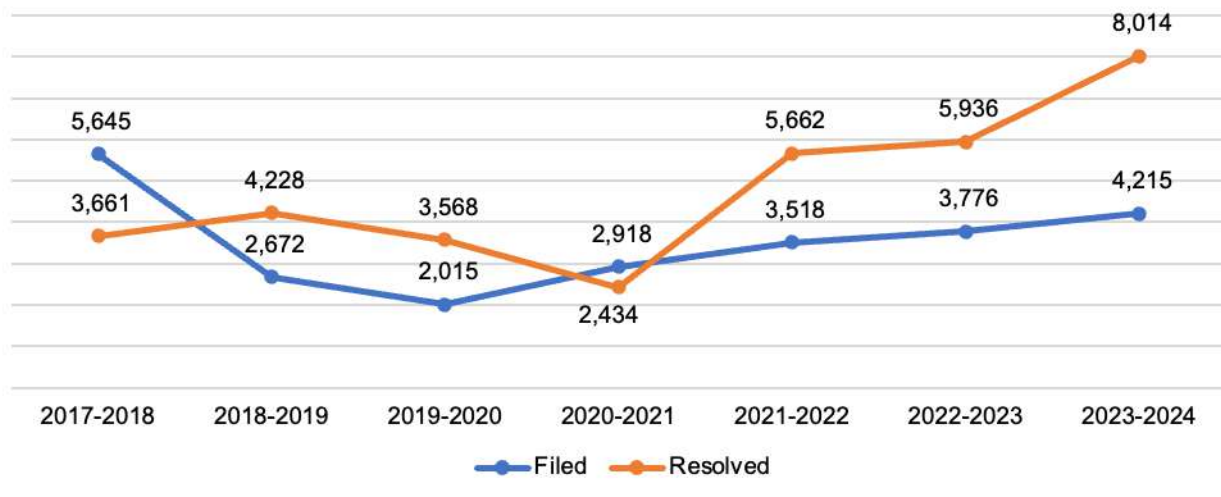


Figure 2.27: Trends in filed and resolved cases, ELRC

Majority of cases filed and resolved in the ELRC were at Nairobi contributing to 56% of matters filed and 59% of matters resolved.

2.3.2.4.2. Pending Cases

Over the past four reporting periods, the number of pending cases before the ELRC has significantly decreased from 14,040 in FY2020/21 to 6,973 in FY2023/24, marking a 50% reduction as shown in figure 2.25. This decline was attributed to enhanced case resolution strategies, including the greater use of ADR methods, the adoption of technology, implementation of case management techniques, and capacity-building programmes. Additionally, the revision of Magistrates' Courts' jurisdiction enhancing the pecuniary jurisdiction in employment matters contributed to alleviating the ELRC's caseload through transfer of cases to the Magistrates' Court.

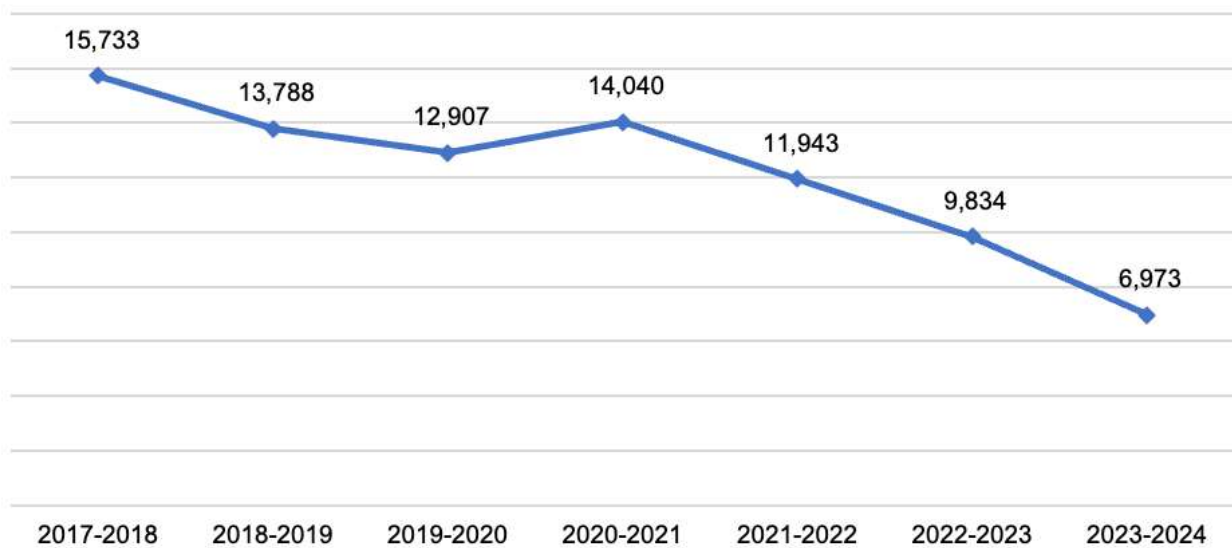


Figure 2.28: Trend in Pending Cases, ELRC

The Labour Disputes Causes constituted the largest percentage of all pending cases at 58 per cent, followed by Miscellaneous Applications at 17 per cent. The least was CBAs at one per cent. Figure 2.27 provides details on the proportion of pending cases by specific case types.

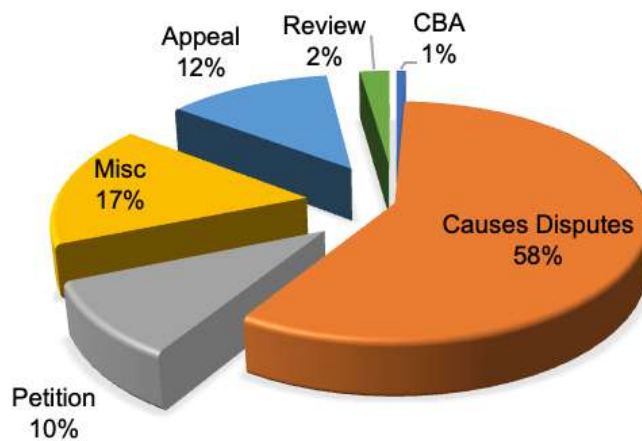


Figure 2.29: Pending cases by specific case types, ELRC

2.3.2.4.3. Case Backlog

During the reporting period, case backlog in the ELRC decreased by 37% to 4,927 cases from 7837 cases in FY 2022/23. A significant portion of these cases, approximately 95%, falls within the age bracket of 1 to 3 years as shown in Figure 2.30.

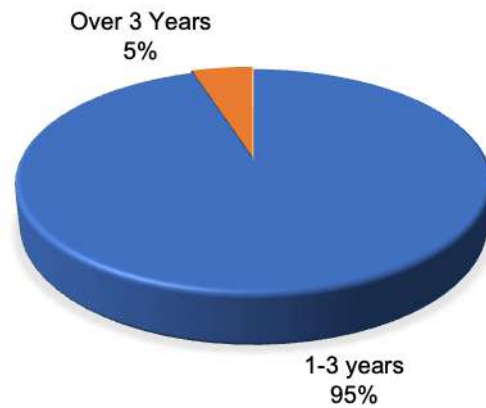


Figure 2.30: Case backlog by category

Appendix 2.5 presents summary statistics for the ELRC.

2.3.2.5. Environment and Land Court

The Environment and Land Court (ELC) is established by Article 162(2) of the Constitution of Kenya and operationalised by the ELC Act No.19 of 2011. It is established to hear and determine disputes relating to the environment and the use and occupation of, and title to land. The court also exercises appellate jurisdiction over the decisions of subordinate courts and local tribunals in respect to matters falling within its jurisdiction. Matters at the ELC are categorised as General Suits, Miscellaneous Applications, or Appeals. In the year under review, 67 Judges were serving in 45 ELC stations across the country.

2.3.2.5.1. Filed and Resolved Cases

During the reporting period, 7,475 new cases were filed, and 9,629 cases were resolved, achieving a case clearance rate of 129 per cent. The ELC has maintained a case clearance rate of over 100 per cent over the past seven years effectively reducing the number of pending matters before it. The number of both filed and resolved cases over the recent reporting periods is illustrated in Figure 2.31. The majority of the cases filed and resolved were General Suits and Appeals.

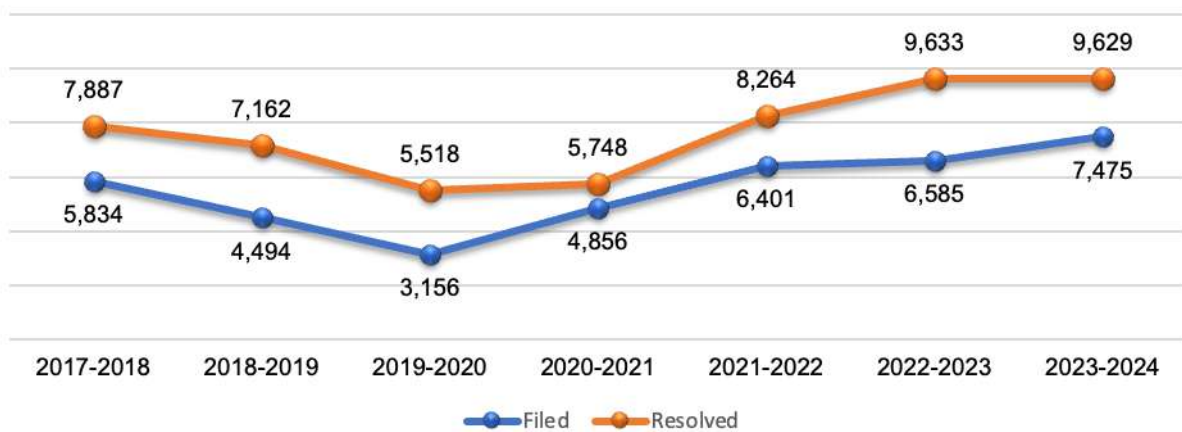


Figure 2.31: Trends in filed and resolved cases, ELC

2.3.2.5.2. Pending Cases

The Court achieved a significant reduction in the number of pending cases, decreasing from 27,242 cases in FY2017/18 to 12,927 cases by the end of FY2023/24. This represents a remarkable 52 per cent decrease in number of pending cases, as shown in Figure 2.32.

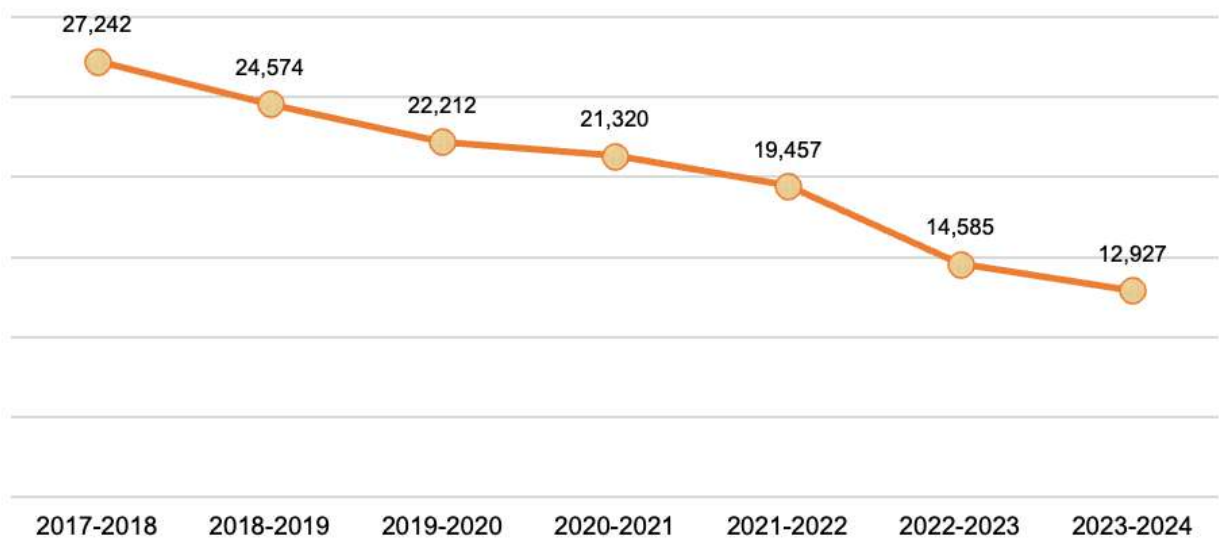


Figure 2.32: Trend of pending Cases, ELC

2.3.2.5.3. ELC Cases Backlog

During the reporting period, the overall case backlog in the ELC decreased by 20%, falling from 8,139 cases in FY2022/23 to 6,625 cases in FY2023/24. Cases older than three years comprised 55% of the total backlog, as illustrated in Figure 2.33.

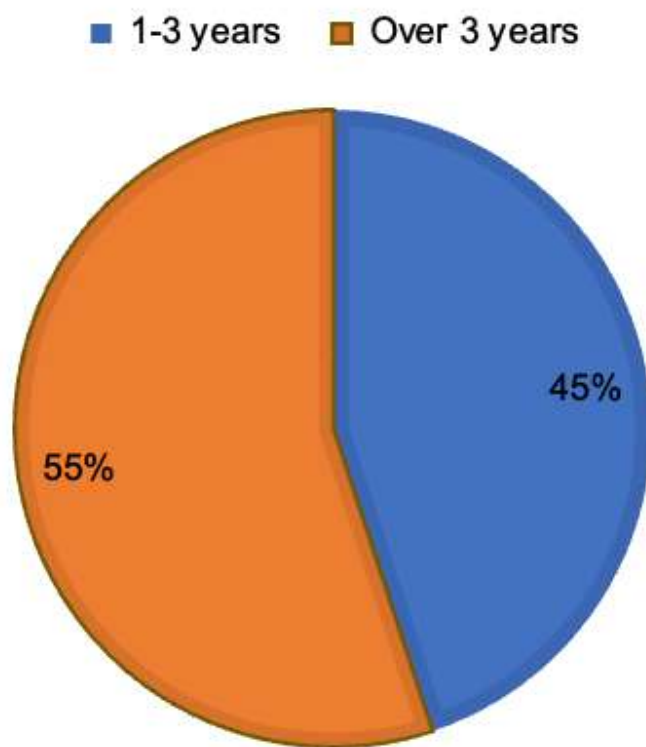


Figure 2.33: Distribution of Case Backlog, ELC

Appendix 2.6 presents summary statistics for the ELC.

2.3.2.6. Magistrates' Courts

The Magistrates' Courts derive their jurisdiction from Articles 169 and 23(2) of the Constitution as read with the Magistrates Court Act (No. 26 of 2015). The courts have jurisdiction to hear and determine both criminal and civil matters falling within their pecuniary jurisdiction.

There are seven stations that exclusively handle criminal cases these are JKIA, Kahawa, Kibera, Makadara, Milimani Anti-Corruption, Milimani Chief Magistrates', and Shanzu Magistrates Courts. Milimani Commercial and Milimani Family Courts handle civil matters only. In addition, 12 specialised courts handling Sexual and Gender-Based Violence (SGBV) cases have been established. In the year under review, seven Magistrates' Courts in Kibiyet, Kenol, Madiany, Milimani Family, Ol Kalou, Rumuruti, and Tinderet were established bringing the total number of Magistrates' Courts in the country

to 140. To further enhance access to court services, 57 mobile courts were in operation during the year.

2.3.2.6.1. Filed and Resolved Cases

During the FY2023/24, 383,277 cases were filed before the Magistrates' Courts. Among these, 268,582 cases were criminal in nature, while 114,695 cases were civil in nature. The court resolved a total of 376,460 matters, of which 244,848 were criminal while 131,612 were civil cases.

Since FY2019/20, the number of filed cases has risen by 28%, increasing from 298,838 to 383,277 in FY 2023/24. During the same period, the number of resolved cases registered an increase of 27%, from 251,496 in FY2019/20 to 376,460 in FY2023/24, as shown in Figure 2.34 and detailed in Appendix 2.7 and Appendix 2.8.

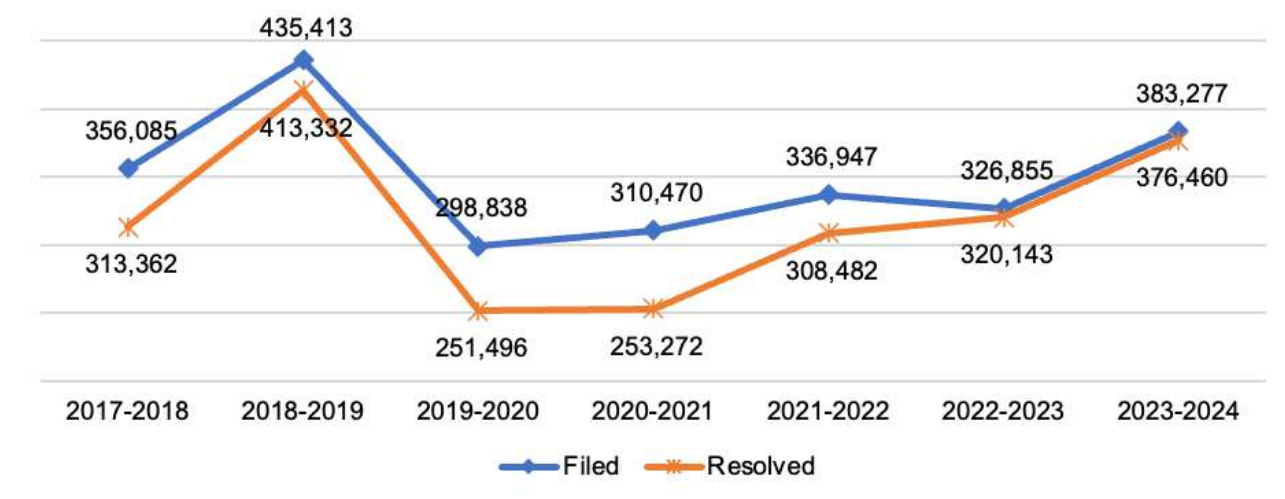


Figure 2.34: Trends of Filed and Resolved Cases, Magistrates' Courts

2.3.2.6.2. Pending Cases

The data reveals that pending civil cases increased by 25.3%, from 204,457 in FY2017/18 to 266,451 in FY2022/23, before decreasing by 12.3% to 224,629 in FY2023/24. Meanwhile, pending criminal cases saw a 40.6% rise, from 199,058 in FY2017/18 to 279,945 in FY2023/24 as depicted in Figure 2.35. This rise in pending cases shows resource constraints at the Magistrates' Court and the need to enhance human resource capacity and strategies to address the growing caseload.

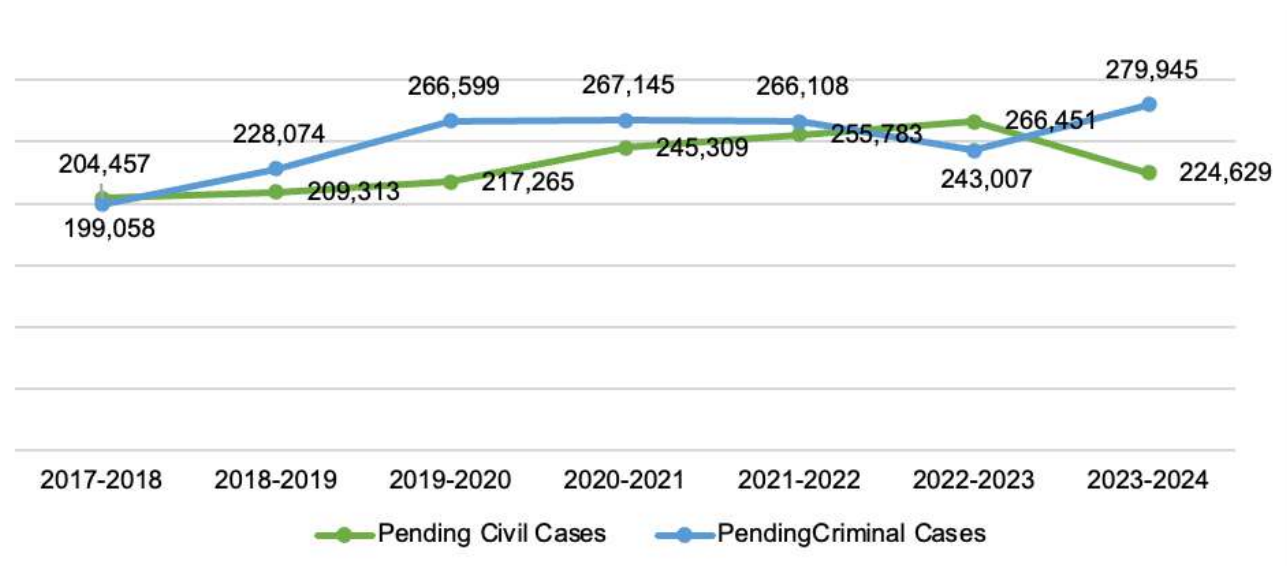


Figure 2.35: Trends of Pending Cases, Magistrates' Courts

Appendix 2.9 provides detailed statistics on pending matters at the Magistrates Courts.

2.3.2.6.3. Backlog Cases

The Magistracy saw a 1% rise in its case backlog, increasing from 185,906 cases at the start of the reporting period to 187,370 cases. Notably a significant majority, approximately 68 per cent of backlog, consisted of cases that were aged between one to three years. Conversely, the remaining 32 per cent of the backlog comprised of cases that had been in the system for more than three years. Figure 2.36 illustrates the per centage distribution by age of pending cases at the Magistrates' courts.

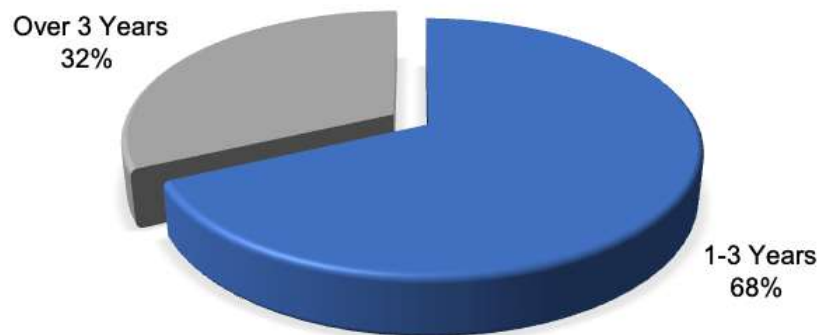


Figure 2.36: Case backlog Magistrates' Courts

Additional data on Magistrates' Courts performance captured across all its court stations are presented in Appendix 2.10.

2.3.2.7. Children Cases

In line with STAJ Child Justice Strategy, the Judiciary is rolling out children courts and training all judges and magistrates on handling children in conflict with the law and those in contact with the law. The establishment of separate children's courts is designed to prioritize the welfare of the child, ensuring that children's cases are treated with special care and consideration. Child litigants are classified as either minors who are "in conflict with the law" or those who are in "contact with the law".

A total of 16,453 children’s cases were filed across all magistrates’ courts. Of these, 1,875 cases (11%) involved children in conflict with the law, while 14,758 cases involved children in contact with the law. The most common offenses for children in conflict with the law include defilement, burglary, theft, drug trafficking, possession of narcotics, and robbery with violence as shown in Table 2.10. Notably, 7,364 cases (53%) of these cases were concentrated in nine counties of Mombasa, Nairobi City, Nakuru, Bungoma, Kiambu, Meru, Homa Bay, and Murang’a, in that order. Boys were 88% of the children in conflict with the law.

Table 2.10: Number of Children in Conflict with the Law per Nature of Offence

Children in conflict with the law	Number
Defilement	250
Breaking into Building	226
Stealing	172
Drug Trafficking	112
Possession of Narcotics	98
Robbery With Violence	89
Greivous Harm	84
Assault	83
Sexual Offenses	64
Creating Disturbance	62
Felony	58
Robbery	41
Being Unlawfully Present in Kenya	38
Attempted Defilement	36
Indecent Act	27
Handling Stolen Goods	21
Incest	14
Arson	11
Possession of Weapons	4
Assisting a Child to Escape	2
Others	383
Total	1,875

Close to a quarter (24%) of the 14,578 cases involving children in contact with the law were filed in Nairobi city county. Other counties with a high number of these cases include Nakuru, Kiambu, Mombasa, and Kajiado. The majority of these cases pertained to care and protection (7,118 cases) and custody and maintenance (6,531 cases), representing 49% and 45% of the total, respectively. The distribution of children’s cases by county is detailed in Table 2.11.

Table 2.11: Children's Cases by County

County	Nature of Case		
	Conflict with the Law	Contact With The Law	Total
Baringo	62	76	138
Bomet	21	126	147
Bungoma	85	249	334
Busia	25	110	135
Elgeyo Marakwet	15	37	52
Embu	19	121	140
Garissa	4	91	95
Homa Bay	76	131	207
Isiolo	13	32	45
Kajiado	37	698	735
Kakamega	64	264	328
Kericho	37	254	291
Kiambu	83	1,083	1,166
Kilifi	15	197	212
Kirinyaga	35	175	210
Kisii	31	245	276
Kisumu	28	503	531
Kitui	16	119	135
Kwale	5	225	230
Laikipia	18	231	249
Lamu	6	42	48
Machakos	51	269	320
Makueni	53	132	185
Mandera	3	58	61
Marsabit	7	69	76
Meru	76	382	458
Migori	57	290	347
Mombasa	224	990	1,214
Murang'a	68	114	182
Nairobi City	193	3,441	3,634
Nakuru	186	1,187	1,373
Nandi	14	99	113
Narok	50	187	237
Nyamira	3	100	103
Nyandarua	43	169	212
Nyeri	35	310	345
Samburu	14	55	69
Siaya	13	116	129
Taita Taveta	22	189	211
Tana River	11	44	55
Tharaka-Nithi	0	110	110
Trans Nzoia	16	641	657
Turkana	12	60	72
Uasin Gishu	2	302	304
Vihiga	10	83	93
Wajir	4	86	90
West Pokot	13	86	99
Total	1,875	14,578	16,453

The number of children in conflict with the law was 3,090, comprising 2,726 boys and 364 girls, where gender is indicated.

Table 2.12: Gender of filed children in conflict with the law cases by County

County	Boys	Girls
Baringo	68	7
Bomet	21	3
Bungoma	130	28
Busia	25	8
Elgeyo Marakwet	15	2
Embu	17	6
Garissa	7	0
Homa Bay	142	6
Isiolo	13	5
Kajiado	86	13
Kakamega	66	11
Kericho	43	12
Kiambu	126	14
Kilifi	39	0
Kirinyaga	41	10
Kisii	35	2
Kisumu	52	5
Kitui	18	5
Kwale	6	0
Laikipia	16	2
Lamu	10	0
Machakos	73	8
Makueni	99	10
Mandera	2	1
Marsabit	10	1
Meru	89	18
Migori	70	8
Mombasa	399	39
Murang'a	55	23
Nairobi City	368	40
Nakuru	227	17
Nandi	18	4
Narok	76	13
Nyamira	6	0
Nyandarua	55	10
Nyeri	39	7
Samburu	23	6
Siaya	24	2
Taita Taveta	29	9
Tana River	13	1
Trans Nzoia	12	4
Turkana	21	0
Uasin Gishu	2	1
Vihiga	13	1
Wajir	8	0
West Pokot	19	2
All Counties	2,726	364

.3.2.8. Kadhis' Courts

Kadhis' Courts are established under Article 170 of the Constitution with the jurisdiction to hear and determine matters of Islamic law concerning personal status, marriage, divorce, and inheritance, provided that all parties involved are Muslim and consent to the court's jurisdiction. The cases handled by Kadhis' Courts are categorised into divorce and marriage registration, matrimonial causes, miscellaneous applications, and succession. During the period, 53 Kadhis served in 46 Kadhis' Courts across the country.

2.3.2.8.1. Filed and Resolved Cases

During the review period, a total of 12,615 new cases were filed, and 12,896 cases resolved at the Kadhis' Courts. Majority of filed and resolved cases were marriage and divorce matters. Over the past seven years, an upward trend in both the number of filed and resolved cases has been recorded. Notably, the overall case clearance rate for the Kadhis' Courts exceeded 100 per cent for the first time during the FY2023/24, reflecting a reduction in the number of pending cases. This is depicted in Figure 2.37.

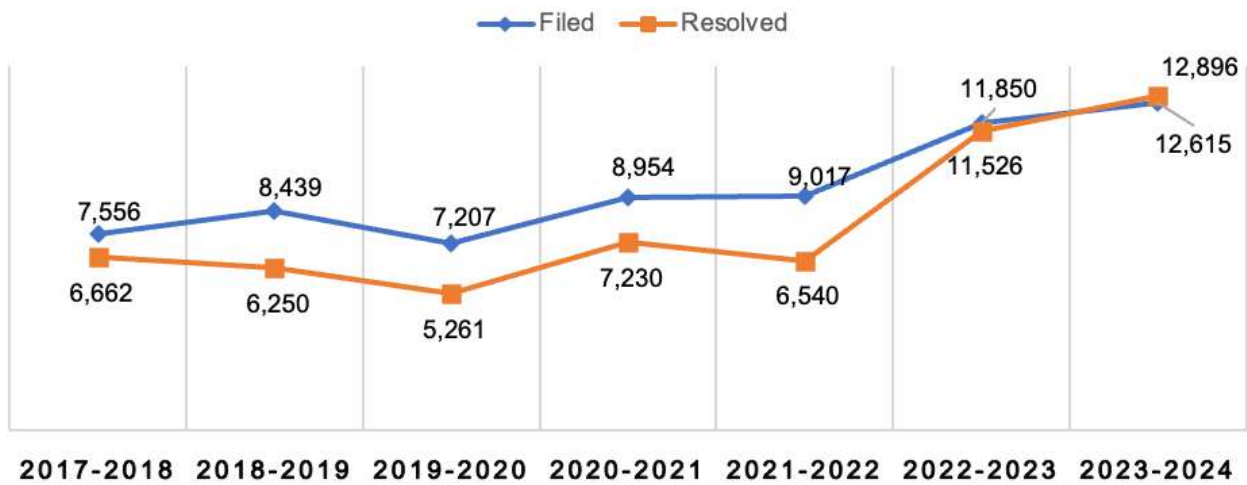


Figure 2.37: Trends of Filed and Resolved Cases, Kadhis' Courts

2.3.2.8.2. Pending Cases

At the close of the FY2023/24, there were 2,630 pending cases in the Kadhis' Courts as illustrated in Figure 2.38. Most of these cases were at Garissa, Mombasa and Nairobi stations.

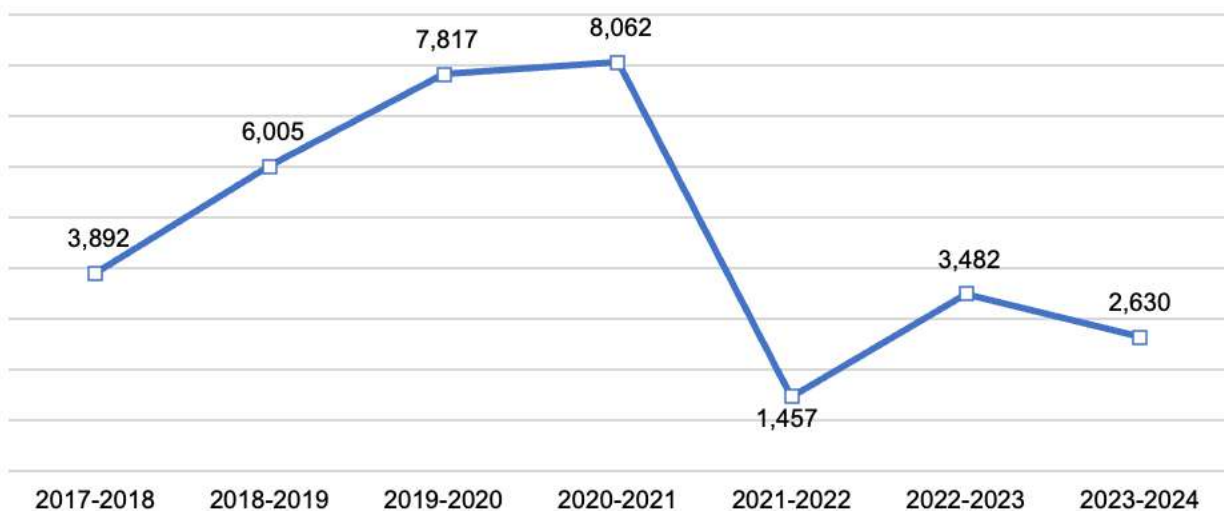


Figure 2.38: The trend of Pending Cases, Kadhis Courts

2.3.2.8.3. Case Backlog

The Kadhis' Courts reduced the overall case backlog from 1,416 at the close of FY2022/23 to 313 in FY2023/24. This significant improvement was attributed to enhanced case management strategies and data clean-up exercises conducted across the stations. Of the cases 66 matters have been pending for over three years, as illustrated in Figure 2.39.

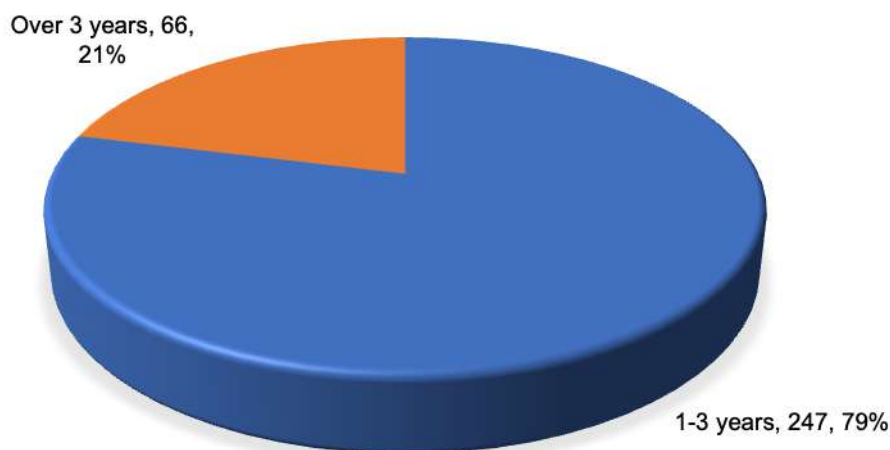


Figure 2.39: Case Backlog According to Age, Kadhis' Courts

Additional data on Kadhis' Courts statistics across all stations are presented in Appendix 2.11.

2.3.2.9. Tribunals

Tribunals are subordinate courts established under Article 169 of the Constitution and are operationalised through specific legislation to perform judicial or quasi-judicial functions. They are intended to offer an efficient and cost-effective mechanism for resolving disputes in specialized areas, including but not limited to sports, transport, tax, civil aviation, and copyright. By focusing on these niche areas, Tribunals aim to deliver prompt and expert adjudication, ensuring that cases are handled with the necessary specialized knowledge and at a lower cost compared to traditional court proceedings. Their establishment is part of a broader effort to enhance access to justice and streamline the resolution of complex, sector-specific issues.

2.3.2.9.1. Filed and Resolved Cases

During the period under review, a total of 13,914 new cases were filed, and 15,503 cases were resolved at the Tribunals. Over the past six years, there has been a consistent upward trend in both the number of filed and resolved cases as shown in Figure 2.40, indicating a growing demand for tribunal services and an increasing efficiency in handling cases. Rent Restriction Tribunal, Business Premises Rent Tribunal, Tax Appeals Tribunal, and Cooperative Tribunal accounted for the highest number of cases filed and resolved during the period. See Appendix 2.12.

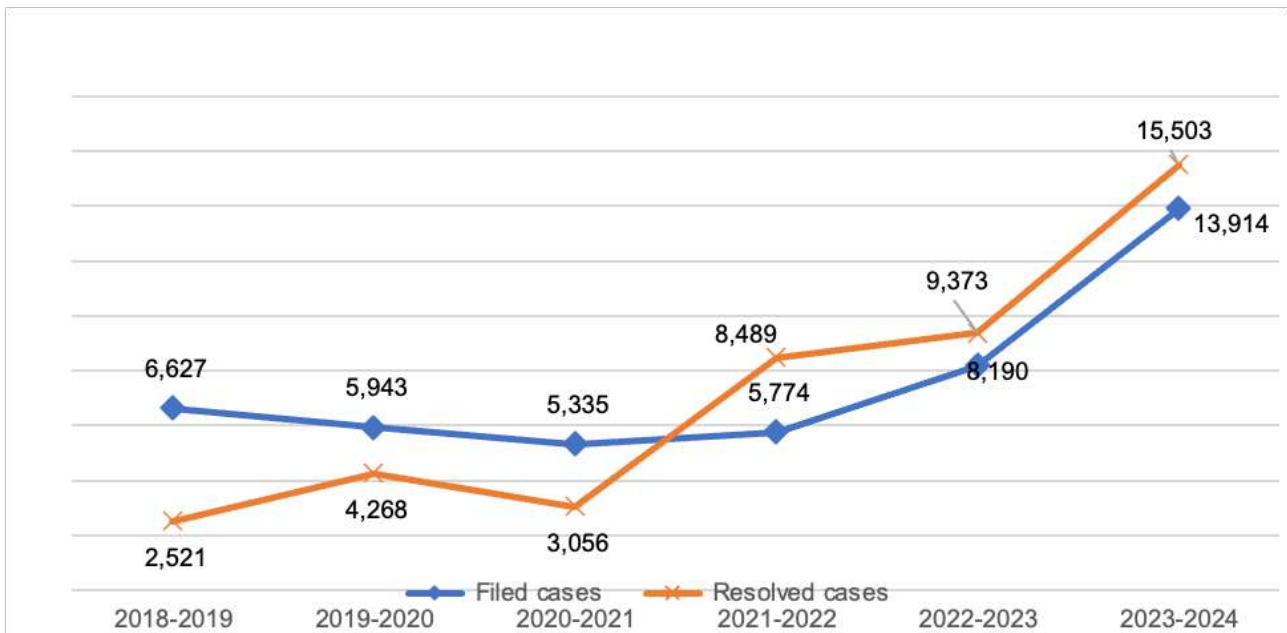


Figure 2.40: Trends in Filed and Resolved Cases, Tribunals

2.3.2.9.2. Pending Cases

By the end of the reporting period, there were 14,633 pending cases in the Tribunals, representing a 35% decrease compared to the previous year. Figure 2.41 illustrates the annual trend of pending cases in the Tribunals over the past six years.

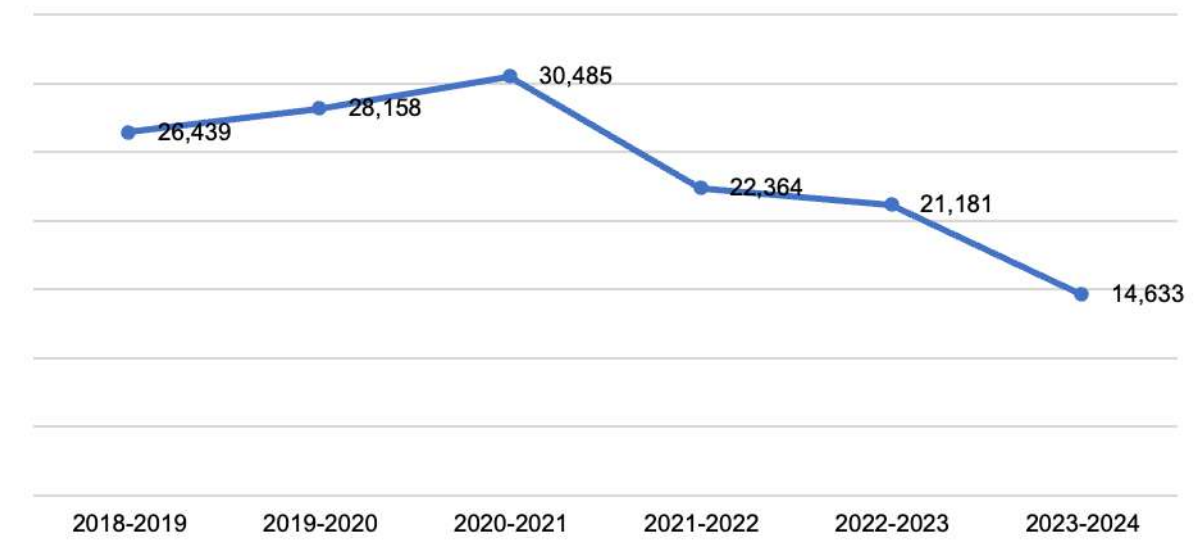


Figure 2.41: The trend of Pending Cases, Tribunals

2.3.2.9.3. Case Backlog

Of the 14,633 pending cases in the Tribunals, 8,097 are classified as case backlog, having been in the system for over a year. This represents a 29% decrease in the backlog from 11,457 at the close of FY2022/23, a reduction attributed to the service weeks conducted across various Tribunals. Among the backlog, 2,406 cases (30%) have been pending for 1-3 years, while 5,691 cases (70%) have been pending for more than 3 years as shown in Figure 2.42.

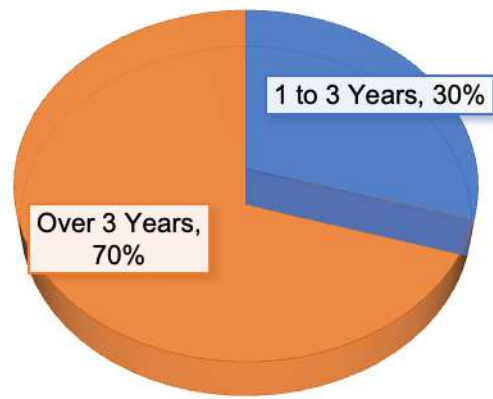


Figure 2.42: Case Backlog by Age, Tribunals

2.3.2.10. Small Claims Court

The Small Claims Court (SCC) is established under Section 2 of the Small Claims Court Act, 2016 as a subordinate court with jurisdiction to determine civil claims relating to: contract for sale and supply of good or services; contract relating to money held or received; liability in tort in respect of loss or damage caused to any property or for delivery or recovery of movable property; compensation for personal injuries and set off and counterclaim under any contract. The monetary jurisdiction of the court is Kenya shillings one million. Matters at the SCCs are categorised as either breach

of contract, commercial suits, or personal injury. In the FY2023/24, there were 39 operational SCCs.

2.3.2.10.1. Filed and Resolved

The SCC has experienced significant growth in caseload since its inception in FY2020/21. As depicted in Figure 2.41 the number of filed cases has increased from 1,023 to 41,524 and the number of resolved cases has increased from 637 to 33,527 over the same period. This growth is a reflection of the growth in demand for the Court services as well as its expanded footprints.

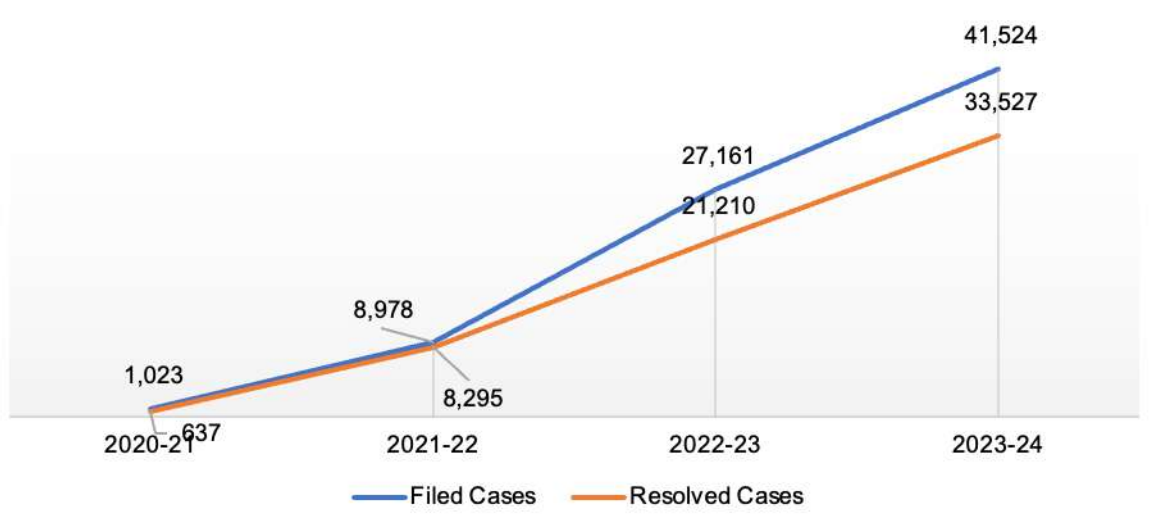


Figure 2.43: Trends of Filed and Resolved Cases, SCC

During the reporting period, majority of the filed cases (77%) and resolved cases (71%) related to Breach of Contracts, this is illustrated in Figure 2.44

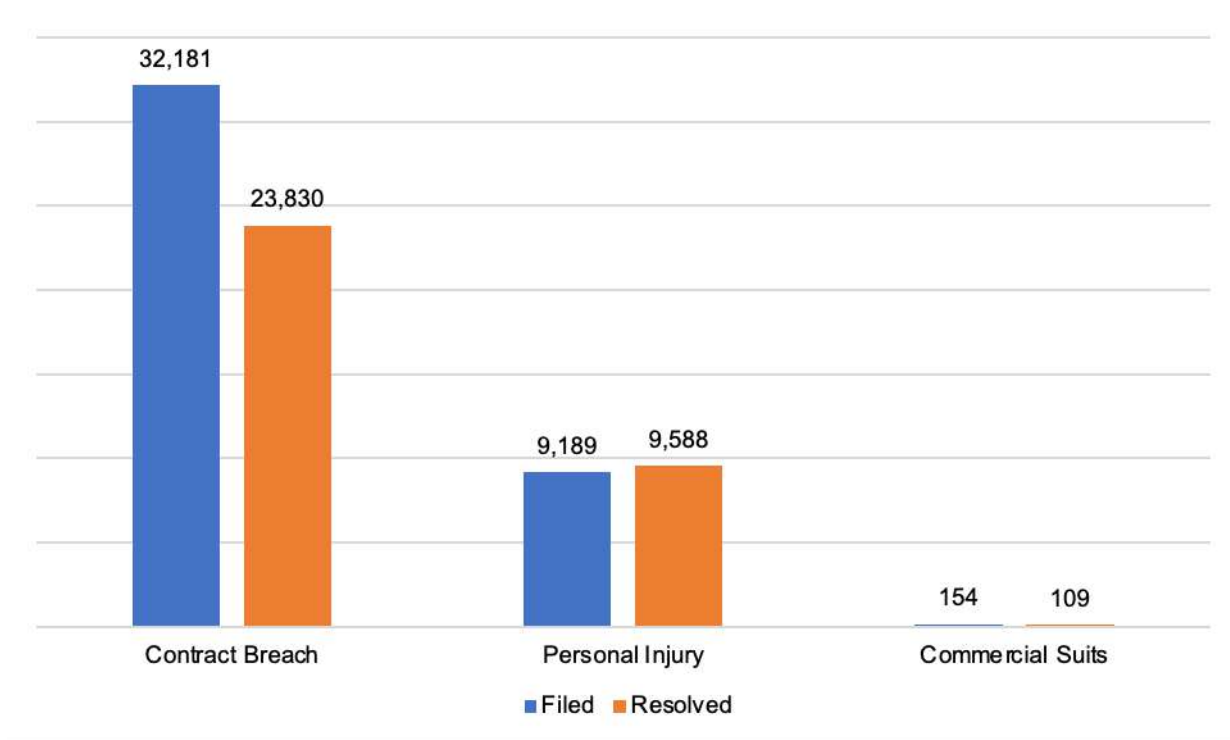


Figure 2.44: Filed and Resolved cases, SCC

2.3.2.10.2. Pending Cases

The Court has experienced a dramatic increase in pending cases, rising from 386 in FY2020/21 to 14,642 by the end of the reporting period as shown in Figure 2.45. This marks a more than twofold increase compared to the previous year. Such a sharp surge underscores a growing demand for court services that outstrips available resources, including the number of adjudicators. As a result, case processing delays have emerged, potentially hindering the Court’s capacity to provide timely justice.

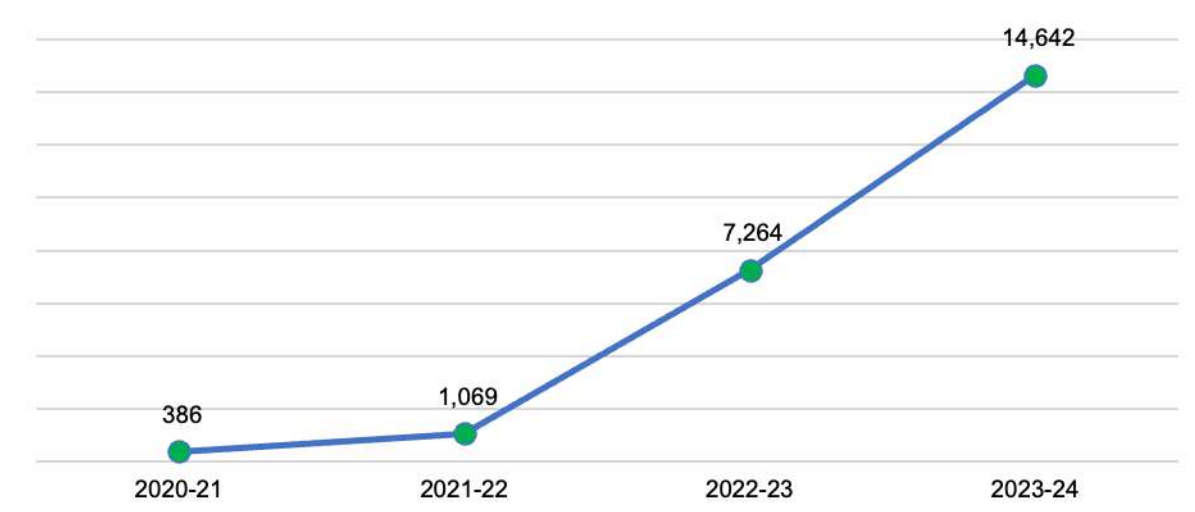


Figure 2.45: Pending cases, SCC

The majority of the pending cases in the SCCs were breach of contract cases at 85 per cent. Personal Injury cases were 11 per cent of the pending cases. Figure 2.46 shows the distribution of pending cases by type in the SCCs.

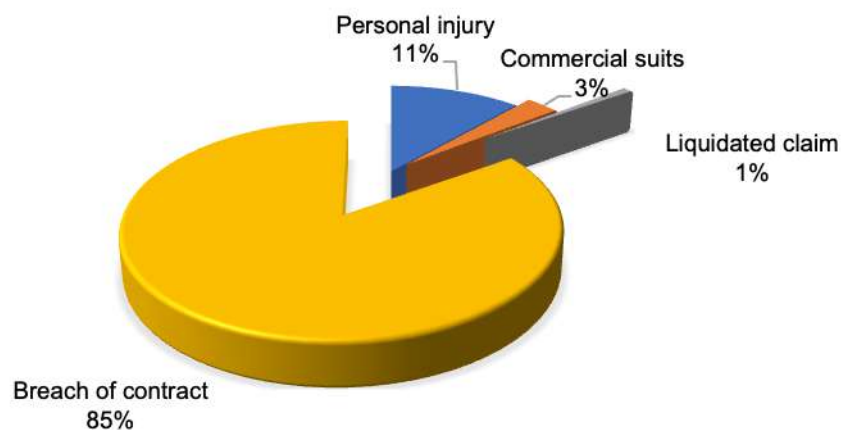


Figure 2.46: Pending cases by type, SCC

2.3.2.11. Court Annexed Mediation

Since its introduction in 2016, CAM has been implemented across the Judiciary. During the reporting period, CAM was adopted in 94 court stations across different court ranks throughout the country.



Kitui Law Courts undertaking community awareness on CAM

2.3.2.11.1. Referred and Concluded matters

During the reporting period, 6,573 cases were referred to CAM, marking a 40 per cent increase from the previous year's 4,708 referrals. Additionally, 5,932 cases were concluded, compared to 4,451 in the FY2022/23, resulting in a conclusion rate of 90 per cent. Table 2.13 shows the distribution of referred and concluded matters across the court ranks.

Table 2.13: Matters referred, concluded in CAM FY2023/24

Court Type	Referred matters	Concluded matters	Conclusion rate
Court of Appeal	3	2	67%
High Court	1,081	991	92%
Employment and Labour Relations Court	159	165	104%
Environment and Land Court	284	256	90%
Magistrates Courts	4,946	4,433	90%
Small Claims Courts	77	68	88%
Kadhis' Courts	22	16	73%
Tribunals	1	1	100%
All Courts	6,573	5,932	90%

2.3.2.11.2. Settlement Agreements in CAM

A settlement agreement is a written and signed document that emerges from a mediation process, encompassing both full and partial agreements. A full agreement occurs when the parties successfully resolve all disputed issues. Partial agreement arises when the parties reach a consensus on some issues, while any remaining disputes are referred back to the trial court for resolution.

Of all the cases concluded in CAM, 3,306 resulted in settlement agreements. Among these, 2,584 cases reached full agreements, 616 achieved partial agreements, and 106 were resolved through consent. Figure 2.47 shows the proportion of agreements by mode of settlement.

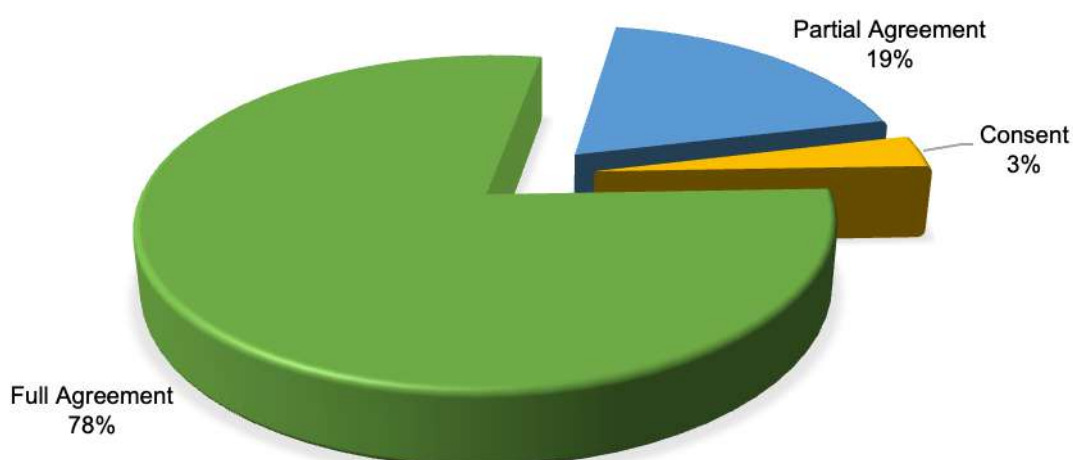


Figure 2.47: Distribution of Settlement Agreements

2.3.2.11.3. Non-Settled matters

Non-settlement occurs when the parties are unable to resolve any of the issues in dispute, resulting in the entire case being referred back to the trial court for determination. This situation can arise from three scenarios: the absence of an agreement, non-compliance with the mediator's directions, or termination due to a technicality. There were 2,626 non-settled matters, comprising 1,825 cases with no agreements, 477 due to non-compliance, and 324 that were terminated. Figure 2.48 shows the distribution of non-settlements in the period under review.

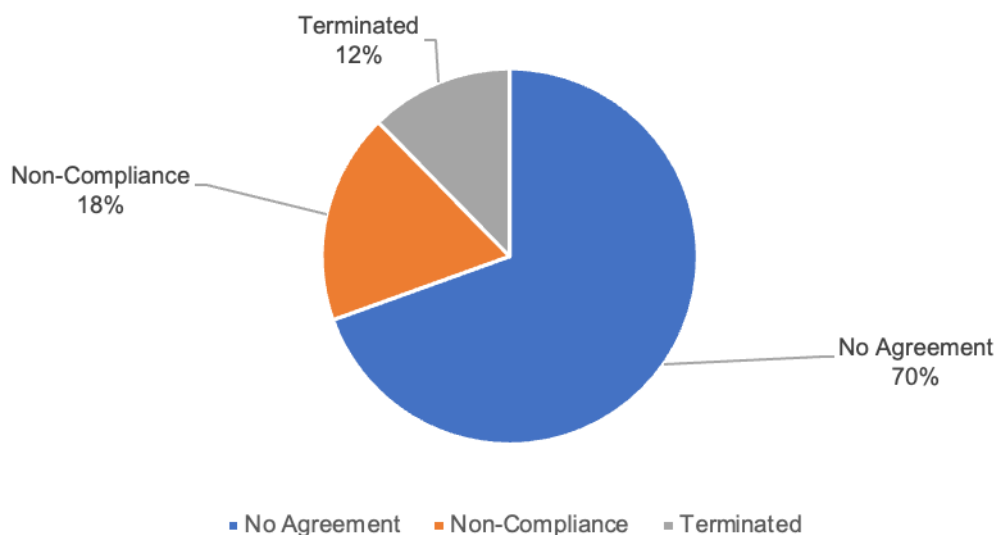


Figure 2.48: Distribution of non- settlements

2.3.2.11.4. Monetary value of cases Referred and Settled in CAM

During the review period, the monetary value of the cases that were referred to mediation was KSh83.78 billion. The value of the matters that were settled was approximately KSh35.7 billion. Cumulatively, since the establishment of CAM, a total worth of approximately KSh103.7 billion of the value of matters has been dispensed back to the economy after the cases had been resolved as illustrated in Table 2.14

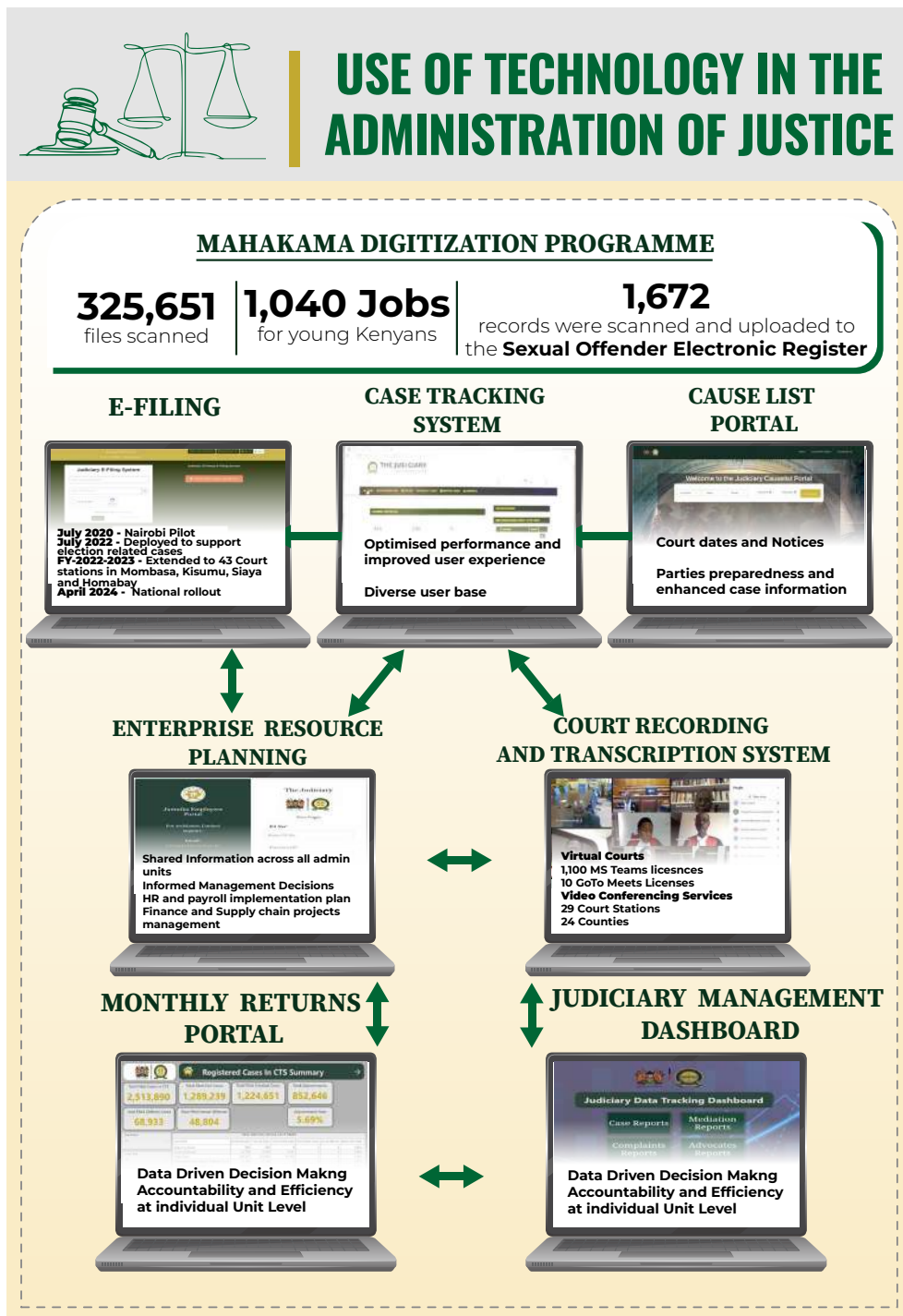
Table 2.14: Value of matters referred, agreed, FY2023/24

Court Type	Total Value of Referred matters (KeS)	Total value of settlement agreements (KeS)
Court of Appeal	0	0
High Court	77,263,914,683	32,887,262,444
Employment and Labour Relations Court	861,348,410.3	153,058,509.7
Environment and Land Court	1,885,454,862	865,432,662
Magistrate Court	3,746,049,375	1,769,537,260
Small Claims Court	19,978,393	13,118,743
Kadhi Court	7,000,000	2,000,000
Tribunals	0	0
All Courts	83,783,745,723	35,690,409,618

2.4. LEVERAGING TECHNOLOGY TO ENHANCE ACCESS TO JUSTICE

Technology in courts has transformed service delivery, making the Judiciary more efficient, accessible, and transparent. The Judiciary built on past tech-investments including the Electronic-Filing System (e-filing), Case Tracking System (CTS), Court Recording and Transcription System (CRTS), the Enterprise Resource Planning (ERP) system, Judiciary Management Dashboard, and digitisation of court records using the Mahakama Digital Programme, Cause List Portal, Monthly Returns Portal and Court Decisions Portal.

Online technologies were deployed to facilitate court proceedings through virtual court sittings enabling remote participation of litigants via video-conferencing tools. This flexibility made it easier for parties, witnesses, advocates and other justice actors to attend court sessions without the burden of travel. As a result of enhanced use of technology-driven solutions, the Judiciary disposed more cases, collected more revenue, increased service efficiency and improved overall access to justice.



2.4.1. Electronic Filing (e-filing) System

The e-filing system is an internet platform built internally by the Judiciary for use by advocates and other litigants to file pleadings electronically and track cases. In July 2020, the Judiciary piloted the e-filing system in all court stations in Nairobi City County. In July 2022, the system was partially deployed countrywide to facilitate resolution of election-related cases. During the FY2022/23, the e-filing was extended to 43 court stations across the four Counties of Mombasa, Kisumu, Siaya, and Homabay. During the year under review, the e-filing system was gradually activated throughout the country, beginning with courts in Kiambu, Mandera, and Samburu Counties, and culminating in a nationwide launch in April 2024.



Chief Justice Martha Koome launches countrywide rollout of E-filing

E-filing streamlined the filing process by reducing the time taken by litigants or advocates presenting pleadings in registries, reduced paperwork reducing the cost of litigation and attendant delays. The nationwide roll-out resulted in an exponential rise in the number of e-filing accounts and cases filed electronically. A total of 295,322 cases were registered through the e-filing systems from all courts during the reporting period.

2.4.2. Case Tracking System

The CTS aids courts to track cases, manage schedules, and facilitate communication between and among court personnel. This technology led to a more organised and responsive judicial process. During the year under review, the Judiciary ICT team focused on enhancing and improving CTS to optimise its performance and provide an improved user experience. The following key updates were input during FY2023/2024:

- a feature for individual users to request mapping to existing cases,
- a feature for state agencies to request mapping to existing cases,
- automated allocation of mention dates in all Magistrates and High Courts,
- CTS was updated to mandate uploading of judgements and rulings prior to changing case outcomes, ensuring that stakeholders, litigants, and advocates had instant access to court decisions.

There was an increase in CTS user adoption, particularly after the national rollout of the e-filing system. As demonstrated in Figure 2.45, the number of account activations grew from 7,152 in the previous year to 51,729 after the nationwide e-filing rollout in April, 2024. This surge highlighted the importance of e-filing in accelerating CTS account adoption and demonstrated the system's scalability and pivotal role in Kenya's judicial digital transformation.

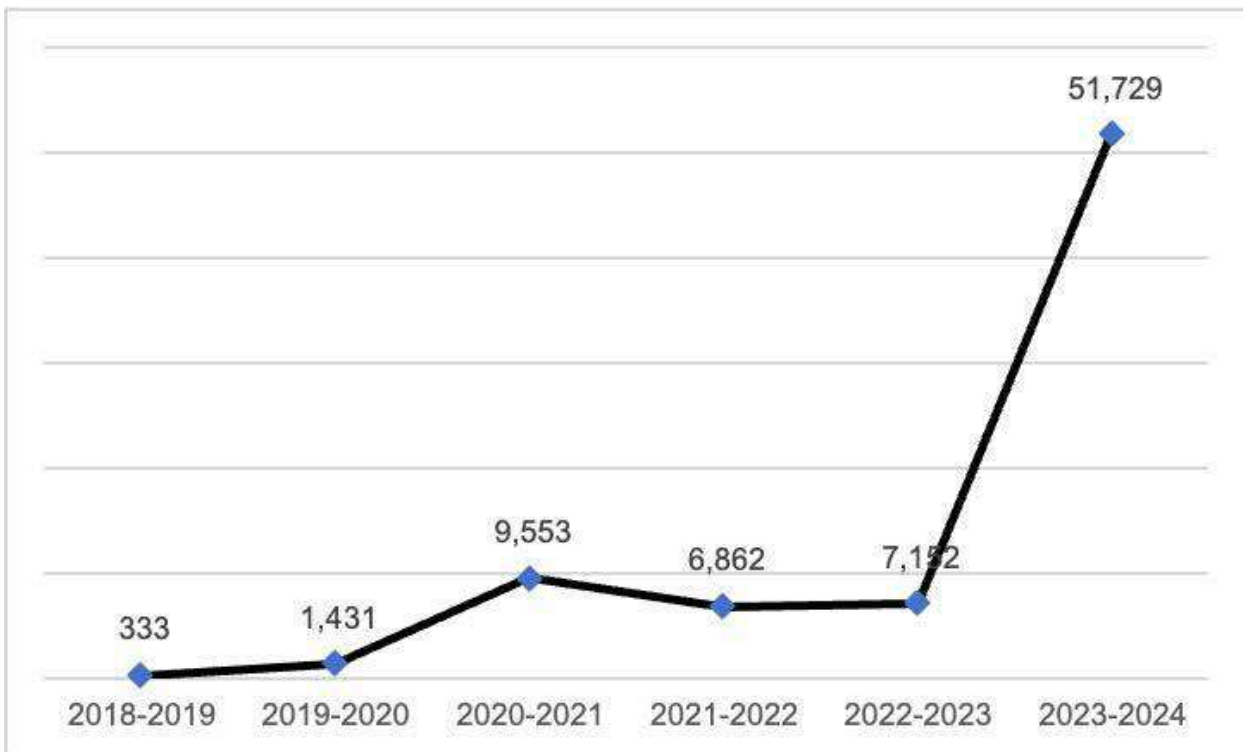
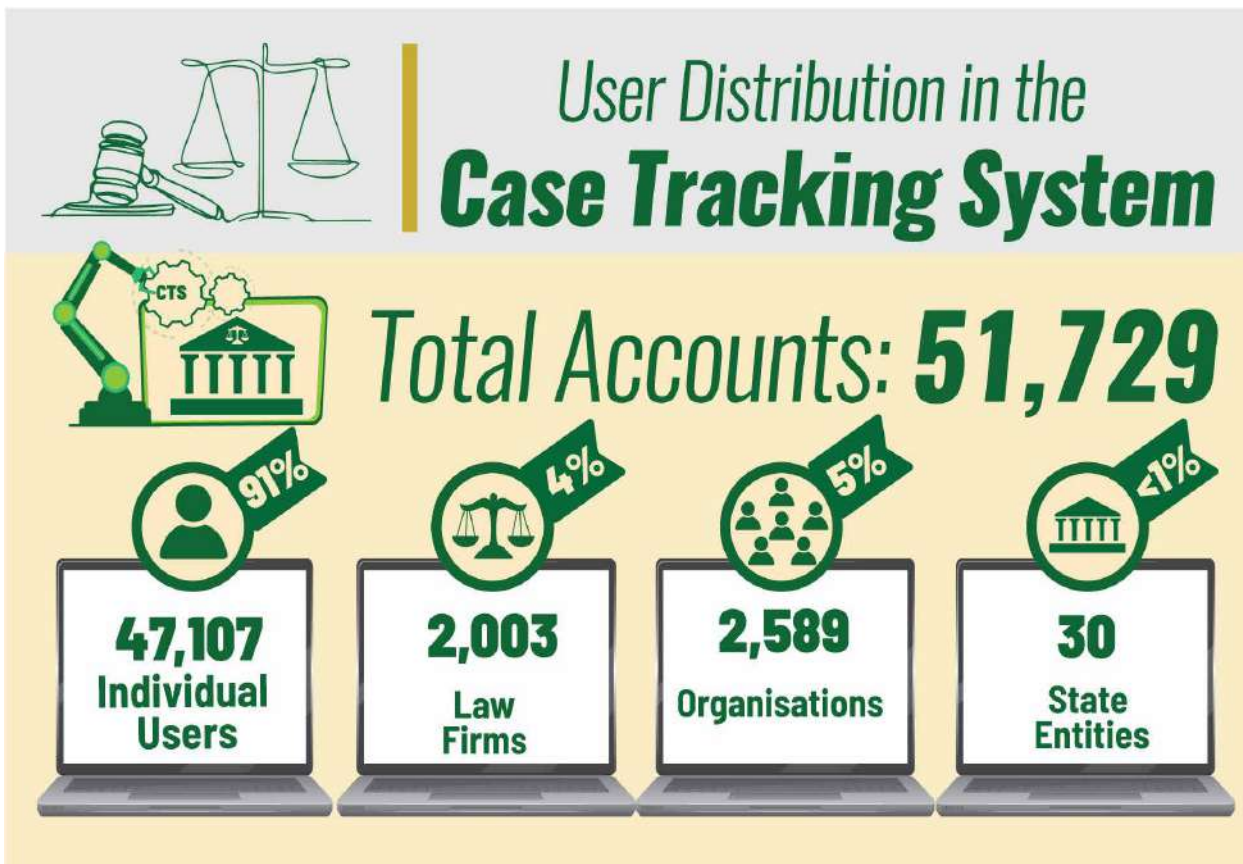


Figure 2.49: Trends on Uptake of e-Filing by Judiciary Stakeholders



Out of 51,729 accounts in the CTS, 47,107 are held by individual users, 2,003 by law firms, 2,589 by organizations, and 30 by state entities. This demonstrated the diverse user base of the CTS, serving various stakeholders in Kenya’s legal landscape.

2.4.3. Cause List Portal

In a significant step forward in the Judiciary's mission to make justice more accessible and user-friendly for all Kenyans, on March 11, 2024 the Judiciary unveiled a portal where daily cause lists for all courts are accessible. The portal (<https://causelist.court.go.ke/>) allows anyone, regardless of their location within the country or abroad, to easily find out when and where a case is scheduled to be heard. The portal also carries notices that are posted from time to time by each court, and links for each virtual court.

This direct access to court schedules, links and notices empowers litigants and advocates, ensuring that they are prepared and informed about upcoming cases.

All courts generate their cause lists and notices directly from the Case Tracking System which helps ensure that the portal is automatically updated and is the definitive source of information for scheduled case events across all courts. The layout of the portal is as illustrated below:



The Judiciary Cause List Portal

2.4.4. Monthly Returns Portal

As part of the Judiciary's performance management system detailed in Chapter Four of this report, Judges and Judicial Officers are required to submit monthly returns as a tool of accountability for their work. During the reporting period, the Judiciary developed a Monthly Returns Portal which automated the submission of returns that were previously submitted manually using MS Word documents to the Office of the Chief Justice. This automation made it simpler to file and analyse returns, and resulted in more accurate data to evaluate performance and decision-making on the work of the courts.

driven decision-making. The dashboard collects data from all systems including the Case Tracking System and the ERP system.

2.4.6. Judiciary Management Dashboard

The dashboard is a centralised, interactive tool that provides real-time snapshot of the Judiciary's Key Performance Indicators (KPIs). It was designed to help the Judiciary Leadership Team to quickly and comprehensively review performance to the smallest individual unit across all courts to and to facilitate data-

2.4.7. Digitisation of Court Records

Digitisation of court records is essential for improving their accessibility and security. With support from Parliament, the Judiciary upscaled the Ajira programme aimed at linking young Kenyans to digital and digitally-enabled work, digital work tools, training, and mentorship for dignified jobs.

In the year under review, the Judiciary implemented five phases of the Ajira programme through which 4,571 youth were engaged in various court stations to scan court files. A total of 325,651 court files were digitized. In addition, supply chain management and human resource files were scanned for uploading to the ERP system. Additionally, 1,672 records were scanned and uploaded to the Sexual Offender Electronic Registrar (SOER).

2.4.8. Court Recording and Transcription System

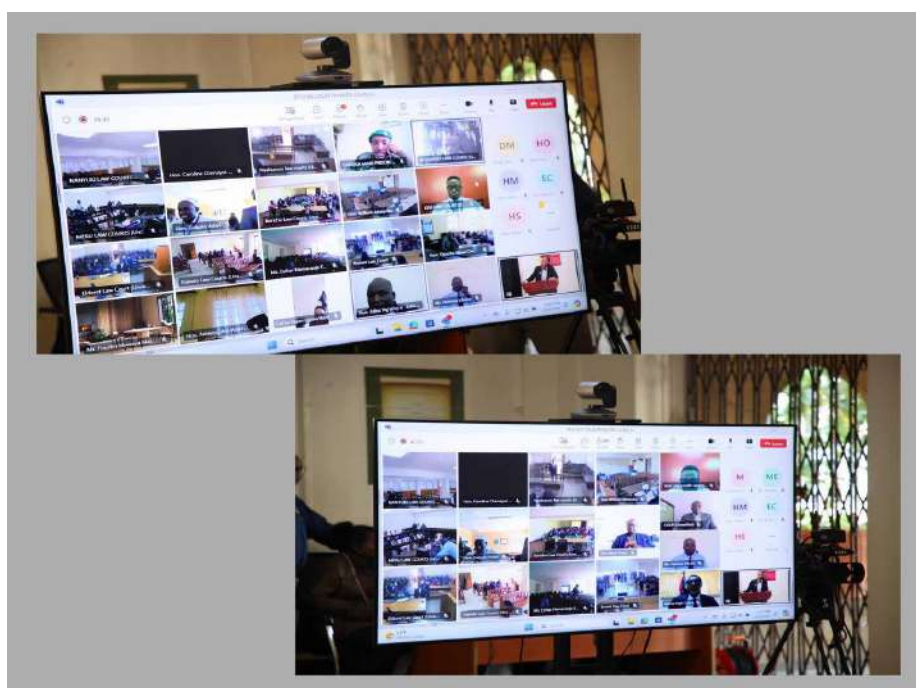
In the last five years, several technologies have been implemented by the Judiciary to facilitate judicial processes in chambers and courtrooms.

2.4.8.1. Implementation of Virtual Courts

The Judiciary continues to invest in using technologies, such as Google’s GoToMeet and Microsoft TEAMS, to deliver virtual court services. During the reporting period, the Judiciary acquired 1,100 Microsoft Teams accounts/licences and 10 GoToMeet licences.

2.4.8.2. Video Conferencing Services

The rate of video conferencing equipment purchases and usage has increased along with the enhanced uptake of these capabilities.



During the year under review, video conferencing kits were sent out to 29 court stations in 24 counties. The cumulative distribution is shown in Table 2.58.

Table 2.15: Distribution of VC kits across Courts

	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
No. VC kits	12	15	49	51	29
No. Courts	16	15	46	51	29
No. Counties	6	13	36	38	24

2.4.9. Transcription Services

On October 20, 2023, the Judiciary Transcription Centre (JTC) was founded as a revolutionary response to the ongoing difficulties in providing court transcripts. The JTC’s goal is to improve the accuracy and productivity of court proceedings production to expedite the transcription process. It has a team of 27 Court Assistants and one Court Administrator.

The JTC’s main responsibilities were typing handwritten court documents and transcribing recorded court sessions. During the FY2023/24, the centre focused its efforts on providing help to court stations in Nairobi. To centralise and expedite the transcription process, a transcription management module is integrated into the Case Tracking System. These measures are essential to enhance the efficiency and accessibility of court proceedings throughout the Judiciary.

Table 2.16 provides summary statistics of performance of the Judiciary Transcription Centre from October 20, 2023 to June 30, 2024.

Table 2.16: Cumulative performance of the Judiciary Transcription Centre

Month	Transcripts Requested	Transcripts Submitted	Total No. of Words	Total No. of Pages
November 2023	497	478	1,513,741	8,345
December 2023	76	73	155,504	964
January 2024	220	189	91,634	737
February 2024	248	211	256,120	2,004
March 2024	340	190	341,917	2,471
April 2024	164	164	3297	496,483
May 2024	148	148	1817	187,451
June 2024	23	23	272	31,320
TOTAL	1,716	1,476	2,364,302	729,775

2.4.10. The Enterprise Resource Planning (ERP) System

The ERP system is a key multi-year deliverable within the STAJ blueprint. This system is designed to automate all administrative processes within the Judiciary. The ERP system, dubbed *Jumuika* is envisaged to significantly enhance synergy within the Judiciary by allowing units to share and integrate information seamlessly. This improved connectivity will facilitate more effective management and promote a unified approach to operations. In addition, the Judiciary will benefit from access to real-time data and business intelligence. This capability will empower decision-makers with timely information, enabling them to make more informed management choices. Furthermore, the ERP solution is poised to increase overall performance by enhancing productivity and optimizing resource planning and operations. As a result, the Judiciary will be better equipped to fulfil its mandate, achieving greater efficiency and effectiveness in service delivery.

The *Jumuika* project commenced in June 2023 and is projected to be completed in April 2026 covering a period of 783 days executed in three phases with a series of structured sprints, each focusing on key areas of implementation. In the period under review, there was progress within the three sprints of Phase 1. The first sprint involved the Human Resource and Payroll

Implementation Plan, which commenced in September 2023 and concluded successfully in January 2024. This laid the foundation for streamlined human resource processes and accurate payroll management. The second sprint commenced in February 2024, focusing on the Finance, Supply Chain, and Projects Management Implementation Plan. This sprint is currently active, with a go-live status.

2.4.11. Development of ICT Infrastructure

All court stations and offices were facilitated to access the internet. By dividing the country into seven clusters of stations, three service providers were enlisted to increase efficiency and reliability of internet services. One hundred and seventy-two courthouses and offices are currently connected to the fibre optic cable, while 12 courthouses in remote regions are connected by Global System for Mobile Communications (GSM) bundles. Backup links are also present in 15 of the major court stations for increased service dependability. During the reporting period, the Judiciary provided 4,855 Mbps of bandwidth across the entire country and invested heavily to secure its online systems from possible cyber-attacks. Security equipment was installed and configured at all data centers and 144 court stations.

The Judiciary continued to equip staff with working tools as shown in Figure 2.46



Figure 2.50 ICT equipment distribution

2.4.11.1. Local Area Network (LAN) Upgrade Project

The Judiciary in collaboration with the Communications Authority of Kenya financed by the Universal Service Fund (USF) deployed Local Area Network (LAN) in 42 court stations spread across the country. The LAN ICT infrastructure enabled the Judiciary to integrate ICT solutions, data, and procedures into a single system increasing corporate efficiency and effectiveness.

The following stations benefited from the project: Kerugoya, Nkubu, Nyahururu, Garbatullah Kadhis Court, Merti Kadhis Court, Bute Kadhis Court, Habasweni Kadhis Court, Balambala Kadhis Court, Ijara Kadhis Court, Daadab Kadhis Court, Marsabit, Moyale, Kyuso, Kithimani, Mwingi, Kabarnet, Eldama Ravine, Siakago, Marimanti, Kilgoris, Ogembo, Kehancha, Sotik, Keroka, Kilifi, Shanzu, Msambweni, Wundanyi, Tononoka, Kaloleni, Kilungu, Machakos, Lodwar, Sirisia, Kimilili, Kapsabet, Webuye, Hamisi, Butali, Bondo, Ukwala and Mumias.

2.4.11.2. Connectivity to the National Optical Fiber Backbone Infrastructure (NOFBI)

The Judiciary in partnership with the Ministry of ICT and Innovation funded by the Google Fund, completed fibre installation to link 67 court stations to the NOFBI during the reporting period. Ten more stations were linked via the County Connectivity Project in partnership with the ICT Authority. Fifty-six links were successfully activated and integrated as backup links at the stations. These stations include: Baricho, Bomet, Bungoma, Chuka, Gatundu, Githunguri, Kajiado, Kandara, Kangundo, Kapenguria, Kerugoya, Kerugoya, Kiambu, Kilungu, Makueni, Maua, Meru, Mombasa, Muranga, Mwingi, Ngong, Nyahururu, Runyenjes, Kilifi, Tononoka Children Courts, Voi, Karatina, Kangema, Kigumo, Kisumu, Mavoko, Naivasha, Thika ELC, Engineer, Kapsabet, Gichugu, Hamisi, Wanguru, Bungoma, Kitale, Kwale, Tigania, Nakuru, Molo, Eldama Ravine, Iten, Eldama Ravine, Marimanti, Siakago, Sotik, Nyamira, Makindu, Supreme Court - Nairobi, Ogembo, Kisii and Keroka.

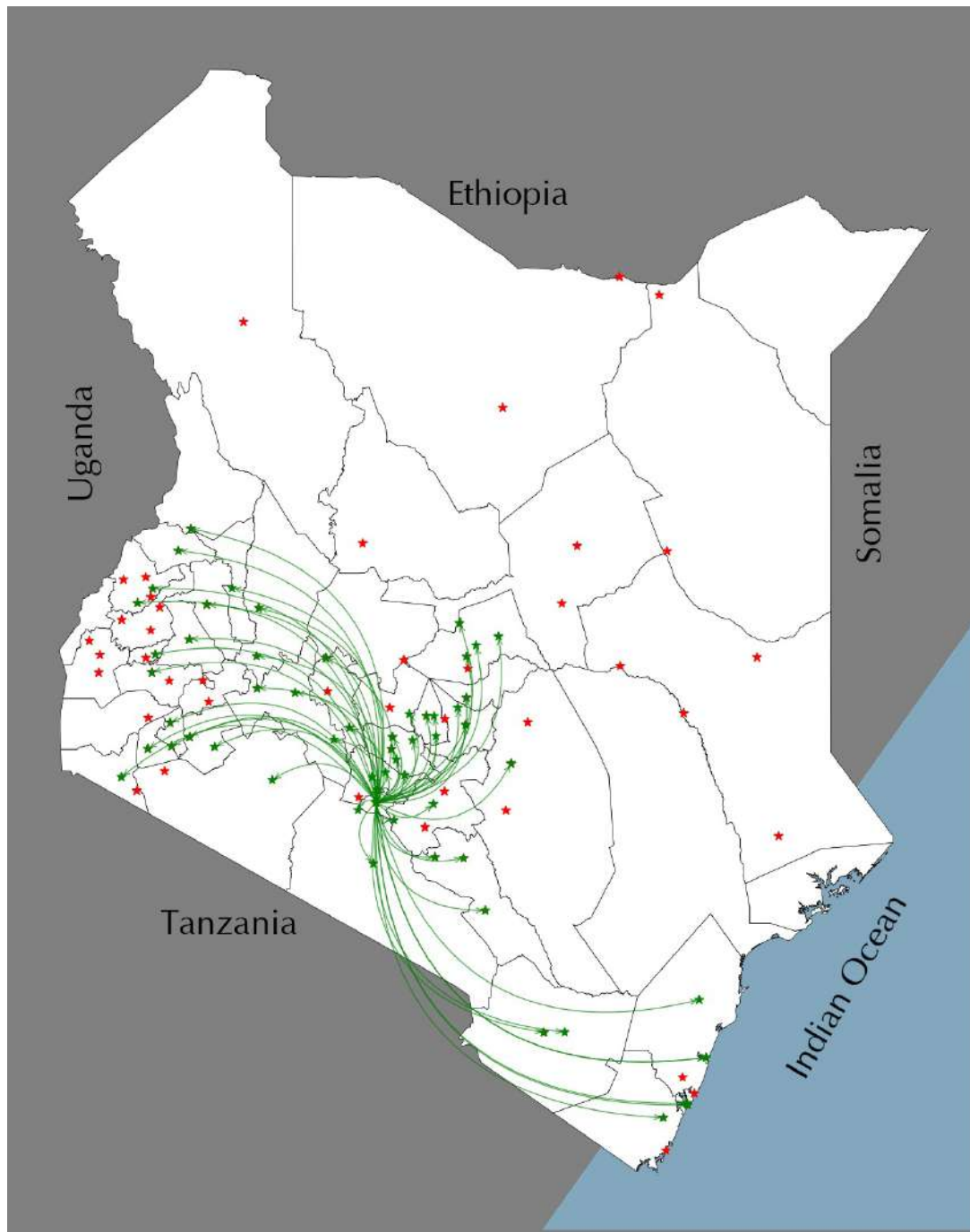
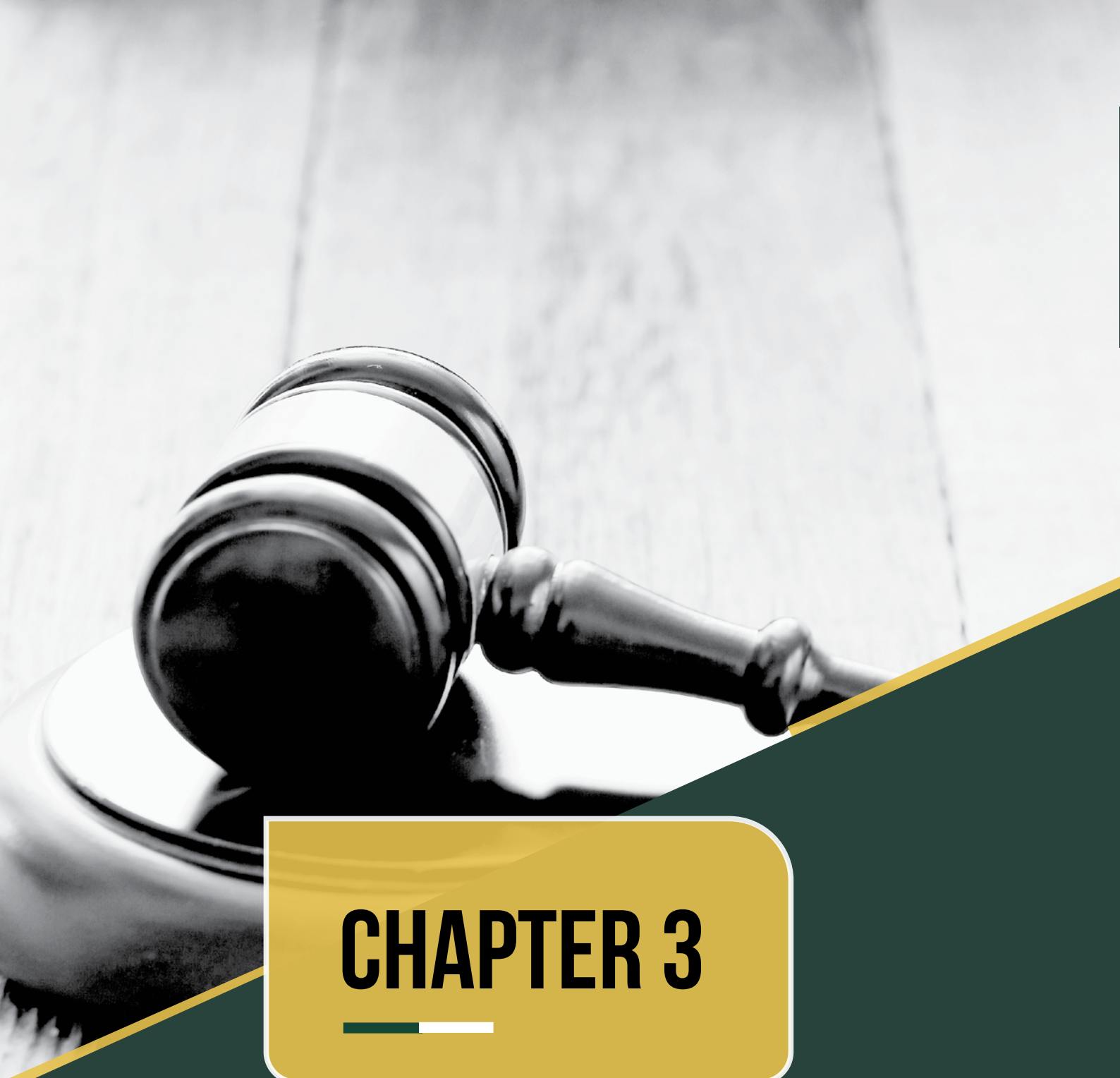


Figure 2.51 Connectivity of LAN and NOFBI

2.4.11.3. Provision of Green Energy to Power ICT Solutions

Reliability and sustainability of ICT solutions implemented by the Judiciary heavily depend on availability of reliable power. During the reporting period, most stations faced the challenge of power reliability leading to disruption of services. Out of 146 stations and administrative units, only 33 had back-up off grid power (generators). As a result, 30 court stations were mapped for installation of green-energy backup. At the end of the reporting period, 19 stations had been completed.



CHAPTER 3

Jurisprudence



Jurisprudence



3.1. INTRODUCTION

The Judiciary as an independent arbiter and the custodian of justice, plays a fundamental role in the promotion of social harmony and enforcement of the rule of law through the resolution of disputes and the protection of constitutional rights. This role is undertaken through the administration of justice and the exercise of judicial authority bestowed under the Constitution of Kenya, Article 159. It comprises courts and tribunals that bear the primary responsibility of determining disputes in a manner that recognises, complies with, and promotes the provisions of the Constitution and the underlying principles.

The role of the Judiciary under the Constitutional dispensation was aptly captured by the Supreme Court in Petition No. 18(E020) of 2022, where the Court observed as follows: *'Courts are an integral part of the Kenyan judicial system, viewed as vehicles for redressing wrongs. As a result, they are entrusted with the responsibility of adjudicating disputes and administering justice, in accordance with the Constitution's ethos, values and principles. In carrying out their judicial duties, they are*

obligated to adhere to the principles outlined under Article 159 of the Constitution. This guarantees that the objectives and tenets of the Constitution are upheld.'

The decisions that emanated from the courts in the FY2023/24 indicated that the Judiciary remained steadfast in discharging its obligation to the Kenyan people in a manner as envisaged under the constitution. This chapter highlights select cases where Judges and Judicial Officers rendered determinations that to a greater extent, affect the daily lives of Kenyans in one way or another.

The report captures decisions in various fields of the law including succession, family, criminal procedure, title and use of land, and commercial transactions, among others. The chapter covers the determinations of the courts at all levels, starting with the Supreme Court at the apex. It further highlights the deliberate efforts by the Judiciary to promote the uptake of Alternative Justice Systems (AJS) by reporting on the *demosprudence* emerging from the interaction between courts and the various AJS mechanisms.

3.2. JURISPRUDENCE FROM SUPERIOR COURTS

3.2.1. Supreme Court

3.2.1.1. Guidelines on the preservation of the best interest of a child facing criminal charges and compensation for violation of fundamental rights

CMM (Suing as the Next Friend and on Behalf of CWM) & 6 others v Standard Group & 4 Others (Petition No. 13 (E015) of 2022) [2023] KESC 68 (KLR)

Brief Facts

The appellants in this case were seven secondary school students who had been charged with arson-related offences before a Magistrate's Court in Murang'a following an attempted arson at their school. When they were presented before the Court to answer to the charges on November 5, 2012, the 1st to 4th respondents, all media houses, published and/or televised images of the students appearing before the court in print, online and visual media. The stories carried full identities and descriptions of the seven minors, including their names, images and school. There were also detailed accounts of their alleged participation in the attempted burning of the school.

Aggrieved by the publication, the appellants, suing as the next friend and on behalf of the seven students filed a petition before the High Court in which they complained that in publishing the details of the minors in the manner that they did, the respondents ignored the minors' right to privacy and their best interest.

The appellants argued that the story was published with malicious intent, for commercial consideration and profit, and that it was given prominence to gain popularity with utter disregard for the dignity, privacy, and best interest of the minors as required by the Constitution and the law. The petition contended that while publishing the story, the respondents did not bother to confirm the ages of the minors or to seek their comments on the issues published and that as a result of the respondents' reckless behaviour, the minors had

been stigmatised, traumatised and even shunned by society for being exposed as maturing arsonists. It was submitted that the injury to the minors was indelible as the stories had been transmitted worldwide, some in permanent form.

The prayers sought included a declaration that the fundamental rights and freedoms of the minors had been violated; and that the respondents had breached Articles 29(d); 9(f); 31(c); and 53(2) of the Constitution, the Children Act Sections 4(2), 18 and 19, and various provisions of the African Charter on the Rights and Welfare of the Child, among others. They also asked the High Court for an order compelling the respondents to pay general, exemplary, punitive and aggravated damages to each of the minors for the infringement of their rights; and an order compelling the respondents to remove the images, pictures, stories or caricatures posted on the internet and other media regarding the minors.

In their defence, the media houses maintained that the news story as published was correct and accurate of the events in court, that it was published in good faith and in the public interest, given the prevalence of violence and arson incidents in secondary boarding schools at the time; that the trial magistrate handling the arson case did not object to the presence of journalists and the public in the courtroom; and that the media houses were simply exercising their fundamental right to freedom of speech and expression as enshrined in the Constitution.

The High Court found that although the law provided for the imposition of extra-judicial sanctions to protect minor offenders from unwarranted publicity, that right was not absolute and could be limited under Article 24 of the Constitution of Kenya. The Court also held that the publication of the story and corresponding photographs were a matter of public interest and that the stories as published were factual and had been published without malice. It also found that the appellants had failed to discharge the burden of proof of any loss or

damage suffered as a result of the alleged breaches. Consequently, the High Court dismissed the petition and ordered the minors to pay costs.

On appeal, the Court of Appeal reached a determination that neither the High Court nor the prosecution had violated the minors' rights; that although the child's best interest was the primary factor, it was not the sole consideration for all other actions affecting children; and that the High Court was justified in its determination that the story in question and the publication of the photographs was a matter of public interest.

The Court of Appeal also held that the appellants had not proved the alleged violations of the minors' constitutional rights and consequential damage, that the evidence relied on by the appellants fell short of the required standard of proof, and that whether the minors were tried in public or in private, the gravity of the charges alone was sufficient to cause them distress, trauma, anguish and fear. The court was convinced that the High Court Judge had applied the correct principles of law, and that nothing had been presented to suggest that he had failed to consider any material that he ought to have taken into account. The appeal was thus dismissed, although the appellate court did not make any order as to costs. Upon the dismissal of their appeal, the appellants preferred a further appeal to the Supreme Court.

Issues

- i. Whether the Court of Appeal and the High Court erred by placing public interest in publishing the pictures and images of children in a criminal trial over and above the best interest of the child.
- ii. Whether upon proof of violation of the minors' fundamental rights and freedoms, the appellants were required to go further and prove damage or injury suffered, as would be the case in normal civil litigation.
- iii. Whether the High Court was right to award costs against children in public interest litigation.

Holding

1. The best interest of the child as safeguarded in Article 53(2) of the Constitution of Kenya was a right

in and of itself, of the child and not merely a guiding principle. In addition to being a self-standing right, it also strengthened the broader framework of human rights under the Bill of Rights. The reach of Article 53(2) (a child's best interest) is not to be limited to the rights enumerated in Article 53(2)(a) to (f). These provisions were to be interpreted to apply to all aspects of the law, civil or criminal, which affect the child bearing in mind the principle of the best interest of a child. In other words, beyond Article 53, all the other rights in the Constitution applied to children as human beings, unless they were excluded because such rights, like the right to vote or to marry, were rights that only applied to adults.

2. Since the best interest of a child would vary from case to case depending on the situation, its determination and what constituted it would depend on the unique circumstances of each case.
3. Based on the recognition that children in conflict with the law and facing criminal charges were vulnerable due to their age and level of maturity, the trial process should not itself expose them further to avoidable intimidation, humiliation or distress. That explained why special courts had been established and special procedures adopted for the trial of children. Those procedures placed restrictions on who could attend court proceedings involving a child and permitted the trial court to hold sittings in camera at which only the presiding judicial officer, officers of the court and a children's officer were allowed to attend.
4. To reconcile the best interest of a child and the competing right of the people to open justice through a public hearing under Article 50(1), freedom of expression under Article 33, freedom of the media in Article 34 and the right to access to information found in Article 35, Article 50(1) that guaranteed the right to a public trial ought to be read alongside Article 50(8) which allowed the exclusion of the press or other members of the public from any proceedings if the exclusion was necessary in a free and democratic society to protect witnesses or vulnerable persons, morality, public order or national security.

5. The repealed Children Act 2001 Section 4(2), which was the law in force when this dispute arose, affirmed that in all actions taken in courts of law concerning children, their best interest was a primary consideration. The Children's Courts established under Section 73 (now Section 90 of the Children Act, 2022) were enjoined when hearing criminal charges against children in conflict with the law to do so separately from proceedings involving adult offenders.
6. The general principles regarding proceedings in the Children's Court were set out in the repealed Section 76(5) of the Children Act, which stated that in any proceedings concerning a child, a child's name, identity, home or last place of residence or school shall not, nor shall the particulars of the child's parents or relatives, any photograph or any depiction or caricature of the child, be published or revealed, whether in any publication or report (including any law report) or otherwise.
7. The Media Act 2007, which was repealed by the Media Council Act, 2013 had provisions, until its repeal, that imposed further limitations on the right to freedom of expression, freedom of the media and the right of access to information. Section 20 of that Act enjoined the media, as a general rule, to apply caution in the use of pictures and names and avoid publication when there was a possibility of harming the persons concerned.
8. While the general rule was that criminal trials were public, certain established exceptions required them to be held away from the public glare or for certain sensitive particulars to be redacted. For instance, and just like in proceedings involving children, where it was necessary to protect the identity of witnesses under the Witness Protection Act, the courts had the power and discretion to exclude the public from the courtroom or, in the alternative, to adjourn the hearing from open court to chambers. These exceptions were recognised under Article 50(8) of the exclusion as necessary in a free and democratic society to protect witnesses or vulnerable persons or to preserve morality, public order or national security.
9. Section 76 of the repealed Children Act (which was replicated in Section 95(5) of the present Act), together with Sections 74 and 75 (now Section 93 of the 2022 Act), did not exclude the media from covering cases involving children. What was restricted was what they could disclose in their reports and publications. They could not disclose the particulars of the child, the name, image or any information that could easily lead to the identification of the child.
10. It was clear from the reading of the law that a child who was in conflict with the law was a vulnerable victim of the failure of a system in the society. Therefore, all efforts were to be made to protect the child from further harm, even if he or she had to be processed through the criminal justice system.
11. While the Magistrate who handled the criminal case conceded in her testimony before the High Court that she was aware that the case concerned children, and that in such cases no member of the public would ordinarily be allowed to be in court during the proceedings, she also testified that there were other people within the court room when the children were presented.
12. The media houses fell into a more serious error than that committed by the trial magistrate by failing to conform to the constitutional, statutory, and ethical standards of reporting when they proceeded to take pictures of the children with abandon, and recklessly posted the story and videos on online channels complete with details of their images and names, and alleging their participation in the arson attack in the school. For this infringement, the 1st to 4th respondents were jointly liable to the appellants and the trial and the appellate courts ought to have so found.
13. The limitations imposed by the Children Act on the public hearing of cases involving children and the publication of their images, names and school were reasonable based on the holistic and purposive reading of Articles 50(2), (8), and 53 on the one hand and Articles 33, 34 and 35, on the other hand, and testing the limitations in question against Article 24. The limitations were justifiable in an open

and democratic society, considering the human dignity of the children concerned. The limitation was derived from the Children Act and also Article 50(8) of the Constitution itself; the limitation was intended to protect a vulnerable group, the children; it was not a blanket limitation but one that only restricted the disclosure of the child's name, the school or the images. In exceptional circumstances, the proceedings would be held in-camera. The limitation did not stop the media from carrying the story; the constitutional and statutory prescription on a child's best interests did not preclude the trial and punishment of children in conflict with the law; children in conflict with the law did not enjoy immunity from criminal prosecution; the limiting provisions in the Children Act were precise as to the right or freedom to be limited and the nature and extent of the limitation. Finally, the provisions did not derogate the right in question from its core or essential content.

14. The High Court and the Court of Appeal erred in raising the status of public interest over the protection and the best interest of the children and their rights to privacy without properly subjecting the limitation to the provisions of Article 24. The intrusion upon the privacy of the children by publishing their particulars was demeaning not only to their dignity as individuals but also to the integrity of their parents and the wider society of which they were part. The names, images and videos of the appellants were not essential for purposes of public information.
15. Under common law principles, it was settled that an injured party was entitled to damages for the loss and injury suffered under private law causes of action, like in tortious claims. In such situations, compensation for personal loss depended on proof of such loss or damage. However, arising out of the violation of constitutional rights and fundamental freedoms of an individual under public law, the nature of the damages awardable were broadly compensatory or vindicatory, as should be apparent from the list of examples of reliefs in Article 23.

While it was not necessary to prove loss or damage in cases of constitutional rights violations, the court may consider the extent, nature, gravity and immensity of harm suffered by the aggrieved party when determining the appropriate remedy. In deserving cases, the redress may be in the form of an award of damages to compensate the victim. In some cases, a suitable declaration, an injunctive or conservatory order, or an order of judicial review would suffice to vindicate the right.

16. In assessing the appropriate sum to be awarded as compensation, the court must feel satisfied that the sum would afford the victim adequate redress to vindicate the victim's constitutional right. Assessment of the right quantum for compensation would take into account all the relevant facts and circumstances of the violation and the victim in the particular case, bearing in mind any aggravating features. The purpose of constitutional relief of an award of compensation was not necessarily intended to punish the violator, but only to vindicate the right of the victim.
17. Once a petitioner had presented proof on a balance of probabilities that their rights were violated, the court must vindicate and affirm the significance of the violated rights, even though the petitioner had not presented evidence of any loss or damage suffered as a result of the violation. It could be said that the approach in awarding damages or compensation in constitutional rights violation cases was different from that in tortious claims. The two courts below misdirected themselves in treating the case as if it was based on a claim of libel or one of personal injury by insisting that, even after proving an infringement, the victim must, in addition demonstrate the extent of loss, injury or damage suffered as a result.

Appeal allowed. Judgment of the Court of Appeal set aside, save for the determination on costs. Each party to meet its costs.

3.2.1.2. A letter of allotment, in and by itself, did not confer a transferable title to land

Torino Enterprises Limited v Attorney General (Petition No. 5 (E006) of 2022)[2023] KESC 79 (KLR)

Brief Facts

This case commenced at the High Court where the appellant, Torino Enterprises, had instituted a Constitutional Petition in March 2011 against the Attorney General (on behalf of the Department of Defence), claiming compensation for the compulsory acquisition of its land in Embakasi.

On February 21, 1964, a freehold title known as Embakasi LR No 11xxx measuring 5,639 acres was alienated and granted to Kayole Estates Limited. Thereafter, the said parcel of land was transferred to the then Nairobi City Council for valuable consideration and a transfer duly registered on November 22, 1971. In 1973, the land was subdivided into eight parcels, one of which was the suit property.

The appellant claimed in its petition that upon payment of a consideration of KSh12,000,000, it had acquired the suit property for a term of 99 years commencing from the year 2000 from Renton Company Limited, which company had acquired the said property for value from the defunct Nairobi City Council, through an allotment letter dated December 19, 1999. The appellant urged that it was issued with a title deed under the Registration of Titles Act cap 281 on April 26, 2001.

The appellant also claimed that in 2005, the Department of Defence (DoD) unlawfully encroached on its property and fenced off 90 acres where it had erected a demining college and other auxiliary buildings.

In opposition, DoD argued that in 1984, it had requested the Ministry of Defence to initiate consultative engagements with the Nairobi City Council, the then-registered proprietor, and other stakeholders to acquire a portion of the suit property to expand its Embakasi

Garrison. The respondent argued that after expansive consultation in 1986, the Ministry of Defence surveyed, beacons and fenced the identified portion. It was also contended that the Commissioner of Lands had assured DoD that the parcel would be registered in DoD's name.

DoD also challenged the legality of the appellant's title, arguing that the same had not been acquired in accordance with the applicable laws. It contended that the suit property was public land, and as such, was not available for allocation to a private entity. It further submitted that it had put up important military facilities thereon. In conclusion, DoD argued that the title issued to the appellant could not be protected under Article 40(6) of the Constitution and that the alleged proprietorship was against public interest.

In July 2011, the High Court allowed the petition, holding that the suit property was a freehold private property and not public land, contrary to the contention by DoD. The court held that the appellant was the lawfully registered proprietor, pursuant to Article 40 of the Constitution and Section 23(1) of the Registration of Titles Act. In the circumstances, the High Court deemed the occupation by DoD to be compulsory acquisition without compensation. The Court ordered DoD to restore the possession of the said land to the respondent in the same condition as it was when it was unlawfully acquired or to pay the appellant KSh1.5 billion, the market value of the suit land.

DoD and the Attorney General preferred an appeal to the Court of Appeal which held that the land in question was not unalienated government land within the meaning of Section 2 of the now repealed Government Lands Act. The Court of Appeal found that the suit property was private land even before the Nairobi City Council bought it in 1971 and that the Commissioner of Lands had no power to alienate or allocate it to a third party. It held that neither Renton Ltd nor the appellant had acquired any valid interest in or over the suit land, and the certificate of title issued to the appellant was an illegal document by virtue of Article 40(6) of the Constitution.

The appellants then filed the instant appeal against the decision of the Court of Appeal.

Issues

- i. Whether the High Court had the jurisdiction to determine a suit relating to the environment, the use and occupation of, and title to land that was filed and concluded before the Environment and Land Court (ELC) became operational.
 - ii. Whether unalienated government land converted to private freehold land fell under the regulatory regime of the now-repealed Government Lands Act or subsequent laws regulating the use of public land.
 - iii. Whether a letter of allotment that had not been perfected could confer property rights.
 - iv. Whether the Commissioner of Lands had the authority to allocate unalienated government land that had been converted to private freehold land.
 - v. Whether the Commissioner of Lands had the authority to alienate land via allotment to a third party where the conditional thirty-day acceptance period to accept the allotment had lapsed.
 - vi. Whether a letter of allotment, in and by itself, conferred a transferable title on the allottee.
 - vii. Whether an allottee that had fulfilled all the conditions of a letter of allotment but had not registered the land in their name could pass a valid title to a third party.
 - viii. Whether to be considered as an innocent purchaser for value, one was expected to inspect the property they were purchasing.
2. The Constitution of Kenya, Article 62 defined 'public land' to include land which at the effective date was unalienated government land as defined by an Act of Parliament in force at the effective date. In contrast, the Government Lands Act (repealed), which was the Act in force at the effective date, defined 'unalienated government land' as Government land which was not for the time being leased to any other person, or in respect of which the Commissioner had not issued any letter of allotment.
 3. Based on the parties' submissions and the evidence on record, it was clear that on February 21, 1964, a parcel of land known as Embakasi LR No 113xx measuring 5,639 acres was alienated and a freehold title granted to Kayole Estates Limited. This parcel of land was later transferred to the defunct Nairobi City Council for valuable consideration by a transfer registered on November 22, 1971. In 1973, the parcel of land was subdivided yielding to, amongst others, the suit property. In view of these dealings, the suit property could not retain the status of "unalienated government land" considering the fact that once an individual or entity acquired any unalienated government land, or other land for that matter, consequent upon registration of title in accordance with the provisions of the applicable law, such land transmuted from "public" to "private" land.
 4. Upon alienation to Kayole Estates Limited in 1964, the suit property was converted from unalienated government land to private freehold land. There being no question as to the regularity and legality of the process by which the said land was alienated in favour of Kayole Estates Ltd, the same was effectively divested from the purview of the regulatory regime of the Government Lands Act (now repealed). Therefore, the Commissioner of Lands could not have had any authority to allocate the suit property to any other person as he purported to have done. There being no evidence on record to the contrary, the defunct Nairobi City Council acquired valid title to the suit property from Kayole Estates Ltd through purchase.
 5. In light of these findings, Renton Company Ltd could

Holding

1. The High Court had jurisdiction to handle the case since the plaint was filed and determined before the Environment and Land Court became operational. In any event, the Practice Directions on Proceedings Relating to the Environment and the Use and Occupation of, and Title to Land issued by the Chief Justice on November 9, 2012 vide Gazette Notice No 16268 upon the operationalization of the ELC unequivocally directed the High Court to hear and determine cases on environment and land that were pending before it before the ELC was established.

only have acquired valid title from the Nairobi City Council and not the Commissioner of Lands, who had long been divested of authority to allocate the same.

6. An allotment letter, whether or not it had lapsed, was in and by itself incapable of conferring interest in land as it was nothing more than an offer awaiting the fulfillment of the conditions stipulated therein. An allottee in whose name the allotment letter was issued had to perfect the same by fulfilling the conditions set in the letter, including but not limited to the payment of a stand premium and ground rent within prescribed timelines.
7. Even after the perfection of an allotment letter through the fulfilment of the conditions stipulated therein, an allottee could not pass valid title to a third party unless and until he acquired title to the land through registration under the applicable law. It was the act of registration that conferred a transferable title to the registered proprietor and not the mere possession of an allotment letter.
8. The letter was granted on condition that Renton Company Limited would accept it within 30 days from the date of the offer, failure to which it would be considered to have lapsed. However, Renton Company Ltd made the specified payments 127 days from the date of the offer. Therefore, Renton had not complied with the terms and conditions of the allotment letter and the letter ought to have been deemed as lapsed at the time it purported to transfer the land in question to the appellant.
9. An innocent purchaser for value denoted one who was aware of what they were purchasing by inspecting the suit premises. The fact that DoD occupied the suit land must have sounded a warning of “buyer be aware” to the appellant. The appellant was not, therefore an innocent purchaser for value entitled to orders for restoration or compensation.
10. Nothing was on record to prove that DoD acquired valid title to the suit property. Just as the Commissioner of Lands could not allocate the said land to Renton, he was equally hamstrung in relation to DoD. As matters stood, therefore, title to the suit

property remained vested in Nairobi City County, the legal successor to the defunct Nairobi City Council.

Appeal dismissed. Each party to bear its own costs.

3.2.1.3. Guidelines to be applied in establishing the extent of mental incapacity during execution of work duties

MMG v Tribunal Appointed to Investigate the Conduct of Hon. Lady Justice MMG, Judge of the Environment and Land Court of Kenya (Petition 10 (E013) of 2022) [2023] KESC 73 (KLR)

Brief Facts

The petitioner was a Judge of the Environment and Land Court appointed in 2012. During the recruitment process, the Judicial Service Commission received reports that she had a medical history of mental illness. The Commission referred her for examination by a medical board constituted by the Director of Medical Services. Upon examining her, the medical board concluded that even though she had a history of mental illness, she had been declared by her psychiatrist as having fully recovered and was, therefore, fit to take up the position of a Judge. She was, consequently, recommended by the JSC for appointment, and the President appointed her to the ELC accordingly.

During her service, the JSC received complaints regarding delayed delivery of rulings and judgments. The Commission called for her performance and medical records and referred her once more to a medical board for her fitness to continue serving as a Judge. The medical board examined her and concluded in July 2020 that she was not fit for further service as a Judge based on the fact that she was on treatment for schizophrenia with evidence of several relapses, evidence of lack of insight during the period of relapses leading to absence from duty, and evidence of below-average performance.

Based on this report, the JSC resolved to institute proceedings against the petitioner for her removal

from office under Article 168(1)(a) of the Constitution, which provided that a judge of a superior court could be removed from office on grounds of inability to perform the functions of office arising from mental or physical incapacity. The JSC concluded that this ground had been established and recommended that the President appoint a tribunal under Article 168(5)(b) of the Constitution to consider her removal from office.

The tribunal concluded its deliberations and, in a report dated April 13, 2022, stated that the allegations of the Judge's mental incapacity and inability to perform the functions of the office of Judge of the ELC had been established to the required standard. It unanimously recommended that the petitioner be removed from office. The petitioner challenged the recommendation of the tribunal at the Supreme Court in accordance with Article 168(8) of the Constitution on several grounds, including that the tribunal had equated mental illness to mental incapacity and thereby failed to consider the requisite standard of proof set for establishing mental incapacity.

Issues

- i. Whether the tribunal acted within its jurisdiction to make the findings contained in its report.
- ii. Whether the Petitioner's mental incapacity had been established.
- iii. Whether mental incapacity rendered the Petitioner unable to perform the functions of the office of a judge of the ELC.

Holding

1. The Court found that on the medical evidence on record and the Petitioner's own admission, the tribunal established beyond reasonable doubt that the Petitioner had schizophrenia of chronic severity which deteriorated with every relapse.
2. Based on the nature of the disease, symptoms, result of relapses, and mental impairment caused by the disease, the tribunal's finding that the Petitioner's mental illness caused mental incapacity was arrived at correctly.
3. The Court was guided by prevailing social needs and relevant case law as developed in comparative

jurisdictions. It was well aware of the necessity to strike a balance, on the one hand, of the rights of an individual in a free society and, on the other hand, the need to protect the individual, employment environment, and society at large, from the adverse effects of mental illnesses and disorders. Therefore, in determining cases of mental incapacity, and keeping in mind that findings could not be generalised from one case to another, the Court established the following guidelines for courts to follow in matters which involved an assessment of mental incapacity, that:

- a. mental incapacity included but was not limited to a person's inability to make a decision, understand information about a decision, remember information, use the information to make a decision, or communicate a decision;
- b. mental incapacity could result from mental illness but it did not necessarily follow that mental illness equaled mental incapacity;
- c. a qualified professional must diagnose mental incapacity;
- d. a court was bound to consider whether an employer caused the establishment of an independent medical board of duly qualified members to determine whether the employee was, by reason of an infirmity of mind, incapable of discharging the functions of the relevant office;
- e. if an employee's mental illness was adversely affecting their ability to perform their duties, in some instances, the employer, following due process, could terminate the employee's contract of employment or recommend the employee's removal from office;
- f. a court must consider the diagnosis by a qualified professional, and medical expert evidence and assess whether, on a balance of probabilities, the employee's mental illness affected their work duties; and
- g. where a person was deemed to lack mental capacity, any interference with his or her fundamental rights and freedoms must be the least restrictive possible.

4. The Court established a two-stage test that would guide courts when faced with the issue of establishing whether mental incapacity affected the performance of a person in their work duties. Firstly, there must be proof that a person had an illness or injury that affected how the brain or mind worked. Secondly, the illness or injury affected the person to the extent that they were unable to perform their duties to the requisite standard.
5. The Court found that the tribunal properly concluded that the petitioner's mental incapacity rendered the petitioner unable to perform the functions of the office of a judge of the ELC.

3.2.2. Court of Appeal

3.2.2.1. Customs and religious practices did not automatically attain a higher place than the burial right of the person with the most proximate legal and familial bonds with the deceased

Ontweka & 3 others v Ondieki (Civil Appeal E692 of 2023) [2024] KECA 11 (KLR)

Brief facts

During his lifetime, the deceased constructed a family home in Kamulu in Mavoko town, and a home in Kiango, Kisii County. The deceased's wife, a respondent in the appeal, wanted to bury him at Kamulu whereas his brothers, the appellants, wanted to bury him at Kiango in Kisii County. The 4th appellant had procured a burial permit intending to transport the deceased's remains to Kiango, Kisii County. As a result, the respondent filed a suit where she sought for an order of permanent injunction against the appellants, restraining them from interfering, removing, interring, transferring, or burying the deceased's remains in Kisii County; and further, that the deceased's remains be released for burial at Kamulu.

According to the respondent, the matrimonial home was the best place to bury the deceased as she cared

for the grave. The appellants argued that since the deceased and his family subscribed to Gusii customary law, he ought to be buried based on those cultural rites by his brothers. The trial court found that the deceased never wished to be buried in Kamulu, contrary to the respondent's assertions. The trial court held that the deceased should be buried in Kiango, Kisii County, in light of the Article 44(1) of the Constitution. Aggrieved by those findings, the respondent appealed to the High Court. The High Court found that the deceased had not declared his wish as to his final resting place, as no evidence had been provided by any of the parties to prove the same. The judge set aside the judgment of the trial court and ordered that the deceased be buried in his Kamulu home and that the appellants be free to participate. He also ordered that the Gusii customary law be observed. Aggrieved by the decision, the appellants instituted the instant second appeal.

Issues

- i. What was the place of the wishes of the deceased concerning their preferred place of burial in the performance of burial rites?
- ii. Whether the wishes of the deceased concerning their preferred burial place could be disregarded.
- iii. Whether customs and religious practices automatically attained a higher hierarchy over the burial rights of the person with the most proximate legal and familial bonds with the deceased.

Holding

1. Burial disputes were emotive. The Court was called upon to balance the clashing interests of parties who should ordinarily be involved in the burial in one way or another. Unlike many other civil disputes, burial issues concerned people who were close to the deceased in one way or the other. Consequently, the Court desired to find some sense of legal and constitutional harmony by overcoming the dichotomies that seemed to disarray the burial disputes jurisprudence.

2. In burial disputes, the Constitution could only be considered a living document if it also considered the customs that communities regarded as crucial in death rites, but only to the extent that the death rites also promoted constitutionalism. In the same breath, customary practices would only be considered progressive if they promoted the burial wishes of the deceased that did not disregard constitutional order.
3. Under the common law, a corpse did not constitute property. Therefore, the wishes of a deceased person could be disregarded if they were contrary to the Constitution or the customary practices of the particular community. The deceased's wishes were subsidiary to the other considerations because no one would be harmed by the failure to enforce such wishes.
4. Burial disputes had been complicated by the 'no property' rule, which prohibited individuals from leaving binding burial instructions. Since there was no property in a dead body, any person could claim to have the right to perform the burial rites. In addition, Kenya's legal system did not have a hierarchy of identifying who had the most legitimate interest in a burial dispute. The courts discerned the interests of the parties from their legal proximity.
5. A deceased person's religious and cultural practices were an important factor in the concerns surrounding burial disputes. Article 11 of the Constitution recognized culture as the foundation of the nation and as the cumulative civilization of the Kenyan people. Further, Article 32 provided that every person had the right to freedom of conscience, religion, thought, belief, and opinion. Therefore, the cultural and religious practices of the various communities and people in Kenya were to be promoted if they were consonant with constitutional principles.
6. In instances where the customs and religious practices formed part and parcel of the factual basis of a burial dispute, the same ought to be considered to the extent that they were not contrary to the Constitution and other laws. However, they did not automatically attain a higher place than the burial right of the person with the most proximate legal and familial bonds with the deceased.
7. The interest of the nuclear family ought to be respected. The Court disapproved of customary edicts that superseded the natural and paramount unit of society safeguarded under Article 45 of the Constitution. Without family, there would not be customs and social norms. The Constitution embodied the family as the natural and fundamental unit of society and the necessary basis of social order. However, a court could consider exceptions where the deceased was a known cultural leader in a community, and his figure extended past the family to a communal group. That was one of the reasons the Constitution acknowledged culture as the foundation of the nation and as the cumulative civilisation of the Kenyan people and nation. The Court notably remarked as follows; *'some men and women went before us, and by their way of life on earth, they were as important to family as they were to their cultural groups.'*
8. The Constitution recognized that customary law was applicable when one or more persons were subject to or affected by it. However, customary law should not be repugnant to justice, morality, or written law. A person who wished to rely on a custom had to adduce evidence to show how the parties were affected by it, and its applicability.
9. The deceased was to be buried following the Gusii customary law. The Court observed that the Gusii were buried where they had set up their homestead and where the deceased spent a considerable amount of time during his lifetime; and that this needed not be their paternal homestead.
10. It was observed that contrary to the appellant's lamentations, the High Court had not relied on extraneous matters when it explicitly demonstrated the exodus of the Gusii away from Kisii and Nyamira. Defense witnesses had testified that the members of the Gusii community had indeed moved, settled, and were buried in several parts of the country.
11. The evidence indicated that the deceased had built a matrimonial home in Kamulu and another one in Kisii, both houses having two doors. The house in

Kisii was in a bad state and as such, the deceased had no intention of living there. On the contrary, it was also established that the house in Kamulu was the deceased's matrimonial home where his relatives visited for celebratory events with the deceased before his death. The High Court had not therefore erred when it ordered that the deceased be buried in Kamulu.

12. The judgment of the High Court was sound. The learned judge allowed appellants the right to participate in the burial and perform the rituals under the Gusii customary law. Whereas the appellants may understandably be aggrieved and emotionally drained, the law was not on their side.
13. The Court observed in passing that it was important for judicial officers to inculcate therapeutic jurisprudence in determining burial disputes. It counselled as follows regarding therapeutic jurisprudence: 'the central insight of therapeutic jurisprudence was the realisation that the law itself could function as a therapeutic or anti-therapeutic agent. Legal rules, legal procedures and the roles of legal actors constituted social forces that may impact the psychological well-being of those caught up by it. Burial disputes were emotive, and some would be left in tears. *The words and phrases employed in the resolution of the dispute should be sensitive to the mental and physical health of the parties involved in the burial dispute. The faction of the law considered humanness as a crucial ingredient in the crucible of justice, and therefore it ought to be factored in the process of judgment-making. Nevertheless, that did not involve shelving the tenets of due process and adherence to judicial impartiality, nor did it mean therapy without sound judicial reasoning.*'

Appeal dismissed.

3.2.2.2. Right to Maternal Health Care

The County Government of Bungoma & 3 Others v J O O (also known as J M) & 2 Others, Civil Appeal No. 61 of 2018

Brief Facts

In August 2013, a woman named J O O (Josephine) was admitted for childbirth at the Bungoma County Referral Hospital, formerly Bungoma District Hospital. The hospital was so overcrowded that she had to share a bed with another patient. Despite a Presidential directive that maternity services in public health facilities be free, Josephine was forced to purchase medicine and cotton wool. She was also neglected by the nurses and ended up giving birth on the hospital corridor floor without any assistance.

Josephine filed a lawsuit against the Bungoma County Government, the County Executive Committee Member for Health, and the hospital for violating her rights to maternal healthcare, dignity, and access to information, as guaranteed by the Constitution and international human rights instruments. In March 2018, the High Court in Bungoma awarded Josephine KSh2,500,000 in compensation for violating her rights. The Court further ruled that the neglect that Josephine experienced resulted from the National and County Government's failure to ensure the availability of quality healthcare services, failure to develop and implement healthcare policy guidelines, and the failure to monitor the standards of free maternal healthcare services.

This negligence resulted in the mistreatment and violation of her rights to dignity and humane treatment, and freedom from cruel, inhumane, and degrading treatment. Aggrieved by the High Court's decision, the Bungoma County Government, the County Executive Committee Member for Health, and the hospital appealed to the Court of Appeal.

Issues

- i. Whether the hospital had violated Article 43(1)(a) of the Constitution which provided that every person had the right to the highest attainable standard of health, including reproductive healthcare.
- ii. What relief could the court grant in the circumstances of the case.

Holding

1. Every woman was entitled to respectful maternal care during childbirth as part of her social and economic rights under Article 43 of the Constitution. This aspect of the right to health was not subject to progressive realisation; it was part of the minimum core of the right that must be immediately realisable.
2. The minimum core of a woman's right to respectful maternal care during childbirth included the right to be free from physical violence and verbal abuse during labour and childbirth; the right to be free from discrimination during labour and childbirth; and the right to dignified and respectful care, including appropriate levels of privacy and confidentiality during labour and childbirth.
3. In this case, the appellants violated Josephine's right to dignified and respectful healthcare during childbirth, as well as her right to be free from violence and discrimination, and denied her right to equality, dignity, access to information, and freedom from discrimination. In short, she was denied the right to the highest attainable standard of physical and mental health, including her sexual and reproductive health.
4. While the appellants were vicariously liable for the direct abuse that Josephine suffered at the hands of the hospital, they were also directly liable for failing to implement specific policies to promote respectful maternal care and ensure that those policies translated into meaningful action. The mistreatment and indignity that Josephine endured at the hands of the appellants' agents were depraved, malevolent, and outrageous.
5. The Court noted that the awarded compensation must reflect society's indignation and righteous outrage at such conduct.
6. Although the KSh2,500,000 awarded to Josephine for the emotional trauma and the scarring that she suffered was hardly sufficient to atone for the indignities she faced; it served as a signal to the appellants and other duty-bearers on the need to respect the rights of patients.

Appeal dismissed.

3.2.2.3. Constitutionality of Indefinite Life Imprisonment

Ayako v Republic (Criminal Appeal 22 of 2018) [2023] KECA 1563 (KLR)

Brief Facts

The appellant in this appeal had been arraigned before a Magistrate's Court and charged with the offence of defilement. Upon consideration of the evidence on record, the trial court found him guilty and accordingly convicted him. He was sentenced to life imprisonment, the minimum statutorily imposed sentence under the Sexual Offences Act Section 8(2). The first appeal to the High Court was dismissed, and both conviction and sentence affirmed. The Appellant filed the second appeal to the Court of Appeal.

Issues

- i. Whether an indefinite life imprisonment sentence could be justified given the emerging norms of human decency and human rights as reflected in comparative jurisprudence.
- ii. Whether an indefinite life imprisonment sentence was constitutional.

Holding

1. Life imprisonment was hostile to the constitutional value of human dignity and was inhuman and degrading because of its indefiniteness and the definitional impossibility that the inmate would ever be released.
2. The Court, upon considering emerging comparative jurisprudence and the prevailing socio-economic conditions in Kenya, held that life imprisonment in Kenya did not mean the natural life of the convict.
3. It was held that life imprisonment translated to imprisonment for 30 years.
4. The Court allowed the appeal on the sentence to the extent of ordering that the life imprisonment imposed translate to 30 years imprisonment.

3.2.3. High Court

3.2.3.1. The doctrine of “last seen alive” as an exception to the doctrine of “presumption of innocence”

Republic v Irungu & Another (Criminal Case 51 of 2018) [2024] KEHC 2533 (KLR)

Brief facts

The accused persons were jointly charged with the offence of murder. The particulars of the offense stated that on the night of September 19, 2018, at an unknown time at Lamuria Gardens Apartments, Kitale Lane, off Dennis Pritt Road in Kilimani area within Nairobi City County, they, along with others not before the court, murdered Monica Nyawira Kimani. They pleaded not guilty and the prosecution presented 35 witnesses in support of the information. The accused offered a defence without calling any witnesses.

The prosecution’s evidence indicated that, on the fateful night, an individual identifying himself as Haron, the first accused, went to the deceased’s house. He was later positively identified through an identification parade as the last person seen with the deceased on that date.

Additionally, the prosecution submitted that debris from burnt material recovered in a trench outside the accused’s residence included a piece of white fabric believed to be remnants of a white kanzu that the said person had been seen wearing. It argued that the burning of these clothes was a deliberate attempt to conceal evidence of the murder.

Issue

Whether the 1st accused was in the deceased’s house on the material date and was the last person to be seen with the deceased, and what effect this had on the presumption of the accused person’s innocence.

Holding

1. The trial court should not disregard the evidence

of a witness on the ground of contradiction unless the contradiction went to the root of the case and created doubt as to the guilt of an accused person.

2. The doctrine of “person last seen” stood as negation or an exception to the doctrine of “presumption of innocence”, as it was the law that where the victim was last seen with the accused, and was found dead, it would be presumed that the last person that he was last seen with was responsible for his death.
3. The 1st accused person was convicted for the offence of murder while the Court found that the evidence adduced against the 2nd accused was insufficient to prove the offence.

3.2.3.2. Recusal of Judges

Director of Public Prosecutions v Charles Kiprotich Tanui and 2 others, HC-ASEC CRIM Revision No E003 of 2024

Brief Facts

The application was filed pursuant to the Constitution of Kenya Article 165(6); (7) and the Criminal Procedure Code Sections 362 and 364. It arose from an order declining an application to withdraw charges under Section 87(a) of the Criminal Procedure Code against the respondents. The trial court based its orders on the status of the case, noting that 26 prosecution witnesses had already testified and that only one final witness was about to testify before the prosecution closed its case. The applicant made an oral application for recusal on the grounds that the learned Judge had previously rejected a similar application for the withdrawal of the charges.

Issues

- i. Whether the application met the legal threshold for judicial recusal.
- ii. Whether the Court could grant orders for empanelment of a bench to handle the revision application.

Holding

1. The framers of the Constitution on empanelment of expanded benches of judges to hear matters as

provided in Article 165(4) put the issues beyond the ordinary litigation wishes, aspirations, and schemes of litigants.

2. Criminal revision was meant to examine the trial record and determine if there was any incorrectness.
3. Judicial recusal being the withdrawal of a judicial officer from ongoing proceedings, could not be on the basis of a litigant's mere displeasure, whim or unfounded apprehension.
4. A recusal was necessitated where it was proved beyond peradventure, speculation, conjecture, and sheer paranoia, that a judicial officer would not impartially handle a case before him as a result of actual or apprehension of bias.

The DPP's application for recusal of the Judge and for the empanelment of an expanded bench of Judges dismissed.

3.2.3.3. Occupiers' Duty of Care

Dong Yi (Suing on behalf and as the administrator to the Estate of the Late Luo Jinli) v Sun Africa Hotels Limited t/a Keekorok Lodge Masai Mara [2024] KEHC 2163 (KLR)

Brief Facts

The plaintiff and the deceased checked into Sun Africa Hotels t/a Keekorok Lodge Maasai Mara on August 8, 2016. On that fateful night, the plaintiff and his family went to have dinner at the defendant's restaurant. While at the restaurant, a verbal altercation ensued between the plaintiff, the deceased, and Mr. Lee Changpin. The exchange among these parties took place in Chinese. Mr. Changpin left the table and returned with a steak knife from one of the restaurant tables which he used to stab both the plaintiff and the deceased.

Following the incident, the deceased succumbed to his injuries, while the plaintiff was transferred to Nairobi for further medical attention. This prompted the plaintiff to bring an action in negligence against the defendant for failing to exercise due care in preventing the attack.

Issues

- i. Whether the defendant, Sun Africa Hotels Limited t/a Keekorok Lodge Masai Mara breached a duty of care owed to the plaintiff and the deceased.
- ii. Whether the harm caused by the breach of duty of care was reasonably foreseeable.

Holding

1. Sun Africa Hotels Limited t/a Keekorok Lodge Masai Mara had breached its duty of care by not seeking indemnity from third parties.
2. Fighting in restaurants and the use of knives meant for eating as weaponry was foreseeable.
3. It was the defendant's fault that its failure to provide adequate security in the dining hall to prevent fighting and the use of cutlery as a weapon amounted to actionable negligence.

The defendant held wholly liable for the injuries inflicted upon the plaintiff and the deceased by a third party within its premises. The plaintiff awarded damages.

3.2.3.4. Prisoners and persons detained had a right to be permitted, whenever possible, to attend the burial of their close family members

Otieno v Ministry of Interior & Co-ordination of National Government (State Department for Correctional Services) & 2 others [2024] KEHC 1639 (KLR)

Brief Facts

The petitioner asserted that following his mother's demise on July 12, 2021, the Prisons Department did not allow him to attend her funeral. He contended that this was inhumane and a breach of his right to dignity, not only for himself but also for other pre-trial detainees and prisoners in similar circumstances who continued to endure the same treatment.

The petitioner noted that the rules governing the prison system in Kenya did not specify how pre-trial detainees and prisoners could be permitted to attend the funerals

or burials of their loved ones. He argued that the absence of legal provisions allowing such attendances amounted to a discriminatory application of the law, contravening Articles 27, 28, and 51(1) of the Constitution.

Issues

- i. Whether the failure by the Ministry of Interior and Co-ordination of National Government (State Department for Correctional Services) to make rules providing for mechanisms and structures for temporary releases for persons detained or imprisoned under Section 30(2)(h) of the Persons Deprived of Liberty Act curtailed the rights of imprisoned and detained persons to be treated humanely and to have their dignity respected and protected.
- ii. Whether prisoners and persons detained had a right to be permitted to attend the burial of their close family members and, if so, whether that right was absolute.
- iii. Whether granting temporary permission to prisoners and detained persons to attend the burial of their close family members would interfere with the legitimate interests of correctional institutions.

Holding

1. The Constitution underscored that those persons detained or imprisoned retained all their rights as human beings. It tasked Parliament to enact legislation to ensure the humane treatment of persons legally detained or imprisoned.
2. The Persons Deprived of Liberty Act, among others, had provisions to ensure that persons detained, held in custody or imprisoned were held in conditions that upheld their human dignity and health. Some of the rights given prominence in the Act included the right to humane treatment and human dignity, the right to due process of the law, right to reasonable accommodation, nutritious diet, right to education and to access information, the right to be visited, and family days, among others.
3. Persons Deprived of Liberty Act Section 30(2)(h), gave the pointer that even Parliament understood

Article 51 of the Constitution beyond the four walls of institutional confinement and considered that such persons could have needs that could not necessarily be addressed inside the facility where they were incarcerated. Parliament enacted Section 30(2)(h) of the Persons Deprived of Liberty Act that provided that the Cabinet Secretary could make regulations to give effect to instances when a person deprived of liberty could be allowed to leave the institution in which the person was held.

4. The Constitution of Kenya Article 24 provided that any restrictions on the rights or fundamental freedoms had to be reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including the importance and purpose of limitation as well as the nature and extent of limitation among others. Restrictions imposed on rights enjoyed by others when it came to prisoners must only be those necessary and proportionate to the legitimate objective of incarceration.
5. The Constitution and the Persons Deprived of Liberty Act did not expressly outlaw granting of temporary leave of absence to prisoners or detained persons from the institutions of confinement, whether for attending the burial of their loved ones or for any other deserving reason. Granting temporary leave of absence to the prisoners or persons detained was not expressly granted either. Nonetheless, in the Persons Deprived of Liberty Act, Section 30(2)(h), the intention towards granting such permissions was indicated through the mandate given to the Cabinet Secretary to enact regulations that would make that possible.

The court allowed the petition and directed the State Department for Correctional Services to make Rules providing for mechanisms and structures for temporary releases for persons detained or imprisoned under Section 30(2)(h) of the Persons Deprived of Liberty Act.

3.2.3.5. Out-of-court settlement agreements in sexual violence cases declared unconstitutional

IW & Another v Omondi & 3 others (Constitutional Petition E416 of 2021)[2023] KEHC 26907(KLR)

Brief facts

The petitioners sought to challenge the constitutionality of the actions of the respondents. They alleged that the actions of the 2nd and 3rd respondents constituted a failure to protect and uphold the 1st petitioner's freedom and security, as well as her right to equality and to be free from any form of violence from both public and private sources.

The 1st petitioner claimed that the 1st respondent raped her and that she reported the incident to Mlolongo police station with her boyfriend present. The case was assigned to the 2nd respondent for investigation. The 1st petitioner further asserted that the 2nd respondent had asked her to alter her written statement to indicate that the incident occurred in Syokimau rather than in Madaraka, where it had actually happened. Additionally, the 2nd respondent advised the 1st petitioner that the easiest way to resolve the matter was for the 1st respondent to pay her so that the police would not forward the case to the Director of Public Prosecutions (DPP).

Frustrated, the 1st petitioner agreed to accept a payment of Ksh130,000 in four installments. She stated that this agreement was documented in writing and signed by her and the 1st respondent, with her sister witnessing. It was claimed that the 2nd respondent took a photograph of the agreement and did not allow anyone to take a copy or photograph it.

Issues

- i. Whether out-of-court settlement agreements in sexual offences cases resulting in the non-prosecution of those likely to be culpable were unconstitutional for infringing on the victims' rights.

- ii. Whether the police had powers to enter into out-of-court settlements or sanction such arrangements in sexual offence matters.
- iii. Whether the Independent Policing Oversight Authority and the Internal Affairs Unit of the Kenya Police Service were appropriate forums for the adjudication of a matter seeking, among other orders, declarations of violation of human rights.

Holding

1. Where there were legally provided alternative avenues for dispute resolution, judicial consideration of such disputes should be postponed until after the available avenues were fully adhered to, or unless it was adequately demonstrated that the matter under consideration fell within the exception to the doctrine of exhaustion.
2. In line with section 3 of the Independent Policing Oversight Authority Act, the objectives of the Authority were threefold:
 - a. to hold the police accountable to the public in the performance of their functions;
 - b. to give effect to the provision of the Constitution of Kenya, Article 244 that the police shall strive for professionalism and discipline and shall promote and practice transparency and accountability; and
 - c. to ensure independent oversight of the handling of complaints by the police service.
3. Section 87 of the National Police Service Act established the Internal Affairs Unit. The functions of the Unit were to receive and investigate complaints against the police, to promote uniform standards of discipline and good order in the service and to keep a record of the facts of any complaint or investigation made to it. In finding an officer culpable, the Unit could recommend to the Inspector-General for the interdiction or suspension of an officer, the administration of a severe reprimand or a reprimand to control or influence the pay, allowances or conditions of service of an officer, or any other lawful action which could include the prosecution of the officer.

4. The Inspector-General could, in exceptional cases and in the interest of the service, authorise the Unit to undertake disciplinary proceedings against any officer who had been a subject of its investigations and could, for that purpose, direct a Deputy Inspector-General or the Director of the Unit to appoint an officer to preside over such proceedings.
5. Out-of-court settlement agreements in sexual offences resulting in the non-prosecution of those likely to be culpable had far-reaching effects on the victims. Apart from infringing on the victims' rights and fundamental freedoms guaranteed under Articles 27, 28 and 29(c) of the Constitution, such agreements contravened section 40 of the Sexual Offences Act and international instruments to which Kenya was a State party.

The petition was largely unsuccessful save for the declaration on the powers of the police over out-of-court settlement agreements in cases relating to sexual offences.

3.2.3.6. "Muratina" was not an illicit brew and the Agikuyu are at liberty to prepare and consume it as part of their culture and tradition

Gitau & 11 others v County Commander Kiambu & 3 others (Petition E020 of 2023)[2024] KEHC 1659 (KLR)

Brief Facts

The petitioners asserted that "Muratina" had existed since time immemorial and was traditionally used to bless ceremonies, with "Kiama Kia Ma" serving as the National Gikuyu Cultural Association overseeing matters related to Kikuyu culture. They further contended that no traditional ceremony in Kikuyu culture could be conducted without "Muratina", which, they argued, should not be subject to regulation under the Alcoholic Drinks Control Act No. 4 of 2010.

The petitioners claimed that "Muratina" had no adverse health implications and should not therefore be suppressed. They accused the respondents of violating their obligation to promote cultural celebrations and of being discriminatory, as other cultures were allowed to celebrate their traditions without interference. The petitioners sought relief for the violation of their rights caused by the respondents' decision to harass and prosecute the Kikuyu Council of Elders for preparing the traditional brew.

Issue

- i. Whether the petitioners' cultural rights were violated or threatened by the respondents' treating "Muratina" as illicit brew.

Holding

1. The right to cultural practices was not absolute and was subject to limitations in line with Article 24 of the Constitution. The use of "Muratina" as part of the Agikuyu culture had not been prohibited by any law. The Alcoholic Drinks Control Act of 2010, merely regulated alcoholic drinks including traditional ones. The said Act did not prohibit traditional alcoholic drinks, and particularly, it did not identify "Muratina" as illicit brew.
2. The respondents were wrong in treating "Muratina" as illicit brew. Actions taken by the respondents against the Petitioners for the sole reason that the Petitioners were brewing "Muratina" lacked legal basis and hence unconstitutional.
3. Unless the respondents enforced specific provisions of the Alcoholic Drinks Control Act or any other law, they could not raid homes, confiscate property and prefer unfounded charges against authorized "Muratina" brewers. Those actions violated the cultural rights of the Agikuyu people.

Petition allowed.

3.2.3.7. Recruitment for public office ought to comply with constitutional dictates on regional and ethnic balance

Orogo v Chairman Board of Directors Kenya Revenue Authority & another (Petition E004 of 2023)[2024] KEHC 1968 (KLR)

Brief Facts

The Kenya Revenue Authority (KRA) introduced the Revenue Service Assistant (RSA) programme, hiring 1,406 field officers to enhance tax compliance and expand the tax base. A petition was filed challenging the recruitment, alleging ethnic bias, as 56 per cent of the recruited officers were from two communities.

Issues

- i. Whether the recruitment of 56 per cent of RSAs from two ethnic communities violated Articles 10, 27, and 232 of the Constitution and Section 10 of the Public Service (Values and Principles) Act, 2015.
- ii. Whether the KRA Board ensured fair competition, merit, representation of Kenya's diverse communities, and equal opportunities in public service recruitment.
- iii. Whether the respondents were obligated to ensure future recruitments reflected merit, equity, equality, and ethnic diversity.
- iv. Whether recruitment should proceed without an ethnic diversity and regional balance policy.

Holding

1. Article 232 of the Constitution mandated that public employment ensures representation of all Kenyan communities, promoting equity and equality by offering equal opportunities to all ethnic groups. It required balanced distribution of opportunities to celebrate diversity and promote national unity, treating all citizens equally and fairly in employment and appointments.
2. The KRA had a duty to honour the aspirations of all Kenyans by ensuring inclusivity, equality, and dignity in its recruitment practices. It was required

to respect human rights, prevent discrimination, and include all ethnic groups in its policies to ensure broad representation in public service.

3. The recruitment of the 1,406 RSAs did not adhere to the constitutional values and principles, resulting in unequal treatment of a large portion of Kenyans, which violated Article 2(4) of the Constitution.
4. The capping of the RSA recruitment age at 28, excluding those aged 29–35, was discriminatory under Article 260 of the Constitution, which defined “youth” as those between 18 and 35 years. While most graduates were in their 20s, some could graduate in their 30s due to various circumstances, making the age limit unreasonable and exclusionary.
5. The principle of merit must align with equality, as per Article 232(1)(g). Therefore, merit was subordinate to the principles of equality and representation outlined in Article 232(1)(h)(i).
6. Without legislative guidance, KRA failed to develop clear policy guidelines on balancing merit with equality and diversity in recruitment. This led to 56 percent of positions being awarded to two communities, which were only entitled to 32 percent of the slots, while other communities were denied their fair share. Such skewed recruitment practices could perpetuate ethnic imbalance which was contrary to the aspirations of the Kenyan Constitution.

Petition allowed.

3.2.3.8. Court quashes the decision of the National Development Implementation and Communication Cabinet Committee to terminate legal services provided by external legal service providers to government, ministries, and State agencies

Republic v Attorney General; Law Society of Kenya - Nairobi Branch (Exparte); Law Society of Kenya (Interested Party)(Application E010 of 2020)[2023] KEHC 27503 (KLR)

Brief Facts

The National Development Implementation and Communication Cabinet Committee (NDICCC) reached several resolutions during its 21st meeting held on July 7, 2020, concerning government ministries and State departments. Among these resolutions was the decision to terminate the legal services provided by external legal service providers to the government, ministries, State agencies, and departments. Additionally, these institutions were restrained from engaging external legal service providers without the approval of the Attorney General.

This resolution was signed by the then Head of Public Service and Chairperson of the NDICCC. Consequently, the Cabinet Secretary for Education and the Permanent Secretary of the Ministry of Water, Sanitation, and Irrigation issued letters to their respective offices, directing them to implement the resolution by requesting a schedule of all cases, the status of those cases, and the withdrawal of any that were pending.

The applicant stated that services of external lawyers were procured competitively by State organs and public institutions through a detailed process outlined in the Public Procurement and Asset Disposal Act No 33 of 2015.

Issue

- i. The legality or lack thereof of the National Development Implementation and Communication Cabinet Committee NDICCC's decision of May 7, 2020.

Holding

1. Failure to comply with section 4 of the Fair Administrative Action Act nullified the NDICCC's decision on the grounds of illegality and procedural impropriety. It was illegal because first, the NDICCC flagrantly flouted this particular section; secondly, the Committee never considered the section and, therefore, it could be said to have failed to consider relevant matters and considered irrelevant matters in reaching its decision; and, thirdly, it acted ultra

vires Article 47 of the Constitution and section 4 of the Fair Administrative Action Act.

2. There was procedural impropriety because even though the decision was prejudicial to the applicant's and interested party's members' interests, they were neither notified of the proceedings that culminated in the impugned decision nor given any opportunity to be heard before this decision was reached.
3. The decision was impeachable for illegality because first, provision of legal services, or any services for that matter, to public entities was not at the whim of the executive or any of its appendages, and second, procurement of goods and services was such a crucial task that Article 227 (1) of the Constitution was categorical that it was an exercise that must be fair, equitable, transparent, competitive and cost-effective.
4. It followed that the decision of the NDICCC was also illegal to the extent that the respondent had breached the provisions of the Public Procurement and Asset Disposal Act.

Application allowed.

3.2.3.9. The High Court could only revoke grants made by itself and not those made by magistrates

Musine v Osamo (Sued as co-administrator of the Estate of Stephen Osamo (Deceased))[2023] KEHC 20217 (KLR)

Brief Facts

The application was made relating to revoking the grant made in Busia HCSC No 85 of 1999 in the matter of the estate of Stephen Osamo. The succession proceedings were initiated at the High Court, and then the cause was subsequently transferred to the Chief Magistrate's Court sometime in 2018, where it became Busia MCSUCC No 503 of 2018.

Issues

- i. Whether the High Court had the original and exclusive jurisdiction to revoke grants made by magistrate courts.

- ii. Whether the High Court had original jurisdiction to revoke a grant made in a matter that was pending before the Chief Magistrate Court.
- iii. What was the process to be followed where the High Court issued a grant in a matter that was later transferred to the Chief Magistrate's Court?

Holding

1. The matter of the estate of Stephen Osamo was being handled under Busia CM CSC No 503 of 2018, and any application for revocation of the grant, concerning that estate, ought to have been made in Busia CM CSC No 503 of 2018 and be heard and determined by the judicial officer seized of the matter in Busia CM CSC No 503 of 2018.
2. The law relating to revocation of grants in succession causes pending before the Magistrate's Courts had changed. Prior to January 2, 2016, the High Court enjoyed exclusive jurisdiction to revoke all grants of representation, whether made by itself or the Magistrate's Court. The Magistrate's Court had no jurisdiction to revoke grants it had the power to make. However, all that changed on January 2, 2016, when the Law of Succession Act was amended by the coming into force of the Magistrates' Courts Act, No 26 of 2015.
3. Section 23 of the Magistrates' Courts Act 2015 amended section 48(1) of the Law of Succession Act, which had granted exclusive jurisdiction to the High Court to revoke grants made by the Magistrate's Court and extended that jurisdiction to the Magistrate's Court. That meant that the exclusive jurisdiction conferred on the High Court to revoke all grants, regardless of the court that had made them, was ended, and jurisdiction was extended to the magistrates, who, effective January 2, 2016, got jurisdiction to revoke the grants made by them. The High Court could only revoke grants made by itself, not those made by magistrates.
4. The summons for revocation of grant therein should be heard and determined within Busia CM CSC No 503 of 2018. The cause in Busia HCSC No 85 of 1999 ceased to exist when that cause was transferred to

the Chief Magistrate's Court and assigned number Busia CM CSC No 503 of 2018. T

5. It could be that the grant in Busia CM CSC No 503 of 2018 was made by a judge of the High Court in Busia HCSC No 85 of 1999 and was issued out of Busia HCSC No 85 of 1999. However, once the matter was transferred to the Chief Magistrate's Court, whatever and whichever orders the judge had made, before the transfer of the matter, became orders of the Chief Magistrate and any of the other magistrates in that court and were available for review, setting aside, variation or vacating as any order made thereafter by the magistrates who became seized of the matter. That would include making orders revoking or rectifying any grant made by the judge and issued out of the High Court registry, prior to the transfer of the matter.
6. What should have happened after the file in Busia HCSC No 85 of 1999 was transferred and became Busia CM CSC No 503 of 2018, was for the grant and any certificate of confirmation issued in Busia HCSC No 85 of 1999, to be re-issued and signed by the magistrate seized of the matter, thereby making them court processes in Busia CM CSC No 503 of 2018. Such re-issuance ought to have been made administratively once the transfer was effected to obviate the need for parties to move the court formally by way of application in chambers.

The High Court ordered that the file in Busia CM CSC No 503 of 2018 be returned to the Chief Magistrate's Court registry, for the re-issuance of the grant and certificate of confirmation of grant.

3.2.3.10. A Charge Sheet with 191 Counts was Oppressive and Contrary to Article 50(2)(c) and (e) of the Constitution – the Shakahola Case

Republic v Mackenzie alias Mtumishi alias Nabii alias Papaa [2024] KEHC 5792 (KLR)

Brief Facts

The accused persons faced 191 counts of murder under Section 203 as read with section 204 of the Penal Code. The charge sheet spanned 298 pages, including charges for the murder of both known and unknown persons. A preliminary objection was raised, arguing that the charges were ambiguous and speculative, lacking specific dates or identifying details like the names, ages, or gender of the victims, which hindered the accused's ability to mount a proper defence. The charges referred to an unspecified period between January 2021 and September 2023 in the Shakahola area in Malindi.

Issues

- i. Whether the charge sheet was defective.
- ii. Whether the overloaded charge sheet violated constitutional provisions.

Holding

1. Section 135 of the Criminal Procedure Code allowed for the joinder of multiple counts in a charge or information, provided they that they were based on the same facts or part of a series of similar offences. Each offence must be detailed in a separate count.
2. Overloading a charge sheet with an excessive number of counts undermined public interest and the proper administration of justice. An overly burdensome charge sheet could cause delays, violating the accused's constitutional right to a fair and expeditious hearing under Article 50(2)(e) which mandated that trials begin and conclude without unreasonable delay.
3. The right to a prompt trial was a critical aspect of ensuring a fair trial, and the court had a duty to safeguard this right throughout the legal process. In this case, proceeding with 191 counts of murder was deemed contrary to public interest and justice. While having multiple counts in a charge sheet was not illegal, to ensure a balance between the accused's rights and the need for an efficient trial, the court directed the prosecution to amend the charge sheet and reduce the counts from 191 to no more than 12.

The prosecution directed to file an amended information with reduced counts not exceeding 12.

3.2.3.11. A Citizen Cannot be Taxed Unless he is Designated in clear Terms by a Taxing Statute as a Taxpayer

Commissioner of Investigations and Enforcement v Oil Libya Kenya Ltd (Income Tax Appeal E104 of 2021)[2024] KEHC 3624 (KLR)

Brief facts

The Appellant, Kenya Revenue Authority conducted a transfer pricing review on the Respondent for the years 2012 to 2014 and issued preliminary audit findings on December 5, 2016. Subsequently, the Respondent received a Notice of Assessment of Tax for the years 2010 to 2016, amounting to KSh10,074,047,904 pursuant to Section 31 of the Tax Procedures Act. A partial settlement was reached by both parties on some tax issues, leading to an agreement on November 30, 2020, to submit the principal tax assessment of KSh943,142,856 on product gains to the Tribunal for determination. The Tribunal rendered its judgment in favour of the Respondent. The Tribunal held that no room should be created for imputing that which had not been legislated into Statute by Parliament.

Issues

- i. Whether the Tribunal erred in its judgment by failing to appreciate that product gains were not part and parcel of the petroleum products whose duty was already paid.
- ii. Whether the Tribunal erred in finding that there was no justification for levying additional taxes on petroleum products and that the same should be taxes under the Income Taxation regime.

Holding

1. The Appellant did not establish under what section of the law that tax on product gain was anchored.
2. A taxable gain was a profit that resulted from sale of any asset that was subject to taxation. The Appellant in its submissions stated that product gain could

not be described as a gain or benefit or a profit in terms of Section 3 of the Income Tax Act.

3. It was trite that Tax Statutes were to be strictly interpreted and there was no room for imputing that which had not been legislated into Statute by Parliament.

Appeal dismissed and the judgment of the Tax Appeals Tribunal upheld.

3.2.4. Employment & Labour Relations Court

3.2.4.1. Constructive Dismissal Due to Sexual Harassment

CMK v Chandarana Supermarket Limited (Cause 13 of 2018)[2024] KEELRC 388 (KLR)

Brief Facts

The Claimant alleged that while on duty, she was subjected to sexual advances by the branch manager. Upon rejecting these advances, she faced sudden hostility from him, which led to her being falsely implicated in the disappearance of KSh1,000. Consequently, she was suspended for a week pending investigation. After a disciplinary hearing, she was cleared of the charges, and an apology was issued following her complaint of sexual harassment. To improve her working environment, she was transferred to another branch.

However, upon reporting to her new branch, the Claimant was met with hostility from colleagues, who openly discussed her harassment incident. This led her to resign involuntarily under duress. The claimant argued that the hostile work environment violated her constitutional rights to dignity, reasonable working conditions, and fair administrative action. She claimed that she had a legitimate expectation of continued employment until retirement and had suffered both financially and psychologically. Additionally, the claimant asserted that her employment prospects were severely damaged due to the circumstances surrounding her resignation. She sought 12 months' pay

as compensation, interest from the date of termination, payment for accrued leave, general and aggravated damages for sexual harassment, costs of the suit, interest on the amounts awarded, and a certificate of service.

Issues

- i. Whether the claimant suffered sexual harassment at the workplace.
- ii. Whether there was constructive dismissal.
- iii. Whether the claimant was entitled to the reliefs sought.

Holding

1. The court held that the claimant's transfer created an environment where she could not effectively work leading to her resignation. The transfer, prompted by the sexual harassment that she experienced, amounted to constructive dismissal.
2. Constructive dismissal occurred when an employee was forced to resign due to an unbearable work environment created by the employer. In this case, the claimant's unresolved grievance about sexual harassment led to her resignation, and she was therefore entitled to relief.

The court awarded the claimant KSh500,000 as compensation for the sexual harassment. Additionally, the claimant was entitled to three months' salary as compensation for the termination and the costs of the suit.

3.2.4.2. Discrimination in employment based on health status

Otengo v Sana Industries Co. Ltd (Employment and Labour Relations Petition E035 of 2023) [2023] KEELRC 3046 (KLR)

Brief Facts

The Petitioner was admitted at Kenyatta University Teaching, Referral & Research Hospital (KUTRRH) for a month and thereafter resumed duty. When he reported

back, he was told to go home and return later. He went to hospital and was given a letter terming him clinically stable to resume duty. However, the respondent's personnel manager informed him that there was no work for him as he was a sick person. He alleged that the Respondent terminated his services on account of being diagnosed with HIV and was judged and condemned on account of his health status.

The respondent denied him a chance to defend his case, and no credible allegation had been levelled against him before the dismissal. He further alleged that the respondent's actions towards him were contrary to the basic principles of natural justice and a violation of the Employment Act Sections 41 and 46(g). He averred that the respondent's direct discrimination at the workplace after realizing his HIV status and conduct in the process leading to his dismissal contravened the Constitution of Kenya, Articles 19(2), 25(c), 27(1) (2) (5), 31, 35, 41, 47 and 50.

Issues

- i. Whether the court had jurisdiction to determine the petition.
- ii. Whether the respondent discriminated against the petitioner on the basis of his health status and was wrongfully and/or unfairly terminated from his employment.
- iii. Whether the petitioner was entitled to the prayers sought.

Holding

1. Articles 23 and 162 (2) of the Constitution granted the court the authority to hear and determine applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the bill of rights relating to employment and labour relations.
2. The respondent did not file any affidavit evidence in support of its case to dispel the petitioner's claim that he was discriminated against and unfairly terminated on grounds of his HIV status.
3. The respondent had averred that the petitioner absconded duty but failed to provide any evidence

to show that it had reached out to the petitioner to establish his whereabouts and undertake proper disciplinary procedure as set out under Section 41 of the Employment Act.

4. The respondent did not give evidence to support of the allegation that the petitioner deserted employment as claimed in their response. It was trite law that it was not sufficient for an employer to merely claim that an employee had deserted duty. He had to show efforts made to reach out to the employee, and the employee had to be informed that the employer was considering terminating him from such employment on the grounds of the said desertion. There was no evidence that the respondent followed the procedure set out clearly in numerous case laws.

The court held that the petitioner's employment was terminated unfairly and un-procedurally on the basis of his health status.

3.2.4.3. Rule Against Double Jeopardy in Employment Matters

Mbugua v Powermax General Electrical Merchants (Cause 1092 of 2018) [2024] KEELRC 620 (KLR) (March 14, 2024)

Brief Facts

The claimant was employed by the respondent as a storekeeper, rising through the ranks to the position of store manager. The claimant stated that the respondent had deducted a sum of KSh7,000 every month from her salary due to alleged dishonesty and misappropriation of funds. The claimant received a letter from the respondent asking her to go on leave. The respondent thereafter terminated her employment and asked her to collect her dues. The reasons for the termination were misappropriation of company revenue through the system, dishonesty, underperformance and poor supervision of staff who were allegedly giving out goods on credit, contrary to company policy.

The claimant complained that she was not given an opportunity to defend herself against the accusations

levelled against her. She stated that the termination of her employment was not fair.

Issues

- i. Whether the claimant had made out a case of unlawful termination of employment.
- ii. Whether the claimant was entitled to the remedies sought.

Holding

1. By surcharging the claimant, the respondent effectively extinguished the allegations made against her, and the allegations could not be used as a basis for any further disciplinary action against her. By using the same allegations as a reason for termination, the respondent breached the rule against double jeopardy.
2. Although the termination letter intimated that the claimant had consented to the surcharge, no evidence was adduced to support this proposition. The only conclusion that could be made was that the surcharge was a unilateral decision made by the respondent in violation of due process.
3. The termination of the claimant's employment was substantively and procedurally unfair and she was entitled to compensation.

3.2.4.4. Application of Arbitration in Employment Matters

Okeyo v Board of Directors HHI Management Service Limited & another (Cause E970 of 2023) [2024] KEELRC 1006 (KLR)

Brief Facts

The 2nd Respondent made an application seeking that the claim filed against it be stayed and the dispute be referred to arbitration in accordance with the contract of the parties as set out in the employment contract. The 2nd respondent relied on section 6(1) of the Arbitration Act, 1995, to urge that since the contract of employment between the parties had an arbitration clause, the matter should be referred to arbitration. The 2nd respondent submitted that the arbitral clause divested the court

with jurisdiction to hear and determine the dispute and that the court could not rewrite the contract.

Issue

Whether arbitration was a proper and reliable form of dispute resolution in employer-employee relationships.

Holding

1. An arbitral clause in any contract bound the parties thereto. However, the arbitral law in Kenya was principally intended to resolve commercial disputes, as opposed to employment disputes as was the case in the instant suit. Prospective employees were seldom involved in the negotiation of terms of employment other than salary and allowances. The document was drawn by the employer in its language and inserted terms and clauses formulated in its words, and prospective employees were, in most cases, eager to sign the dotted line to secure employment to return the favour.
2. Incorporation of arbitral clauses in employment contracts was atypical and underlined the reality of the unequal bargaining power between the employer and the employee. Such clauses were imposed on employees by employers.
3. Part V and VI of the Employment Act of 2007 prescribed the minimum conditions of employment and the latter part addressed termination and dismissal. Under Section 26 of the Employment Act, the minimum conditions of employment applied in all cases where the terms and conditions of employment agreed upon by the parties, or prescribed by regulations or other written law or collective agreement, or decreed by the court were less favourable. Reference of an employment dispute to arbitration was not more favourable than litigation, which was an integral part of Part VI of the Act.
4. The claimant was apprehensive that the arbitral process was expensive for him. Considering that the parties would jointly appoint the sole arbitrator, both were obligated to pay the arbitrator. The respondent had not responded to the claimant's apprehension, which could

be founded on the reality of arbitral practice in Kenya.

5. Although Article 159(2)(c) of the Constitution of Kenya, 2010 included arbitration, Section 15(1) of the Employment and Labour Relations Court Act, 2011, an Act of Parliament enacted after the promulgation of the Constitution of Kenya, 2010 conspicuously omitted the word.

Application dismissed

3.2.5. Environment & Land Court

3.2.5.1. A leasehold title was impeachable where the certificate of title thereof had been acquired through a corrupt scheme

Kenya African National Union v Cabinet Secretary Ministry of Lands & Physical Planning & 5 others (Environment & Land Petition E025 of 2020)[2024] KEELC 4563 (KLR)

Brief Facts

This petition involved a dispute over the ownership of L.R. No 209/11157 in Nairobi's central business district, the location of the Kenyatta International Convention Centre (KICC). The petitioner, the Kenya African National Union (KANU), claimed that the land had been allocated to it by the Commissioner of Lands through a Letter of Allotment dated May 10, 1969. Based on this allotment, KANU was issued a title deed for a 99-year lease commencing on December 1, 1969. The petitioner alleged that the respondents forcefully evicted it from the property following an Executive Order, which claimed ownership of the land, thereby infringing on its property rights.

KANU argued that it held an indefeasible title to the land under Section 26 of the Land Registration Act and that the government's takeover was unlawful, as it occurred without any legal order or decree from a tribunal or court. The petitioner contended that the respondents' actions amounted to an unlawful creation of public rights in private property, violating the rules of natural

justice. As a result, KANU sought interim conservatory orders, a declaration that it was the rightful owner of the land, and an order directing the government to vacate the property.

In response, the respondents argued that the exchequer had funded the development of the property (KICC), registered as a government building, and managed by various government agencies until its transfer to KANU in 1989. They claimed that on June 1, 2010, the property was registered to the Permanent Secretary to the Treasury of Kenya, acting as a trustee for the Ministry of Tourism. In their cross-petition, the respondents sought a declaration that KANU had illegally acquired the land and was, therefore, null and void from the outset.

Issues

- i. Whether the petitioner was entitled to the orders sought in the Petition.
- ii. Whether the petitioner's rights and fundamental freedoms were violated.
- iii. Whether the Cross Petition was merited.

Holding

1. The suit property was public land.
2. KICC had been constructed using public funds and registered as a public asset. The Commissioner of Lands had no power to allocate land that had been designated, appropriated, or alienated for public purposes.
3. The suit property, being public land, had neither lawfully nor procedurally been alienated and allotted to the petitioner, and the petitioner had failed to produce the letter of allotment or the Part Development Plan.
4. The title held by the petitioner was null and void, given that it had been appropriated in contravention of the law.
5. The title held by the petitioner was therefore impeachable under Section 26(1) (b) of the Land Registration Act, which provided that a title could be challenged where the certificate of title had been acquired illegally, un-procedurally, or through a corrupt scheme.

6. The leasehold interest created on the suit land conferred no proprietary interest as per the provisions of Article 40(6) of the constitution.
7. Section 143 of the repealed Registered Land Act and section 80 of the Land Registration Act empowered the Court to cancel an illegally acquired title.

Petition dismissed. Cross petition allowed. Each party to bear its own costs.

3.2.5.2. The Land Adjudication Officer did not have power to cancel a declaration of an adjudication section after it had been published

Nepatao Ole Manangoi & 5 others (Suing on their own behalf and on behalf of all the members of the Ildamat Clan) vs Attorney General & 10 others; Kilusu & 8 others (Interested Parties) (Miscellaneous Civil Application 13 of 2018)[2024] KEELC 4261 (KLR)

Brief Facts

The applicants filed this suit on behalf of themselves and the Ildamat clan, claiming 56,000 acres in the Ntulele Adjudication Section. The suit, initiated by an originating summons on November 17, 2021, targeted various government officials, including the Chief Land Registrar and the Director of Land Adjudication, with the Purko clan joined as interested parties. A three-judge bench in Narok heard the case.

The Ntulele Adjudication Section was established by a declaration on September 1, 1970, but delays due to disputes prevented the issuance of individual title deeds. In 1992, the Land Adjudication Officer cancelled the original declaration and divided the land into seven sections: Nkorieni, Ilooborlungung, Oletepesi, Shiralie, Ntulele, Olosholepunyua, and Olonkomei. New demarcation committees were formed, and rights were recorded.

The applicants claimed that they and 2,216 others registered in the Ntulele Adjudication Section were entitled to equal shares as tenants in common. They sought declarations that their land rights under Maasai customary law were property rights and requested to be registered as proprietors under the repealed Registered Land Act and the Land Registration Act 2012. They also sought to overturn the 1992 cancellation of the 1970 declaration.

The 2nd respondent argued that the creation of the seven adjudication sections was valid and that delays in finalizing the adjudication were due to litigation. They noted that the Ntulele Group Ranch had never been registered, and no individual rights had been recorded. Furthermore, they stated that the Ildamat Community's population had grown beyond the original 2,222 members and had been allocated its own section, the Ildamat Adjudication Section.

The respondents asked the Court to lift prohibitory orders halting the adjudication process and dismiss the amended summons. The court noted that hostilities and violence marred the 1970 adjudication, particularly after the public inspection of the record in 1982. Provincial leaders intervened, with the consensus that the Purko clan, being larger, needed more land than the smaller Ildamat clan. This resulted in a significant portion of Ildamat land being reallocated, leaving them with less for their use. The Ildamat Community argued that this land was their ancestral home, and they were entitled to the same acreage as other clans.

Issues

- i. The legal significance of the adjudication record No 447854 issued on March 8, 1977.
- ii. The legality of the declaration that was made on November 26, 1992.
- iii. What was the legitimate expectation of the applicants.
- iv. What reliefs could the Court grant in the amended originating summons.
- v. Who was to bear the costs of the proceedings.

Holding

1. The Adjudication Committee for Ntulele Adjudication Section appointed under Section 6 of the Land Adjudication Act had registered 2,222 persons as bona fide residents with ownership rights over the said Adjudication Section. The said record, No 447854, was issued to Ntulele Group Ranch members on March 8, 1977, after which the subdivision exercise was successfully undertaken, and a certificate of completion was issued on December 1, 1982. The record No. 447854 was never challenged by the respondents.
2. The demarcation map in favour of the 2,222 persons and the adjudication record had been completed at the time of adjudication.
3. The adjudication record No 447854 issued on March 8, 1977, was therefore lawful and reflective of the bona fide persons with legitimate rights over the Ntulele Adjudication Section.
4. The effect of the declaration made on November 26, 1992, which was stated to act retrospectively, was to nullify all actions done between September 1, 1970, including the adjudication record No 447854 and the certificate of completion issued on December 1, 1982.
5. The power donated to the Land Adjudication Officer under Section 5 of the Land Adjudication Act to declare a certain area to be an adjudication section could not be challenged. That power did not, however, include the power to cancel a declaration of an Adjudication Section after it had been published. If Parliament, in its wisdom, had intended to give such power to the Land Adjudication Officer, it would have expressly done so in the Act.
6. The Land Adjudication Officer could not nullify an exercise that had cost time and resources with one stroke of a pen without giving reasons and without hearing parties and did not have power under the Land Adjudication Act or any other written law to issue the declaration of November 26, 1992.
7. The applicants who were members of the original 2,222 people who collectively were to be registered

as Ntulele Group Ranch had a legitimate expectation of being either tenants in common or joint tenants over the entire Ntulele Adjudication Section to the exclusion of any other person claiming any rights in that property.

The Court issued a declaration that the applicants, along with the other 2,216 persons appearing in the adjudication register, were entitled under both the Land Act and the Land Registration Act to be registered as proprietors of the 56,000 acres of land comprised in the Ntulele Adjudication Section.

A declaration was issued that all the 2,222 persons whose names appeared in the adjudication register of the Ntulele Adjudication Section were tenants in common in respect of the same equal share of the suit parcel, and none could either turn the other out of the same or utilize more than his share of the same.

The Court also directed that the original Adjudication Register completed on December 1, 1982, was to proceed to finality by determining the pending 12 objections and, thereafter, the suit property to be subdivided in accordance with the demarcation maps contained therein.

The costs of the suit were awarded to the applicants.

3.2.5.3. Court emphasizes threshold for proving adverse possession

John Otieno Obade & 299 Others & 10 Others v Kirima & 60 Others (Environment & Land Case Civil Suit [1257] Of [2014] & 252 Of [2011] & Environment & Land Case 509 & 850 Of [2014] & [1496] & [1318] Of [2013] (Consolidated)) [2023] KEELC 20868 (KLR)

Brief facts

This case, commonly referred to as the Kirima Land Case involved the consolidation of six suits related to disputes over land parcels Nos 5908/8 and 6852/2, which were registered in the name of the late Gerishon Kamau Kirima.

In ELC Suit No 1257 of 2014 (O.S.), John Otieno Obade, on his own behalf and on behalf of 299 others, sought, among other things, a declaration that they were the rightful owners of a portion of L.R. No 6825/2, known as Kirima Njiru Farm, measuring 80 acres and located in the Njiru area of Nairobi City County.

In ELC Suit No 252 of 2011 (O.S.), the Kamatuto Self-Help Group, consisting of 1,310 people, sought a permanent injunction to restrain the defendants from trespassing on and demolishing their houses, which were built on 160 acres of L.R. No 5908/8. They also asked the Court to declare them entitled to the 160 acres of land they occupied.

In ELC Suit No 509 of 2014, the plaintiffs claimed they were the beneficial owners and occupants of a parcel of land in Njiru District, commonly referred to as Naridai Muoroto Scheme, which the Government of Kenya owned through the County Government of Nairobi. Initially comprising 215 people but growing to 2,000, the plaintiffs, who had been landless, stated that between 1990 and 1994, the government settled them on the 500-acre property, where they acquired squatter rights.

They sought a Court declaration of their exclusive and unimpeded right to possess and occupy the land. Geoffrey Mungai Thiong'o, the 8th defendant in ELC Suit No 509 of 2014, denied the plaintiffs' claims, arguing that he was the beneficial owner of the land, having purchased it from the late G.K. Kirima. He asserted that the land was privately owned, contrary to the plaintiffs' claims.

In ELC Suit No 1496 of 2013, the plaintiffs, as administrators of the estate of the late Gerishon Kamau Kirima, claimed that L.R. No 5908/8 belonged to the deceased's estate. They alleged that the defendants had trespassed on the property without their knowledge, consent, or authority. They sought orders restraining the defendants from further trespassing and requiring them to remove any illegal structures and building materials placed on the property.

Similarly, in ELC Suit No 1318 of 2013, the plaintiffs, also administrators of the estate of Gerishon Kamau Kirima, claimed that L.R. No 5908/8 was part of the estate they were administering. They sought to bar the defendants from trespassing on the land.

Finally, in ELC Suit No 850 of 2014, the plaintiff claimed ownership of L.R. Nos 5908/679, 680, and 681 in the Njiru area, having purchased the properties from the late G.K. Kirima between 2007 and 2010 following the subdivision of L.R. No 5908/8. He asserted that he had been issued with original deed plans for the properties and had taken possession, securing them with a barbed wire fence.

Issues

- i. Whether the applicants had established a case for adverse possession.
- ii. Whether Naridai Self Help Group had a valid interest in the portion of land referred to as Naridai Muoroto Scheme owned by the Government of Kenya through the County Government of Nairobi.
- iii. Whether the applicants were entitled to the reliefs sought.
- iv. Who was to bear the costs of the case.

Holding

1. The plaintiffs in ELC Suit No 1257 of 2014 (O.S.) had failed to tender evidence as to when and how each of them entered the suit property and which portion of L.R. 6825/2 they were occupying. To prove adverse possession, they should have provided evidence indicating when each of them entered the suit property, how they entered thereon, and which part of the property they occupied.
2. In the absence of a specific year or date when each of the claimants entered the suit property, it was not possible to determine whether each of the plaintiffs in ELC Suit No 1257 OF 2014 (O.S.) had been in occupation for the 14 years as claimed.
3. The plaintiffs in ELC Suit No 1257 OF 2014 (O.S.) had thus failed to establish adverse possession and were thus not entitled to the orders they sought.

4. In relation to ELC Suit No 252 of 2011(O.S.), the Court too found that there was no evidence that each of the 1310 of Kamatutho Self Help Group had occupied the suit property for a period of 12 years as of 2011 when that case was filed. The Court also found no evidence that each of the members of the said Self-Help Group was in occupation of the suit property, more specifically, the 160 acres that they were claiming.
5. The applicants in ELC Suit No 252 of 2011 (O.S.) had, therefore, failed to prove adverse possession and were thus not entitled to the reliefs sought.
6. In ELC Suit No 509 of 2014, the Court found that the evidence on record had indicated that the portion of land referred to as Naridai Muoroto Scheme was part of L.R. No 5908/8 measuring 499 acres that was owned by the late G.K. Kirima and John Gerishon Kirima. The said land was, therefore, not available for allocation to the plaintiffs therein either by the Government of Kenya or by the then Nairobi City Council.
7. The Court issued the restraining orders sought in ELC Suit No 1496 of 2013 in favour of the estate of the late G.K. Kirima and as against the defendants who were members of Naridai Self Help Group since the said defendants had failed to establish their claim as set out in ELC Suit No 509 of 2014.
8. In ELC Suit No 1318 of 2013, the Court found that the defendants had not acquired a valid title to the portion of the suit property that they had occupied and which they were developing since the Naridai Self Help group that had donated that land to them had not acquired any valid title thereto which they could donate.
9. The defendants in ELC Suit No 1318 of 2013 were, therefore, trespassers with respect to the land they occupied and had no right to continue possession.
10. In ELC No 850 of 2014, the Court found the plaintiff to have proved that he validly bought the parcels of land in question from the late G.K. Kirima and was, therefore, entitled to a peaceful occupation and enjoyment of the same.

ELC Suit No 1257 of 2014 dismissed with costs and the plaintiffs in possession given until December 31, 2023 to vacate; ELC Suit No 252 of 2011 dismissed with costs; ELC Suit No 509 of 2014 dismissed with costs and plaintiffs given until December 31, 2023 to vacate; Teresia Wairimu and Anne Wangari Kirima as administrators of the deceased's estate directed to within 90 days complete the sale of various parcels of land to named defendants in ELC Suit No 509 of 2014; each party in ELC Suit No 509 of 2014 to bear its own costs.

3.3. NOTABLE DECISIONS FROM SUBORDINATE COURTS

3.3.1. Magistrate's Court

3.3.1.1. The last to inflict injury that resulted in death was the person liable for causing the death, and could not excuse himself by pleading that his victim could have avoided death by taking greater care of himself.

Re - Inquest into the Sudden Death of Martin Gituma (Inquest E002 of 2023)[2024] KEMC 3 (KLR)

Brief facts

The deceased in this inquest was employed by Douglas Koome as a lorry driver. He was found dumped by their gate on August 6, 2023 at 11 pm, groaning in pain, bleeding from the mouth, and with visible facial bruises. His groaning attracted family members who came to where he was. His mother spoke briefly with him whence he told her that his employer had beaten him up. The deceased told his mother and his wife that his employer had assaulted him over a business transaction relating to ballast delivery. The mother took him to his house where he rested for the night.

The following day, the deceased's lorry conductor showed up to accompany him to their usual work. Later that day, the deceased was brought back to the house by the conductor on a motorcycle. They both reported that Douglas Koome had again beaten and assaulted the deceased over work-related issues. The deceased

specifically said that his said employer had stamped his feet on his chest and rib cage. He complained of stomach and chest pains and stayed indoors that afternoon till 9 pm when he died. The family could not take him for treatment citing lack of funds to meet the anticipated medical costs.

An inquest was filed at Githongo Law Courts under the provisions of Sections 385 and 387 of the Criminal Procedure Code to determine the cause of the sudden demise of the deceased and whether or not there was any person culpable for the said demise.

At the hearing, Douglas Koome denied killing the deceased although rumours had circulated in the village that he had killed his employee.

Issues

- i. Whether the statement made by the deceased to his mother and wife before his demise amounted to a dying declaration.
- ii. Whether the said statement made by the deceased prior to his demise was admissible in evidence.
- iii. Whether corroboration was necessary in order to sustain a safe conviction solely based on a dying declaration.
- iv. What was the causation of the death in a situation where the deceased was labouring under a pre-existing medical condition which rendered him brittle and delicate when subjected to undue duress.
- v. What was the relevance of time of death after an assault.

Holding

1. The statement that was made by the deceased prior to his demise naming his employer as his tormentor amounted to a dying declaration within the meaning of Section 33 (b) of the Evidence Act and was as by law admissible in evidence.
2. It was not a rule of law that, in order to support a conviction, there must be corroboration of a dying declaration. Such a declaration may, without corroboration, support a conviction in circumstances that go to show that the deceased

could not have been mistaken in his identification of the accused. Generally speaking however, it was very unsafe to base a conviction solely on a dying declaration of a deceased person, made in the absence of the accused and not subject to cross-examination, unless there was satisfactory corroboration.

3. The court was satisfied that the dying declaration of the deceased pin-pointed to Douglas Koome as the assailant who inflicted the violence that was the causation of the eventual demise.
4. There was medical evidence however, which showed that at the time of his demise, the deceased was labouring under a pre-existing medical condition which rendered him brittle and delicate when subjected to undue duress – severe hypertension which was compounded by an onset of liver cirrhosis. The twin assault on him by his employer occasioned great duress and triggered such a hypertensive shock that that the deceased succumbed to the uncontrolled pressure as manifested by the ruptured blood vessels in the small intestines. The hypertensive state had been untreated for a long time and the sudden pressure occasioned by the violent attack triggered unbearable duress which caused a rupture of the blood vessels. This rupturing was manifested by the severe abdominal pains.
5. Considering the evidence and the line of questioning during the Inquest hearing, it was a legally unacceptable excuse for any person to blame the deceased for his failure to seek urgent and appropriate medical attention to avert the unfortunate outcome.
6. The court cited the decision of the Court of Appeal of England in the case of *Regina v Blaue [1975] 1 WLR 1411* which highlighted the ‘Eggshell Skull Principle’ that denoted that those who used violence on other people must take their victims as they find them. While acknowledging that Douglas Koome might not have known that the deceased had a pre-existing medical condition, the court was categorical that such ignorance was ousted by the application of the ‘Eggshell Skull Principle’ (Thin

Skull Principle) because he ought to have taken the victim as he found him.

7. The Kenyan statutory provision of the 'Death Within A Year and A Day' rule was not unique to this jurisdiction as it traced its roots to the Common Law.
8. The subject (Douglas Koome) bore the only causative, effective and the resultant liability for the death of the deceased. The inquest did not find any supervening or intervening events that would have changed the course of the causative action by the subject who was the person of interest. Douglas Koome was liable to be charged with the felony of manslaughter of the deceased.

3.3.2. Kadhis' Courts

3.3.2.1. Jurisdiction of the Kadhi's Court on a dispute relating to ownership of Land on the estate of a deceased

In re Late Kosi Bukura Keteta (Deceased) (Succession Cause E007 of 2024)[2024] KEKC 11 (KLR)

Brief facts

The applicant filed a notice of motion seeking a temporary injunction and restricting the respondent from continuing with the construction of a house on the estate of the deceased. The Petitioner of the succession matter is the son, while the respondent is the grandson of the late Kosi Bukura, who is deceased. The petitioner claimed that the respondent, who was the occupant of the estate, denied the other beneficiaries, including the applicant, the opportunity to enjoy the estate of the deceased.

He further stated that the applicant was in the process of constructing a new structure (house) on an empty portion meant for other beneficiaries claiming ownership of the estate (plot), amounting to disinheriting them. The petitioner averred that this was against the constitutional right of ownership and the Islamic Shariah law of succession.

Issues

- i. What was the jurisdiction of the Kadhi's Court land ownership land.
- ii. Whether the property belonged to the Kosi Bukura (deceased father) or Muktar Kosi Bukura (deceased son).

Holding

1. The proper place to determine a dispute as to ownership of land belonged to another forum, the Environment and Land Court, and not the Kadhi's Court as provided for under Section 3(a) of Magistrate's Courts Act No 26 of 2015 and Section 13 of Environment and Land Court Act No 19 of 2011.
2. The parties must sort out the issue of ownership first through the Magistrate Court and come back to Kadhi's court for distribution of the property to the rightful beneficiaries after they made sure and ascertained ownership of the estate plot.
3. The estate of a deceased Muslim devolved upon the heirs in their specific shares. It was stated that neither Muktar Kosi Bukura (deceased) nor Kosi Bukura (deceased) had distributed the estate through a competent authority or a Muslim scholar preferred by them to execute the estate according to Islamic law.

3.3.3. Tribunals

3.3.3.1. Whether the Copyright Tribunal has the jurisdiction to deal with copyright issues that pre-date its establishment

Brian Abudu Shikuyu v The Standard Newspaper Group PLC, Tribunal Case No. E001 of 2023

Brief Facts

The claim before the Copyright Tribunal was that on or around January 8, 2023, the Respondent, a media house, allegedly infringed on the Claimant's economic and moral copyrights. This was through the unauthorized reproduction and publication of four images by the Claimant in The Nairobi newspaper. The Claimant argued that this infringement caused financial loss and sought relief.

Issue

Whether the Copyright Tribunal had jurisdiction to hear and decide on a copyright infringement case involving events that occurred before its establishment.

Holding

1. For the Copyright Tribunal to have jurisdiction over a case, it must act strictly within the legal authority granted by the Statute that established it. The Tribunal could only address matters under the Copyright Act.
2. The Copyright Tribunal was established with perpetual succession under Section 48 of the Copyright Act and Article 169(1)(d) of the Constitution. It was the successor to the "Competent Authority" previously established under Section 48(1) of the Copyright Act, with a similar mandate. According to Sections 42, 43, and 45 of the Interpretation and General Provisions Act, the functions of public offices were preserved and transitioned.
3. Section 50(1)(a) of the Copyright Act stated that the Act applied to works, performances, sound recordings, and broadcasts made before its commencement if the term of protection had not expired. Thus, even if the copyrights in question were created before the enactment of the Copyright Act, the Tribunal, whether under its former name (Competent Authority) or current, had the authority to determine the merits of the claim. The Tribunal's name change or the appointment date of its current members did not affect its jurisdiction.
4. The Tribunal urged the Ministry of Sports, Arts and Culture, the State Law Office, and the Kenya Law Reform Commission (KLRC) to promptly consider and implement legislative amendments to the Copyright Act, 2001. Specifically, they should review Section 26(3) of the Copyright Act, as well as the Second Schedule, Part D, Paragraph b; Section 27(2); and Section 28(3) in relation to Section 48(4) of the Copyright Act. These changes are needed to improve access to justice by ensuring a more

responsive, effective, and specialized resolution of copyright and creative economy disputes. The Tribunal believed that the current law unnecessarily restricted copyright owners' access to the benefits outlined in the Copyright Act, as well as Articles 169(1)(d) and (2), and Articles 11(2)(c), 40(5), 47, 48, and 50(2) of the Constitution.

3.3.3.2. The legality of HIV testing without informed consent and whether pre-test and post-test counselling is mandatory by law

J.K.K. v Mediheal Group of Hospitals (Parklands), HAT Tribunal Case No. 19 of 2023

Brief facts

The claimant sought treatment for a spinal condition at the Respondent's hospital. She was informed that surgery would be required and was asked to sign consent forms for the procedure and a series of tests. A blood sample was taken, which later emerged to have been for an HIV test. The Tribunal found that the claimant had not given informed consent for the HIV test, and the hospital did not provide the required pre-test and post-test counselling.

Issues

- i. Whether the respondent unlawfully tested the claimant for HIV without informed consent.
- ii. Whether the respondent failed to provide the mandatory pre-test and post-test counselling.
- iii. What relief should the Tribunal grant?

Holding

1. Section 13 of the HIV and AIDS Prevention and Control Act prohibited requiring an HIV test as a condition for providing healthcare or other services. There was a need for healthcare workers to be educated about this provision and its impact on their practice.
2. Informed consent must be obtained before conducting an HIV test. In this case, the respondent violated Sections 13 and 14 of the HIV and AIDS Prevention and Control Act by testing the Claimant without her informed consent.

3. Section 17 of the Act mandated that every testing centre provide pre-test and post-test counselling to anyone undergoing an HIV test. The Respondent's failure to provide this counselling was a breach of the law.
4. The Tribunal awarded the claimant KSh1,500,000 in damages for undergoing the HIV test without informed consent and KSh500,000 for the failure to provide mandatory pre-test and post-test counselling.

3.3.3.3. Whether the Kenya Bureau of Standards had the authority to test goods for compliance even after a certificate of compliance with standards was issued at the port of origin

Blantyre Steel Limited v Kenya Bureau of Standards, Tribunal Appeal No. E007 of 2023

Brief Facts

The appellant, who was involved in importing and selling various hardware products, imported zinc galvanized wires from China. These wires underwent conformity tests in China, and the appellant was issued a Certificate of Conformity before the products were exported to Kenya. However, upon arrival in Kenya, the respondent tested the galvanized wires and reported that the zinc coating measured 24.9 min, below the required standard of 72 min. Consequently, in a letter dated May 3, 2023, the respondent rejected the goods and ordered the appellant to return them to the country of origin within 30 days, failing which the goods would be destroyed at the appellant's cost.

Seeking a second opinion, the appellant requested the ministry of roads and transport to conduct an independent test, which found the wires compliant, with a zinc coating of 79.4 min. Based on these results, the appellant wrote to the respondent on May 22, 2023, asking for a reconsideration. However, the respondent declined in a letter dated June 21, 2023.

The respondent argued that it had the discretion to test products upon entry, regardless of the Certificate of Conformity (CoC) issued at the port of origin. The test at the port of entry was based on intelligence reports, and the sample failed to meet the required standard for zinc coating, leading to the rejection of the consignment. The respondent also rejected the independent test results from the Ministry of Roads, stating it could not verify the sample or methodology used for the testing. Furthermore, the Respondent maintained that it was the only body legally mandated to conduct conformity tests, and the Appellant failed to provide evidence to disprove its findings.

Issues

- i. Whether the respondent had the authority to test imported goods for compliance, even if a Certificate of Conformity was issued at the port of origin.
- ii. Whether the respondent's findings at the port of entry overrode the Certificate of Conformity from the port of origin.
- iii. What was the implication of conflicting test results from another body, such as the Ministry of Roads, compared to the Respondent's results?

Holding

1. The Act and Regulations granted the respondent the authority to re-inspect products imported into Kenya, regardless of their verification in the exporting country.
2. The appellant relied on the Ministry of Roads' report and requested the respondent to reconsider its decision. However, there was no legal provision allowing any other government body to perform the Respondent's functions. It was within the Respondent's mandate to test imported goods for compliance, even if the importer held a valid Certificate of Conformity.
3. Under Section 4 of the Standards Act, only the respondent was authorized to test imported goods to ensure conformity with set standards. The respondent had the power to re-inspect or re-test goods either at the port of origin or upon arrival in

Kenya. Therefore, the Respondent's findings at the port of entry took precedence over the Certificate of Conformity from the port of origin.

4. The respondent was the sole government body authorized under the Standards Act to test and sample imported goods in Kenya. Any tests conducted outside the provisions of the Standards Act could not override the Respondent's test results.

3.3.3.4. Whether income earned from the offshore disposal of a stake was business income chargeable to corporation tax in Kenya

ECP Kenya Limited v Commissioner of Domestic Taxes, Appeal No. 335 of 2022

Brief Facts

ECP Kenya Limited's primary activity involved collecting and processing data from portfolio companies to fulfil tasks assigned by its parent entity, ECP Manager LP, in exchange for a fee. In 2017, ECP Africa Fund III PCC, through ECP Africa FIII Investment LLC (one of its cells), sold its 90 percent stake in Java House Mauritius to another private equity fund. At the time, Java House Mauritius owned a 100 percent stake in Nairobi Java House Limited, a Kenyan entity that operated the Java House coffee and restaurant chain.

On December 6, 2017 the respondent (Kenya Revenue Authority) requested information from Nairobi Java House regarding the sale. Not being a party to the transaction, Nairobi Java House referred the Respondent to the Fund. Through its tax agents, KPMG Kenya, the Fund informed the Respondent that the sale occurred outside Kenya. Subsequently, on December 18, 2020, the respondent issued a pre-assessment notice demanding KSh3.2 billion in taxes. After further assessments and objections by the Appellant, the Respondent eventually issued a tax assessment demanding KSh773 million in corporation tax. Dissatisfied, the appellant lodged an appeal with the Tribunal.

The appellant argued that the income from the sale of

shares in Java House Mauritius, a company registered in Mauritius, was not taxable in Kenya. The Fund, being a private equity fund, primarily engages in passive investments that generate dividends, interest, or capital gains, none of which constitute business activities. The Appellant further contended that private equity funds invest for long-term capital appreciation and operate across borders without carrying out direct business activities. In response, the respondent argued that the Appellant had control over the fund and was a beneficiary of the income from the sale. It maintained that the Appellant's activities constituted the management of the fund's business in Kenya, which led to the income being considered business income taxable under Kenyan law.

Issue

Whether the income from the offshore disposal of ECP Africa Fund III PCC's stake in Java House Mauritius Limited was business income and subject to corporation tax in Kenya.

Holding

1. The Tribunal held that under Section 3 of the Income Tax Act, income must be sourced and accrued in Kenya to be taxable. The appellant's role in managing the fund's business from Kenya created a Permanent Establishment (PE) in Kenya. Since the management functions occurred in Kenya, and the Appellant was involved in identifying new investment opportunities, negotiating, structuring transactions, and executing the exit strategy, it was deemed to have carried out the business of the fund in Kenya.
2. Given the established PE and the business income earned, the Tribunal found that the income from the sale of shares was correctly attributed to the Appellant and subject to corporation tax in Kenya.
3. The Tribunal concluded that the respondent was justified in subjecting the income from the sale of shares in Java House Mauritius to corporation tax in Kenya, as the Appellant's activities in Kenya constituted the management of the fund's business, making the income taxable.

3.3.4. Small Claims Court

3.3.4.1. Breach of contract to facilitate travel abroad

Charles Mwangi Mbocha v Jane Wambui Kihungi & 3 Others, SCCOMM No. E 7804 of 2023

Brief Facts

The claimant was introduced to a travel opportunity to the USA by the 2nd respondent, who assured him that she would handle all necessary arrangements, including obtaining a USA visa. The claimant was to attend a conference at Virginia Wesleyan University, and in preparation, he made payments as directed by the Respondents.

The 1st respondent initially introduced the conference opportunity via WhatsApp, sending a brochure and advising the claimant's wife on how to proceed. The 1st respondent also directed the claimant's wife to the 2nd respondent for further information. The 3rd and 4th respondents received payments on instructions from the 1st and 2nd respondents.

On the scheduled travel date, the claimant was left stranded as the 2nd respondent did not show up with the necessary travel documents. Despite efforts to contact her, she remained unreachable. The claimant discovered that no flight was booked for him and sought a refund of KSh455,000 which he had not received by the date of the hearing.

Issues

- i. Whether there existed an agency relationship between the respondents.
- ii. Whether there existed a contractual relationship between the claimant and the Respondents.
- iii. Whether there was a breach of contract, and if so, what were the consequences?

Holding

1. The court found that an agency relationship existed between the respondents. The 1st, 3rd, and 4th respondents acted as agents of the 2nd respondent,

the principal, who ratified their actions through her conduct. The 1st respondent was a general agent, while the 3rd and 4th respondents were special agents tasked with collecting payments. The actions of the agents, including communications and receipt of money, were deemed those of the principal, creating a binding relationship.

2. The court determined that there was a valid contractual relationship between the claimant and the 2nd respondent. Acting as agents, the 1st, 3rd, and 4th respondents facilitated this relationship. The contract involved an offer (the trip to the USA), acceptance by the claimant, and consideration (the payments made). The claimant had provided evidence of the agreement and the payments made to the respondents.
3. The court concluded that there was a breach of contract when the respondents failed to provide the promised services, leaving the claimant stranded. The 2nd respondent, as the undisclosed principal, was held liable for the breach, along with her agents, who failed to fulfil their contractual obligations.
4. The court held that the claimant was entitled to a refund of KSh425,000 plus interest from the date of filing the suit until full payment. The respondents' actions amounted to a breach of the contractual obligations owed to the claimant. The court emphasised the principle that the law holds both principals and agents liable in circumstances where contractual duties are not honoured.

3.3.4.2. Duress in contract

Pharmacy v Rogers Mthengo Kahindi, SCCOMM/E149/2024

Brief Facts

Pharmacy, the claimant, filed a suit seeking KSh130,803 plus costs and interest, alleging that the Respondent, their former employee, stole KSh130,803 during his employment. After the theft was discovered, both parties settled the matter through an agreement dated September 4, 2023, where the Respondent's

family paid KSh30,000, with the balance to be paid in instalments. The claimant sued for non-payment of the remaining balance. The respondent admitted to being an employee but denied stealing any funds, arguing that the agreement was signed under duress and that he was forced by the claimant's representatives and police to sign it.

Issues

- i. Whether the settlement agreement dated September 4, 2023 was valid and enforceable.
- ii. What remedies were available to the parties.

Holding

1. The court found that the agreement did not impose any obligations on the respondent himself; instead, the agreement bound third parties (respondent's family members). Under the doctrine of privity of contract, a contract could not impose obligations on non-parties, making the agreement unenforceable against the respondent.
2. The Court found that the respondent was arrested and held in custody, then brought to the claimant's premises by police officers, who were present during negotiations and forced him to sign the agreement. The court found that the undue police involvement and coercion in the agreement's execution proved duress.
3. The court concluded that the settlement agreement was obtained through undue influence, duress, and coercion, rendering it void.

The court dismissed the Claimant's claim as unmeritorious, declared the settlement agreement void, and awarded costs to the Respondent.

3.4. ALTERNATIVE JUSTICE SYSTEM (AJS) DEMOSPRUDENCE

The Constitution of Kenya, Article 159(2)(c) mandates the Judiciary to promote alternative forms of dispute resolution. In line with this directive, the Judiciary has adopted a multi-door approach to dispute resolution,

encouraging the use of alternative dispute mechanisms. The Alternative Justice Systems (AJS) Framework Policy is central to this effort, fostering cooperation and harmony between traditional AJS processes and the formal court system. This interaction aims to enhance access to justice for all Kenyans.

The AJS Framework Policy outlines various ways in which AJS mechanisms interact with the judiciary. Four specific approaches have been identified as compatible with the constitutional provisions on AJS, and these approaches guide how AJS matters are handled when referred to the courts:

- i. Deference – the court reviews previous AJS proceedings and awards, focusing only on procedural correctness and proportionality.
- ii. Recognition and Enforcement – in this mode, the court recognizes an AJS award or decision as if it were its own decree, subject to the right of one party to set aside the award for a very limited set of reasons.
- iii. Facilitative Interaction occurs when an AJS award or process is introduced as evidence in an ongoing court case.
- iv. Monism – in this approach, the court treats an AJS process or award as a tribunal of “first instance,” allowing a dissatisfied party to appeal to the court. In such cases, the court conducts a full review of both the facts and the law, similar to how it handles appeals. The Policy emphasizes a preference for the Deference and Recognition and Enforcement doctrines. However, in some instances, based on prior agreements between parties or the specific circumstances of a case, the Monist or Facilitative Interaction approaches may be more appropriate.

In line with the multi-door approach to dispute resolution, this section of the chapter tracks the evolving relationship between AJS demosprudence and the formal courts during the reporting period, highlighting emerging patterns in how courts are increasingly adopting decisions made by AJS mechanisms.

Kitur & Another v Kitur (ELC Case 68 of 2021) [2023] KEELC 17253 (KLR)

This dispute concerned land ownership between siblings, where the land was allegedly registered in the elder brother's name as a trustee. The court recognised a series of meetings convened by the area chief and family members as a traditional dispute resolution mechanism. In its ruling, the court adopted the decision reached through this traditional process and implemented it as its judgment.

Keter v Seurei (Environment & Land Case 8 of 2021) [2023] KEELC 16131 (KLR)

This case involved a boundary dispute between owners of adjacent parcels of land. The parties disagreed on the exact location of the general boundary. The court referred the matter to a clan-based AJS for resolution. Subsequently, the court adopted the decision made by the clan members.

Bor v Ngisirei (Environment & Land Case 103 of 2021) [2023] KEELC 443

The issue in this case was whether the plaintiff's late husband had been adopted as a son or merely served as a herd boy. Evidence was presented regarding a 1994 meeting held by village elders, where they granted 4 acres of the disputed land to the plaintiff's late husband's family. The court found that the 1994 meeting and its decision were not repugnant to justice and morality and subsequently adopted the elders' decision as a judgment of the court.

In the Matter of the Estate of Kirotie Ole Butu (Deceased), Succession Cause No. 3 of 2022

The parties involved presented an AJS award to the court, requesting its adoption. The court applied the agency theory of jurisdiction and the doctrines governing interactions between AJS and the formal justice system. It adopted the AJS award on the grounds

of voluntariness and the parties' mutual agreement to be bound by the AJS decision.

LWG v GBG (Matrimonial Case 6 of 2015) [2023] KEHC 26305 (KLR)

In this matrimonial dispute, the parties had resolved their issues through AJS sessions. However, the applicant later filed an Originating Summons seeking a fresh hearing, which the respondent challenged, arguing that the matter was *res judicata*, as it had already been determined through AJS and the outcome had been complied with. The court dismissed the Originating Summons, holding that the AJS agreement made on July 5, 2022 was valid since neither party had challenged it.

Republic v Dennis Kiprotich Chepkwony, Criminal Case No. 61 of 2014

The accused was charged with murder under Section 203, as read with Section 204 of the Penal Code, for allegedly killing David Kipyegon Chirchir on May 7, 2014 in Timbwalo Village, Tinet Location, Kuresoi South District, Nakuru County. After a full trial, the court convicted him of manslaughter under Section 202, as read with Section 205 of the Penal Code. In sentencing the accused to serve a probation sentence, the court directed that the Probation and Aftercare Service work in collaboration with AJS mechanisms to restore and maintain peaceful neighbourly relations and prevent further conflict.

3.5 SECTIONS OF THE LAW DECLARED UNCONSTITUTIONAL

Table 3. 1: Sections of the Law Declared Unconstitutional

S/N	CASE CITATION	STATUTE /SECTION AFFECTED	SUMMARY OF THE AFFECTED STATUTE/ SECTION	ARTICLE OF CONSTITUTION OFFENDED	DATE OF DECISION	REASON
1	Katiba Institute & 8 Others v Director of Public Prosecutions & 2 Others; Joshua Otieno Ayika (Interested Party)(Petition E016 of 2023 (2024) eKLR)	Sections 77(1); and (3)(a), (b), (c), (d), (e), (f) and (g) of the Penal Code.	Section 77(1) made it an offense for any person to do or attempt to do, or make any preparation to do, or conspire with any person to do any act with a subversive intention. Subsection (3) then enlisted what constituted 'subversive' acts	Article 33	March 18, 2024	The section was found to be broadly and vaguely worded, that it lacked clarity as to its purpose and intent, and that it limited the freedom of expression. The derogation from the freedom of expression in section 77(1) was not a derogation envisioned under Article 24(2) of the Constitution.
2	Kaburucho v Republic (Criminal Petition E052 of 2022 (2023) KEHC 26063 (KLR))	Section 8(4) of the Sexual Offenses Act	The section imposed a mandatory minimum sentence of fifteen years for the offense of defilement of a child aged between fifteen and eighteen years	Article 25(c)	November 27, 2023	The Court found that the section was unlawful only if applied without discretion and independence in meting sentence; and without due, clear, and considered regard for, and incorporation of mitigating circumstances prior to, and in the sentencing exercise. If otherwise applied, section 8(4) of the SOA offended the right to a fair trial.
3	Manyeso v Republic (Criminal Appeal 12 of 2021(2023) KECA 827 (KLR))	Sections of the law that made provision for mandatory and indeterminate sentence of life imprisonment	Section 8(2) SOA under which the appellant was sentenced provided for a mandatory sentence of imprisonment for life upon conviction for the offense of defilement with a child aged eleven years or less	Articles 27 and 28	July 7, 2023	An indeterminate life sentence amounted to inhumane treatment and violated the right to dignity under Article 28 of the Constitution; and such sentence meted out without any prospect of release or a possibility of review was degrading and inhuman punishment. It offended a principle in international law that required all prisoners, including those serving life sentences, to be offered the possibility of rehabilitation and the prospect of release if that rehabilitation was achieved.

3.6 DECISIONS THAT RECOMMENDED LAW REFORM

Table 3. 2: Decisions that Recommended Law Reform

S/N	CASE CITATION	DATE OF DECISION	STATUTE/ SECTION AFFECTED	POSITION AS AT DATE OF DECISION	PROPOSED LAW REFORM	RATIONALE
1	Lukano (Suing as the Legal Representative of the Estate of Evans Siema Lukano (deceased) v Director of Occupational Health and Safety; Jamly Services & Another (Interested Parties) (2023) KEHC 21435 (KLR))	July 31, 2023	Work Injury Benefits Act	The compensation framework in WIBA, particularly section 53(2) thereof bestowed only upon the Director of Occupational Health and Safety the legislative mandate to deal with liability as it determined the issue of compensation	To have the WIBA compensation framework reviewed so as to have a legislative framework that resonated with the fair Administrative Action Act	Granting the power to the Director alone as provided under section 53(2) WIBA meant that once the matter had been reported, all other channels to pursue justice were blocked until the Director had made a determination on the matter. That made the whole process very tedious to victims who sought justice.
2	Republic v Director, Kenya School of Law & 2 Others; Abdi (exparte) (Application E114 of 2023 (2023) KEHC26299 (KLR))	December 8, 2023	Part VI of the Legal Education Act that establishes the Legal Education Appeals Tribunal	The Legal Education Act had no provision on execution of the decisions of the Legal Education Appeals Tribunal	There was need to amend the Act to cloth the Tribunal with power to enforce its own judgments	The power to enforce its own judgments was power that would ordinarily be part of the jurisdiction of the Appeals Tribunal. Such power ought to be expressly provided for in the Act rather than in a subsidiary or secondary legislation.
3	Odhiambo v Attorney General & 2 Others; Nyanhoga (Interested Party)(Petition E400 of 2021 (2024) KEHC 354 (KLR))	January 26, 2024	Section 2 of the Victim Protection Act	The section limited the definition of the word 'victim' to natural persons	Section 2 of the Victim Protection Act to be amended to provide for the protection, rights and welfare of all victims of criminal offences such as companies, associations or other body of persons whether incorporated or unincorporated who were recognized as persons under Article 260 of the Constitution	Expanding the definition of the word 'victim' as proposed will align section 2 of the Victim Protection Act with the definition of the 'person' as provided at Article 260 and therefore fully comply with the requirement at Article 50(9).



S/N	CASE CITATION	DATE OF DECISION	STATUTE/ SECTION AFFECTED	POSITION AS AT DATE OF DECISION	PROPOSED LAW REFORM	RATIONALE
4	MMG v Tribunal Appointed to Investigate the Conduct of Hon. Lady Justice MMG, Judge of the Environment and Land Court of Kenya (Petition 10 (E013) of 2022)[2023] KESC 73 (KLR)	September 12, 2023	1. Mental Health Act 2. Pensions Act	Requisite legislation lacking	1. Parliament to amend the Mental Health Act guided by best practices and provide for inter alia a clear definition of "mental capacity," and "the test for mental capacity" 2. Parliament to align the provisions of the Pension Act with any new amendments and to provide for pension for Judges and other State officers removed from office on account mental incapacity. 3. Parliament to also consider aligning the Employment Act with mental health considerations and accommodations.	Proposed legislation will address the lacuna in the law and clarify whether and what a State Officer would be entitled to as pension upon removal from office on account of mental incapacity
5	Otieno v Ministry of Interior & Co-ordination of National Government (State Department for Correctional Services) & 2 others [2024] KEHC 1639 (KLR).	February 23, 2024	Section 30 (2)(h) of the Persons Deprived of Liberty Act.	Regulatory framework required by the Act not put in place	Cabinet Secretary in the Ministry of Interior & Co-ordination of National Government where the State Department for Correctional Services lies to make regulations to give effect to instances when a person deprived of liberty could be allowed to leave the institution in which that person was held.	The Regulatory Framework will fulfil the requirement of Section 30 (2) (h) of the Persons Deprived of Liberty Act and align with the provisions of Articles 24, 27, 28, and 51(1) of the constitution.

S/N	CASE CITATION	DATE OF DECISION	STATUTE/ SECTION AFFECTED	POSITION AS AT DATE OF DECISION	PROPOSED LAW REFORM	RATIONALE
6	Brian Abudu Shikuyu v The Standard Newspaper Group PLC, Tribunal Case No. E001 of 2023	July 19, 2023	1. Copyright Act, Section 26(3) 2. Copyright Act, Second Schedule Part D Paragraph b; Section 27(2); and Section 28(3) in relation to section 48(4)	Law as currently was unnecessarily restricted copyright owners' access to the benefits outlined in the Copyright Act	Affected sections of the Act to be amended to make them more responsive, effective, and specialized in the resolution of copyright and creative economy disputes.	Proposed amendment will improve access to justice and align with the Constitution, Articles 169(1)(d) and (2), and Articles 11(2)(c), 40(5), 47, 48, and 50(2)
7	Shah & 7 others v Mombasa Bricks & Tiles Limited & 5 others (Petition 18 (E020) of 2022)[2023] KESC 106 (KLR) (28 December 2023)	December 28, 2023	Laws relating to Trusts and their registration	Law as currently was made no provision on effect of constructive trusts on properties once declared by courts, and the registration of trusts relating to shares held in a company.	Parliament to pass legislation providing for recourse that a party has upon declaration of a trust by the Court and how to actualise it, especially concerning shareholding.	1. The law reform will promote legal certainty, safeguarding property rights and equitable access to justice. 2. The changes will be indicative of a growing recognition of the importance of constructive trust as a means of addressing unjust enrichment and ensuring equitable outcomes in disputes.

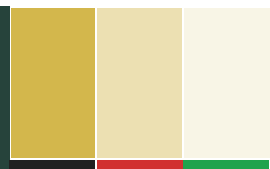


CHAPTER 4

Accountability in the Judiciary



Accountability in the Judiciary



4.1. INTRODUCTION

Judges, Judicial Officers and staff are required to uphold the highest ethical standards, ensuring the efficient use of resources and the equitable and timely delivery of services to all citizens. Courts are expected to resolve cases without unnecessary delays or bias while maintaining transparency by providing accurate and timely information to the public. Likewise, administrative accountability extends to how Judiciary Units manage resources and engage with the public, incorporating mechanisms to address feedback on service delivery and conduct.

This chapter outlines the accountability measures implemented throughout the year, covering key areas such as performance management, financial oversight and reporting, public feedback and anti-corruption efforts.

4.2. COMPLAINTS MANAGEMENT

All service points in the Judiciary, such as court stations, directorates and administrative units have been empowered to manage customer feedback directly. The Judicial Service Commission (JSC) receives complaints against, investigates and removes from office, or otherwise disciplines registrars, magistrates, other judicial officers and staff. JSC also receives petitions from the public relating to the removal of a Judge from office and if satisfied with the grounds, initiates the removal process in accordance with Article 168 of the Constitution.

The Office of the Judiciary Ombudsman (OJO) handles complaints from the public concerning service delivery

in the Judiciary and against its officers and staff. OJO also handles grievances raised by Judiciary employees. The complaints handling process by OJO is illustrated in Figure 4.1



Figure 4.1: Complaints handling process

4.2.1. Complaints Management Programmes

To enhance transparency, accountability and efficiency in addressing complaints within the Judiciary, several initiatives were implemented to strengthen the complaints management system. These initiatives included the following:

Judiciary Complaints Management System

(JCMS): The System, an online platform that the Judiciary provides to register these complaints digitally, was upgraded to include Integrity and Assurance Officers, as well as Heads of Stations. This streamlined the feedback mechanism on complaint handling as the officers who were included assisted OJO in managing and processing complaints more efficiently.

Through the platform, users can effortlessly submit information regarding their grievances, monitor the progression of their complaints and obtain prompt notifications regarding the resolution process.

Public awareness programmes: OJO conducted awareness programmes at several locations, including the ASK Show in Mombasa, Likoni Juvenile Remand, Shanzu Boys Probation Hostel and a media forum in Nakuru.

Spot Checks: Twenty-five spot checks were conducted across various service delivery points in the Judiciary, including courts and administrative units. The twenty-five spot checks were conducted in the following courts: Nyahururu, Machakos, Kilungu, Kangundo, Nyamira, Kitale, Thika, Kisumu, Mombasa, Makadara, Kibera, Kilifi, Eldama-Ravine, Kwale, Nakuru, Ogembo, Mutomo, Nanyuki, Shanzu (twice), Molo, Vihiga, Milimani Law Courts and Milimani Commercial Courts (twice). These checks are critical in securing evidence while conducting investigations.

Compliance Checks: Compliance checks aimed at assessing the quality of services, compliance with the service delivery charters and identifying areas for improvement in complaint handling were carried out in the following Court stations; Msambweni, Tononoka, Mombasa, Shanzu, Kyuso, Mwingi, Tawa, Mutomo, Kitui, Isiolo, Gichugu, Karatina, Siakago, Vihiga, Kapsabet, Ukwala, Tamu, Nyando, Winam, Mariakani, Kilifi, Makadara Kithimani, Kwale, Makindu, Wundanyi Kehancha, Migori, Kisii, Rongo, Homabay, Mbita, Ndhiwa, Oyugis, Naivasha, Kerugoya, Wanguru, Runyenjes, Kabarnet, Kapenguria and Iten. These court stations had not been visited for compliance checks over a long period.

4.2.2. Complaints Handled

A total of 1,115 complaints were registered. This was a decline from the 1,212 complaints that were registered in the previous financial year. Additionally, 331 complaints were carried forward from the previous year, bringing the total number of complaints during the year to 1,446.

Of these, 1,347 complaints were determined, resulting in a resolution rate of 93 per cent. At the end of the financial year, 99 complaints remained unresolved.

4.2.2.1. Classification by Nature of Complaint

As illustrated in Fig. 4.2, half of the total complaints filed throughout the year related to judicial misconduct and abuse of court processes, while slightly more than one-third concerned procedural and administrative issues.

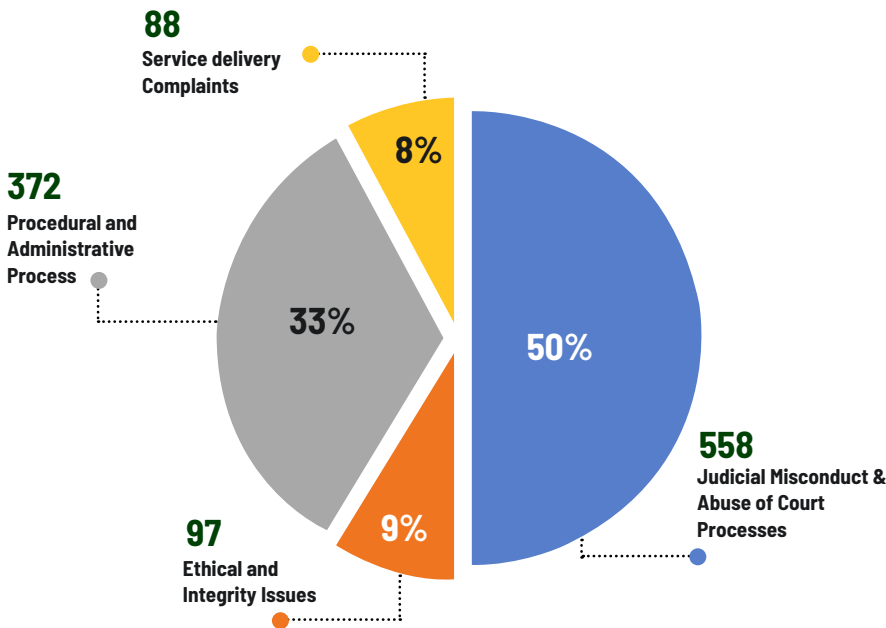


Figure 4.2: Filed complaints by nature

In terms of resolution, 51 per cent of the total resolved complaints pertained to judicial misconduct and abuse of court processes. This was followed by complaints related to procedural and administrative issues, which accounted for 33 per cent, as illustrated in Figure 4.3.

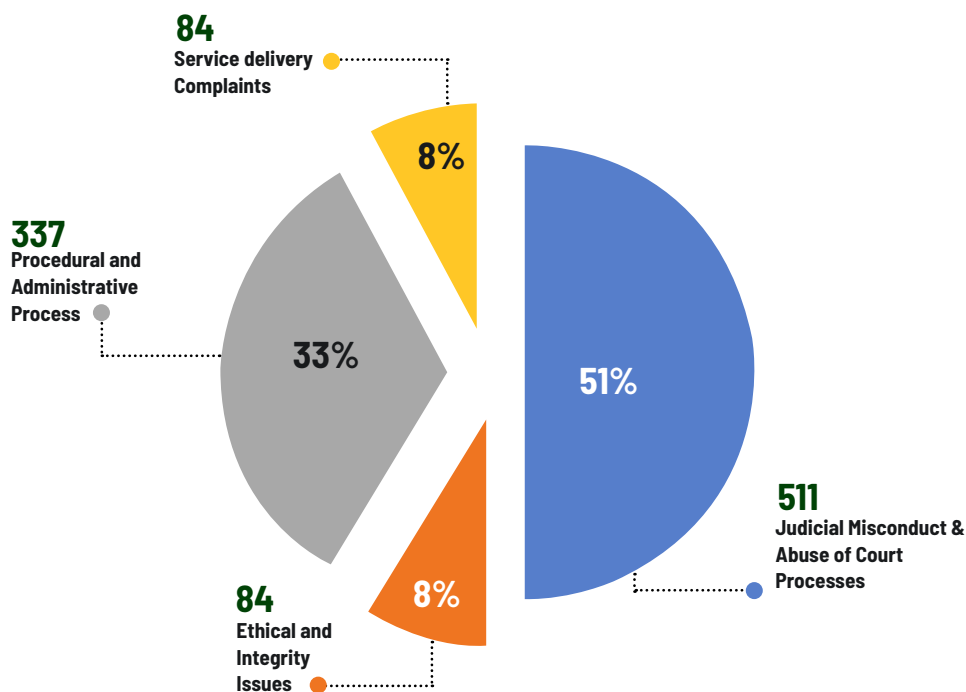


Figure 4.3: Classification of complaints resolved, FY 2023/24

4.2.2.2. Classification of Complaints by Respondent

The highest number of complaints totalling 564 out of 1,115 registered in FY2023/24 related to the Magistrates Court. This was followed by 261 complaints against the High Court and 147 complaints directed at administrative offices. ELRC had the least number of complaints at 19, as shown in Fig. 4.4.

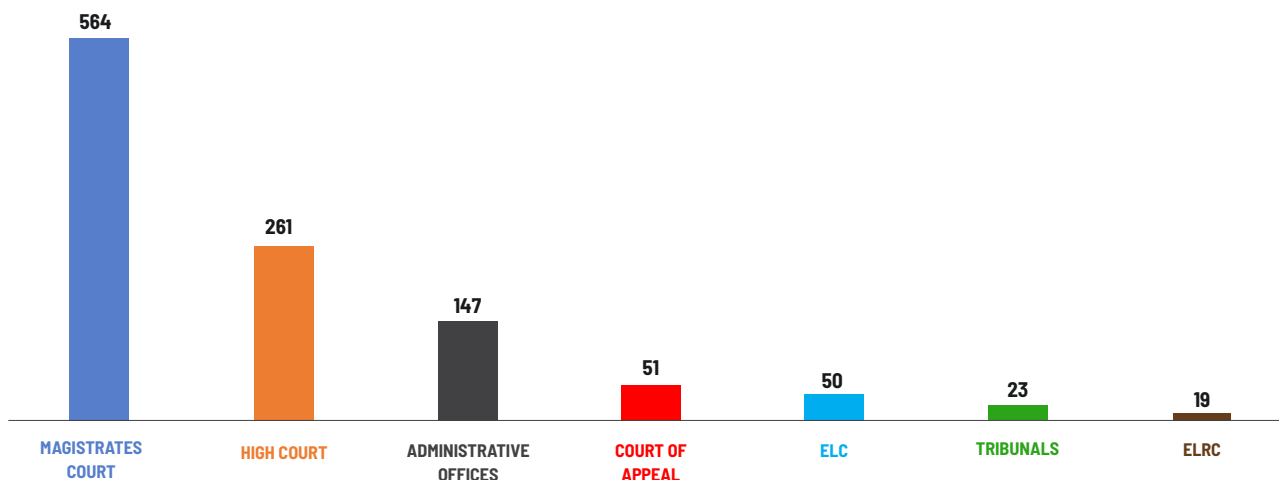


Figure 4. 4: Classification of registered complaints based on respondents, FY 2023/24

4.2.3. Employee Values and Conduct

Employee discipline plays a critical role in shaping the image and credibility of the Judiciary. As such, employees are expected to uphold the highest standards of performance, integrity and professionalism in full compliance with the Judicial Service (Code of Conduct and Ethics) Regulations 2020.

4.2.3.1. Petitions against Judges

The JSC continued to discharge its mandate under Article 168 of the Constitution, receiving a total of 100 petitions against Judges. These petitions, together with those brought forward in the previous year, were handled as shown in Table 4.1.

Table 4.1: Petitions against Judges, FY2023/24

PARTICULARS	FY 2023/2024
Petitions brought forward from FY2022/23	41
Petitions received during the year	100
Total petitions handled	141
Petitions concluded	70
Petitions carried forward	71

4.2.3.2 Disciplinary Cases against Magistrates and Kadhis

Over the reporting period, a total of ten disciplinary cases against Magistrates and Kadhis were processed by both the JSC and the Chief Justice pursuant to the power delegated under Schedule IV of the Judicial Service Act. Half of the cases that were processed were resolved by the end of the year under review, while the other half had not been concluded. Table 4.2 indicates the analysis of the processed cases.

Table 4.2: Disciplinary cases against Magistrates and Kadhis

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

4.2.3.3 Disciplinary Cases against Staff

A total of 116 disciplinary cases involving staff were registered. The most common offences among staff were absence from duty, representing 49.6 per cent, followed by soliciting and accepting bribes at 9.6 per cent. Arraignment in court on criminal charges and involvement in financial malpractices were also common, making up 7.8 per cent and 6.1 per cent, respectively, as indicated in Table 4.3.

Table 4.3: Nature of offences in disciplinary cases against Staff

S/No	Disciplinary Offence	Number of Staff Involved	Percentage
1	Absence from Duty	58	49.6%
2	Soliciting and receiving a bribe	11	9.6%
3	Arraigned in Court for Criminal Charges	9	7.8%
4	Financial Malpractice	7	6.1%
5	Negligence of duty	6	5.2%
6	Sexual Harassment	6	5.2%
7	Improper handling of matters relating to Judiciary & work negligence	3	2.6%
8	Loss of exhibits	3	2.6%
9	Abuse of Office	2	1.7%
10	Falsifying of Judicial Documents	2	1.7%
11	Fraud	2	1.7%
12	Intoxication during working hours	2	1.7%
13	Loss of File	2	1.7%
14	Use of Abusive Language	2	1.7%
15	Insubordination	1	0.9%
	Total	116	100%

4.2.3.4. Disciplinary Matters Registered Per Cadre for Judicial Staff

Court assistants constituted the majority of staff facing disciplinary process at 61.2 per cent, followed by office assistants at 12.1 per cent and accountants at 6.9 per cent as presented in Table 4.4.

Table 4.4: Disciplinary matters per cadre for judicial staff

S/No	Cadre	Number of Staff	Percentage
1	Court Assistants	71	61.2%
2	Office Assistants	14	12.1%
3	Accountant	8	6.9%
4	Court Administrators	6	5.2%
5	Drivers	6	5.2%
6	Legal Researchers	4	3.4%
7	Procurement	3	2.6%
8	ICT Officers	2	1.7%
9	Office Administrators	1	0.9%
10	Security	1	0.9%
	Total	116	100%

4.2.3.4. Disciplinary Outcomes for Judicial Staff

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

4.3. PERFORMANCE MANAGEMENT

Since 2015, the Judiciary has implemented a performance management and measurement system aimed at enhancing accountability. The system promotes transparency, sets clear expectations, provides regular feedback and holds both individuals and implementing units accountable for their results. It is implemented through various tools, including Performance Management and Measurement Understandings (PMMUs), Performance Appraisal Systems (PAS), annual work plans and service delivery charters, among others.

4.3.1. Overall Performance of Courts and Administrative Units

The Performance Management and Measurement Understandings (PMMU) tool is used for target setting and evaluation of courts and administrative

units. During the year, the results of the 8th cycle of the PMMU evaluations for FY 2022/23, covering 319 units, were released. These units included the Supreme Court, 6 Court of Appeal Stations, 45 High Court Stations and Divisions, 7 Employment and Labour Relations Courts, 36 Environment and Land Courts, 133 Magistrates' Courts, 45 Kadhi Courts, 12 Small Claims Courts, 13 Tribunals, 8 registrars' offices, 10 directorates, 2 administrative offices and the Kenya Judiciary Academy.

The PMMU grading system is structured in such a way that a score exceeding 120 per cent is considered "outstanding". A score between 101 per cent and 119 per cent is rated as "excellent," while a score of 100 per cent

earns a "very good" grade. Scores ranging from 75 per cent to 99 per cent are classified as "good". A score between 50 per cent and 74 per cent is deemed "fair," while any score below 50 per cent is categorised as "poor".

There was no Court or Unit which scored "Outstanding" or "Excellent" performance grades. 146 implementing units achieved a "Very Good" performance grade, 150 implementing units attained a "Good" rating and 23 attained "Fair". Table 4.5 shows the performance of the implementing units.

Table 4.5: Overall performance of Courts and Administrative Units

COURTS/ IMPLEMENTING UNIT	EXCELLENT	VERY GOOD	GOOD	FAIR	POOR
Supreme Court	0	1	0	0	0
COA	0	3	1	2	0
High Court	0	10	29	6	0
ELRC	0	4	2	1	0
ELC	0	16	16	4	0
Magistrates' Courts	0	54	76	3	0
Small Claims Court	0	5	5	2	0
Kadhis' Courts	0	29	12	4	0
Tribunals	0	8	4	1	0
Registrars	0	7	1	0	0
Directorate	0	6	4	0	0
Other implementing Units	0	3	0	0	0
Total	0	146	150	23	0

4.3.2 Performance of Judicial Staff

The Performance Appraisal System (PAS) is a tool used to manage and assess the performance of individual Judicial Officers and Staff. PAS has been integrated into the Enterprise Resource Planning (ERP) system of the Judiciary. In 2022/23, out of 5,225 Judiciary staff who set their targets, 4,809 representing 92 per cent were appraised. Of those appraised, 49.1 per cent (2,359) were male while 50.9 per cent (2,450) were female.

The overall mean performance rating for staff FY2022/23 was 96.1 per cent as compared to 95.4 per cent in FY2021/22, an increase of 0.7 per cent.

4.4. FINANCIAL REPORTING AND COMPLIANCE MECHANISM

The Judiciary employs various mechanisms to ensure that public funds and resources are managed in accordance with legal and ethical standards. This includes financial reporting, internal and external audits and risk management to ensure accountability and compliance.

4.4.1 Internal Audit and Risk Management

During the 2023/2024 financial year, twenty-six court stations were audited, namely: Nyamira, Migori, Kilifi, Maua, Vihiga, Tinderet, Kabiyet, Ol Kalou, Madiany Iten, Engineer, Loitoktok, Winam, Kenol, Rumuruti, Kehancha, Siaya, Homabay, Lamu, Kilungu, Port Victoria, Ndhiwa, Malaba, Etago, Kwale and Marimanti Law Courts.

In addition, four tribunals were audited, namely; Financial Centre Tribunal, Copy Right Tribunal, Water Tribunal and Land Acquisition Tribunal.

Audits were also conducted on Payroll Management, Budget and Expenditure Management, Supply Chain Management, Revenue Management, Information Communication Technology, Imprest Management, National Council for the Administration of Justice, Construction Management and Construction of Ablution Block at Bungoma Law Courts. The audits undertaken encompassed systems audits in twelve areas, namely: Supply Management, Expenditure Management, Budget Management, Revenue Management, Deposits Management, Registry Management, Assets Management, Case Management Systems, Financial Management Information Systems, ICT, Construction Management and Staffing.

Follow-up on the implementation of recommendations contained in twenty-seven internal audit reports was undertaken. This included information technology, revenue management, budget and expenditure management, payroll management and Cooperative Tribunal. Other internal audit reports on which follow-

up was made included Kilifi, JKIA, Migori, Nyamira, Mavoko, Kahawa, Maua, Iten, Homabay, Lamu, Loitoktok, Kilungu, Engineer, Kibera, Naivasha, Winam, Kwale, Vihiga, Siaya, Nyahururu and Marimanti Law Courts. Follow-up was also carried out on the implementation of recommendations contained in the Public Accounts Committee (PAC) Furthermore, advisory services were provided in disputes on two construction contracts.

The internal audit reports provided recommendations aimed at improving operations and strengthening controls in all areas. Some of the recommendations included: the resolution of various challenges encountered in fee assessment; enhancement of automation of registry management to cover areas such as management of securities, exhibits, release orders and committal warrants; review of the registry manuals to take into account changes such as automation and organisation review; investigation of impropriety in management of funds, prosecution of culprits, taking disciplinary action and recovery of lost funds; finalisation of the Asset Management Policy; rationalising the staffing; reviewing the integration of CTS, JFMIS and KCB platforms to resolve challenges in auto-generation of e-receipts; upgrading JFMIS to address various gaps; enhancing CTS SOPs to cover missing aspects; and implementation of pending internal audit recommendations from various Internal Audit Reports.

The Internal Audit Strategy for 2024/25 to 2026/27 was developed through a consultative process. This strategy served as the foundation for drafting the Annual Internal Audit Work Plan for the 2024/25 Financial Year.

4.4.2 External Audit

The financial statements of the Judiciary are audited annually by the Auditor General to assess whether public funds have been used lawfully and efficiently. The audit also evaluates the effectiveness of the Judiciary's internal controls, risk management and overall governance practices.

The Judiciary has enhanced financial systems through automation and continuous process improvements and supervision. This has led to improved revenue management and accountability. Towards this end, the Judiciary's Receiver of Revenue Statements obtained an unqualified audit opinion for the past three financial years.

The audit for FY2023/24 by the Auditor General was ongoing. However, for the concluded audit for FY2022/23, Judiciary financial statements received a qualified opinion.

The findings of the Auditor General were reported to the National Assembly through the Public Accounts Committee (PAC) and made available to the public, offering transparency and a basis for holding Judiciary accountable. The audits thus served as a key tool for ensuring that public funds were used for the intended purposes.

4.4.3. Deposit Forfeitures

Court deposit forfeiture occurs when a party in a legal case loses the right to reclaim a deposit they paid to the court as a form of cash bail or security. During the review period, a total of KSh247,014,790 in court deposits were forfeited.

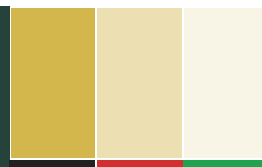


CHAPTER 5

Human Capital Management and Development



Human Capital Management and Development



Empowering justice: building a workforce by attracting and retaining top talent, enhancing core competencies, and driving development for transformative change.”

5.1. INTRODUCTION

Embedded in the Social Transformation through Access to Justice Blueprint is a commitment by the Judiciary to attract and retain the best talent, upgrade core competencies of all staff, and develop the incentives and esprit de corps required to have Judges, Judicial Officers, and staff prepared to meet the needs of the contemporary judicial world. This commitment is born out of the fact that the Judiciary’s workforce is not just its most valuable asset but also the most critical ingredient

to the realisation of social transformation through access to justice.

In line with this commitment, the Judiciary continued to implement a forward-looking strategic human capital development approach guided by the STAJ blueprint during FY 2023/24. This chapter presents a snapshot of the human capital during the year and the initiatives that were undertaken to nurture and cultivate this asset to create a more skilled, adaptable, and innovative workforce.

5.2. EMPLOYEE ESTABLISHMENT

5.2.1 Recruitment and Exits

The Judiciary continued to strengthen and enhance the institution’s human resource capacity in its commitment to excellence in service delivery.



His Excellency President William Ruto and Judiciary leadership led by Chief Justice Martha Koome during the swearing in of 20 newly appointed High Court Judges on May 14, 2024 at State House, Nairobi.

The Judiciary recruited 957 employees of different cadres during the reporting period. This includes the appointment of a new Chief Registrar, 20 High Court Judges as well as 4 Tribunal Members, 119 Judicial Officers and 814 Judicial Staff.

Among those recruited during the year is a Registrar responsible for automation, who comes on board to drive the automation of judicial services in conjunction with the ICT Directorate as the Judiciary works to mainstream technology in the administration of justice. The Judiciary also onboarded 17 Assistant Deputy Registrars who were selected from among judicial staff who obtained legal qualifications while in service. The breakdown is provided in Table 5.1.

Table 5.1: Talent acquisition, FY 2023/24

S.NO	DESIGNATION	FEMALE	MALE	TOTAL
1	Chief Registrar	1	0	1
2	High Court Judges	8	12	20
3	Registrar, Automation Services	1	0	1
4	Resident Magistrate	42	17	59
5	Deputy Director of Human Resource	0	1	1
6	Tribunal Member	1	3	4
7	Assistant Deputy Registrar	9	8	17
8	Accounts Assistant	12	17	29
9	Court Assistant II	116	131	247
10	Driver III	0	2	2
11	ICT Advisor	0	1	1
12	ICT Assistant	1	6	7
13	ICT Officer I, Software Development	0	3	3
14	ICT Officer II	0	1	1
15	ICT Officer II, Software Programming	0	2	2
16	ICT Officer II, Systems Administration	0	1	1
17	Law Clerk	1	0	1
18	Legal Researcher	20	5	25
19	Office Assistant II	3	3	6
20	Office Assistant III	224	197	421
21	Process Server	42	60	102
22	Senior ICT Officer	0	1	1
23	Senior ICT Officer, Helpdesk Administration	0	1	1
24	Senior Legal Researcher	3	1	4
Grand Total		484	473	957

One hundred and forty-six (146) employees left the Judiciary including 52 resignations, 67 retirements and 21 deaths. Among the Judicial Officers, 2 resigned, 8 retired and 3 died, while one Tribunal Member and 43 staff members resigned. Two Judges were removed from office. Table 5.2 provides the breakdown of employees' exits.

Table 5.2: Employee exits

CADRE	REMOVED FROM OFFICE / DISMISSALS	RESIGNATION	RETIREMENT	DEATH	TOTAL
Judges	2				2
Judicial Officers	1	2	8	3	14
Legal Researcher/ Law clerks	-	7	0	0	7
Judicial Staff	3	43	59	18	123
Total	6	52	67	21	146

5.2.2 Employee Complement

The Judiciary was operating at 68 per cent of the approved establishment by June 30, 2024. Supreme Court had the highest in-post at 100 per cent while Registrars had the lowest in-post at 7 per cent as shown in Table 5.3.

Table 5.3: Approved Employee Establishment Vs in Post

DESIGNATION	APPROVED ESTABLISHMENT	IN POST	% IN POST
Supreme Court Judges	7	7	100%
Court of Appeal Judges	70	29	41%
High Court Judges	200	98	49%
ELC Judges	63	52	83%
ELRC Judges	48	21	44%
Subtotal Total (Judges)	388	207	53%
Chief Magistrate	80	73	91%
Senior Principal Magistrate	160	91	57%
Principal Magistrate	240	180	75%
Senior Resident Magistrate	400	92	23%

DESIGNATION	APPROVED ESTABLISHMENT	IN POST	% IN POST
Resident Magistrate	320	134	42%
Subtotal Total (Magistrates)	1,200	570	48%
Chief Kadhi	1	1	100%
Senior Principal Kadhi	8	6	75%
Principal Kadhi	22	22	100%
Senior Resident Kadhi	19	18	95%
Resident Kadhi	15	0	0%
Subtotal Total (Kadhis)	65	47	72%
CRJ & DCRJ	2	2	100%
Registrars	14	9	64%
Senior Principal Deputy Registrar	8	1	13%
Principal Deputy Registrar	17	0	0%
Senior Deputy Registrar	96	0	0%
Deputy Registrar	141	0	0%
Assistant Registrar	150	16	11%
Subtotal Total (Registrars)	428	28	7%
Law Clerks/Legal Researchers	666	.	26%
Tribunal Members	155	152	98%
Advisory Services	16	13	81%
Judicial Staff	7,470	5,890	79%
GRAND TOTAL	10,388	7,077	68%

The Judiciary had 207 judges, representing 53 per cent of the total approved establishment of 388. The Supreme Court was fully staffed while the Court of Appeal, the High Court and the ELRC had less than 50 per cent of their approved establishment in place. Among the Magistrates, Chief Magistrates had the highest staffing level, with 91 per cent of positions filled, while Senior Resident Magistrates were the least staffed, with only 23 per cent of the approved establishment in place.

The positions of Chief Kadhi and Principal Kadhis were fully staffed as per the approved establishment, whereas the positions of Resident Kadhis remained vacant.

There was notable understaffing among Registrars. Twenty-eight (28) are in post, representing 7 per cent of the approved establishment of 438. The Principal Deputy Registrar, Senior Deputy Registrar and Deputy Registrar positions were vacant.

With 152 members in place across the 26 Tribunals transited into the Judiciary, the Tribunals were operating at 98 per cent of their approved capacity. The Judiciary had 79 per cent of approved judicial staff establishment, meaning just over three-quarters of the available cadres were occupied. In the remaining cadres, only 26 per cent of Law Clerk/Legal Researcher positions had been filled, while Advisory Services were operating at 81 per cent of the approved establishment.

5.2.3 Diversity and Inclusivity

The Judiciary is committed to creating a diverse and inclusive workforce that emphasises fairness and equal opportunity for all employees, regardless of gender, age or disability. The Judiciary continued to undertake strategic initiatives to foster a justice system that involves diverse perspectives and fosters collaboration in decision-making processes. The initiatives aimed at realising the people-centred justice objectives under STAJ were cascaded at all levels across courts, tribunals and administration.

5.2.3.1 Gender Diversity

Out of the 957 employees recruited during the year, 488 were female while 469 were male. Overall, the Judiciary's workforce consisted of 7,077 staff members, with 3,487 males and 3,560 females. The male-to-female ratio was 49:51, which was the same as the previous year.

5.2.3.1.1 Gender Distribution of Judges

Out of the 207 serving judges, 58 per cent were male and 42 per cent were female, reflecting a higher number of male judges. This gender ratio remained consistent with the previous reporting period. The gender distribution of judges across different court levels is presented in Table 5.4.

Table 5. 4: Judges Gender Distribution, FY 2023/24

Designation	Total	Male		Female	
		Number	% Male	Number	% Female
Supreme Court Judges	7	4	57%	3	43%
Court of Appeal Judges	29	19	66%	10	34%
High Court Judges	98	54	55%	44	45%
ELC Judges	52	31	60%	21	40%
ELRC Judges	21	13	62%	8	38%
Total	207	121	58%	86	42%

5.2.3.1.2 Gender Distribution of Magistrates

There was a higher proportion of women in the Magistracy, particularly in lower-level positions. Female representation exceeded that of males among Resident Magistrates, Senior Resident Magistrates and Principal Magistrates. However, this trend reversed at the Senior Principal Magistrate and Chief Magistrate levels, as illustrated in Table 5.5.

Table 5.5: Magistrates Gender Distribution, FY 2023/24

Designation	Total	Male		Female	
		No.	%	No	%
Chief Magistrate	73	46	63%	27	37%
Senior Principal Magistrate	91	55	60%	36	40%
Principal Magistrate	180	74	41%	106	59%
Senior Resident Magistrate	92	28	30%	64	70%
Resident Magistrate	134	39	29%	95	71%
Total	570	242	42%	328	58%

5.2.3.1.3 Gender Distribution of Registrars

The overall gender composition of this cadre favoured females at 57 per cent to 43 per cent male. This imbalance was more pronounced in the Registrars' position, where 78 per cent were female. In contrast, the positions of CRJ/DCRJ and Assistant Registrars showed an equal gender distribution, as illustrated in Table 5.6. The positions of Principal Deputy Registrar, Senior Deputy Registrar and Deputy Registrar were vacant.

Table 5.6: Gender Distribution of Registrars

Designation	Total	Male		Female	
		No.	%	No	%
CRJ & DCRJ Registrars	2	1	50%	1	50%
Senior Principal Deputy Registrar	9	2	22%	7	78%
Principal Deputy Registrar	1	1	100%	0	0%
Senior Deputy Registrar	0	0	0%	0	0%
Deputy Registrar	0	0	0%	0	0%
Assistant Deputy Registrar	16	8	50%	8	50%
Total	28	12	43%	16	57%

5.2.3.1.4 Gender Distribution of Tribunal Members, Law Clerks/Researchers, Advisors and Staff

The gender distribution in the Tribunals was skewed, with 68 per cent male and 32 per cent female representation. Similarly, in Advisory Services, males made up 69 per cent, while females accounted for 31 per cent. Consequently, gender parity was observed among the overall staff establishment, with equal representation of both genders. The Law Clerks and Legal Researchers had a higher proportion of females at 82 per cent, compared to 18 per cent of males as shown in Table 5.7.

Table 5.7: Gender of Tribunal Members, Law Clerks/Researchers, Advisors and Staff

Designation	Total	Male		Female	
		No.	%	No	%
Law Clerks/Legal Researchers	170	30	18%	140	82%
Tribunal Members	152	103	68%	49	32%
Advisory Services	13	9	69%	4	31%
Judicial Staff	5890	2,953	50%	2,937	50%



5.2.3.2.1 Age Distribution of Judges

The largest proportion of judges, 33.82 per cent, falls within the 55-59 age group, followed by 22.22 per cent in the 60-64 age group. The 40-44 and 45-49 age groups were the least represented, at 5.31 per cent and 8.21 per cent, respectively, as shown in Figure 5.1.

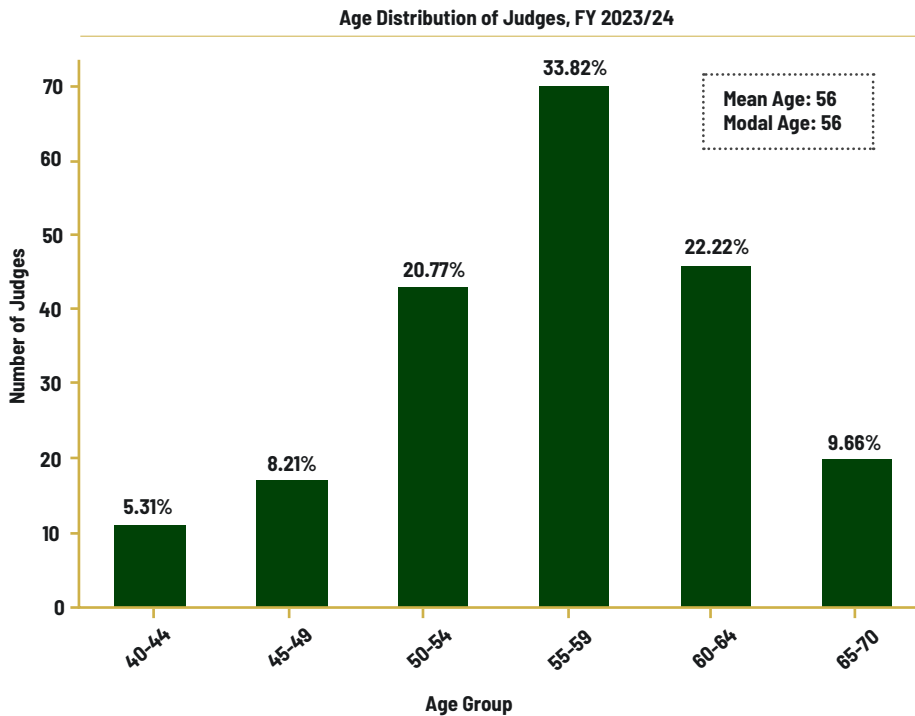


Figure 5.1: Age distribution of judges, FY 2023/24

5.2.3.2.2 Magistrates Age Distribution

Most Magistrates were in the 40-44 age group accounting for 33.46 per cent. This was followed by the 29-40 age group, at 25.81 per cent. On the other end, only 0.76 per cent of magistrates were over 60 years old, and these individuals had disabilities. Figure 5.2 illustrates the age distribution among magistrates.

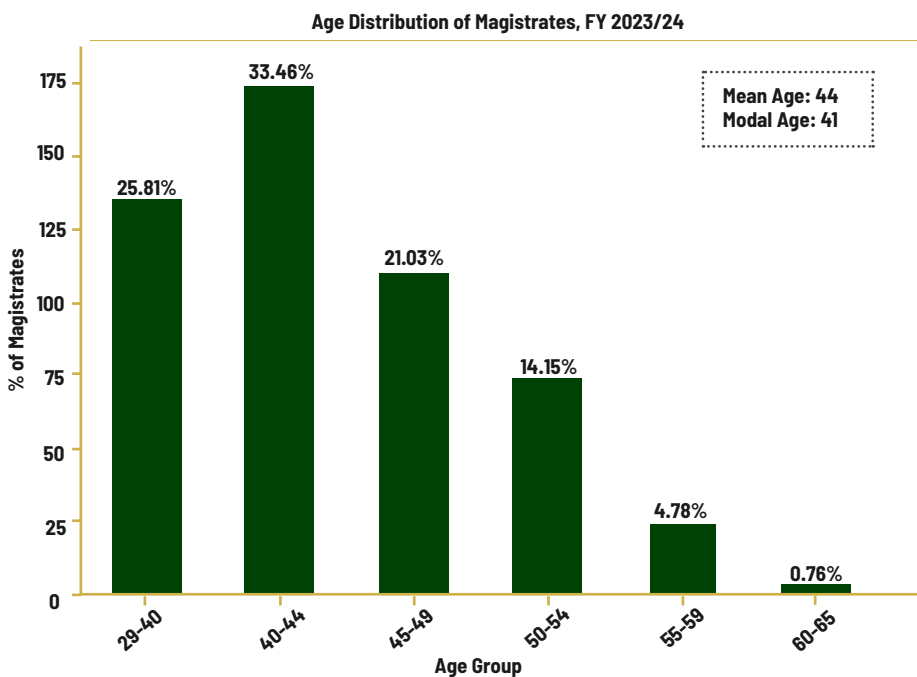


Figure 5.2: Age distribution of Magistrates, FY 2023/24

5.2.3.2.3 Registrars Age Distribution

The majority of Registrars fell within the 45-49 and 50-54 age groups, each with 4 individuals. The 55-59 age group had one Registrar as illustrated in Figure 5.3.

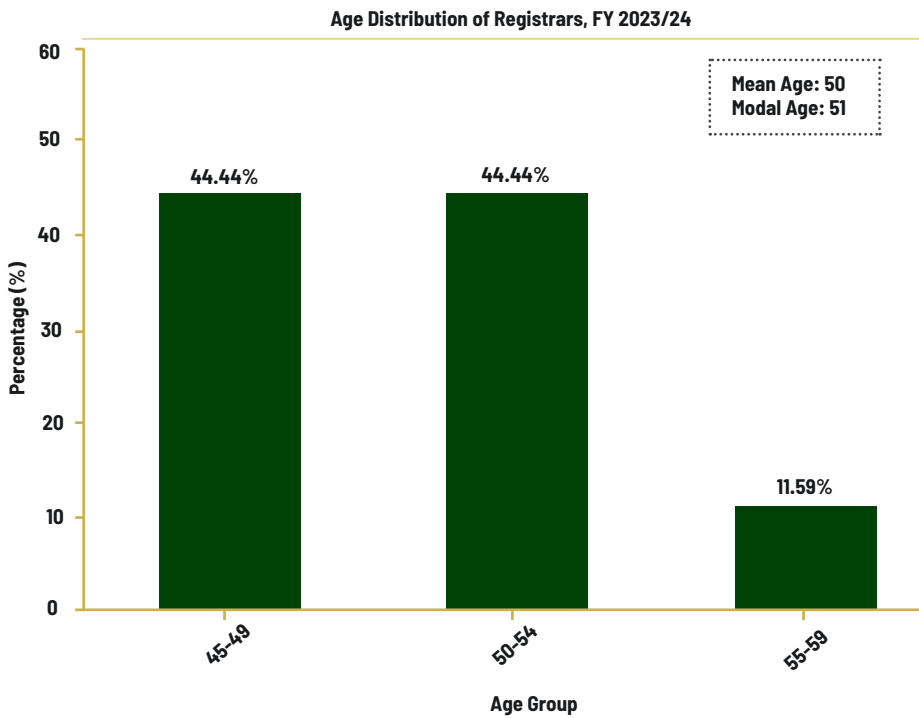


Figure 5.3: Age distribution of Registrars, FY 2023/24

5.2.3.2.4 Tribunal Members' Age Distribution

The age categories of 35-49 and 55-59 had the largest representation amongst Tribunals each with 42.86 per cent as shown in Figure 5.4. The Tribunal Members serve on contract terms of service ranging from three to five years.

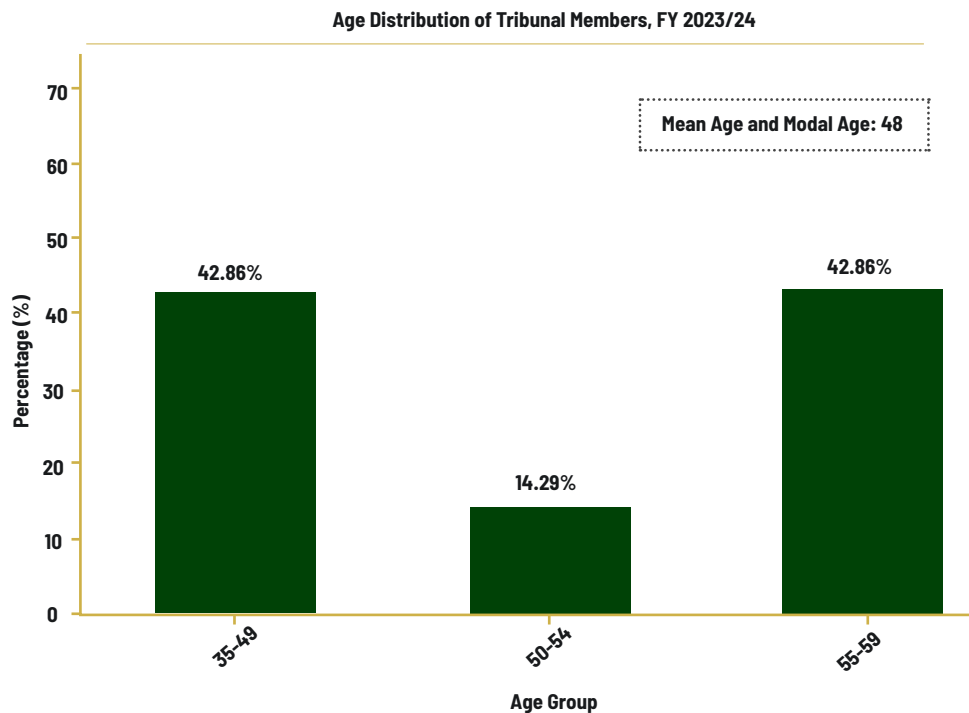


Figure 5.4: Age distribution of Tribunal, FY 2023/24



5.2.3.2.5 Law Clerks and Legal Researchers Age Distribution

The majority of Law Clerks and Legal Researchers 55.78 per cent were in the 30-35 age group, followed by 37.69 per cent in the 35-40 age group. Representation of individuals under the age of 30 and those in the 40-45 age group was minimal, as illustrated in Figure 5.5.

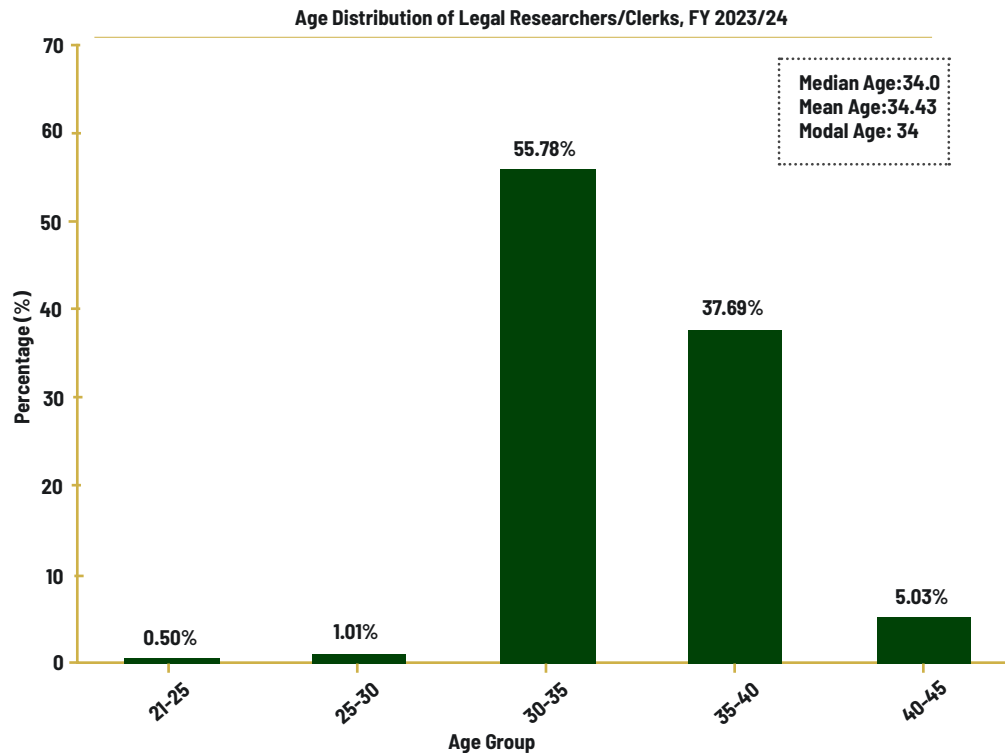


Figure 5.5: Age distribution of Legal Clerks and Researchers, FY 2023/24

5.2.3.2.6 Judicial Staff Age Distribution

The age categories of 35-40 and 30-35 comprised the majority of the staff, with 20.94 percent and 18.35 percent of the staff, respectively. There were only two employees in the 60-65 age bracket. Figure 5.6 illustrates the distribution of judicial staff across various age categories.

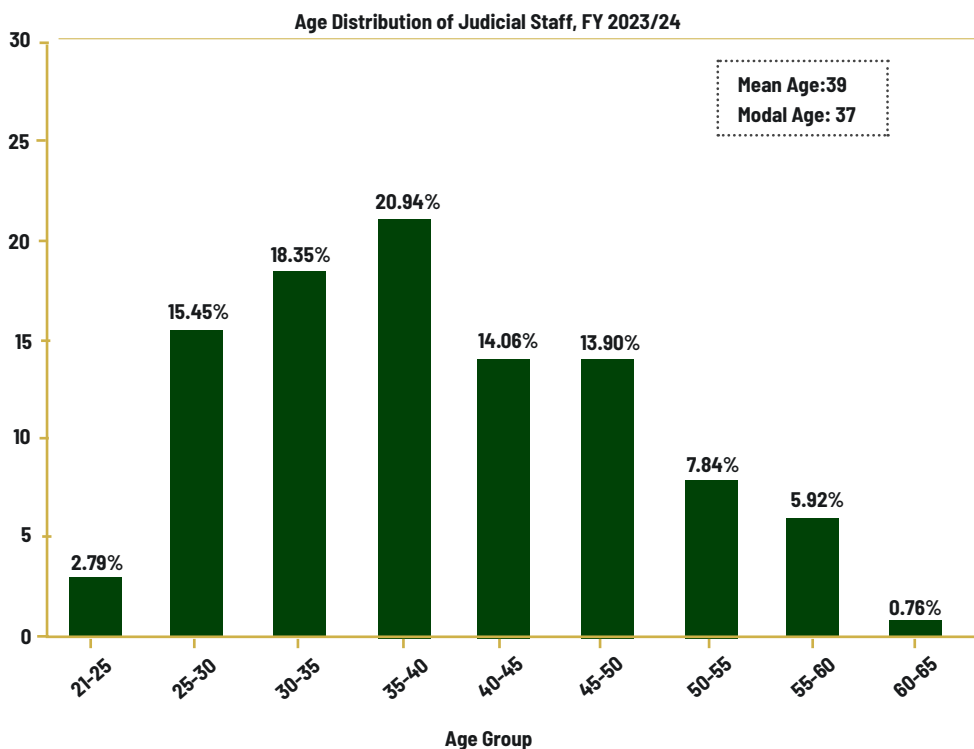


Figure 5.6: Age distribution of Judicial Staff, FY 2023/24

5.2.3.3 Persons with Disabilities

People with Disabilities (PWDs) made up two per cent of the Judiciary's total workforce compared to the national average of 1.4 per cent, revealing a significant gap between the current employment status of individuals with disabilities and the legal requirement of five per cent. The breakdown is presented in Table 5.8.

Table 5.8: Persons with Disabilities

Designation	In post	Number of PLWD	% PLWD
Judges	207	5	2%
Judicial Officers	645	16	2%
Law Clerks/Legal Researchers	170	0	0%
Tribunal Members	152	0	0%
Advisory Services	13	0	0%
Judicial Staff	5,890	119	2%
Grand Total	7,077	140	2%

5.3 HUMAN CAPITAL DEVELOPMENT

The Judiciary implemented several strategic initiatives to enhance and optimise the skills, knowledge, abilities and experiences of its workforce.

5.3.1 Career Progression

A total number of 2,290 employees from various grades were promoted within their respective cadres, while 46 employees were re-designated to other cadres.

5.3.2 Training and Development

The Judiciary recognises the value of its employees as the greatest asset and appreciates the importance of training and development to ensure that employees have the right attitude, skills and knowledge to undertake their duties. Under outcome two of STAJ, the Judiciary underscores the significance of ensuring that the institution has a pool of inspired and motivated employees committed to excellence in the delivery of services.

5.3.2.1 Training and Development for Judges and Judicial Officers

Training for Judges and Judicial officers is steered by the Kenya Judiciary Academy and is guided by an annual master calendar that covers Continuous Judiciary Education (CJE), conferences, colloquia and symposia for different courts.

5.3.2.1.1 Continuous Judiciary Education (CJE)

Twenty (20) newly appointed judges of the High Court and 25 legal researchers were inducted. The induction aimed at equipping them with the essential knowledge and skills required for their roles.



Training was also conducted in the following spheres of knowledge:

- Introductory course on cybercrime and electronic evidence, where 20 Judges, 7 Judicial Officers and 3 Tribunal members were trained.
- Conversation on Mobile Technology and Emerging Issues in Digital arena and Technology, where 19 Judges and 38 Judicial Officers were trained.
- Cybercrime and Electronic Evidence Training for 51 Judicial Officers.
- Anti-Money Laundering: 30 Judges and 41 Judicial Officers were trained on the latest trends, methodologies and challenges in combating money laundering, corruption, and economic crimes.
- Alternative Justice Systems (AJS): 7 Supreme Court judges, 22 Court of Appeal judges, 18 judges from the Employment and Labour Relations Court, and 43 Kadhis received training on Alternative Justice Systems and how to integrate them into the justice system.
- Children and Gender Matters: 74 Magistrates received training in Online Child Sexual Exploitation and Abuse (OCSEA), Child-Centred Approach, Victim-Centred Approach, and Self-Care for Magistrates Handling Children and SGBV Matters.
- Judgement Writing and Active Case Management: 50 Kadhis trained on Judgement writing skills, active case management and management of courts.
- Emerging issues on tax: The training addressed emerging issues and the adjudication of tax-related disputes, providing specialised instruction to 26 Judges and 8 Registrars from the Commercial and Tax Division of the High Court of Kenya. The programme was led by a team of Judges, legal experts and tax professionals.
- Counter-Terrorism: The training was carried out in collaboration with several organisations, including the National Counter-Terrorism Centre (NCTC), the Office of the Director of Public Prosecutions (ODPP), the Anti-Terrorism Police Unit (ATPU), the Asset Recovery Agency (ARA), the Financial Reporting Centre, United States Department of Justice (USDOJ) and the Joint

Counter-Terrorism Analysis Centre (JCTAC). A total of 28 judges and 27 judicial officers participated in the training.

- Company Law and Insolvency: Twenty judges from the Court of Appeal, 9 judges from the Commercial and Tax Division, 11 judicial officers, and 6 legal researchers participated in training focused on insolvency and company law. The training aimed to equip participants with a conceptual and theoretical framework regarding insolvency, enhance their understanding and application of consumer protection measures and update them on emerging issues within the sector.
- Human rights instruments: Seventy-seven legal researchers were trained on tools designed to enhance their understanding and application of regional and international human rights instruments, including the Maputo Protocol, promoting and protecting the rights of women and girls, as well as improving legal drafting skills.
- Electoral Dispute Resolution (EDR) Debriefs: These were held to review the success and challenges encountered during the adjudication of the election petitions. Twenty-nine Court of Appeal Judges, 40 High Court Judges and 40 Magistrates and Deputy Registrars gazetted to handle election petitions participated. To enrich the discussions, participants from Malawi, Mozambique, Zimbabwe and Zambia were invited.

Other institutions that participated in some of the trainings included the Senate, Katiba Institute, Federation of Kenya Employers (FRC), Kituo Cha Sheria, Ethics and Anti-Corruption Commission (EACC), Law Society of Kenya (LSK) and the National Council on Law Reporting (NCLR), among others. These partnerships contributed to a holistic approach to training within the justice sector.

5.3.2.1.2 Colloquiums, Conferences and Symposiums

To promote collegiality and peer review, the following events were held:

- Annual Judges Colloquium: The Judges' Colloquium for the year 2023/24 was attended by 174 judges. The themes of the colloquium included: Dynamics of Judicial Independence, Reflections from Africa; Separation of Power, Reflections from Africa and the USA; Financial Autonomy, Safeguarding the Protection of Judicial Financial Autonomy; and Independence of the Judiciary in a Changing Constitutional Landscape.
- Employment and Labour Relations Court Conference: The ELRC Judges, Registrars, Deputy Registrars, and staff participated in the conference, which also included representatives from COTU, the Federation of Kenya Employers, and the legal fraternity. The conference covered several key themes, including court performance, jurisprudence in the ELRC, and the ELRC manual on conciliation.
- Alternative Justice Systems (AJS): The 3rd Annual AJS Conference was held under the theme "Accelerating People-Centred Justice in Kenya: Engaging, Expanding, and Retooling Alternative Justice Systems (AJS)."

Discussions focused on the court's role in achieving STAJ, the enforceability of contracts and issues surrounding unconscionable contracts, the legislative framework, the code of conduct, automation, as well as grounds of appeal and associated timelines.

- Africa Regional Dialogue on Adjudicating Transnational Organised Crime (TOC) and Illicit Financial Flows (IFF): This dialogue provided a platform for judges, practitioners, and experts to exchange experiences, discuss challenges, and explore potential solutions in adjudicating various forms of TOC and IFF. Participants included representatives from Judiciary Training Institutes (JTIs) and judges from 21 African countries: Botswana, Burkina Faso, Ethiopia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Morocco, Namibia, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, South Africa, Tanzania, Tunisia, Uganda, Zambia and Zimbabwe.
- Training on Anti-Money Laundering, Anti-Corruption, Economic and Transnational Organised Crime: The training brought together 47 Judges and Judicial Officers from Kenya, Tanzania, Malawi and Mozambique. Its objectives were to enhance their understanding of the Anti-Corruption Court, focusing on the latest trends and challenges in combating money laundering, corruption and economic crimes.



3rd Annual AJS Conference

- Small Claims Court Symposium: The 2nd Small Claims Court Annual Symposium was organised with the primary goal of reflecting on the court's achievements, challenges, experiences, and emerging issues.

5.3.2.1.3 Regional and International Programs and Judicial Exchange

The Judiciary sought to promote and support regional and international judicial exchange programs and educational opportunities. These initiatives encompassed a variety of events including the Regional Workshop on Judicial Training Strategies in France, the African Roundtable PRG at the CEELI Institute in Prague, the Judicial Colloquium on Maritime Crimes in Seychelles, the Transnational Organised Crime (TOC) Conference in Tanzania, a study tour to the University of Iowa in the USA and the International Symposium on Copyright Enforcement in Hanoi, Vietnam.

5.3.2.2 Training and Development of Judicial Staff

Training for the Judiciary Staff is managed through the Judiciary Staff Training Committee (JSTC), which is charged with the implementation of goal-oriented training and development interventions for all. Table 5.9 tabulates the training undertaken during the year.

Table 5.9: Staff Training Programs undertaken in FY 2023/24

S.No	Course Name	No. of Participants		
		Female	Male	Total
1	Strategic Leadership Development Programme (SLDP)	10	9	19
2	Management Skills Course (MSC)	2	5	7
3	Supervisory Skills Development Course (SSDC)	1	3	4
4	Project management	0	1	1
5	Public relations & customer care (group training)	16	13	29
6	Records management course (group training)	27	32	59
7	Pre-retirement	26	34	60
8	Refresher, defensive driving & first aid	0	2	2
9	Report writing	1	1	2
Total		83	100	183

Other training activities included the induction and orientation of 500 newly appointed office assistants, process servers and court assistants. Additionally, 99 newly appointed process servers received certification and 17 ICT officers underwent professional training. Furthermore, 12 staff members were granted study leave while various professionals were supported to undertake mandatory Continuous Professional Development (CPD) programs.

5.3.2.3 Judicial Attachments and Pupillage

The Judiciary provides opportunities to students in learning institutions to gain practical experience in their areas of study under the guidance of experienced employees. A total of 3,050 students undertaking Bachelor of Law, 24 pursuing Post Graduate Diploma at the Kenya School of Law (KSL) and 1,398 students from various learning institutions were accorded attachment and pupillage opportunities.

The Pupillage Policy was also approved during the reporting period.

5.4 CONDUCTIVE WORK ENVIRONMENT

The following policies aimed at improving the work environment and welfare of employees were approved;

- Judiciary Sexual Harassment Policy which provides for a safe working environment free from sexual harassment and other acts of abuse and misconduct that undermine the character, mission and purpose of the Judiciary.
- Judiciary Sexual Harassment, Gender Mainstreaming and Affirmative Action, and Diversity Policy Implementation Committee, commonly known as Employee Protection and Inclusion Committee (EPIC)

5.4.1 Employee Protection Unit

The Employee Protection Unit (EPU) was established in the Office of the Chief Justice. The EPU provides effective and confidential procedures for the resolution of complaints related to sexual harassment and prevention standards.

5.4.2 Health and Wellbeing

The Judiciary provides various benefits geared towards promoting physical, mental & emotional health and well-being of employees. The benefits include Medical Insurance Cover, Group Life Assurance, Group Personal Accident cover and Mortgage & Car loan facilities.

The Medical Insurance Cover total expenses for the Judiciary's outpatient and inpatient medical schemes amounted to KSh 1.3 billion. Additionally, last respect benefits were processed for 37 employees or their dependents, accident compensation claims for 47 employees and ex-gratia payments to 33 individuals.

The Judiciary is recognised as one of the organisations facing significant occupational stress due to the nature of its work, which often involves dealing with psychologically traumatic matters, such as cases of Sexual and Gender-Based Violence (SGBV), traumatic issues involving children and horrific criminal cases, among others. One hundred and seventy-four cases were reported, of which four were referred to rehabilitation. Table 5.10 presents psychosocial cases registered in the year.

Table 5. 10: Psychosocial registered in F2023/24

Management Type	Male	Female	No. of Staff
Family Issues	11	27	38
Work Environment Conflict	17	12	29
Financial Distress	8	14	22
Medical Issues	0	1	1
Grief	31	53	84
Total	67	107	174

5.4.3 Employee Benefits

One hundred employees benefited from a mortgage facility valued at KSh 1.027 billion, while KSh. 61 million was used for car loans.

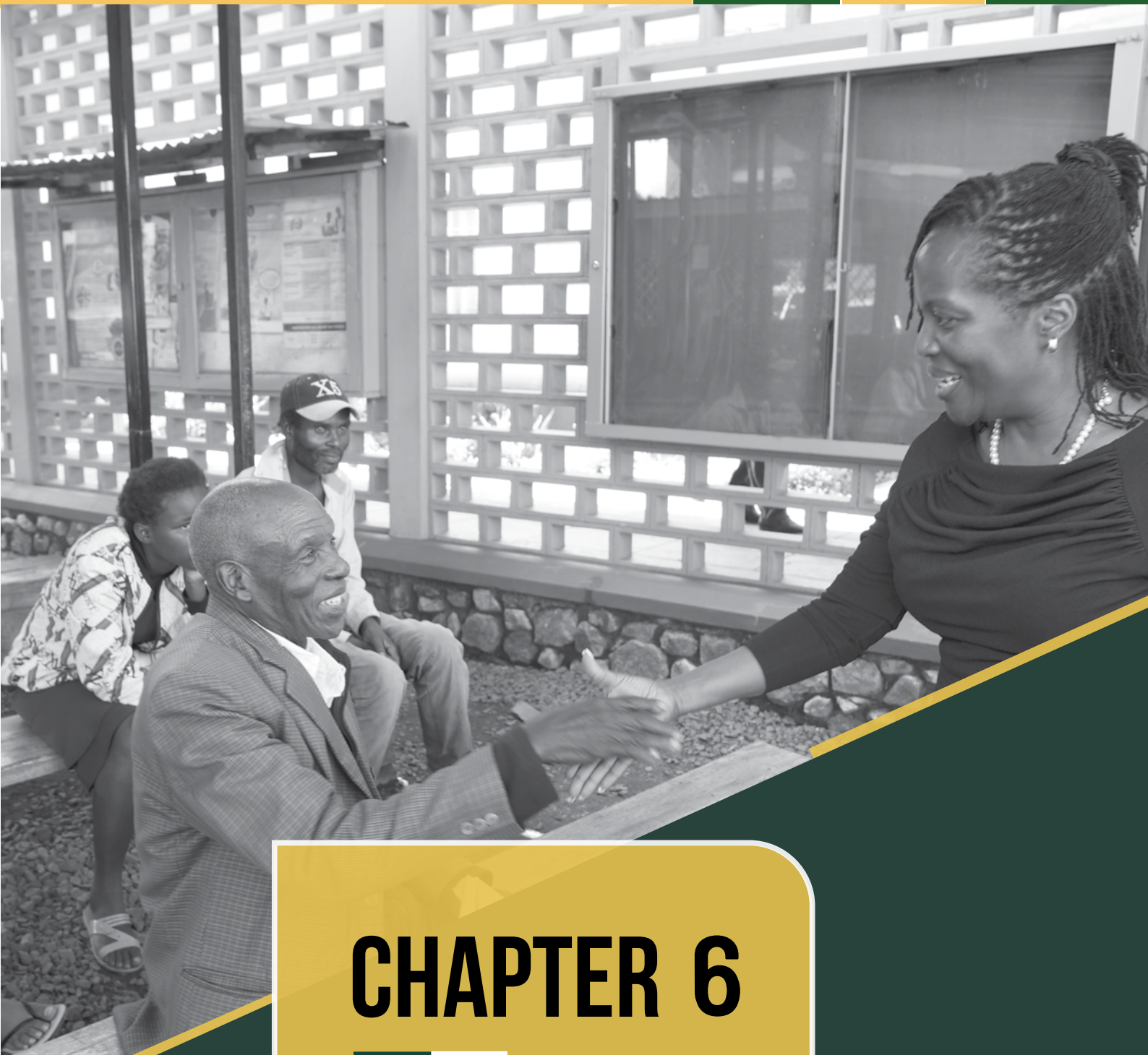
The Judiciary operates a well-established Defined Benefits (DB) pension scheme, managed by the Judicial Service Staff Superannuation Scheme (JSSSS). Over the review period, 66 employees retired and their benefits were processed and disbursed accordingly.

5.4.4 Facilities Management

A total of 23 contracts for cleaning, security, generator maintenance, lift maintenance and mail delivery were secured.

5.4.4.1 Safety and Security

To improve court security, a private security contract was implemented that covers all courts across the country. Security surveys were conducted at five court stations, as well as desktop security monitoring.



CHAPTER 6

Resource Mobilisation and Utilisation



Resource Mobilisation and Utilisation



6.1 INTRODUCTION

As envisioned in outcome No. 3 of the STAJ Blueprint on “Strengthened Financial Mechanisms that Support the Independence and Integrity of the Judiciary”, the Judiciary requires sufficient resources to deliver justice. Whilst the Judiciary is largely funded by the Government of Kenya, the institution receives critical programmatic support from collaboration with development partners. This chapter elaborates on the Judiciary’s resource management, budget requirements, utilization, revenue, and court deposits management during the reporting period.

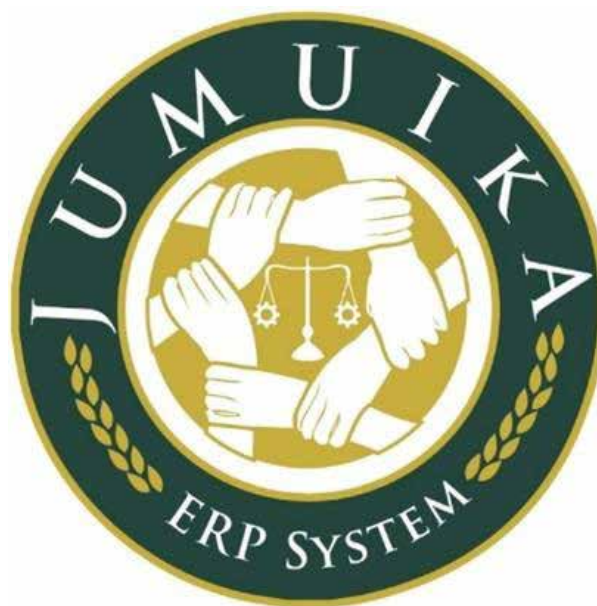
6.2 THE JUDICIARY FUND

The Judiciary Fund was operationalized in July 2022 and is administered by the institution’s accounting officer, the Chief Registrar of the Judiciary (CRJ). A Judiciary Fund Management Committee (JFMC) was constituted to support the CRJ by overseeing budget implementation and regularly advising the Chief Registrar on the operations and performance of the Fund.

In order to effectively operationalize the Judiciary Fund, a number of solutions have been proposed by the Technical Committee on the Operationalization of the Judiciary Fund (TCOJF) and reaffirmed by the multistakeholder Judiciary Fund Legal Reforms Committee (JFLRC) to ensure the Judiciary Fund is administered in a manner that upholds Judicial independence and strengthens oversight and administration of the Fund. These include:

- The National Treasury should provide adequate and predictable funding aligned with the Judiciary’s Cash Flow Plan.
- Review and amendment of relevant laws, including the PFM Act, Judiciary Fund Act, JF Regulations, and Judicial Service Act, to enhance efficiency and effectiveness in the operation of the Judiciary Fund.

6.3 AUTOMATION OF FINANCIAL MANAGEMENT



The Judiciary initiated the transition to an even more robust integrated financial management system called ‘Jumuika’. The primary objective of the Jumuika ERP system is to automate all administrative processes within the Judiciary and make them more efficient, accessible, and transparent.

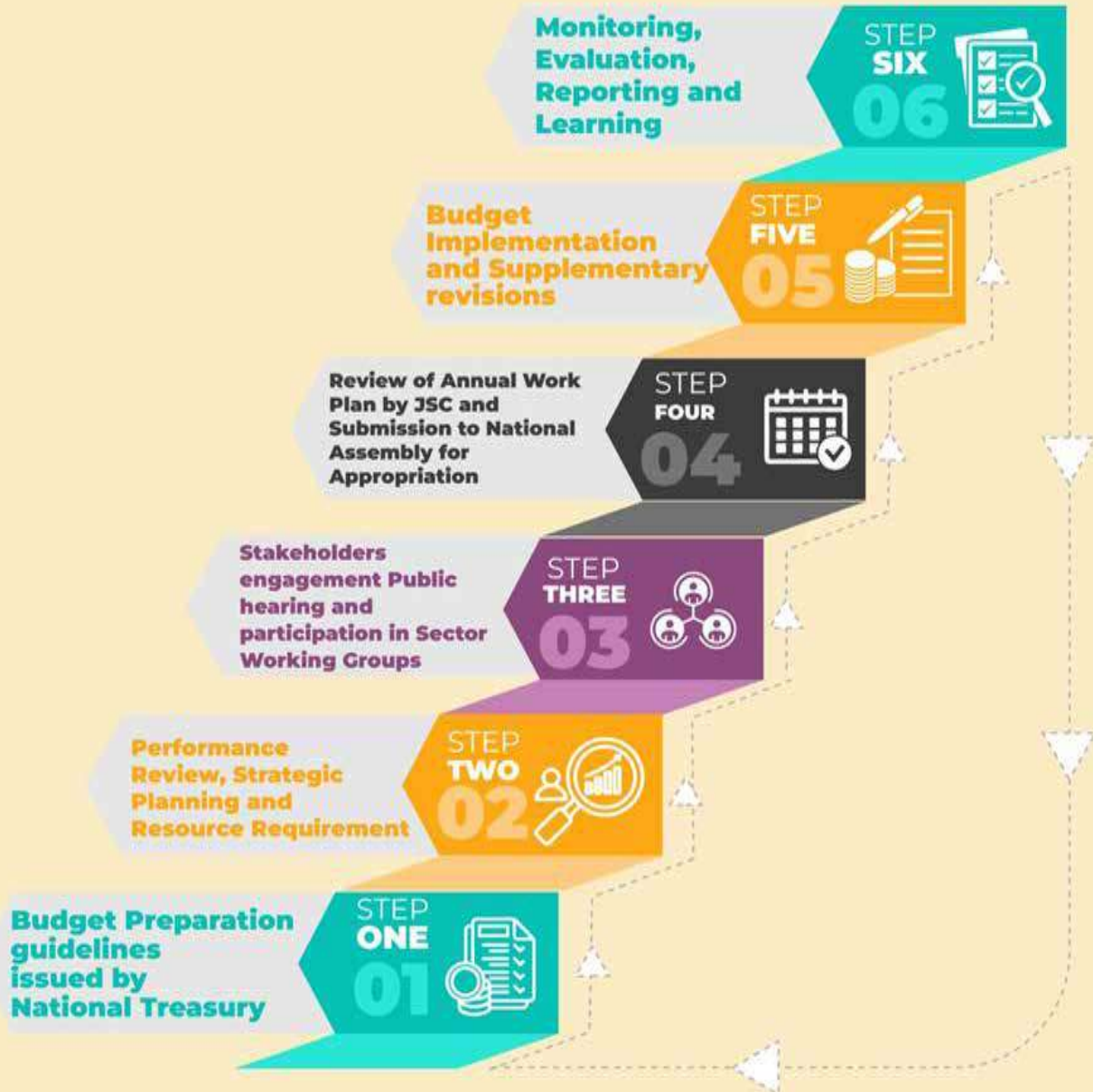
6.4 BUDGET PREPARATION AND ALLOCATION

In adherence to the National Treasury guidelines on the preparation of the budget, the Judiciary undertook a consultative budget preparation process that involved input from various stakeholders including the public in five counties namely; Mt. Kenya Region (Meru Law Courts), Rift Valley Region (Nakuru Law Courts), North Eastern Region (Garissa Law Courts), Lower Eastern (Makueni Law Court) and Nairobi (Kenyatta International Convention Centre). The engagement provided feedback on performance and accountability, as well as proposed plans and priorities for consideration in the judicial budget.





Budget Cycle





Public hearing for North Eastern Region at Garissa Law Court

Table 6.1: Actions Undertaken on Issues Raised During FY2022/23 Budget Public Hearing

No.	Salient issues raised during the public hearing in FY 2022/23	Interventions undertaken in FY 2023/24
1.	The Judiciary not establishing High Court Stations in all the Counties and other Magistrate courts in areas of need.	Kibera High court, Thika High Court and Kwale High Court were established. Naivasha ELC, Nyandarua ELC and Voi ELC were established. Malaba, Port Victoria and Etago Magistrates' Courts were established.
2.	Concerns on plans put in place to improve capacity building of employees, especially the lower cadre.	The Training and Development Policy for the Judiciary was operationalised in April, 2024. Judiciary Staff Training Committee (JSTC) ensured planning, budgeting and coordination of the training and development of the Judicial Staff. It also ensured compliance with the provision of the training policy.
3.	Concerns on reviewing of the Pro bono rates upwards	The management reviewed the concerns raised on the pro bono payments and approved payment to be per individual accused person instead per file as earlier processed. This improved on the pay relating to the advocates offering pro bono services.
4.	Increase allocation of mediation budget given its important role on Alternative Dispute Resolution (ADR) in reduction of case backlog.	Mediators' allocation increased by KSh15,000,000 from KSh50,000,000 the previous financial year to KSh65,000,000 as requested during public hearing and as per STAJ objective on the open doors of justice.

6.4.1 Judiciary Budget Requirements versus Allocation (2021/22 – 2023/24)

The Judiciary received an allocation of KSh22.42 billion in FY 2023/24. This is an increase from KSh18.56 billion in FY 2021/22 to KSh21.13 billion in FY 2022/23 and further to KSh22.42 billion in FY 2023/24. Table 6.2 shows the trend of resource requirements versus allocations over the last three fiscal years.

Table 6.2: Resource Requirements Vs Allocation in KSh. Billion

Category	FY2021/22				FY2022/23				FY2023/24			
	Requirements	Allocation	Funding Gap	Gap %	Requirements	Allocation	Funding Gap	Gap %	Requirements	Allocation	Funding Gap	Gap %
Recurrent	28.29	15.97	12.32	44%	32.59	19.23	13.36	41%	35.81	21.02	14.79	41%
Development	7.09	2.59	4.50	63%	6.96	1.90	5.06	73%	7.36	1.40	5.96	81%
Overall	35.38	18.56	16.82	48%	39.55[1]	21.13	18.42	47%	43.17	22.42	20.75	48%

The Judiciary’s budgetary needs have consistently fallen short, with funding gaps of 48%, 47%, and 48% over the past three fiscal years. .

6.4.2 Judiciary Budget as A Percentage of The Government Budget

For the past three financial years, the Judiciary has consistently received less than 0.92% of the National Government Budget—significantly below

the recommended 3%. This perennial underfunding, especially when compared to the allocations for other co-equal arms of government, has substantially undermined the Judiciary’s efficiency, financial independence, and operational autonomy.

Table 6.3: Comparative Budget Allocation Shares of the National Government Budget.

Category	FY 2021/22 (KSh Billion)		FY 2022/23 (KSh Billion)		FY 2023/24 (KSh Billion)	
Executive	1,886.21	97.13%	2,050.15	96.64%	2,373.80	97.38%
Parliament	37.88	1.95%	50.22	2.37%	41.39	1.70%
Judiciary	17.92	0.92%	21.13	1.00%	22.42	0.92%
Total	1,942.01		2,121.50		2,437.61	

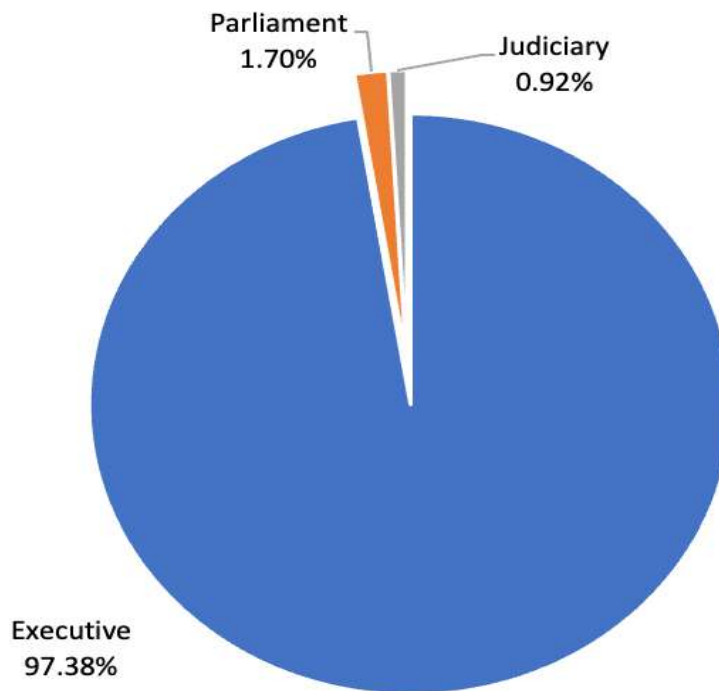


Figure 6.1: Proportion of Budget Allocation within the Three Arms of Government for FY2023/24.

Figure 6.1 shows that the Judiciary received the least amount of funding compared to the executive and legislative arms. Whilst disparity in budgetary allocation to the respective arms of government is to be expected, the extent of the disparity is not proportionate. During the reporting period, the Judiciary regularly engaged with Parliament and the Executive for an increase in the budgetary allocation to the institution.

6.4.3 Optimal Funding for the Judiciary

Currently, the allocated Cost per Case is Sh40,700. However, from an internal review, it was established that the optimal Cost per Case is KSh125,750. During FY 2023/24, 516,121 cases were filed and therefore to dispense with them within a year it would require an optimal funding of KSh64 billion. This was against the allocation of KSh21 billion in recurrent budget

translating to an overall underfunding of KSh43 billion and KSh85,050 per case.

To address this shortfall, the Judiciary's budget conversation should be reframed by finding a different philosophy to resource justification and applying a different methodology to budgeting. Amongst some of the proposed budgeting entails using a Cost Unit basis, with the objective of budgeting using Cost per Judge or Case as the unit.

6.4.4 Key underfunded areas in FY2023/2024

Inadequate funding of the Judiciary adversely affected implementation of a number of critical activities as illustrated in Figure 6.2.

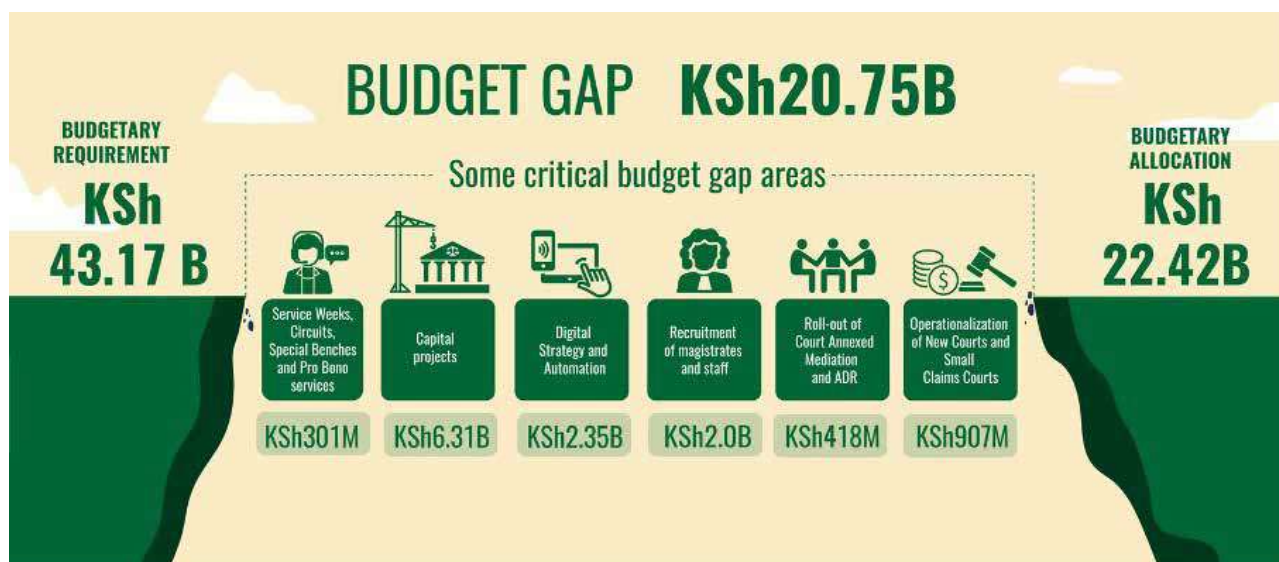


Figure 6.2: Funding gap in critical areas in FY 2023/24

6.5 JUDICIARY RESOURCE SHARING

The allocation of funds adopts a priority-based approach, ensuring robust support for both core and administrative functions. In FY 2023/24, the Compensation of Employees (Personnel Emoluments) received the highest allocation, comprising 66.2% of the total budget. Given that the Judiciary is primarily a service-oriented institution, a significant portion of its budget is dedicated to Personnel Emoluments, highlighting the essential role of human resources in effective service delivery.

The reminder of the budget allocations catered for Operations and Maintenance (O&M), distributed across court operations, tribunals, and administrative units to cover the Use of Goods and Services and the Acquisition of Assets. These include Contractual obligations such as Security, cleaning services, leases, ICT and insurance, including Medical Insurance, Group Personal Accident and Group Life Assurance, Utilities, Water, electricity, and other operational services. Table 6.4 shows budget allocation among various classes of expenditure.

Table 6.4: Resource Sharing per Economic Classification

Expenditure Classification	Allocation (KSh Billions)	Proportion of Allocation Resource Sharing (%)
Compensation of Employees	13.92	66.2%
Use of Goods and Services	6.74	32.1%
Non-Financial Assets	0.36	1.7%
Current Expenditure	21.02	100%
Use of Goods and Services	0.23	16.6%
Non-Financial Assets	1.17	83.4%
Capital Expenditure	1.40	100%
TOTAL	22.42	

This structured approach ensures that the Judiciary maintains optimal service delivery by balancing personnel needs with operational and administrative requirements.

6.5.1 Budget share per Court for Operation and Maintenance

Out of the total allocation of Ksh8.407 billion for Goods and Services and Acquisition of Assets, Ksh2.9 billion was allocated for various courts and tribunals during the FY 2023/2024. The Magistrate courts received the largest portion, accounting for 56%, while the High Court and Tribunals received 14% and 12%, respectively.

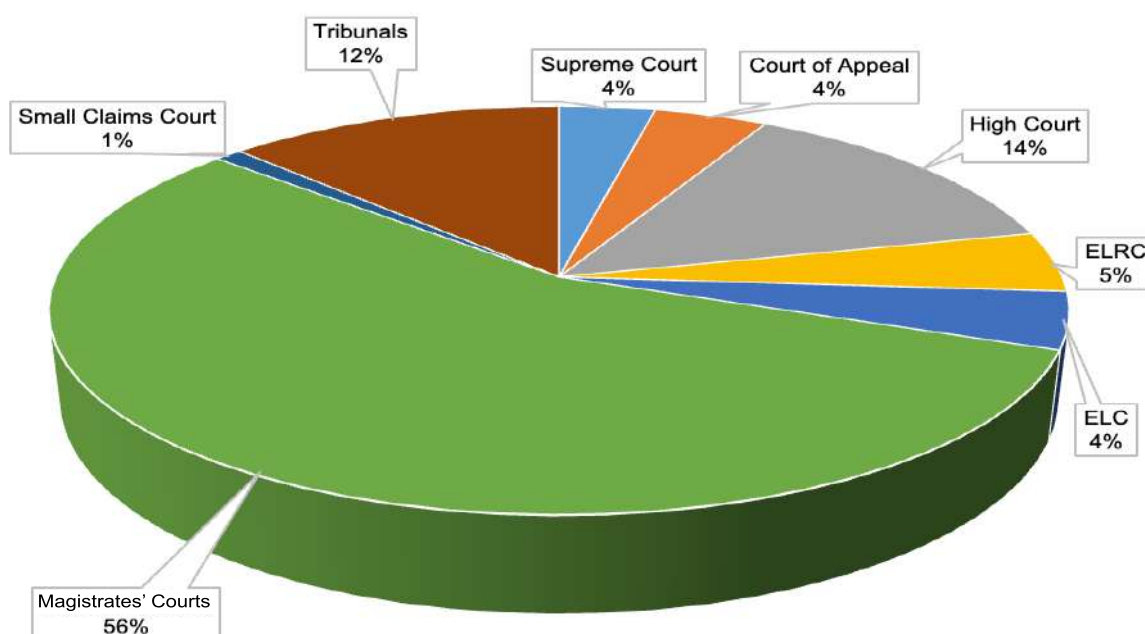


Figure 6.3: Allocation of budget per court level

The Magistrates' Courts received the highest allocation due to their numbers across the country. The allocation also enables them to cater for all operation and maintenance costs except personal emoluments.

6.5.2 Absorption and Utilisation of Judiciary Budget

The overall Budget absorption during the FY 2023/24 was 96 per cent, an increase from 95 per cent in the FY 2022/23. Budget absorption for the recurrent vote for FY 2023/24 improved to 98 per cent from 97 per cent absorption recorded in the previous year and a reduction of 12 per cent for the Development vote from 78 per cent in FY 2022/23 to 66 per cent in FY 2023/24.

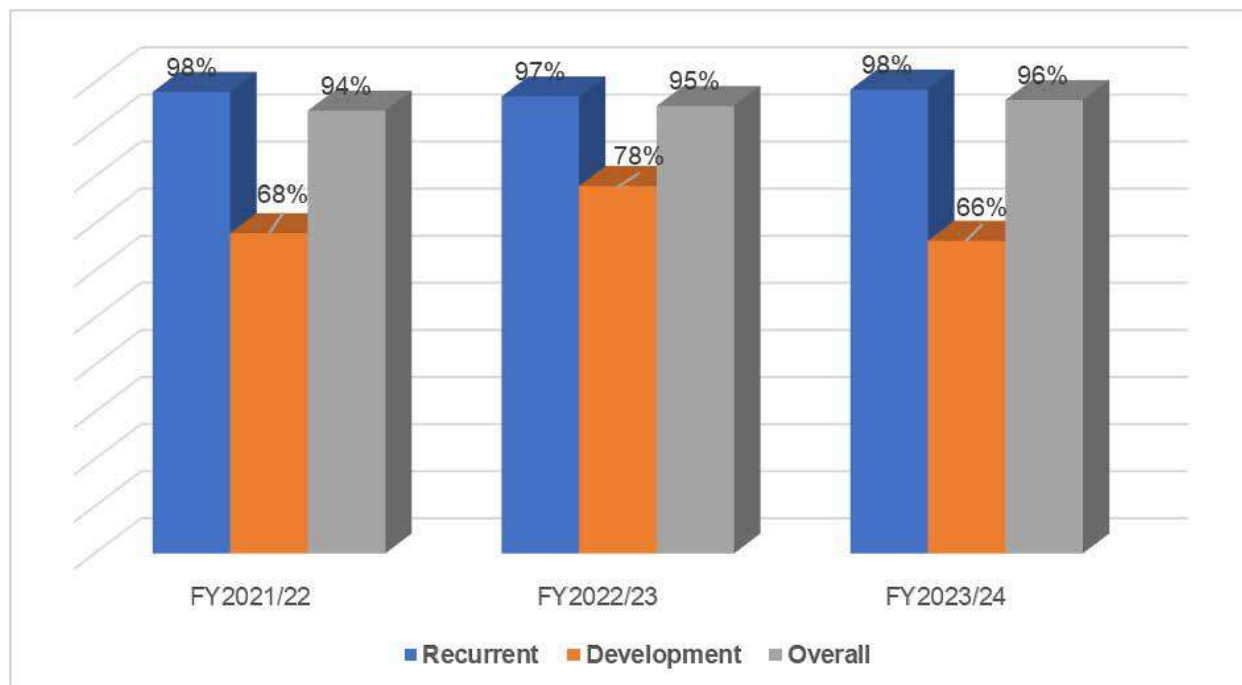


Figure 6.4: Budget Absorption for FY 2021/22 – FY 2023/24

6.5.3 Analysis of Recurrent Expenditure

The recurrent budget absorption in FY 2023/24 stood at 98%, increasing from 97% in FY 2022/23. Of the allocated KSh21.02 billion, KSh20.70 billion was utilized. Recurrent expenditure primarily consists of employee compensation and Operations & Maintenance (O&M). Table 6.5 provides a comparison of the approved estimates and actual expenditures for the last three fiscal years.

Table 6.5: Analysis of Recurrent Budget Expenditure (KSh Million)

Economic Classification	Approved Budget Allocation			Actual Expenditure		
	FY2021/22	FY2022/23	FY2023/24	FY2021/22	FY2022/23	FY2023/24
Compensation to Employees	10.08	12.44	14.06	10.05	12.36	13.91
Other Recurrent	5.89	6.79	6.96	5.59	6.31	6.79
Total	15.97	19.23	21.02	15.64	18.66	20.70

The recurrent budget increased by Ksh1.79 billion 9 per cent from Ksh19.23 billion in FY 2022/23 to KSh21.02 billion in FY 2023/24. The absorption of the recurrent budget was 98 per cent in FY2023/24, up from 97 per cent in FY2022/23.

6.5.4 Analysis of Development Expenditure

In FY 2023/24, the Development Vote decreased by KSh 500 Million, from KSh1.9 billion in the previous year to KSh1.4 billion. The absorption rate also declined by 12 percentage points, from 78% in FY 2022/23 to 66% in FY 2023/24, mainly due to unfunded exchequer requests. Development expenditure comprises infrastructure expansion such as the construction of court buildings and ICT networks and equipment. Table 6.6 provides an analysis of the allocation and actual development expenditure.

Table 6.6: Analysis of Development Budget Expenditure (KSh Million)

Economic Classification	Approved Allocation			Actual Expenditure		
	FY 2021/22	FY 2022/23	FY 2023/24	FY 2021/22	FY 2022/23	FY 2023/24
GOK	1,595	1,900	1,400	946	1,490	930
Loans	997	-	-	814	-	-
Totals	2,592	1,900	1,400	1,760	1,490	930

6.5.5 Analysis of Programme Expenditure

The Judiciary has only one program, 'Dispensation of Justice,' and two sub-programs: Access to Justice and Administration and Support Services. The 'Access to Justice' sub-program mainly covers interventions to improve the case clearance rate, recruit Judges, Judicial officers, and staff, establish and operationalise courts, and improve court operations through e-filing and virtual courts; EDR, AJS. On the other hand, the administration and support services cost includes the use of goods and services and payment of non-financial assets. Table 6.7 shows the approved recurrent budget and the actual expenditure under both subprograms; Access to Justice; and General Administration Planning and Support Services.

Table 6.7: Analysis of Sub-Programmes Expenditure (KSh Billion)

	Approved Budget			Actual Expenditure		
	2021/22	2022/23	2023/24	2021/22	2022/23	2023/24
Programme: Dispensation of Justice	18.56	21.13	22.42	17.42	20.13	20.70
Sub-Prog. I: Access to Justice	12.99	14.79	15.69	12.19	14.09	15.14
Sub-Prog. II: Administration and Support Services	5.57	6.34	6.73	5.23	6.04	6.49
Total Vote	18.56	21.13	22.42	17.42	20.13	21.63

The allocation of the budget to Access to Justice and Administration and Support Services was 70 per cent and 30 per cent respectively.

6.6 Pending Bills

The accumulation of pending bills continues to pose a challenge in service delivery as they form the first charge to the budget. At the close of FY 2023/24, outstanding bills total **KSh811.17M**, an increase from **KSh608.07M** in the previous year. This includes **KSh410.01M** in development bills, **KSh331.92M** in recurrent bills, and Court and arbitration awards account for **KSh69.24M**. The rise in pending bills was mainly attributed to exchequer release challenges. Table 6.8 shows the level of pending bills held over the past three financial years.

Table 6.8: Pending Bills at Close of FY 2021/22 - FY 2023/24 (Ksh 'Millions)

Pending bills	FY2021/22	FY2022/23	FY2023/24
Development Pending Bills	113.10	76.23	410.01
Recurrent Pending Bills	98.12	259.11	331.92
Court & Arbitration- Awards	1,088.02	272.73	69.24
Total	1,299.24	608.07	811.17

6.7 Court Revenue

All revenue collected by the Judiciary is surrendered to the Exchequer. Heads of Station act as revenue collectors, every month remitting the funds collected to the CRJ who then transfers the same to the Central Bank of Kenya.

This was a continued increase from previous financial years as a result of improved case management due to an increase in matters filed as well as the automation of court processes, online case management, electronic filing and the operationalization of virtual courts. Improved revenue collection mechanisms sealed revenue leakage and under assessment through automation of fee assessment and collection.

6.7.1 Revenue Collection vis-à-vis Targets

There was an increase in revenue from fines and fees from KSh2.49 billion in FY2021/22 to KSh2.65 billion in FY 2023/24.

The total revenue realization for FY 2021/22, FY 2022/23, and FY 2023/24 was 113%, 101%, and 99%, respectively as depicted in Table 6.9.

The revenue targets provided by the National Treasury increased from KSh.2.4 billion in FY2022/23 to KSh. 2.7 billion in FY2023/24.

Table 6.9: Trend on revenue collections vis-à-vis targets

Financial Year	Details	Targets	Actual	Realization
		KSh '000	KSh '000	%
FY2021/2022	Fines	1,247,146	1,460,387	117%
	Fees	958,059	1,030,670	108%
	Total	2,205,205	2,491,057	113%
FY2022/2023	Fines	1,349,210	1,434,517	106%
	Fees	1,078,149	1,027,999	95%
	Total	2,427,359	2,462,516	101%
FY2023/2024	Fines	1,513,339	1,490,117	98%
	Fees	1,196,620	1,186,940	99%
	Total	2,709,959	2,677,057	99%

6.7.2 Total Revenue Trends

Total revenue is calculated before deducting reinstated fines that result from successful appeals. Gross revenue, which includes all revenue streams collected by the Judiciary, increased from KSh2.65 billion in FY 2021/2022 to KSh2.97 billion in FY 2023/2024, reflecting a rise of KSh0.32 billion translating to a 12 per cent increase. The increase from FY 2021/2022 to FY 2022/2023 was KSh0.028 billion, while growth from FY 2022/2023 to FY 2023/2024 amounted to KSh0.29 billion, representing 1% and 113% growth, respectively. Trend on revenue composition was as demonstrated in Figure 6.5.

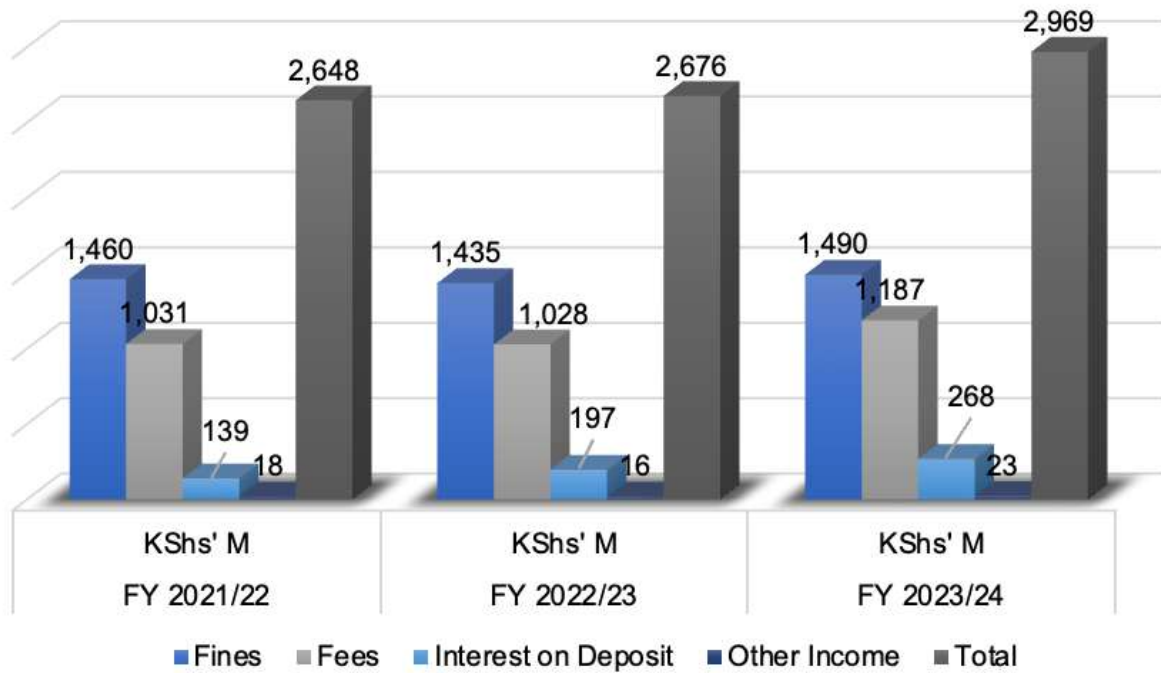


Figure 6.5: Trend on Revenue Composition

6.7.3 Revenue Composition

The total collection for FY2023/2034 amounted to KSh2.94 billion comprising fines and fees of KSh1.46 billion and KSh1.19 billion respectively. These were collected against the estimate by the Cabinet Secretary. In addition, the un-estimated revenues collected from interest on deposit, rent of property, and other income amounted to KSh0.27 billion and KSh0.023 billion respectively.

Fines constituted the major portion of the revenue component for the Judiciary at 49.75 per cent whereas rent from property and miscellaneous income made up 0.79 per cent of the total revenue as illustrated on Figure 6.6.

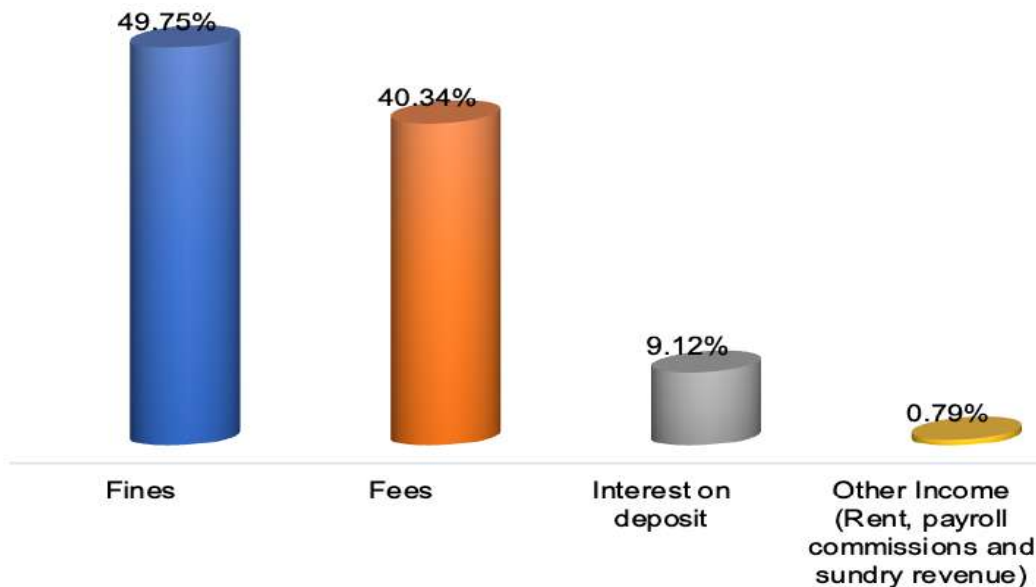


Figure 6.6: Revenue composition for FY2023/24

6.8 Court Deposits

The court deposits held at close of FY2022/23/24 amounted to KSh8.43 billion being an increase of KSh0.38 billion from FY2022/23 when the outstanding deposit balance amounted to KSh8.05 billion as shown in Figure 6.7.

The breakdown per court station on revenue collected is provided in Appendix 6.1 for fines, Appendix 6.2 for fees,

Appendix 6.3 for interest on deposits and Appendix 6.4 for other income. Appendix 6.5 provides details on deposits held as cash bail per court station.

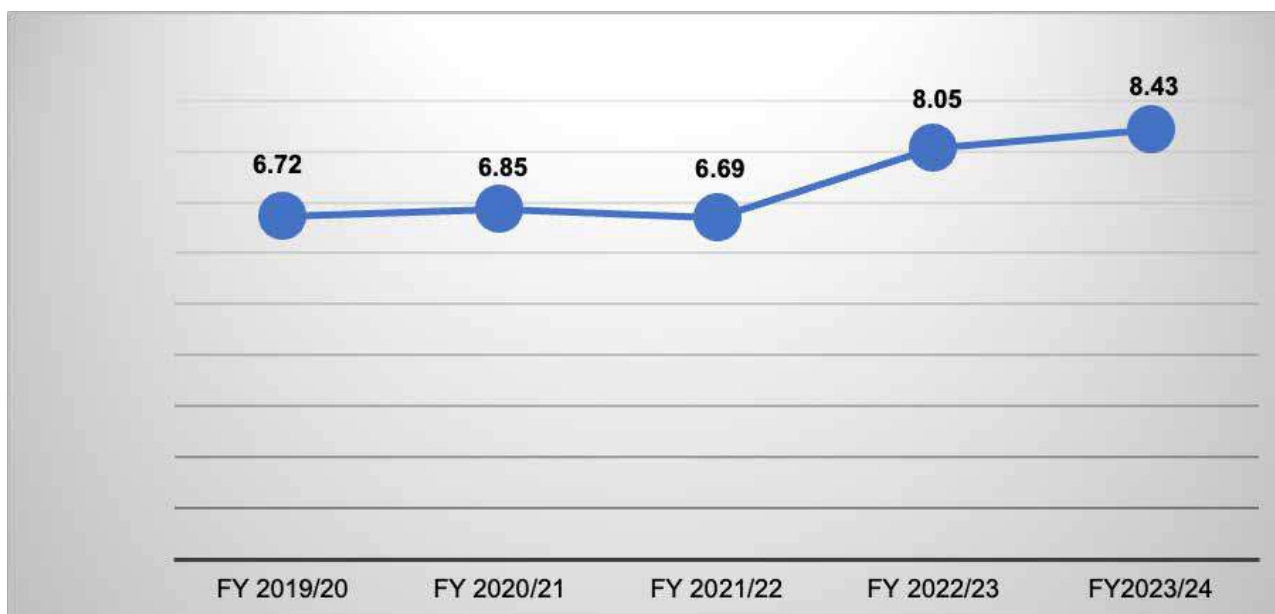


Figure 6.7: Trend on deposit balances

6.9 Unclaimed Court Deposits

The Judiciary established a joint team between the Judiciary and the Unclaimed Financial Assets Authority in August 2022 to develop mechanisms for the Judiciary to comply with the Unclaimed Financial Assets Act, identify assets that are under the ambit of the Act, and pursue reunification of the unclaimed financial assets with the rightful owners as well as sensitize the internal stakeholders on the Act.

Following the team's recommendations and to ensure that unclaimed deposits are refunded to depositors or dealt with in compliance with UFA Act, court stations appraised the deposits ledgers against the case files to identify the files with orders for refund of deposits older than one year, and made efforts to unify the assets with the owners.

6.10 COLLABORATION WITH DONOR AGENCIES AND OTHER PARTNERS

The Judiciary partnered with various development partners who provided additional resources through grants and technical support in the following areas:

1. Development of Policies, Manuals and Guidelines including

- a. Development of the Sexual and gender-based violence (SGBV) Case Types and Practice Direction supported by the Programme for Legal Empowerment and Aid Delivery (PLEAD) programme;
 - b. Development of User Operation Guidelines for Environment and Land Court (ELC) under the theme "Enhancing specialisation and efficiency in the Environment and Land Court" supported by the Food and Agriculture Organization (FAO) of the United Nations;
 - c. Development of the Environment and Land Court at Ten (ELC@10) Conference Report and development of the User Operation Guidelines and Development of the Employment Labour Relations Court (ELRC) Training of Trainers (ToTs) Conciliation Manual both supported by IDLO; and
 - d. Development and printing of 500 copies of the Environment and Land Court (ELC) User Operation Guidelines supported by the Legal Resources Foundation Trust (LRF).
2. Green justice: Installation of solar energy in Wajir Law Courts under the PLEAD programme.

3. Capacity building: This was undertaken through trainings, colloquium, conferences, dialogues and study tours for the Judges and Judicial Officers. They included
 - a. Africa Regional Judicial Dialogue on Transnational Organized Crimes and Illicit Financial Flows in Africa supported by the EU through the PLEAD programme;
 - b. Anti-Money Laundering and Economic crimes facilitated by Konrad Adenauer Stiftung (KAS) and Transparency International (TI);
 - c. Training of 45 Judges and Judicial Officers on Digital Forensics and evidence handling facilitated by the British High Commission through UKaid;
 - d. Training on Environmental Law to all Judges of the ELC court through funding from the Financing Locally Led Climate Action Program (FLOCCA);
 - e. Training of 40 Employment and Labour Relations Court (ELRC) Judges and Magistrates on International Labour Standards by the International Labour Organization (ILO);
 - f. Hosting of the Employment and Labour Relations Annual Symposium and Exhibition (ELRASE) – some of the activities were facilitated by the Federation of Kenya Employers (FKE), Kituo cha Sheria and International Labour Organisation (ILO);
 - g. Hosting of the 2nd Annual Mediation Summit themed “Harmonising Labour Relations; Fostering Social Justice and Economic Growth through Mediation” held at Strathmore University supported by the Jones Day Foundation;
 - h. Training of Magistrates and Justice Actors on SGBV and Child Justice supported by the International Rescue Committee (IRC);
 - i. Annual Symposium for Adjudicators facilitated by the United Nations Development Programme (UNDP);
 - j. Training on Report Writing and Communication for the Directorate of Planning and Organisational Performance (DPOP) by IDLO.
4. Small Claims Courts (SCC): The United Nations Development Programme (UNDP) supported the development of a mobile application for ease of access to services to the Small Claims Courts. The International Development Law Organization (IDLO) supported various activities for the SCC among them:
 - a. Roll-out of 25 Small Claims Courts;
 - b. Providing Small Claims Courts with ICT equipment;
 - c. Rolled out of secondary internet connectivity at five Small Claims Courts in the border towns; and
 - d. Designing, development and deployment of end-to-end process automation of e-filing at Milimani SCC which automated all the post judgement requests.



CHAPTER 7

Emerging Issues And Key Policy Recommendations



Table 7.1: Emerging Issues and Key Policy Recommendations

S/N	THEMATIC AREA	EMERGING ISSUE	KEY POLICY RECOMMENDATION	ACTORS
1.	Resourcing	Inadequate financing to support the realisation of a people-centered justice system envisioned in the STAJ Blueprint	Provide sufficient financing for the implementation and cascading of a people-centered justice culture change programme Authorise the Judiciary to spend revenue at source through Appropriations in Aid	Judicial Service Commission Judiciary The National Treasury and Economic Planning
		Rising case backlog occasioned by, among other things, low Judicial Officer to caseload ratio, and steady growth in the number of filed cases from 402,243 in FY2017/18 to 516,121 in FY2023/24	Allocate resources for the recruitment of Judges, Judicial Officers and critical cadres of judicial staff to increase the human resource complement to at least 80 per cent of the approved establishment	The National Assembly
		Inability to optimise use of ICT to enhance access to justice, caused by low internet connectivity in Courts in marginalised areas, and lack of training of Judiciary personnel on use of ICT	Enhance budget allocation to cater for internet connectivity for Courts in marginalised and far-flung areas, and for training of Judicial Officers and staff on ICT	
2.	County Government revenue arising from court fines	Delay to fully implement the objectives of the Special Purpose Account created by The National Treasury for the collection of court fines emanating from contravention of County Government legislation	Judiciary to configure its revenue collection systems to isolate fines emanating from county matters for ease of accounting and submission to the Special Purpose Account at the Central Bank of Kenya	Judiciary
3.	Security of Judiciary infrastructure and safety of personnel	Rise in the frequency and severity of physical attacks on Judiciary personnel	Implement the report and recommendations of the Judiciary Security Committee	Judiciary National Assembly
		Increased incidences of intrusion in court premises, vandalism and theft of Judiciary property		Ministry of Interior and Coordination of National Government The National Treasury and Economic Planning Kenya Judiciary Academy

S/N	THEMATIC AREA	EMERGING ISSUE	KEY POLICY RECOMMENDATION	ACTORS
4.	Access to Justice	High and rising caseload per adjudicator at the Small Claims Court leading to burnout and non-compliance with Statutory timelines	Hire adjudicators commensurate with the current caseload at the Small Claims Court, and matching with the rapidly rising caseload	Judiciary National Assembly The National Treasury and Economic Planning Kenya Judiciary Academy
		High number of appeals at the High Court from Small Claims Courts	Enhance the capacity of Judiciary HRMD to provide psycho-social support to Judiciary personnel Law reform on the resolution of small claims and appeals emanating from Small Claims Courts	
		Non-compliance with the Children Act on establishment of Children's Court	Recruit a Registrar of the Children Court in accordance with the provisions of the Children Act Establish child friendly court infrastructure for the Children Court Train and build capacity for judicial officers and staff to be deployed to the Children Court	
		Lack of specialised courts in marginalised and far-flung areas	Allocate resources for establishment of specialised courts in marginalised and far-flung areas	
		Low uptake and use of ADR in dispute resolution	Create awareness and sensitization to encourage uptake of ADR Allocate resources for payment of mediator fees Allocate resource to facilitate AJS programs Allocate resources for establishment of mediation suites and <i>Ukumbi</i> AJS suites	
		Rising case backlog at the Court of Appeal	Allocate resources for to hire additional Court of Appeal Judges to raise the number to at least 70% of the statutory establishment	
5.	Automation and ICT	Lack of interoperability and integration of information systems of actors across the justice chain	Revitalise discussions by actors in the justice chain to ensure the interoperability and integration of the various information systems run by the different actors Prioritise automation of justice sector agencies Develop policy and legal framework for e-justice	The Judiciary NCAJ The National Treasury and Economic Planning The National Assembly

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





Appendices



CHAPTER 2 APPENDICES

Appendix 2.1: High Court Summary Statistics

Station	Pending 30th June 2023				Filed			Resolved			CCR	Pending June 2024			Backlog 30th June 2024				Average time to disposition		
	Criminal	Civil	All	All backlog	Criminal	Civil	All	Criminal	Civil	All	All	Criminal	Civil	All	1-3 years	Over 3 years	Total	% change in case backlog	Criminal	Civil	All
Bomet	416	719	1135	882	284	150	434	268	198	466	107%	432	671	1,103	248	552	800	-9%	178	869	524
Bungoma	373	690	1,063	674	769	558	1,327	609	554	1,163	88%	533	694	1,227	147	161	308	-54%	310	1,595	953
Busia	163	286	449	284	232	193	425	171	305	476	112%	224	174	398	63	17	80	-72%	235	1,579	907
Chuka	114	138	252	117	206	126	332	206	198	404	122%	114	74	188	32	6	38	-68%	145	816	480
Eldoret	938	3,197	4,135	3,196	802	1,015	1,817	651	1,567	2,218	122%	1,089	2,645	3,734	770	1306	2076	-35%	518	2,635	1,577
Embu	105	244	349	184	570	295	865	504	435	939	109%	171	124	295	8	24	32	-83%	140	1,852	996
Garissa	275	113	388	229	215	70	285	330	123	453	159%	160	60	220	28	34	62	-73%	429	629	529
Garsen	212	154	366	220	231	78	309	204	78	282	91%	239	154	393	60	82	142	-35%	348	538	443
Homabay	144	428	572	338	172	285	457	218	399	617	135%	98	314	412	25	91	116	-66%	438	851	645
Kabarnet	232	82	314	192	226	51	277	317	73	390	141%	141	62	203	29	16	45	-77%	570	656	613
Kajiado	358	748	1106	627	297	476	773	182	294	476	62%	473	930	1,403	417	180	597	-5%	522	642	582
Kakamega	870	1,463	2,333	1,609	577	571	1,148	725	884	1,609	140%	722	1,150	1,872	266	732	998	-38%	478	3,057	1,767
Kapenguria	100	61	161	92	202	45	247	192	41	233	94%	110	69	179	40	29	69	-25%	148	618	383
Kapsabet	369	286	655	413	405	127	532	239	137	376	71%	535	276	811	273	117	390	-6%	207	650	428
Kericho	438	617	1,055	668	227	233	460	182	410	592	129%	483	442	925	190	172	362	-46%	721	2,137	1,429
Kerugoya	334	1,018	1,352	1,004	459	315	774	242	446	688	89%	551	887	1,438	270	492	762	-24%	545	1,364	955
Kiambu	813	2126	2939	1,772	498	1,070	1,568	397	1,285	1,682	107%	914	1,911	2,825	784	481	1265	-29%	381	882	631
Kibera	0	0	0		848	11	859	503	6	509	59%	345	5	350	0	0	0		75	35	55
Kisii	269	716	985	519	527	718	1,245	420	784	1,204	97%	376	650	1,026	178	64	242	-53%	228	993	610
Kisumu	208	875	1083	646	519	1,057	1,576	456	1,463	1,919	122%	271	507	778	35	132	167	-74%	233	1,420	826
Kitale	478	701	1179	673	1,193	371	1,564	872	479	1,351	86%	799	593	1,392	302	142	444	-34%	147	1,833	990
Kitui	248	224	472	258	365	250	615	314	254	568	92%	299	220	519	55	99	154	-40%	210	668	439
Kwale	0	0	0		215	90	305	118	25	143	47%	97	65	162	4	1	5		94	79	87
Lodwar	168	24	192	73	360	33	393	310	16	326	83%	218	41	259	42	9	51	-30%	242	582	412
Machakos	366	1416	1782	1,093	535	1,001	1,536	403	734	1,137	74%	498	1,683	2,181	498	479	977	-11%	205	1,556	880
Makueni	418	397	815	427	434	371	805	396	284	680	84%	456	484	940	198	108	306	-28%	328	695	511
Malindi	471	610	1081	564	585	420	1,005	654	594	1,248	124%	402	436	838	85	153	238	-58%	275	632	454
Marsabit	41	22	63	30	96	40	136	86	20	106	78%	51	42	93	17	4	21	-30%	232	343	288
Meru	766	1,143	1,909	1,159	826	556	1,382	702	794	1,496	108%	890	905	1,795	502	451	953	-18%	237	2,516	1,377
Migori	231	662	893	371	405	236	641	247	300	547	85%	389	598	987	239	90	329	-11%	205	694	449
Mil ACEC	26	194	220	159	15	67	82	30	168	198	241%	11	119	130	9	112	121	-24%	133	477	305
Mil Civil	0	5642	5,642	4,012	-	3,336	3,336	-	3,262	3,262	98%	0	5,716	5,716	941	2209	3150	-21%	0	1,061	530
Mil ComTax	0	6,472	6,472	4,804	-	2,654	2,654	-	3,752	3,752	141%	0	5,374	5,374	1018	2254	3272	-32%	0	1,268	634
Mil Const & HR	0	1,101	1,101	844	-	725	725	-	603	603	83%	0	1,225	1,225	290	363	653	-23%	0	877	438
Mil Criminal	1,672	0	1,672	805	2,364	-	2,364	1,104	-	1,104	47%	2,932	0	2,932	461	398	859	7%	224	0	112
Mil Family	0	10,747	10,747	8,660	-	1,909	1,909	-	5,472	5,472	287%	0	7,184	7,184	569	4,929	5498	-37%	0	2,594	1,297
Mil JudRev	0	510	510	341	-	430	430	-	514	514	120%	0	426	426	31	183	214	-37%	0	724	362
Mombasa	690	2,768	3,458	2,428	723	1,345	2,068	742	2,186	2,928	142%	671	1,927	2,598	276	824	1100	-55%	360	1,335	848



Station	Pending 30th June 2023				Filed			Resolved			CCR	Pending June 2024			Backlog 30th June 2024				Average time to disposition		
	Criminal	Civil	All	All backlog	Criminal	Civil	All	Criminal	Civil	All	All	Criminal	Civil	All	1-3 years	Over 3 years	Total	% change in case backlog	Criminal	Civil	All
Muranga	728	1053	1781	1,282	822	435	1,257	677	513	1,190	95%	873	975	1,848	398	638	1036	-19%	503	1,517	1,010
Naivasha	264	335	599	283	304	420	724	417	475	892	123%	151	280	431	38	42	80	-72%	246	516	381
Nakuru	991	2375	3366	2,257	1,158	1,172	2,330	869	1,163	2,032	87%	1,280	2,384	3,664	755	938	1693	-25%	359	2,292	1,326
Nanyuki	305	201	506	336	497	125	622	490	160	650	105%	312	166	478	117	79	196	-42%	313	998	655
Narok	160	196	356	206	224	122	346	207	120	327	95%	177	198	375	120	49	169	-18%	386	681	533
Nyahururu	0	0	0	84	258	146	404	197	101	298	74%	216	162	378	14	109	123	46%	495	941	718
Nyamira	288	227	515	289	280	149	429	-	209	209	49%	568	169	737	96	122	218	-25%	221	425	323
Nyandarua	155	117	272		386	288	674	43	45	88	13%	343	243	586	14	2	16		238	144	191
Nyeri	296	772	1068	680	493	344	837	433	487	920	110%	356	677	1,033	268	127	395	-42%	291	3,314	1,803
Siaya	122	99	221	28	486	161	647	320	140	460	71%	288	120	408	67	5	72	157%	109	260	184
Thika	0	0	0		381	1,031	1,412	109	286	395	28%	272	745	1,017	2	2	4		92	144	118
Vihiga	226	279	505	298	295	144	439	199	189	388	88%	322	234	556	115	49	164	-45%	429	602	516
Voi	149	215	364	130	419	192	611	484	273	757	124%	84	142	226	41	3	44	-66%	197	507	352
All High Courts	15,990	52,463	68,453	46,240	22,385	26,007	48,392	17,439	33,298	50,737	105%	20,936	45,332	66,268	11,445	19,661	31,106	-33%	267	1,061	664

Appendix 2.2: Filed Criminal and Civil Cases at the High Court, per case type as at 30th June 2024

Station	Filed Criminal Cases					Filed Civil Cases											Total Filed Cases
	Murder	Application	Appeal	Revision	All CR cases	Civil Suit	Civil Appeal	Miscellaneous Application	Constitution Petition	Judicial Review	Bankruptcy and Insolvency	Tax Appeal	Adoption	Divorce	Probate Administration	All civil cases	
Bomet	20	29	18	217	284	3	42	47	4	2	0	0	0	0	52	150	434
Bungoma	58	73	109	529	769	18	209	238	18	19	20	0	4	0	32	558	1,327
Busia	12	38	27	155	232	8	44	104	23	5	0	0	3	0	6	193	425
Chuka	13	20	17	156	206	4	49	36	24	8	0	0	0	0	5	126	332
Eldoret	3	121	90	588	802	44	286	371	130	18	2	0	12	0	152	1015	1,817
Embu	32	41	78	419	570	8	114	96	46	4	2	0	5	0	20	295	865
Garissa	6	31	34	144	215	7	16	9	26	12	0	0	0	0	0	70	285
Garsen	12	54	56	109	231	1	39	12	23	1	0	0	0	0	2	78	309
Homabay	25	61	59	27	172	5	116	128	7	17	1	0	7	0	4	285	457
Kabarnet	18	70	17	121	226	0	12	13	7	5	0	0	0	0	14	51	277
Kajiado	15	100	90	92	297	45	128	150	13	13	2	0	3	0	122	476	773
Kakamega	53	144	97	283	577	21	238	210	58	7	3	0	5	0	29	571	1,148
Kapenguria	16	17	28	141	202	3	8	5	14	4	0	0	0	0	11	45	247
Kapsabet	28	95	103	179	405	8	37	38	2	2	1	0	1	0	38	127	532
Kericho	41	66	34	86	227	12	57	76	31	1	1	0	3	0	52	233	460
Kerugoya	25	62	59	313	459	10	123	128	28	6	1	0	3	0	16	315	774
Kiambu	43	127	98	230	498	94	365	342	74	30	2	0	19	0	144	1070	1,568
Kibera	85	196	288	279	848	1	1	4	3	2	0	0	0	0	0	11	859
Kisii	62	150	104	211	527	12	205	432	23	29	0	0	5	0	12	718	1,245
Kisumu	38	164	90	227	519	39	252	641	50	29	6	0	10	0	30	1057	1,576
Kitale	38	193	72	890	1193	22	71	92	96	11	1	0	4	0	74	371	1,564
Kitui	33	59	57	216	365	9	113	83	15	18	0	0	6	0	6	250	615
Kwale	21	61	53	80	215	17	40	24	3	0	0	0	0	1	5	90	305
Lodwar	14	89	60	197	360	6	16	2	3	2	0	0	0	0	4	33	393
Machakos	24	123	112	276	535	51	368	404	30	38	3	0	28	0	79	1001	1,536
Makueni	22	112	69	231	434	12	141	175	11	1	2	0	3	0	26	371	805
Malindi	30	155	143	257	585	31	164	146	46	5	9	0	5	0	14	420	1,005
Marsabit	5	19	30	42	96	7	14	12	6	0	0	0	0	0	1	40	136
Meru	69	84	129	544	826	21	239	200	69	7	1	0	1	0	18	556	1,382
Migori	42	76	112	175	405	8	95	90	27	12	1	0	0	0	3	236	641
Mil ACEC	0	0	15	0	15	0	0	67	0	0	0	0	0	0	0	67	82
Mil Civil	0	0	0	0	0	235	1691	1410	0	0	0	0	0	0	0	3336	3,336
Mil ComTax	0	0	0	0	0	730	399	1170	0	0	338	17	0	0	0	2654	2,654
Mil Const & HR	0	0	0	0	0	0	0	63	662	0	0	0	0	0	0	725	725
Mil Criminal	89	455	206	1614	2364	0	0	0	0	0	0	0	0	0	0	0	2,364
Mil Family	0	0	0	0	0	96	176	290	0	0	0	0	279	0	1068	1909	1,909
Mil JudRev	0	0	0	0	0	0	0	148	0	282	0	0	0	0	0	430	430
Mombasa	24	269	77	353	723	161	497	431	61	46	40	0	21	0	88	1345	2,068
Muranga	32	55	94	641	822	16	154	200	12	12	0	0	2	0	39	435	1,257
Naivasha	17	37	43	207	304	18	148	220	11	3	0	0	2	0	18	420	724
Nakuru	43	196	66	853	1158	67	413	415	37	25	5	0	22	0	188	1172	2,330



Station	Filed Criminal Cases					Filed Civil Cases											Total Filed Cases
	Murder	Application	Appeal	Revision	All CR cases	Civil Suit	Civil Appeal	Miscellaneous Application	Constitution Petition	Judicial Review	Bankruptcy and Insolvency	Tax Appeal	Adoption	Divorce	Probate Administration	All civil cases	
Nanyuki	14	42	91	350	497	10	52	26	14	12	1	0	3	0	7	125	622
Narok	29	13	14	168	224	9	26	49	19	4	0	0	2	0	13	122	346
Nyahururu	16	47	29	166	258	13	38	56	9	5	5	0	3	0	17	146	404
Nyamira	14	84	60	122	280	4	50	62	7	5	0	0	0	0	21	149	429
Nyandarua	85	77	147	77	386	28	158	55	17	11	2	0	3	0	14	288	674
Nyeri	15	87	76	315	493	9	98	143	25	14	0	0	10	0	45	344	837
Siaya	57	167	69	193	486	9	54	41	35	3	0	0	3	0	16	161	647
Thika	25	56	154	146	381	52	715	203	16	16	0	0	4	0	25	1031	1,412
Vihiga	24	105	48	118	295	7	50	34	27	7	0	0	1	0	18	144	439
Voi	10	30	65	314	419	6	93	53	33	5	2	0	0	0	0	192	611
All courts	1,397	4,350	3,587	13,051	22,385	1,997	8,414	9,444	1,895	758	451	17	482	1	2,548	26,007	48,392

Appendix 2.3: Resolved Criminal and Civil Cases at the High Court, per case type as at 30th June 2024

Station	Resolved Criminal Cases					Resolved Civil Cases											Total Resolved Cases
	Murder	Criminal Application	Criminal Appeal	Criminal Revision	All CR cases	Civil Suit	Civil Appeal	Miscellaneous Application	Constitution Petition	Judicial Review	Bankruptcy and Insolvency	Tax Appeal	Adoption	Divorce	Probate Administration	All civil cases	
Bomet	22	10	34	202	268	3	42	47	4	2	0	0	0	0	52	150	418
Bungoma	60	62	112	375	609	18	209	238	18	19	20	0	4	0	32	558	1,167
Busia	22	39	31	79	171	8	44	104	23	5	0	0	3	0	6	193	364
Chuka	15	13	13	165	206	4	49	36	24	8	0	0	0	0	5	126	332
Eldoret	50	115	87	399	651	44	286	371	130	18	2	0	12	0	152	1,015	1,666
Embu	35	39	49	381	504	8	114	96	46	4	2	0	5	0	20	295	799
Garissa	23	57	110	140	330	7	16	9	26	12	0	0	0	0	0	70	400
Garsen	10	39	66	89	204	1	39	12	23	1	0	0	0	0	2	78	282
Homabay	39	52	100	27	218	5	116	128	7	17	1	0	7	0	4	285	503
Kabarnet	51	90	66	110	317	0	12	13	7	5	0	0	0	0	14	51	368
Kajiado	12	86	47	37	182	45	128	150	13	13	2	0	3	0	122	476	658
Kakamega	87	98	94	446	725	21	238	210	58	7	3	0	5	0	29	571	1,296
Kapenguria	12	16	27	137	192	3	8	5	14	4	0	0	0	0	11	45	237
Kapsabet	10	57	29	143	239	8	37	38	2	2	1	0	1	0	38	127	366
Kericho	29	33	50	70	182	12	57	76	31	1	1	0	3	0	52	233	415
Kerugoya	31	42	52	117	242	10	123	128	28	6	1	0	3	0	16	315	557
Kiambu	8	110	76	203	397	94	365	342	74	30	2	0	19	0	144	1,070	1,467
Kibera	0	155	137	211	503	1	1	4	3	2	0	0	0	0	0	11	514
Kisii	51	126	61	182	420	12	205	432	23	29	0	0	5	0	12	718	1,138
Kisumu	43	120	83	210	456	39	252	641	50	29	6	0	10	0	30	1,057	1,513
Kitale	40	102	76	654	872	22	71	92	96	11	1	0	4	0	74	371	1,243
Kitui	12	53	54	195	314	9	113	83	15	18	0	0	6	0	6	250	564
Kwale	5	44	16	53	118	17	40	24	3	0	0	0	0	1	5	90	208
Lodwar	8	124	57	121	310	6	16	2	3	2	0	0	0	0	4	33	343
Machakos	9	92	39	263	403	51	368	404	30	38	3	0	28	0	79	1,001	1,404
Makueni	25	51	105	215	396	12	141	175	11	1	2	0	3	0	26	371	767
Malindi	16	152	84	402	654	31	164	146	46	5	9	0	5	0	14	420	1,074
Marsabit	12	14	35	25	86	7	14	12	6	0	0	0	0	0	1	40	126
Meru	64	52	92	494	702	21	239	200	69	7	1	0	1	0	18	556	1,258
Migori	21	36	60	130	247	8	95	90	27	12	1	0	0	0	3	236	483
Mil ACEC	0	0	15	15	30	0	0	67	0	0	0	0	0	0	0	67	97
Mil Civil	0	0	0	0	0	235	1,691	1,410	0	0	0	0	0	0	0	3,336	3,336
Mil ComTax	0	0	0	0	0	730	399	1,170	0	0	338	17	0	0	0	2,654	2,654
Mil Const & HR	0	0	0	0	0	0	0	63	662	0	0	0	0	0	0	725	725
Mil Criminal	19	305	108	672	1,104	0	0	0	0	0	0	0	0	0	0	0	1,104
Mil Family	0	0	0	0	0	96	176	290	0	0	0	0	279	0	1,068	1,909	1,909



Station	Resolved Criminal Cases					Resolved Civil Cases											Total Resolved Cases
	Murder	Criminal Application	Criminal Appeal	Criminal Revision	All CR cases	Civil Suit	Civil Appeal	Miscellaneous Application	Constitution Petition	Judicial Review	Bankruptcy and Insolvency	Tax Appeal	Adoption	Divorce	Probate Administration	All civil cases	
Mil JudRev	0	0	0	0	0	0	0	148	0	282	0	0	0	0	0	430	430
Mombasa	68	222	125	327	742	161	497	431	61	46	40	0	21	0	88	1,345	2,087
Muranga	20	56	113	488	677	16	154	200	12	12	0	0	2	0	39	435	1,112
Naivasha	23	58	116	220	417	18	148	220	11	3	0	0	2	0	18	420	837
Nakuru	78	119	53	619	869	67	413	415	37	25	5	0	22	0	188	1,172	2,041
Nanyuki	11	49	111	319	490	10	52	26	14	12	1	0	3	0	7	125	615
Narok	5	32	32	138	207	9	26	49	19	4	0	0	2	0	13	122	329
Nyahururu	15	23	17	142	197	13	38	56	9	5	5	0	3	0	17	146	343
Nyamira	0	0	0	0	0	4	50	62	7	5	0	0	0	0	21	149	149
Nyandarua	4	20	15	4	43	28	158	55	17	11	2	0	3	0	14	288	331
Nyeri	16	57	82	278	433	9	98	143	25	14	0	0	10	0	45	344	777
Siaya	17	99	26	178	320	9	54	41	35	3	0	0	3	0	16	161	481
Thika	1	22	24	62	109	52	715	203	16	16	0	0	4	0	25	1,031	1,140
Vihiga	23	70	55	51	199	7	50	34	27	7	0	0	1	0	18	144	343
Voi	18	57	86	323	484	6	93	53	33	5	2	0	0	0	0	192	676
All courts	1,140	3,268	2,920	10,111	17,439	1,997	8,414	9,444	1,895	758	451	17	482	1	2,548	26,007	43,446

Appendix 2.4: Pending Criminal and Civil Cases at the High Court, per case type as at 30th June 2024

Station	Pending Criminal Cas Public hearing for North Eastern Region at Garissa Law Court es June 2024					Pending civil cases June 2024											All Pending Cases
	Murder	Criminal Applica-tion	Criminal Appeal	Criminal Revision	All CR cases	Civil Suit	Civil Appeal	Miss Application	Constitution Pe-tition	Judicial Review	Bankruptcy and Insolvency	Tax Appeal	Adoption	Divorce	Probate Admin	All civil cases	
Bomet	116	105	121	90	432	20	110	126	21	6	-	-	3	-	385	671	1,103
Bungoma	80	43	172	238	533	42	304	188	19	9	27	-	3	-	102	694	1,227
Busia	17	22	80	105	224	15	50	61	26	1	-	-	3	-	18	174	398
Chuka	56	12	34	12	114	11	34	3	16	6	-	-	-	1	3	74	188
Eldoret	208	225	311	345	1,089	170	703	864	229	23	11	-	16	3	626	2,645	3,734
Embu	60	10	56	45	171	8	73	10	14	3	3	-	4	-	9	124	295
Garissa	32	28	54	46	160	5	19	3	20	3	-	-	-	-	10	60	220
Garsen	48	22	111	58	239	3	79	32	12	1	12	-	1	-	14	154	393
Homabay	45	24	28	1	98	8	111	115	12	20	1	-	2	-	45	314	412
Kabarnet	84	8	27	22	141	1	32	2	3	1	-	-	1	-	22	62	203
Kajiado	91	107	163	112	473	127	286	221	32	25	6	-	3	1	229	930	1,403
Kakamega	300	133	183	106	722	70	323	213	98	11	3	-	15	8	409	1,150	1,872
Kapenguria	44	18	35	13	110	4	14	2	16	4	-	-	-	-	29	69	179
Kapsabet	142	133	186	74	535	17	64	49	2	6	1	-	1	-	136	276	811
Kericho	116	122	89	156	483	24	104	81	52	1	4	-	12	1	163	442	925
Kerugoya	141	52	116	242	551	37	341	242	79	12	1	-	8	-	167	887	1,438
Kiambu	331	109	277	197	914	286	881	277	109	52	6	-	19	-	281	1,911	2,825
Kibera	85	41	151	68	345	-	1	2	2	-	-	-	-	-	-	5	350
Kisii	120	57	112	87	376	35	202	287	25	21	-	-	12	-	68	650	1,026
Kisumu	114	53	78	26	271	54	185	203	22	8	5	4	7	-	19	507	778
Kitale	109	207	115	368	799	50	151	77	77	25	4	-	3	-	206	593	1,392
Kitui	163	37	67	32	299	8	141	49	3	4	-	-	10	-	5	220	519
Kwale	16	17	37	27	97	14	30	16	1	-	-	-	-	-	4	65	162
Lodwar	33	57	42	86	218	6	21	4	3	3	-	-	-	-	4	41	259
Machakos	224	81	144	49	498	134	656	403	49	43	5	1	23	1	368	1,683	2,181
Makueni	111	80	131	134	456	28	244	111	24	2	1	-	3	-	71	484	940
Malindi	124	37	176	65	402	69	171	34	74	11	35	-	7	1	34	436	838
Marsabit	19	5	9	18	51	7	17	7	6	2	-	-	-	-	3	42	93
Meru	389	55	301	145	890	62	377	154	126	8	1	-	2	-	175	905	1,795
Migori	78	60	169	82	389	18	249	220	31	17	1	-	3	-	59	598	987
Mil ACEC	0	0	11	0	11	58	-	48	9	4	-	-	-	-	-	119	130
Mil Civil	-	-	-	-	-	1,557	2,906	1,253	-	-	-	-	-	-	-	5,716	5,716
Mil ComTax	-	-	-	-	-	2,693	617	1,131	17	-	634	282	-	-	-	5,374	5,374
Mil Const & HR	-	-	-	-	-	-	1	50	1,174	-	-	-	-	-	-	1,225	1,225
Mil Criminal	478	452	583	1419	2,932	-	-	-	-	-	-	-	-	-	-	-	2,932
Mil Family	-	-	-	-	-	779	368	330	-	-	-	-	493	66	5,148	7,184	7,184
Mil JudRev	-	-	-	-	-	-	-	98	-	328	-	-	-	-	-	426	426



Station	Pending Criminal Cas Public hearing for North Eastern Region at Garissa Law Court es June 2024					Pending civil cases June 2024											All Pending Cases
	Murder	Criminal Applica-tion	Criminal Appeal	Criminal Revision	All CR cases	Civil Suit	Civil Appeal	Miss Application	Constitution Pe-tition	Judicial Review	Bankruptcy and Insolvency	Tax Appeal	Adoption	Divorce	Probate Admin	All civil cases	
Mombasa	181	162	275	53	671	445	685	412	87	54	68	2	14	-	160	1,927	2,598
Muranga	234	56	304	279	873	59	355	198	40	18	-	-	1	1	303	975	1,848
Naivasha	87	8	46	10	151	19	178	43	6	1	1	-	3	-	29	280	431
Nakuru	258	416	213	393	1,280	226	761	998	93	34	26	-	14	1	231	2,384	3,664
Nanyuki	59	13	202	38	312	17	81	15	13	11	2	-	2	-	25	166	478
Narok	86	25	26	40	177	17	53	50	30	5	-	-	1	2	40	198	375
Nyahururu	40	49	65	62	216	21	90	13	13	9	4	-	-	-	12	162	378
Nyamira	103	147	154	164	568	14	64	1	1	4	2	-	1	-	82	169	737
Nyandarua	81	57	132	73	343	25	141	46	11	7	2	-	-	-	11	243	586
Nyeri	69	75	128	84	356	68	286	224	40	20	1	-	14	-	24	677	1,033
Siaya	69	112	88	19	288	4	52	3	33	3	-	-	2	-	23	120	408
Thika	24	34	130	84	272	47	551	95	16	13	-	-	2	-	21	745	1,017
Vihiga	93	81	74	74	322	14	95	35	33	7	-	-	1	-	49	234	556
Voi	18	4	50	12	84	7	75	3	51	3	2	-	-	-	1	142	226
All courts	5,376	3,651	6,056	5,853	20,936	7,403	13,332	9,102	2,870	849	869	289	709	86	9,823	45,332	66,268

Appendix 2.5: Employment & Labor Relations Court Summary Statistics

	Case Type/ Station	Bungoma	Eldoret	Kericho	Kisumu	Malindi	Mombasa	Nairobi	Nakuru	Nyeri	All Courts
Pending as at 30th June 2023	CBA		-	-	-		3	676	1	1	681
	Causes Disputes		540	278	513		1,259	7,631	534	228	10,983
	ELRC Petition		125	11	95		29	584	29	40	913
	ELRC Misc		14	11	73		154	599	54	29	934
	ELRC Appeal		7	2	28		76	238	29	18	398
	ELRC Review		12	4	15		14	73	10	3	131
	All Pending cases		698	306	724	-	1,535	9,801	657	319	14,040
Backlog as at 30th June 2023	1-3 years	N/A	275	190	223	N/A	713	5,140	269	198	7,008
	Over 3 Years	N/A	394	104	169	N/A	534	2,728	259	24	4,212
	All Backlog	N/A	669	294	392	N/A	1,247	7,868	528	222	11,220
Filed	CBA	0	0	0	0	0	1	314	0	0	315
	Causes Disputes	122	29	26	74	9	150	999	54	85	1,548
	ELRC Petition	27	23	10	64	5	22	243	18	21	433
	ELRC Misc	22	19	16	84	31	90	238	38	22	560
	ELRC Appeal	48	36	11	53	10	100	218	31	55	562
	ELRC Review	6	7	3	16	1	9	47	6	5	100
	All filed cases	225	114	66	291	56	372	2,059	147	188	3,518
Resolved	CBA	0	0	0	0	0	0	248	0	0	248
	Causes Disputes	127	109	100	439	94	809	2,264	387	80	4,409
	ELRC Petition	12	17	27	93	10	21	187	30	24	421
	ELRC Misc	14	16	20	61	20	57	46	35	19	288
	ELRC Appeal	1	12	8	43	8	63	59	25	10	229
	ELRC Review	3	4	3	14	2	8	20	8	5	67
	All resolved cases	157	158	158	650	134	958	2,824	485	138	5,662
CCR	CBA	N/A	N/A	N/A	N/A	N/A	0%	79%	N/A	N/A	79%
	Causes Disputes	104%	376%	385%	593%	1044%	539%	227%	717%	94%	285%
	ELRC Petition	44%	74%	270%	145%	200%	95%	77%	167%	114%	97%
	ELRC Misc	64%	84%	125%	73%	65%	63%	19%	92%	86%	51%
	ELRC Appeal	2%	33%	73%	81%	80%	63%	27%	81%	18%	41%
	ELRC Review	50%	57%	100%	88%	200%	89%	43%	133%	100%	67%
	All Cases	70%	139%	239%	223%	239%	258%	137%	330%	73%	161%

	Case Type/ Station	Bungoma	Eldoret	Kericho	Kisumu	Malindi	Mombasa	Nairobi	Nakuru	Nyeri	All Courts
Pending as at 30th June 2024	CBA	0	0	0	0	0	4	742	1	1	748
	Causes Disputes	91	460	204	148	6	600	6,366	201	233	8,309
	ELRC Petition	19	131	6	66	2	30	640	17	37	948
	ELRC Misc	10	17	7	96	17	187	791	57	32	1,214
	ELRC Appeal	54	31	5	38	9	113	397	35	63	745
	ELRC Review	2	15	4	17	1	15	100	8	3	165
	Total	176	654	226	365	35	949	9,036	319	369	12,129
Backlog as at 30th June 2024	1-3 years	40	263	120	184	18	694	5,201	239	203	6,962
	3 and above	100	362	80	39	1	184	2,531	13	29	3,339
	All Backlog	140	625	200	223	19	878	7,732	252	232	10,301
% change in case backlog older than 3 years		N/A	-8%	-23%	-77%	N/A	-66%	-7%	-95%	21%	-21%
Average time to disposition (Days)		610	943	828	1,175	1,432	1,493	1,709	1,465	786	1,160

Appendix 2.6: Environment & Land Court Summary Statistics

Court name	Pending as at 30th June 2023				Case backlog 30th June 23	Filed Matters				Resolved Matters				Pending Cases June 2024				Case Backlog as at 30th June 2024			% change in case backlog older than 3 years	Average Time to Disposition (Days)
	General Suits	Misc.	Appeals	Total		General Suits	Misc.	Appeals	Total	General Suits	Misc.	Appeals	Total	General Suits	Misc.	Appeals	Total	1-3 years	Over 3 years	All backlog		
Bungoma	99	15	107	221	122	81	20	66	167	83	16	72	171	92	18	101	211	41	3	44	-177%	1,710
Busia	298	50	34	382	300	69	11	21	101	109	4	14	127	226	57	41	324	110	138	248	-21%	1,873
Chuka	9	10	14	33	11	17	14	27	58	15	15	23	53	19	8	19	46	2	2	4	-175%	582
Eldoret	1,041	49	102	1,192	880	86	66	68	220	208	76	70	354	910	39	100	1,049	241	459	700	-26%	1,768
Embu	316	9	77	402	282	74	29	62	165	67	15	41	123	323	23	98	444	92	174	266	-6%	1,260
Garissa	25	20	12	57	7	25	1	18	44	18	2	12	32	31	19	18	68	6	10	16	56%	937
Homa Bay	79	3	109	191	22	46	21	60	127	60	24	88	172	91	9	98	198	45	0	45	51%	501
Isiolo	32	19	39	90	42	5	5	38	48	16	12	37	65	21	12	40	73	9	1	10	-320%	590
Iten	54	57	(4)	107	33	7	4	17	28	49	3	37	89	1	58	34	93	11	1	12	-175%	489
Kabarnet				-		17	10	17	44	14	5	15	34	26	12	10	48	40	0	40	100%	248
Kajiado	592	86	121	799	487	145	75	78	298	206	61	75	342	514	98	122	734	204	235	439	-11%	1,264
Kakamega	132	(8)	82	206	49	49	25	94	168	140	25	74	239	37	9	84	130	9	78	87	44%	1,405
Kapsabet	113	7	28	148	50	46	15	12	73	70	8	19	97	82	11	21	114	35	0	35	-43%	493
Kericho	215	23	13	251	148	56	32	18	106	126	24	20	170	133	29	11	173	32	34	66	-124%	1,789
Kerugoya	129	5	104	238	104	82	29	89	200	128	43	68	239	82	9	125	216	72	86	158	34%	1,853
Kilgoris	47	16	17	80	17	61	11	38	110	80	17	48	145	26	10	7	43	35	4	39	56%	712
Kisii	242	11	98	351	243	37	39	53	129	132	17	51	200	147	2	100	249	46	78	124	-96%	2,135
Kisumu	331	43	131	505	334	95	76	111	282	217	88	129	434	197	31	103	331	50	18	68	-391%	1,476
Kitale	135	11	43	189	86	55	21	38	114	148	21	69	238	39	11	12	62	9	50	59	-46%	1,714
Kitui	340	81	50	471	443	33	30	42	105	42	24	48	114	331	87	42	460	89	334	423	-5%	473
Kwale	364	29	49	442	165	112	14	35	161	124	21	29	174	348	22	47	417	131	0	131	-26%	561
Lamu				-		0	0	0	0	0	0	0	0	0	0	0	-	0	0	0		
Lodwar				-		0	0	2	2	0	0	0	0	0	0	2	2	0	0	0		
Machakos	205	86	224	515	265	170	69	96	335	191	70	79	340	169	80	241	490	104	79	183	-45%	1,487
Makueni	666	67	186	919	643	49	15	29	93	85	16	34	135	329	104	30	463	237	367	604	-6%	1,280
Malindi	489	-	43	532	329	169	57	85	311	217	53	52	322	666	241	107	1,014	281	357	638	48%	1,568
Meru	154	34	206	394	198	62	54	116	232	206	47	257	510	8	41	44	93	55	24	79	-151%	1,109
Migori	(65)	18	109	62	5	61	16	76	153	72	7	27	106	77	27	158	262	22	5	27	81%	1,261
Milimani	1,309	281	186	1,776	971	6	4	6	16	948	257	198	1403	338	27	7	372	68	247	315	-208%	1,948
Milimani EP				-		32	17	54	103	58	14	15	87	46	3	11	60	145	6	151	100%	100
Milimani LD				-		618	262	262	1142	147	112	55	314	411	123	192	726	2	0	2	100%	103
Mombasa	474	183	151	808	684	170	101	113	384	422	176	162	760	646	117	300	1,063	362	285	647	-6%	1,596
Muranga	97	6	47	150	26	72	20	63	155	85	17	43	145	80	9	67	156	15	11	26	0%	620
Naivasha				-		156	21	45	222	36	9	8	53	118	12	37	167	0	0	0		23
Nakuru	525	92	132	749	473	139	64	84	287	290	67	107	464	82	84	59	225	98	130	228	-107%	1,625



Court name	Pending as at 30th June 2023				Case backlog 30th June 23	Filed Matters				Resolved Matters				Pending Cases June 2024				Case Backlog as at 30th June 2024			% change in case backlog older than 3 years	Average Time to Disposition (Days)
	General Suits	Misc.	Appeals	Total		General Suits	Misc.	Appeals	Total	General Suits	Misc.	Appeals	Total	General Suits	Misc.	Appeals	Total	1-3 years	Over 3 years	All backlog		
Nanyuki	40	3	33	76	5	36	14	41	91	24	10	31	65	55	11	40	106	5	0	5	0%	477
Narok	195	10	(20)	185	98	43	32	27	102	56	23	32	111	156	19	27	202	12	53	65	-51%	955
Nyamira	67	3	7	77	12	23	18	24	65	52	9	38	99	35	11	7	53	47	0	47	74%	1,351
Nyahururu	128	13	81	222	102	28	12	14	54	53	5	33	91	55	6	19	80	19	60	79	-29%	497
Nyandarua				-		25	8	14	47	35	5	25	65	20	3	14	37	1	0	1	100%	163
Nyeri	317	89	62	468	349	34	39	45	118	98	12	39	149	235	108	66	409	85	204	289	-21%	2,077
Siaya	55	9	9	73	23	54	21	55	130	70	27	66	163	72	6	42	120	37	0	37	38%	459
Thika	476	(3)	162	635	285	275	85	168	528	316	77	158	551	844	99	288	1,231	58	111	169	-69%	926
Vihiga	23	6	20	49	20	18	12	21	51	20	5	23	48	12	13	18	43	19	0	19	-5%	495
Voi				-		45	5	56	106	12	5	18	35	32	0	38	70	0	0	0		129
All Courts	9,748	1,433	2,864	14,045	8,313	3,483	1,494	2,498	7,475	5,545	1,544	2,539	9,628	8,162	1,718	3,047	12,927	2,981	3,644	6,625	-25%	1,025

Appendix 2.7: Filed Criminal and Civil Cases at the Magistrates Courts, per case type as at 30th June 2024

Station	Criminal Cases						Civil Cases						All Filed Cases
	Crim-inal Cases	Sexual Offenc-es	Anti Corr	Chil-dren Crimi-nal	Traffic	All Crim-inal Cases	Civil Cases	Probate And Admin	Divorce Separation	Work-man Com-pensation	Chil-dren Civil	All Civil Cases	
Baricho	1,717	54	1	22	147	1,941	159	283	11	173	35	661	2,602
Bomet	1,805	68	1	8	179	2,061	126	257	29	206	51	669	2,730
Bondo	548	35	1	5	182	771	125	372	12	134	25	668	1,439
Bungoma	2,370	148	104	65	947	3,634	1,219	615	28	253	72	2187	5,821
Busia	1,646	122	0	1	815	2,584	413	898	23	119	74	1527	4,111
Butali	1,861	131	1	50	942	2,985	343	259	5	85	42	734	3,719
Butere	819	75	0	7	162	1,063	91	352	4	6	24	477	1,540
Chuka	1824	51	1	0	196	2,072	171	322	24	132	52	701	2,773
Dadaab	148	18	0	3	0	169	6	0	1	0	30	37	206
Eldama Ravine	919	27	0	13	141	1,100	51	127	8	125	20	331	1,431
Eldoret	6,158	194	41	2	804	7,199	1,013	654	157	359	303	2486	9,685
Embu	1119	27	2	0	171	1,319	291	433	34	66	72	896	2,215
Engineer	788	26	0	16	184	1,014	119	242	14	152	130	657	1,671
Etago	646	77	0	18	105	846	57	70	14	67	14	222	1,068
Garissa	829	28	37	1	407	1,302	39	12	0	49	63	163	1,465
Garsen	163	30	0	3	18	214	11	10	2	40	31	94	308
Gatundu	1088	29	2	27	615	1,761	194	566	22	165	62	1009	2,770
Gichugu	929	25	0	2	51	1,007	61	180	14	35	23	313	1,320
Githongo	495	12	0	9	35	551	50	164	5	20	33	272	823
Githunguri	1400	37	1	11	78	1,527	112	261	20	35	15	443	1,970
Hamisi	902	78	0	9	96	1,085	37	242	1	59	24	363	1,448
Hola	174	12	0	7	18	211	83	21	1	87	10	202	413
Homabay	710	71	1	5	222	1,009	209	540	15	74	46	884	1,893
Isiolo	894	23	4	9	53	983	84	37	10	75	27	233	1,216
Iten	1273	64	0	14	136	1,487	66	144	12	31	36	289	1,776
Jkia	332	0	0	3	18	353	0	0	0	0	1	1	354
Kabarnet	746	34	1	34	39	854	92	84	6	15	44	241	1,095
Kabiyet	435	24	1	4	125	589	37	114	14	12	15	192	781
Kahawa	767	0	1	2	0	770	2	0	1	1	3	7	777
Kajiado	1483	45	1	0	916	2,445	388	198	50	214	116	966	3,411
Kakamega	2622	123	10	0	919	3,674	786	1134	54	0	97	2071	5,745
Kakuma	597	37	0	7	101	742	9	5	2	42	21	79	821
Kaloleni	332	51	1	3	24	411	160	63	2	169	2	396	807
Kandara	2,211	81	2	41	341	2,676	97	475	13	307	40	932	3,608
Kangema	724	36	1	5	150	916	38	292	5	46	13	394	1,310
Kangundo	1,347	48	0	10	140	1,545	91	255	11	153	27	537	2,082
Kapenguria	1100	49	0	13	145	1,307	62	66	8	12	67	215	1,522
Kapsabet	2,300	108	0	9	282	2,699	163	457	27	207	81	935	3,634
Karatina	1,161	33	0	18	163	1,375	96	364	16	77	59	612	1,987
Kehancha	1,387	72	1	29	198	1,687	136	109	5	32	24	306	1,993
Kenol	3405	55	1	15	396	3,872	439	233	7	157	29	865	4,737



Station	Criminal Cases						Civil Cases						All Filed Cases
	Criminal Cases	Sexual Offences	Anti Corr	Children Criminal	Traffic	All Criminal Cases	Civil Cases	Probate And Admin	Divorce Separation	Workman Compensation	Children Civil	All Civil Cases	
Kericho	3,616	107	9	32	633	4,397	365	577	60	230	250	1482	5,879
Keroka	1,089	100	0	0	672	1,861	86	135	11	155	56	443	2,304
Kerugoya	901	26	0	4	93	1,024	412	650	28	29	50	1169	2,193
Kiambu	3,975	73	0	12	1350	5,410	494	696	97	299	144	1730	7,140
Kibera	3,695	140	0	8	2756	6,599	0	0	0	0	3	3	6,602
Kigumo	656	29	0	7	73	765	62	191	3	38	11	305	1,070
Kikuyu	2,103	65	0	2	586	2,756	331	492	56	353	135	1367	4,123
Kilgoris	1122	51	0	20	89	1,282	196	160	12	22	67	457	1,739
Kilifi	1,070	171	0	1	465	1,707	404	317	44	459	85	1309	3,016
Kilungu	810	51	2	17	572	1,452	112	121	4	413	42	692	2,144
Kimilili	1,199	94	0	5	263	1,561	166	183	12	75	103	539	2,100
Kisii	2,154	111	5	0	839	3,109	545	560	68	750	125	2048	5,157
Kisumu	863	24	21	0	658	1,566	1010	795	72	177	334	2388	3,954
Kitale	4427	207	12	15	442	5,103	516	333	47	237	635	1768	6,871
Kithimani	1562	50	0	22	273	1,907	88	339	9	232	32	700	2,607
Kitui	1490	110	4	0	400	2,004	252	454	37	219	59	1021	3,025
Kwale	586	81	4	4	539	1,214	132	141	14	135	66	488	1,702
Kyuso	324	19	0	4	19	366	32	14	4	5	18	73	439
Lamu	399	23	0	3	29	454	43	8	0	3	39	93	547
Limuru	1,722	51	2	14	301	2,090	468	354	30	316	136	1304	3,394
Lodwar	1,153	55	0	4	106	1,318	29	40	4	33	39	145	1,463
Loitoktok	479	29	1	13	212	734	26	54	3	31	31	145	879
Machakos	1294	67	0	0	277	1,638	399	521	47	241	89	1297	2,935
Madiany	458	22	0	4	0	484	28	325	3	12	11	379	863
Makadara	16422	425	4	11	7224	24,086	0	0	0	0	36	36	24,122
Makindu	1122	80	0	18	1063	2,283	129	163	18	291	44	645	2,928
Makueni	821	32	1	9	73	936	122	385	24	161	40	732	1,668
Malaba	797	110	1	11	273	1,192	24	42	2	16	32	116	1,308
Malindi	1190	147	2	5	433	1,777	515	278	32	186	88	1099	2,876
Mandera	467	22	1	3	61	554	9	0	0	1	56	66	620
Maralal	416	7	2	10	15	450	40	25	8	10	50	133	583
Mariakani	507	63	1	6	836	1,413	111	55	8	257	25	456	1,869
Marimanti	1153	25	0	0	48	1,226	49	68	4	0	59	180	1,406
Marsabit	224	7	0	0	15	246	38	24	1	34	15	112	358
Maseno	572	58	0	5	926	1,561	62	287	2	86	16	453	2,014
Maua	1832	58	4	16	88	1,998	767	393	7	0	78	1245	3,243
Mavoko	2407	68	0	19	1271	3,765	721	131	51	830	104	1837	5,602
Mbita	263	21	0	5	106	395	93	228	7	32	15	375	770
Meru	2,061	74	0	21	587	2,743	433	541	50	113	142	1279	4,022
Migori	689	82	2	16	414	1,203	279	567	36	142	247	1271	2,474
Mil. Anti-Corr	0	0	1228	0	0	1,228	0	0	0	0	0	0	1,228
Mil. Childrens	8	46	0	168	0	222	0	0	0	0	3397	3397	3,619

Station	Criminal Cases						Civil Cases						All Filed Cases
	Crim-inal Cases	Sexual Offenc-es	Anti Corr	Chil-dren Crimi-nal	Traffic	All Crim-inal Cases	Civil Cases	Probate And Admin	Divorce Separation	Work-man Com-pensation	Chil-dren Civil	All Civil Cases	
Mil. Comm	0	0	0	0	0	0	8481	0	0	3851	18	12350	12,350
Mil. Family	0	0	0	0	0	0	125	1024	1636	0	0	2785	2,785
Mil. CM	6962	8	1	0	10701	17,672	0	0	0	0	0	0	17,672
Molo	2973	136	0	23	689	3,821	157	222	18	633	174	1204	5,025
Mombasa	3,205	157	8	0	4098	7,468	2479	420	193	1125	14	4231	11,699
Moyale	369	17	2	0	107	495	24	7	0	0	38	69	564
Mpeketoni	241	27	0	2	8	278	39	58	5	9	3	114	392
Msambweni	319	87	0	1	44	451	74	32	8	138	159	411	862
Mukurwe-Ini	472	18	0	7	36	533	37	126	4	37	37	241	774
Mumias	1,239	61	2	7	318	1,627	179	428	11	133	103	854	2,481
Muranga	1,108	42	0	0	203	1,353	223	827	20	186	22	1278	2,631
Mutomo	504	27	0	12	75	618	51	40	4	88	12	195	813
Mwingi	715	30	0	0	247	992	82	139	12	69	31	333	1,325
Nairobi City	1,463	0	0	0	100	1,563	4	0	0	0	2	6	1,569
Naivasha	1622	61	0	1	881	2,565	300	325	25	462	275	1387	3,952
Nakuru	3,915	142	157	162	1398	5,774	1513	1025	209	421	744	3912	9,686
Nanyuki	1,576	55	0	0	425	2,056	257	261	38	81	80	717	2,773
Narok	1,760	95	0	29	745	2,629	248	169	15	259	115	806	3,435
Ndhiwa	429	23	0	5	78	535	88	290	12	50	11	451	986
Ngong	2,225	73	1	24	1103	3,426	263	200	57	132	547	1199	4,625
Nkubu	1400	35	2	2	258	1,697	119	276	25	87	78	585	2,282
Nyahururu	1644	69	5	1	387	2,106	230	520	16	102	109	977	3,083
Nyamira	1343	68	1	3	339	1,754	203	341	13	195	46	798	2,552
Nyando	973	93	0	6	730	1,802	105	450	9	146	36	746	2,548
Nyeri	1862	62	5	0	355	2,284	418	642	30	138	204	1432	3,716
Ogembo	1830	132	3	13	232	2,210	135	262	17	186	109	709	2,919
Oi Kalou	1011	62	1	26	160	1,260	136	122	6	86	40	390	1,650
Othaya	603	12	1	10	110	736	33	189	3	27	9	261	997
Oyugis	786	80	0	44	372	1,282	255	888	11	131	52	1337	2,619
Port Victoria	561	52	0	13	6	632	23	359	4	60	5	451	1,083
Rongo	732	44	1	8	404	1,189	168	188	17	107	19	499	1,688
Ruiru	3919	83	4	14	945	4,965	907	279	192	295	172	1845	6,810
Rumuruti	682	39	1	16	62	800	79	59	3	36	41	218	1,018
Runyenjes	564	24	3	10	166	767	103	298	9	76	36	522	1,289
Shanzu	1671	153	0	8	1394	3,226	17	0	0	0	6	23	3,249
Siakago	986	50	1	9	105	1,151	135	370	7	70	14	596	1,747
Siaya	1051	88	3	0	223	1,365	230	627	12	58	52	979	2,344
Sirisia	614	59	0	10	153	836	80	68	2	177	35	362	1,198
Sotik	1305	71	0	13	191	1,580	104	147	16	41	77	385	1,965
Tamu	432	30	0	5	79	546	81	98	6	184	28	397	943
Taveta	779	34	0	14	55	882	57	11	8	9	63	148	1,030
Tawa	323	15	0	4	114	456	40	114	5	214	7	380	836



Station	Criminal Cases						Civil Cases						All Filed Cases
	Crim-inal Cases	Sexual Offenc-es	Anti Corr	Chil-dren Crimi-nal	Traffic	All Crim-inal Cases	Civil Cases	Probate And Admin	Divorce Separation	Work-man Com-pensa-tion	Chil-dren Civil	All Civil Cases	
Thika	4822	133	0	0	1622	6,577	727	368	101	536	424	2156	8,733
Tigania	1245	25	4	10	163	1,447	250	222	5	53	37	567	2,014
Tinderet	257	26	0	1	1	285	44	46	2	48	3	143	428
Tononoka	18	54	0	212	0	284	0	0	0	0	978	978	1,262
Ukwala	237	26	0	4	206	473	92	443	3	83	29	650	1,123
Vihiga	957	80	0	1	449	1,487	203	580	13	216	59	1071	2,558
Voi	892	32	0	1	362	1,287	140	57	18	117	90	422	1,709
Wajir	384	20	0	0	121	525	15	5	0	4	84	108	633
Wanguru	1145	28	1	6	209	1,389	189	147	16	117	53	522	1,911
Webuye	808	26	0	5	656	1,495	151	111	7	119	38	426	1,921
Winam	829	57	1	12	456	1,355	230	276	21	182	91	800	2,155
Wundanyi	610	46	0	7	44	707	33	84	6	65	37	225	932
All Magi Courts	188,644	8,306	1,731	1,775	68,126	268,582	37,670	35,797	4,472	22,253	14,503	114,695	383,277

Appendix 2.8: Resolved Criminal and Civil Cases at the Magistrates Courts, per case type as at 30th June 2024

Station	Criminal Cases						Civil Cases						All Resolved Cases
	Criminal Cases	Sexual Offences	Anti Corr	Children Criminal	Traffic	All Criminal Cases	Civil Cases	Probate And Admin	Divorce Separation	Workman Compensation	Children Civil	All Civil Cases	
Baricho	1,036	48	19	7	120	1,230	178	150	8	0	6	342	1,572
Bomet	1,516	97	5	29	179	1,826	253	30	22	0	28	333	2,159
Bondo	1,403	104	2	59	145	1,713	289	549	11	4	20	873	2,586
Bungoma	1,715	123	14	0	261	2,113	569	90	23	0	29	711	2,824
Busia	1,737	101	6	14	528	2,386	392	597	10	0	7	1,006	3,392
Butali	671	19	0	2	171	863	57	53	0	4	2	116	979
Butere	586	70	3	20	92	771	287	458	5	9	18	777	1,548
Chuka	1,073	53	1	0	86	1,213	200	219	19	0	16	454	1,667
Dadaab	77	0	0	0	0	77	1	0	0	0	1	2	79
Eldama Ravine	1,315	59	0	4	234	1,612	90	131	2	1	13	237	1,849
Eldoret	4,106	277	20	55	1,282	5,740	2,085	281	109	0	104	2,579	8,319
Embu	1,144	73	4	23	163	1,407	447	354	51	2	87	941	2,348
Engineer	3,657	155	9	141	258	4,220	435	341	9	10	70	865	5,085
Garissa	1,272	36	3	4	569	1,884	116	0	1	0	64	181	2,065
Garsen	238	13	0	14	111	376	133	1	2	0	3	139	515
Gatundu	999	31	0	12	151	1,193	226	493	7	2	10	738	1,931
Gichugu	1,006	20	4	6	53	1,089	75	163	5	0	8	251	1,340
Githongo	850	22	0	37	10	919	100	97	12	0	15	224	1,143
Githunguri	908	35	1	4	74	1,022	131	153	9	2	12	307	1,329
Hamisi	798	30	3	14	103	948	66	77	1	0	2	146	1,094
Hola	310	25	0	9	29	373	35	2	0	1	12	50	423
Homa bay	784	69	3	3	179	1,038	259	195	17	0	8	479	1,517
Isiolo	824	25	1	2	87	939	171	8	8	0	14	201	1,140
Iten	1,174	63	9	4	188	1,438	194	43	2	0	12	251	1,689
JKIA	119	1	1	0	6	127	0	0	0	0	0	0	127
Kabarnet	1,145	42	1	14	118	1,320	83	23	2	0	15	123	1,443
Kahawa	272	0	0	0	0	272	0	0	0	0	0	0	272
Kajiado	1,471	45	0	31	1,138	2,685	1,001	110	30	0	24	1,165	3,850
Kakamega	2,031	154	2	0	437	2,624	668	434	24	0	37	1,163	3,787
Kakuma	311	42	4	0	101	458	21	1	2	0	9	33	491
Kaloleni	172	40	0	6	39	257	341	35	2	3	0	381	638
Kandara	1,756	102	2	21	413	2,294	306	254	5	7	17	589	2,883
Kangema	686	45	5	4	135	875	46	120	3	0	7	176	1,051
Kangundo	1,664	52	1	9	379	2,105	292	189	11	0	11	503	2,608
Kapenguria	1,273	42	12	15	125	1,467	35	26	1	0	3	65	1,532
Kapsabet	2,696	182	5	0	191	3,074	221	441	33	0	29	724	3,798
Karatina	607	49	7	9	122	794	159	288	10	1	19	477	1,271
Kehancha	1,007	46	0	34	135	1,222	164	84	10	2	7	267	1,489
Kericho	3,892	150	4	40	604	4,690	342	223	56	0	34	655	5,345
Keroka	1,160	53	1	38	362	1,614	159	8	7	0	7	181	1,795
Kerugoya	757	35	14	2	84	892	434	474	63	0	26	997	1,889



Station	Criminal Cases						Civil Cases						All Resolved Cases
	Criminal Cases	Sexual Offences	Anti Corr	Children Criminal	Traffic	All Criminal Cases	Civil Cases	Probate And Admin	Divorce Separation	Workman Compensation	Children Civil	All Civil Cases	
Kiambu	2,352	92	5	36	607	3,092	615	466	47	1	27	1,156	4,248
Kibera	2,732	139	24	0	3,595	6,490	0	0	0	0	0	0	6,490
Kigumo	1,555	68	14	16	176	1,829	444	171	5	4	7	631	2,460
Kikuyu	1,259	65	4	20	279	1,627	589	457	41	1	44	1,132	2,759
Kilgoris	842	46	0	10	114	1,012	86	19	3	7	8	123	1,135
Kilifi	707	120	5	8	331	1,171	609	114	17	0	21	761	1,932
Kilungu	822	51	2	11	304	1,190	382	19	9	0	6	416	1,606
Kimilili	744	97	10	22	102	975	219	44	12	0	14	289	1,264
Kisii	2,265	134	7	0	198	2,604	1,196	363	54	0	89	1,702	4,306
Kisumu	1,284	37	2	145	235	1,703	758	784	59	0	61	1,662	3,365
Kitale	4,603	320	8	207	373	5,511	1,076	114	102	0	82	1,374	6,885
Kithimani	1,284	85	5	4	224	1,602	380	103	2	1	15	501	2,103
Kitui	1,180	89	4	7	174	1,454	375	483	35	0	12	905	2,359
Kwale	409	73	1	33	314	830	284	26	4	19	11	344	1,174
Kyuso	177	30	0	8	30	245	50	4	3	0	10	67	312
Lamu	339	34	0	2	78	453	40	1	0	0	7	48	501
Limuru	867	41	1	12	464	1,385	478	224	12	21	47	782	2,167
Lodwar	673	100	3	36	101	913	32	2	2	0	14	50	963
Loitoktok	241	38	3	34	150	466	74	59	4	4	22	163	629
Machakos	1,755	97	2	15	166	2,035	1,396	252	33	3	21	1,705	3,740
Makadara	6,441	268	4	29	3,667	10,409	0	0	0	0	0	0	10,409
Makindu	942	77	2	10	446	1,477	241	22	3	2	35	303	1,780
Makueni	459	39	1	1	50	550	305	140	13	1	20	479	1,029
Malindi	853	94	7	7	273	1,234	536	60	28	1	66	691	1,925
Mandera	488	44	4	5	86	627	36	0	0	0	27	63	690
Maralal	392	23	3	9	101	528	45	9	4	1	23	82	610
Mariakani	655	106	7	22	597	1,387	570	33	8	43	3	657	2,044
Marimanti	737	19	0	4	40	800	54	58	4	0	12	128	928
Marsabit	461	20	0	7	78	566	44	4	1	0	15	64	630
Maseno	637	63	6	13	207	926	167	101	3	1	9	281	1,207
Maua	2,471	135	2	44	141	2,793	524	198	7	0	40	769	3,562
Mavoko	1,316	82	9	8	1,387	2,802	1,208	18	39	21	42	1,328	4,130
Mbita	730	24	3	31	78	866	62	98	2	0	4	166	1,032
Meru	2,004	77	4	30	460	2,575	568	254	33	0	53	908	3,483
Migori	840	74	3	6	74	997	2,289	114	75	2	19	2,499	3,496
Mil. Anti-Corr	69	0	0	0	0	69	0	0	0	0	0	0	69
Mil. Childrens	114	11	0	1,392	0	1,517	88	0	0	0	3,065	3,153	4,670
Mil. Comm	0	0	0	0	0	0	10,352	5	1,271	932	253	12,813	12,813
Mil. Family	5,459	34	26	0	11,339	16,858	0	0	0	0	0	0	16,858
Molo	3,312	215	3	113	734	4,377	611	114	10	0	19	754	5,131
Mombasa	1,920	132	5	0	2,565	4,622	3,111	122	121	174	0	3,528	8,150
Moyale	432	19	0	3	117	571	39	2	0	0	20	61	632

Station	Criminal Cases						Civil Cases						All Resolved Cases
	Criminal Cases	Sexual Offences	Anti Corr	Children Criminal	Traffic	All Criminal Cases	Civil Cases	Probate And Admin	Divorce Separation	Workman Compensation	Children Civil	All Civil Cases	
Mpeketoni	290	39	1	11	39	380	36	34	3	0	7	80	460
Msambweni	315	64	1	35	30	445	203	2	3	0	4	212	657
Mukurwe-ini	760	35	6	15	48	864	92	169	2	0	4	267	1,131
Mumias	762	67	5	66	87	987	197	130	4	3	11	345	1,332
Murang'a	1,117	48	21	6	175	1,367	719	837	39	0	44	1,639	3,006
Mutomo	579	14	0	0	123	716	74	13	2	0	5	94	810
Mwingi	975	44	1	2	227	1,249	204	71	12	0	22	309	1,558
Nairobi City	56	0	0	0	0	56	380	79	36	0	1	496	552
Naivasha	2,207	74	17	49	1,068	3,415	946	210	21	108	30	1,315	4,730
Nakuru	3,683	106	14	66	1,635	5,504	991	377	58	0	216	1,642	7,146
Nanyuki	1,885	92	5	61	377	2,420	212	145	16	0	21	394	2,814
Narok	1,105	37	0	26	883	2,051	225	23	8	8	1	265	2,316
Ndhiwa	331	50	1	4	43	429	155	135	13	7	3	313	742
Ngong'	1,415	47	2	14	1,271	2,749	196	65	43	3	17	324	3,073
Nkubu	854	28	1	2	161	1,046	197	180	8	0	27	412	1,458
Nyahururu	2,134	116	14	43	479	2,786	309	440	12	0	28	789	3,575
Nyamira	1,718	132	32	11	150	2,043	425	72	26	1	36	560	2,603
Nyando	1,255	135	10	10	159	1,569	577	493	19	10	37	1,136	2,705
Nyeri	1,378	53	6	91	426	1,954	482	497	26	0	41	1,046	3,000
Ogembo	2,613	141	9	7	311	3,081	327	30	16	5	35	413	3,494
Othaya	875	15	0	2	88	980	24	95	1	0	2	122	1,102
Oyugis	620	40	1	4	209	874	271	325	14	0	11	621	1,495
Rongu	390	28	0	3	121	542	381	84	5	2	12	484	1,026
Ruiru	2,339	50	7	0	832	3,228	1,149	124	158	23	93	1,547	4,775
Runyenjes	703	42	10	22	200	977	275	308	8	0	7	598	1,575
Shakzu	1,523	128	1	5	1,096	2,753	0	0	0	0	0	0	2,753
Siakago	1,081	74	14	3	115	1,287	369	499	13	1	35	917	2,204
Siaya	786	64	0	3	46	899	159	235	2	0	9	405	1,304
Sirisia	520	38	1	7	25	591	57	17	0	0	4	78	669
Sotik	1,665	55	6	33	119	1,878	129	35	8	4	28	204	2,082
Tamu	373	60	1	34	42	510	161	39	4	5	2	211	721
Taveta	668	40	1	9	51	769	32	5	1	0	1	39	808
Tawa	239	8	0	1	41	289	96	13	2	0	2	113	402
Thika	3,591	190	13	498	1,486	5,778	2,213	541	105	0	113	2,972	8,750
Tigania	1,452	54	2	14	90	1,612	329	102	4	0	129	564	2,176
Tononoka	52	31	0	221	0	304	38	0	0	0	251	289	593
Ukwala	346	19	4	10	69	448	128	76	2	2	14	222	670
Vihiga	609	59	3	13	168	852	227	194	3	0	15	439	1,291
Voi	1,077	45	4	22	168	1,316	476	30	17	1	29	553	1,869
Wajir	539	19	1	2	339	900	21	0	0	0	60	81	981
Wang'uru	928	36	1	55	166	1,186	338	120	15	1	12	486	1,672
Webuye	651	37	15	19	390	1,112	133	22	4	0	14	173	1,285
Winam	907	66	2	84	258	1,317	364	81	11	6	24	486	1,803
Wundanyi	499	38	0	2	122	661	53	45	5	0	12	115	776
All Mag Courts	154,905	8,498	588	4,631	53,850	222,472	55,364	19,244	3,407	1,477	6,518	86,010	308,482



Appendix 2.9: Pending Criminal and Civil Cases at the Magistrates Courts, per case type as at 30th June 2024

Court	Criminal Cases						Civil Cases						All Pending Cases
	Crim	Sex Of-fense	Anti Corr	Children in Conflict	Traffic	All Criminal Cases	Civil	Probate	Divorce	Personal Injury	Children in Need	All Civil Cases	
Baricho	1,849	184	0	70	550	2,653	778	87	0	93	77	1,035	3,688
Bomet	1,446	142	1	19	118	1,726	561	411	32	64	102	1,170	2,896
Bondo	477	91	0	4	48	620	76	252	5	22	7	362	982
Bungoma	1,199	310	24	47	158	1,738	2,996	1679	39	107	27	4,848	6,586
Busia	5,741	864	0	112	1489	8,206	1392	2,344	42	28	45	3,851	12,057
Butali	1,680	333	0	65	204	2,282	796	659	10	90	37	1,592	3,874
Butere	819	143	0	80	40	1,082	202	133	3	36	37	411	1,493
Chuka	659	229	0	27	435	1,350	811	102	29	66	5	1,013	2,363
Dadaab	109	21	0	3	0	133	10	0	1	0	51	62	195
Eldama Ravine	1,163	49	0	69	212	1,493	177	64	11	72	53	377	1,870
Eldoret	7,172	1,119	9	35	1,753	10,088	2,504	772	60	203	55	3,594	13,682
Embu	1,505	81	0	56	386	2,028	222	649	29	130	182	1,212	3,240
Engineer	393	4	0	13	73	483	18	1	2	15	5	41	524
Etago	160	46	0	16	9	231	35	46	6	6	8	101	332
Garissa	413	54	0	8	98	573	16	1	1	3	14	35	608
Garsen	482	97	0	7	54	640	80	2	1	26	5	114	754
Gatundu	1409	91	1	98	336	1,935	646	359	4	191	4	1,204	3,139
Gichugu	329	14	0	5	34	382	209	23	5	6	7	250	632
Githongo	480	183	0	28	103	794	36	109	10	4	1	160	954
Githunguri	893	140	0	101	41	1,175	351	159	12	10	52	584	1,759
Hamisi	1049	112	0	17	51	1,229	38	156	1	18	17	230	1,459
Hola	287	53	0	27	18	385	93	12	5	5	2	117	502
Homabay	1,021	183	0	39	507	1,750	332	559	0	42	170	1,103	2,853
Isiolo	1270	65	1	40	156	1,532	2	1	0	0	0	3	1,535
Iten	530	14	0	31	35	610	74	27	7	76	16	200	810
JKIA	161	2	0	1	10	174	0	0	0	0	1	1	175
Kabarnet	434	56	0	24	17	531	26	10	3	17	9	65	596
Kabiyet	178	43	0	6	10	237	33	2	9	10	8	62	299
Kahawa	311	0	0	2	0	313	2	0	1	1	2	6	319
Kajiado	3160	214	0	118	1185	4,677	1367	116	71	565	171	2,290	6,967
Kakamega	823	416	1	108	307	1,655	1640	1501	79	1	124	3,345	5,000
Kakuma	332	15	0	3	32	382	14	15	0	30	0	59	441
Kaloleni	155	27	0	14	35	231	52	104	2	81	0	239	470
Kandara	963	82	0	42	100	1,187	376	563	9	46	4	998	2,185
Kangema	301	39	1	9	56	406	111	463	11	2	23	610	1,016
Kangundo	1,299	153	0	35	114	1,601	42	25	1	43	1	112	1,713
Kapenguria	526	52	0	30	19	627	303	35	11	16	74	439	1,066
Kapsabet	1779	464	0	47	60	2,350	594	475	58	39	54	1,220	3,570
Karatina	878	71	0	41	159	1,149	683	596	11	29	42	1,361	2,510
Kehancha	609	109	0	33	64	815	208	77	4	20	4	313	1,128
Kenol	616	73	0	32	35	756	553	180	7	45	0	785	1,541

Court	Criminal Cases						Civil Cases						All Pending Cases
	Crim	Sex Of-fense	Anti Corr	Children in Conflict	Traffic	All Criminal Cases	Civil	Probate	Divorce	Personal Injury	Children in Need	All Civil Cases	
Kericho	4,089	418	6	272	610	5,395	1,029	587	31	77	83	1,807	7,202
Keroka	1,081	234	0	45	256	1,616	451	284	7	35	32	809	2,425
Kerugoya	1,127	64	0	10	156	1,357	1084	390	2	4	166	1,646	3,003
Kiambu	1,936	139	0	117	267	2,459	1,095	1194	56	220	70	2,635	5,094
Kibera	1130	12	0	6	1433	2,581	0	0	0	0	0	0	2,581
Kigumo	1,634	227	0	52	569	2,482	14	13	0	23	0	50	2,532
Kikuyu	2076	196	0	129	630	3,031	1670	336	72	78	55	2,211	5,242
Kilgoris	1,084	90	0	47	83	1,304	147	62	6	4	167	386	1,690
Kilifi	2,019	550	0	86	345	3,000	608	524	39	96	79	1,346	4,346
Kilungu	1,134	220	1	76	305	1,736	474	330	2	56	82	944	2,680
Kimilili	1,929	163	0	66	36	2,194	488	429	9	49	18	993	3,187
Kisii	3,895	267	1	300	192	4,655	2686	889	64	165	138	3,942	8,597
Kisumu	704	1	5	25	80	815	1,003	2,016	7	10	110	3,146	3,961
Kitale	7,506	602	6	412	518	9,044	296	476	13	25	713	1,523	10,567
Kithimani	2063	190	0	110	252	2,615	211	246	13	134	29	633	3,248
Kitui	1619	199	2	11	189	2,020	1008	615	51	164	32	1,870	3,890
Kwale	1163	392	3	108	304	1,970	1,368	296	18	134	135	1,951	3,921
Kyuso	154	18	0	1	3	176	24	5	2	11	5	47	223
Lamu	92	3	0	3	2	100	46	3	0	1	15	65	165
Limuru	1,390	102	0	54	129	1,675	1,743	609	60	127	199	2,738	4,413
Lodwar	1,145	289	0	44	66	1,544	16	25	3	22	127	193	1,737
Loitoktok	111	5	0	10	8	134	29	15	0	21	2	67	201
Machakos	3517	471	0	185	592	4,765	1926	519	72	3	153	2,673	7,438
Madiany	62	3	0	4	0	69	8	51	0	0	0	59	128
Makadara	17657	1023	1	111	3951	22,743	0	0	0	0	22	22	22,765
Makindu	1324	101	0	21	225	1,671	1395	247	36	36	41	1,755	3,426
Makueni	620	104	0	27	58	809	197	596	30	40	15	878	1,687
Malaba	255	73	0	7	28	363	13	28	2	12	5	60	423
Malindi	2366	328	0	74	700	3,468	223	534	13	63	111	944	4,412
Mandera	95	12	1	6	21	135	4	1	1	0	7	13	148
Maralal	79	2	0	39	45	165	38	33	4	1	43	119	284
Mariakani	203	41	0	12	103	359	643	129	2	10	52	836	1,195
Marimanti	688	98	0	56	113	955	24	80	3	7	78	192	1,147
Marsabit	464	71	0	5	68	608	0	20	1	15	3	39	647
Maseno	693	156	0	26	72	947	9	225	4	43	4	285	1,232
Maua	1988	211	3	225	372	2,799	565	225	28	10	127	955	3,754
Mavoko	2280	126	0	90	921	3,417	2247	267	9	101	35	2,659	6,076
Mbita	723	140	0	12	112	987	117	183	15	3	13	331	1,318
Meru	1,976	113	0	149	304	2,542	2541	711	90	507	836	4,685	7,227
Migori	1,782	309	1	58	199	2,349	973	990	25	18	46	2,052	4,401
Mil Anti-Corr	160	0	172	27	0	359	0	0	0	0	0	0	359
Mil. Children	36	70	0	920	0	1,026	613	0	2	41	5574	6,230	7,256



Court	Criminal Cases						Civil Cases						All Pending Cases
	Crim	Sex Of-fense	Anti Corr	Children in Conflict	Traffic	All Criminal Cases	Civil	Probate	Divorce	Personal Injury	Children in Need	All Civil Cases	
Mil. Comm	0	0	0	0	0	0	43,889	124	6455	1,688	35	52,191	52,191
Mil. Family	0	0	0	0	0	0	11	119	194	0	0	324	324
Mil. CM	8,602	35	4	0	371	9,012	0	0	0	0	0	0	9,012
Molo	722	144	0	32	579	1,477	487	195	2	113	130	927	2,404
Mombasa	11,926	679	8	30	8,589	21,232	17,943	156	91	3,803	0	21,993	43,225
Moyale	172	15	0	0	5	192	12	3	0	0	0	15	207
Mpeketoni	165	68	0	2	6	241	10	49	2	2	2	65	306
Msambweni	26	87	0	40	0	153	312	49	2	31	130	524	677
Mukurwe-ini	281	34	0	15	33	363	150	511	1	11	18	691	1,054
Mumias	1,222	127	1	129	104	1,583	1	30	0	28	1	60	1,643
Murang'a	2,689	88	0	60	453	3,290	2,333	783	3	178	90	3,387	6,677
Mutomo	567	83	0	12	23	685	53	77	0	5	2	137	822
Mwingi	1,011	301	0	24	163	1,499	443	218	8	38	25	732	2,231
Nairobi City	447	1	0	0	31	479	8	0	0	0	0	8	487
Naivasha	2,535	343	3	523	1,601	5,005	1,221	17	47	19	121	1,425	6,430
Nakuru	11,802	884	97	539	3,954	17,276	16,573	1620	522	888	1247	20,850	38,126
Nanyuki	2,190	171	2	114	201	2,678	1,331	166	36	41	14	1,588	4,266
Narok	1,257	383	0	132	156	1,928	1,706	410	44	118	143	2,421	4,349
Ndhiwa	209	92	0	28	1	330	13	185	1	16	2	217	547
Ngong	2,652	355	0	180	606	3,793	851	136	59	87	127	1,260	5,053
Nkubu	48	55	1	49	78	231	32	20	18	12	10	92	323
Nyahururu	711	36	0	137	192	1,076	498	52	12	17	60	639	1,715
Nyamira	863	64	0	19	143	1,089	219	154	11	84	21	489	1,578
Nyando	916	301	0	101	510	1,828	1,457	594	6	241	67	2,365	4,193
Nyeri	1,531	175	3	304	286	2,299	963	809	79	183	277	2,311	4,610
Ogembo	2,315	378	2	34	171	2,900	1,517	631	31	25	153	2,357	5,257
Ol Kalou	456	66	0	38	42	602	110	87	3	29	1	230	832
Othaya	96	2	0	5	8	111	72	342	7	5	7	433	544
Oyugis	1,769	224	0	37	316	2,346	629	1872	23	18	17	2,559	4,905
Port Victoria	104	31	0	10	2	147	20	194	2	51	1	268	415
Rongo	510	100	0	13	75	698	446	310	17	2	17	792	1,490
Ruiru	3,103	122	2	51	536	3,814	77	15	13	66	14	185	3,999
Rumuruti	143	26	0	13	14	196	55	50	3	27	6	141	337
Runyenjes	203	17	0	0	19	239	147	84	0	48	2	281	520
Shanzu	2,255	692	0	67	1,218	4,232	25	0	0	0	1	26	4,258
Siakago	447	13	0	37	9	506	396	65	3	56	2	522	1,028
Siaya	1,145	132	1	2	84	1,364	828	970	14	40	38	1,890	3,254
Sirisia	986	165	0	33	34	1,218	225	29	0	26	10	290	1,508
Sotik	958	204	0	28	100	1,290	460	322	37	31	160	1,010	2,300
Tamu	190	34	0	5	15	244	240	122	1	59	11	433	677
Taveta	583	103	0	49	24	759	49	2	8	6	5	70	829
Tawa	431	95	0	5	101	632	139	106	7	22	6	280	912

Court	Criminal Cases						Civil Cases						All Pending Cases
	Crim	Sex Of-fense	Anti Corr	Children in Conflict	Traffic	All Criminal Cases	Civil	Probate	Divorce	Personal Injury	Children in Need	All Civil Cases	
Thika	1890	144	0	30	279	2,343	1401	107	17	196	78	1,799	4,142
Tigania	2042	72	3	80	106	2,303	412	199	0	2	62	675	2,978
Tinderet	76	29	0	0	0	105	30	2	0	26	0	58	163
Tononoka	12	33	0	424	0	469	412	0	0	0	197	609	1,078
Ukwala	804	78	0	47	123	1,052	223	801	7	18	30	1,079	2,131
Vihiga	1709	236	0	54	565	2,564	1391	632	16	4	141	2,184	4,748
Voi	1410	118	0	59	141	1,728	24	14	1	167	2	208	1,936
Wajir	817	60	0	13	134	1,024	32	7	0	5	24	68	1,092
Wanguru	1,115	162	0	170	172	1,619	494	237	23	66	202	1,022	2,641
Webuye	848	96	0	77	296	1,317	260	20	5	76	15	376	1,693
Winam	168	9	0	11	24	212	293	172	13	35	68	581	793
Wundanyi	201	41	0	23	25	290	36	22	1	1	31	91	381
All Mag Courts	200,439	22,274	367	9,485	46,146	278,711	146,444	40,843	9,229	13,334	14,741	224,591	503,302



Appendix 2.11: Kadhis Courts Summary Statistics

Station	Pending Cases 30th June 2023			case backlog 30th June 24	Filed Cases			Resolved Cases			CCR			Pending Cases June 2024			Case Backlog			Average Time to Disposition (Days)			
	Criminal	Civil	All		Criminal	Civil	All	Criminal	Civil	All	Criminal	Civil	All	Criminal	Civil	All	1-3 years	Over 3 years	All backlog	Overall	Criminal	Civil	Traffic
Baricho	2,370	1,093	3,463	982	1,941	661	2,602	1,649	716	2,365	85%	108%	91%	2,662	1,038	3,700	1,052	46	1,098	317	132	750	81
Bomet	1,478	794	2,272	576	2,061	669	2,730	1,813	293	2,106	88%	44%	77%	1,726	1170	2,896	739	58	797	145	71	637	7
Bondo	621	446	1,067	423	771	668	1,439	764	752	1,516	99%	113%	105%	628	362	990	398	11	409	325	97	576	12
Bungoma	1,432	3,963	5,395	893	3,634	2,187	5,821	3,308	1,302	4,610	91%	60%	79%	1,758	4,848	6,606	1,205	37	1,242	290	202	643	14
Busia	7,612	3,494	11,106	2,429	2,584	1,527	4,111	1,952	1,170	3,122	76%	77%	76%	8,244	3,851	12,095	1,861	1,192	3,053	462	290	893	29
Butali	2,095	1,724	3,819	863	2,985	734	3,719	2,787	866	3,653	93%	118%	98%	2,293	1,592	3,885	899	28	927	368	276	901	68
Butere	991	403	1,394	249	1,063	477	1,540	967	469	1,436	91%	98%	93%	1,087	411	1,498	232	108	340	346	142	806	29
Chuka	1,232	1173	2,405	822	2,072	701	2,773	1,939	857	2,796	94%	122%	101%	1365	1,017	2,382	711	128	839	357	155	836	52
Dadaab	147	40	187	37	169	37	206	183	15	198	108%	41%	96%	133	62	195	31	0	31	197	205	93	-
Eldama Ravine	1,462	346	1,808	468	1,100	331	1,431	1,063	300	1,363	97%	91%	95%	1,499	377	1,876	453	103	556	275	115	869	52
Eldoret	10,184	4,486	14,670	3,223	7,199	2,486	9,685	7,278	3,375	10,653	101%	136%	110%	10,105	3,597	13,702	2,798	909	3,707	565	261	1260	86
Embu	1,878	1305	3,183	528	1,319	896	2,215	1,162	985	2,147	88%	110%	97%	2,035	1216	3,251	74	366	440	488	218	828	74
Engineer	409	111	520	249	1,014	657	1,671	937	724	1,661	92%	110%	99%	486	44	530	220	7	227	325	82	653	29
Etago	0	0	0		846	222	1,068	609	117	726	72%	53%	68%	237	105	342	55	0	55	75	55	218	7
Garissa	547	125	672	1,177	1,302	163	1,465	1,264	251	1,515	97%	154%	103%	585	37	622	275	36	311	292	213	969	44
Garsen	615	175	790	267	214	94	308	184	153	337	86%	163%	109%	645	116	761	299	4	303	338	196	528	29
Gatundu	1864	1553	3,417	269	1,761	1,009	2,770	1,680	1,355	3,035	95%	134%	110%	1945	1207	3,152	307	28	335	367	75	753	21
Gichugu	314	307	621	429	1,007	313	1,320	936	367	1,303	93%	117%	99%	385	253	638	380	108	488	371	169	899	56
Githongo	824	426	1,250	289	551	272	823	575	535	1,110	104%	197%	135%	800	163	963	253	23	276	468	162	797	151
Githunguri	1,267	564	1,831	407	1,527	443	1,970	1,611	421	2,032	106%	95%	103%	1,183	586	1,769	483	24	507	317	157	940	82
Hamisi	1116	230	1346	633	1,085	363	1,448	967	360	1,327	89%	99%	92%	1234	233	1467	613	31	644	390	178	999	27
Hola	394	85	479	182	211	202	413	214	170	384	101%	84%	93%	391	117	508	197	13	210	289	200	414	103
Homabay	1,679	1174	2,853	323	1,009	884	1,893	927	952	1,879	92%	108%	99%	1,761	1106	2,867	199	126	325	358	123	609	22
Isiolo	1505	80	1585	560	983	233	1,216	948	307	1,255	96%	132%	103%	1540	6	1546	455	23	478	467	292	1025	188
Iten	591	396	987	100	1,487	289	1,776	1,461	483	1,944	98%	167%	109%	617	202	819	317	92	409	216	87	621	32
Jkia	69	0	69	35	353	1	354	242	0	242	69%	0%	68%	180	1	181	48	4	52	151	160	-	7
Kabarnet	516	156	672	163	854	241	1,095	835	330	1,165	98%	137%	106%	535	67	602	127	24	151	357	129	926	54
Kabiyet	312	29	341	48	589	192	781	658	157	815	112%	82%	104%	243	64	307	219	0	219	165	118	367	86
Kahawa	238	0	238	16	770	7	777	686	1	687	89%	14%	88%	322	6	328	71	2	73	31	31	-1	-
Kajiado	4224	2189	6413	1,952	2,445	966	3,411	1,985	865	2,850	81%	90%	84%	4684	2290	6974	1,973	263	2,236	478	335	1051	58
Kakamega	1366	3544	4910	1,528	3,674	2,071	5,745	3,363	2,270	5,633	92%	110%	98%	1677	3345	5022	1,329	37	1,366	514	201	1046	26
Kakuma	358	31	389	320	742	79	821	713	49	762	96%	62%	93%	387	61	448	306	11	317	33	28	146	8
Kaloleni	212	326	538	115	411	396	807	386	483	869	94%	122%	108%	237	239	476	72	8	80	337	66	555	27
Kandara	795	893	1,688	725	2,676	932	3,608	2,275	824	3,099	85%	88%	86%	1,196	1001	2,197	918	30	948	292	113	818	37
Kangema	458	528	986	26	916	394	1,310	968	308	1,276	106%	78%	97%	406	614	1,020	7	8	15	269	128	759	33
Kangundo	1,783	677	2,460	318	1,545	537	2,082	1,719	1,099	2,818	111%	205%	135%	1,609	115	1,724	119	99	218	499	239	922	124
Kapenguria	708	442	1,150	1,203	1,307	215	1,522	1,298	216	1,514	99%	100%	99%	717	441	1,158	681	34	715	218	160	617	88
Kapsabet	2201	1290	3491	980	2,699	935	3,634	2,510	1,005	3,515	93%	107%	97%	2390	1220	3,610	878	170	1,048	484	237	1146	62
Karatina	1,108	1,552	2,660	810	1,375	612	1,987	1,325	803	2,128	96%	131%	107%	1,158	1,361	2,519	549	163	712	529	127	1198	95
Kehancha	616	234	850	326	1,687	306	1,993	1,477	227	1,704	88%	74%	85%	826	313	1,139	395	9	404	164	121	536	5
Kenol	377	475	852	-	3,872	865	4,737	3,486	551	4,037	90%	64%	85%	763	789	1,552	348	1	349	47	24	196	15
Kericho	4,962	1,585	6,547	2,247	4,397	1,482	5,879	3,927	1,258	5,185	89%	85%	88%	5,432	1,809	7,241	2,321	76	2,397	247	89	770	24
Keroka	1,372	780	2,152	124	1,861	443	2,304	1,605	411	2,016	86%	93%	88%	1,628	812	2,440	207	35	242	313	168	1112	19
Kerugoya	1,354	1,796	3,150	820	1,024	1,169	2,193	1,013	1,316	2,329	99%	113%	106%	1,365	1,649	3,014	549	279	828	553	194	827	216
Kiambu	1,940	2,510	4,450	418	5,410	1,730	7,140	4,878	1,602	6,480	90%	93%	91%	2,472	2,638	5,110	544	16	560	388	193	1101	37
Kibera	2415	0	2415	1,708	6,599	3	6,602	6,425	3	6,428	97%	100%	97%	2,589	0	2,589	1,643	363	2,006	192	305	124	43

Station	Pending Cases 30th June 2023			case backlog 30th June 24	Filed Cases			Resolved Cases			CCR			Pending Cases June 2024			Case Backlog			Average Time to Disposition (Days)			
	Criminal	Civil	All		Criminal	Civil	All	Criminal	Civil	All	Criminal	Civil	All	Criminal	Civil	All	1-3 years	Over 3 years	All backlog	Overall	Criminal	Civil	Traffic
Kigumo	2,696	380	3,076	1,188	765	305	1,070	975	634	1,609	127%	208%	150%	2,486	51	2,537	622	422	1,044	647	413	1040	178
Kikuyu	2776	2531	5,307	2,116	2,756	1,367	4,123	2,495	1,684	4,179	91%	123%	101%	3,037	2214	5,251	1,422	531	1,953	496	252	916	78
Kilgoris	1,240	370	1,610	414	1,282	457	1,739	1,211	441	1,652	94%	96%	95%	1,311	386	1,697	292	114	406	297	184	636	10
Kilifi	3,045	1,540	4,585	708	1,707	1,309	3,016	1,747	1,500	3,247	102%	115%	108%	3,005	1,349	4,354	544	144	688	476	423	632	85
Kilungu	1,494	811	2,305	345	1,452	692	2,144	1,204	559	1,763	83%	81%	82%	1,742	944	2,686	400	43	443	209	112	509	8
Kimillili	2,109	1077	3,186	798	1,561	539	2,100	1,391	620	2,011	89%	115%	96%	2,279	996	3,275	547	235	782	387	143	977	38
Kisii	4,223	4423	8,646	1,220	3,109	2,048	5,157	2,666	2,527	5,193	86%	123%	101%	4,666	3944	8,610	243	1,107	1,350	494	242	823	15
Kisumu	1,017	3,721	4,738	2,045	1,566	2,388	3,954	1,585	2,963	4,548	101%	124%	115%	998	3,146	4,144	764	537	1,301	687	398	923	27
Kitale	8,455	1,037	9,492	1,971	5,103	1,768	6,871	4,503	1,279	5,782	88%	72%	84%	9,055	1,526	10,581	2,028	397	2,425	202	113	538	49
Kithimani	2581	713	3294	417	1,907	700	2,607	1,867	777	2,644	98%	111%	101%	2621	636	3257	379	1	380	398	200	912	72
Kitui	1877	2333	4210	307	2,004	1,021	3,025	1,850	1,481	3,331	92%	145%	110%	2031	1873	3904	28	118	146	731	361	1279	28
Kwale	1,929	2,279	4,208	1,917	1,214	488	1,702	1,161	814	1,975	96%	167%	116%	1,982	1,953	3,935	1,124	719	1,843	538	419	970	11
Kyuso	95	52	147	53	366	73	439	285	76	361	78%	104%	82%	176	49	225	88	0	88	221	122	616	26
Lamu	48	87	135	101	454	93	547	399	114	513	88%	123%	94%	103	66	169	103	0	103	162	93	425	6
Limuru	1,675	2,930	4,605	720	2,090	1,304	3,394	2,082	1,493	3,575	100%	114%	105%	1,683	2,741	4,424	493	71	564	530	172	1044	102
Lodwar	1,375	139	1,514	740	1,318	145	1,463	1,143	91	1,234	87%	63%	84%	1,550	193	1,743	633	191	824	68	53	287	27
Loitoktok	64	65	129	133	734	145	879	654	141	795	89%	97%	90%	144	69	213	139	0	139	69	56	191	13
Machakos	4463	2594	7,057	738	1,638	1,297	2,935	1,331	1,215	2,546	81%	94%	87%	4770	2,676	7,446	673	247	920	560	286	899	66
Madiany	63	0	63	7	484	379	863	475	318	793	98%	84%	92%	72	61	133	14	1	15	167	35	363	-
Makadara	19198	24	19222	2,899	24,086	36	24,122	20,705	38	20,743	86%	106%	86%	22579	22	22601	4,627	229	4,856	157	214	831	42
Makindu	1501	1559	3060	470	2,283	645	2,928	2,108	449	2,557	92%	70%	87%	1676	1755	3431	336	323	659	318	272	1096	11
Makueni	638	946	1,584	126	936	732	1,668	754	797	1,551	81%	109%	93%	820	881	1,701	102	27	129	587	70	1082	14
Malaba	0	0	0		1,192	116	1,308	823	56	879	69%	48%	67%	369	60	429	15	0	15	46	56	115	6
Malindi	3530	922	4452	1,081	1,777	1,099	2,876	1,832	1,074	2,906	103%	98%	101%	3475	947	4422	545	591	1,136	379	339	561	44
Mandera	116	6	122	83	554	66	620	535	59	594	97%	89%	96%	135	13	148	93	4	97	97	92	219	15
Maralal	111	85	196	80	450	133	583	388	99	487	86%	74%	84%	173	119	292	88	7	95	182	111	455	153
Mariakani	451	918	1,369	224	1,413	456	1,869	1,499	536	2,035	106%	118%	109%	365	838	1,203	145	148	293	276	292	661	20
Marimanti	941	198	1,139	332	1,226	180	1,406	1,212	183	1,395	99%	102%	99%	955	195	1,150	397	6	403	163	102	589	18
Marsabit	625	16	641	256	246	112	358	257	89	346	104%	79%	97%	614	39	653	224	4	228	339	200	768	20
Maseno	931	217	1,148	704	1,561	453	2,014	1,540	383	1,923	99%	85%	95%	952	287	1,239	494	273	767	286	341	843	16
Maua	2653	415	3068	1,051	1,998	1,245	3,243	1,844	705	2,549	92%	57%	79%	2807	955	3762	1,150	323	1,473	533	411	889	149
Mavoko	3,239	4,358	7,597	1,248	3,765	1,837	5,602	3,578	3,533	7,111	95%	192%	127%	3426	2,662	6,088	1,211	393	1,604	701	148	1303	34
Mbita	958	217	1,175	504	395	375	770	362	261	623	92%	70%	81%	991	331	1,322	535	61	596	320	265	484	0
Meru	2,342	4585	6,927	2,192	2,743	1,279	4,022	2,536	1,179	3,715	92%	92%	92%	2,549	4685	7,234	739	1,531	2,270	402	169	958	57
Migori	2,041	2,372	4,413	2,143	1,203	1,271	2,474	887	1,588	2,475	74%	125%	100%	2,357	2055	4,412	1,399	329	1,728	998	217	1481	10
Mil. Anti-Corr	146	0	146	138	1,228	0	1,228	1,014	0	1,014	83%		83%	360	0	360	79	44	123	129	129	-	-
Mil. Childrens	968	6685	7653	2,512	222	3,397	3,619	158	3,852	4,010	71%	113%	111%	1032	6230	7262	2,602	723	3,325	820	430	833	-
Mil. Comm	0	56150	56150	30,095	0	12,350	12,350	0	16,518	16,518		134%	134%	0	51982	51982	15,938	11,370	27,308	1257	-	1257	-
Mil. Family	0	853	853	51	0	2,785	2,785	0	3,300	3,300		118%	118%	0	338	338	500	251	751	733	-	733	-
Mil. CM	4679	20	4699	3,925	17,672	0	17,672	13,487	2	13,489	76%		76%	8864	18	8882	3,540	249	3,789	114	421	1506	19
Molo	1,777	752	2,529	1,459	3,821	1,204	5,025	4,043	1,026	5,069	106%	85%	101%	1,555	930	2,485	1,111	185	1,296	331	247	762	100
Mombasa	20,383	26,883	47,266	35,865	7,468	4,231	11,699	6,570	9,121	15,691	88%	216%	134%	21,281	21,993	43,274	19,373	12,196	31,569	2818	279	4751	25
Moyale	129	24	153	93	495	69	564	425	76	501	86%	110%	89%	199	17	216	86	7	93	119	117	293	1
Mpeketoni	232	68	300	113	278	114	392	263	114	377	95%	100%	96%	247	68	315	107	6	113	166	87	355	0
Msambweni	231	354	585	97	451	411	862	522	241	763	116%	59%	89%	160	524	684	95	43	138	288	245	422	22
Mukurwe-Ini	355	793	1,148	107	533	241	774	521	340	861	98%	141%	111%	367	694	1,061	118	10	128	293	79	624	48
Mumias	1,562	444	2,006	184	1,627	854	2,481	1,597	1,236	2,833	98%	145%	114%	1,592	62	1,654	224	4	228	555	131	1133	9



Station	Pending Cases 30th June 2023			case backlog 30th June 24	Filed Cases			Resolved Cases			CCR			Pending Cases June 2024			Case Backlog			Average Time to Disposition (Days)			
	Criminal	Civil	All		Criminal	Civil	All	Criminal	Civil	All	Criminal	Civil	All	Criminal	Civil	All	1-3 years	Over 3 years	All backlog	Overall	Criminal	Civil	Traffic
Muranga	3,101	4,149	7,250	3,065	1,353	1,278	2,631	1,152	2,038	3,190	85%	159%	121%	3,302	3,389	6,691	1,842	771	2,613	717	106	1064	89
Mutomo	678	152	830	303	618	195	813	606	207	813	98%	106%	100%	690	140	830	309	2	311	352	215	815	60
Mwingi	1470	698	2,168	361	992	333	1,325	958	297	1,255	97%	89%	95%	1504	734	2,238	156	296	452	385	301	855	71
Nairobi City	206	4	210	156	1,563	6	1,569	1,290	2	1,292	83%	33%	82%	479	8	487	86	58	144	29	30	3	1
Naivasha	5158	2568	7726	1,637	2,565	1,387	3,952	2,710	2,527	5,237	106%	182%	133%	5013	1428	6441	1,329	531	1,860	709	317	1216	70
Nakuru	17,106	21,967	39,073	24,374	5,774	3,912	9,686	5,591	5,029	10,620	97%	129%	110%	17,289	20,850	38,139	12,381	11,128	23,509	638	329	1044	48
Nanyuki	2,719	1708	4,427	2,062	2,056	717	2,773	2,092	835	2,927	102%	116%	106%	2,683	1590	4,273	2,038	123	2,161	394	215	907	88
Narok	1,783	2,206	3,989	1,057	2,629	806	3,435	2,473	591	3,064	94%	73%	89%	1,939	2,421	4,360	917	265	1,182	305	250	801	39
Ndhiwa	325	221	546	193	535	451	986	522	453	975	98%	100%	99%	338	219	557	77	68	145	474	225	792	27
Ngong	3,683	1,237	4,920	462	3,426	1,199	4,625	3,310	1,174	4,484	97%	98%	97%	3,799	1,262	5,061	370	126	496	250	258	384	99
Nkubu	191	133	324	364	1,697	585	2,282	1,652	623	2,275	97%	106%	100%	236	95	331	258	57	315	322	147	837	23
Nyahururu	1,388	925	2,313	2,692	2,106	977	3,083	2,404	1,260	3,664	114%	129%	119%	1,090	642	1,732	727	184	911	447	273	847	61
Nyamira	942	238	1,180	406	1,754	798	2,552	1,588	547	2,135	91%	69%	84%	1108	489	1,597	269	300	569	322	239	699	11
Nyando	1,578	2236	3,814	1,860	1,802	746	2,548	1,547	617	2,164	86%	83%	85%	1,833	2365	4,198	1,092	1,003	2,095	271	195	671	13
Nyeri	1981	2718	4,699	89	2,284	1,432	3,716	1,944	1,837	3,781	85%	128%	102%	2321	2313	4634	96	401	497	579	183	1024	44
Ogembo	2,237	2046	4,283	1,390	2,210	709	2,919	1,534	396	1,930	69%	56%	66%	2,913	2359	5,272	1,263	637	1,900	259	138	766	45
Ol Kalou	366	39	405	-	1,260	390	1,650	1,018	196	1,214	81%	50%	74%	608	233	841	108	0	108	97	92	180	16
Othaya	50	438	488	180	736	261	997	668	263	931	91%	101%	93%	118	436	554	210	7	217	203	64	579	13
Oyugis	2,177	2145	4,322	128	1,282	1,337	2,619	1,106	920	2,026	86%	69%	77%	2,353	2562	4,915	74	218	292	358	190	629	5
Port Victoria	0	0	0	-	632	451	1,083	478	183	661	76%	41%	61%	154	268	422	1	0	1	126	130	108	294
Rongo	614	753	1,367	272	1,189	499	1,688	1,100	460	1,560	93%	92%	92%	703	792	1,495	187	70	257	354	159	944	11
Ruiru	2,990	30	3,020	220	4,965	1,845	6,810	4,112	1,689	5,801	83%	92%	85%	3,843	186	4,029	320	124	444	153	62	401	18
Rumuruti	197	38	235	-	800	218	1,018	796	115	911	100%	53%	89%	201	141	342	19	0	19	72	64	138	39
Runyenjes	244	391	635	548	767	522	1,289	763	629	1,392	99%	120%	108%	248	284	532	287	50	337	332	84	648	25
Shanzu	3,745	9	3,754	1,444	3,226	23	3,249	2,727	6	2,733	85%	26%	84%	4,244	26	4,270	1,108	507	1,615	222	366	369	29
Siakago	784	695	1,479	110	1,151	596	1,747	1,419	766	2,185	123%	129%	125%	516	525	1,041	63	47	110	414	240	754	134
Siaya	1,340	1892	3,232	374	1,365	979	2,344	1,325	981	2,306	97%	100%	98%	1,380	1890	3,270	82	372	454	395	251	636	31
Sirisia	1,357	410	1,767	361	836	362	1,198	969	480	1,449	116%	133%	121%	1,224	292	1,516	51	167	218	419	286	762	37
Sotik	1,087	1068	2,155	254	1,580	385	1,965	1,369	441	1,810	87%	115%	92%	1,298	1012	2,310	319	160	479	405	129	1306	22
Tamu	137	295	432	75	546	397	943	428	259	687	78%	65%	73%	255	433	688	225	11	236	259	101	543	19
Taveta	803	108	911	315	882	148	1,030	920	184	1,104	104%	124%	107%	765	72	837	405	19	424	164	113	436	49
Tawa	717	196	913	296	456	380	836	541	296	837	119%	78%	100%	632	280	912	295	76	371	384	334	592	26
Thika	2,032	1966	3,998	1,445	6,577	2,156	8,733	6,258	2,320	8,578	95%	108%	98%	2,351	1802	4,153	1,678	786	2,464	435	165	1253	38
Tigania	2,098	619	2,717	1,087	1,447	567	2,014	1,235	508	1,743	85%	90%	87%	2,310	678	2,988	1,161	163	1,324	363	158	903	15
Tinderet	159	15	174	4	285	143	428	337	100	437	118%	70%	102%	107	58	165	37	0	37	167	146	241	-
Tononoka	400	825	1,225	191	284	978	1,262	210	1,194	1,404	74%	122%	111%	474	609	1,083	462	155	617	530	172	585	-
Ukwala	1,028	986	2,014	66	473	650	1,123	445	557	1,002	94%	86%	89%	1,056	1079	2,135	100	78	178	491	198	788	13
Vihiga	2,418	2115	4,533	1,345	1,487	1,071	2,558	1,332	999	2,331	90%	93%	91%	2,573	2187	4,760	887	604	1,491	441	177	861	18
Voi	1,728	512	2,240	717	1,287	422	1,709	1,279	723	2,002	99%	171%	117%	1,736	211	1,947	490	180	670	325	123	724	33
Wajir	1,018	43	1,061	442	525	108	633	519	83	602	99%	77%	95%	1,024	68	1,092	428	14	442	109	85	383	4
Wanguru	1,650	1199	2,849	160	1,389	522	1,911	1,414	696	2,110	102%	133%	110%	1,625	1025	2,650	160	325	485	390	136	917	111
Webuye	1,234	648	1,882	621	1,495	426	1,921	1,402	695	2,097	94%	163%	109%	1,327	379	1,706	507	252	759	572	211	1437	47
Winam	61	369	430	157	1,355	800	2,155	1,197	588	1,785	88%	74%	83%	219	581	800	224	110	334	268	162	605	7
Wundanyi	258	60	318	390	707	225	932	672	193	865	95%	86%	93%	293	92	385	234	26	260	182	87	520	62
All Courts	256,211	241,546	497,757	185,903	268,582	#####	383,277	244,848	#####	376,460	91%	115%	98%	279,945	224,629	504,574	127,551	59,819	187,370	369	183	761	46

Appendix 2.11: Kadhis Courts Summary Statistics

Station	Pending Cases as at 30th June 2023			Filed Cases							Resolved Cases							Pending Cases as at 30th June 2024				Av. Time to Disp (Days)	
	Pending	Backlog	Divorce	Matrimonial Cause	Misc Application	Marriages	Succession	Misc Succession	Personal Status	All	Divorce	Matrimonial Cause	Misc Application	Marriages	Succession	Misc Succession	Personal Status	All	Pending Cases	1-3 Yrs	Over 3 Yrs		All backlog
Balambala	5	0	26	1	3	24	1	0	0	55	23	3	2	21	0	0	0	49	11	0	0	0	33
Bungoma	5	3	13	0	11	108	3	0	0	135	5	0	6	90	1	0	0	102	38	1	0	1	1
Bura Fafi	2	0	16	4	1	54	1	0	0	76	12	0	0	49	1	0	0	62	16	0	0	0	1
Busia	5	1	1	0	0	7	1	0	0	9	1	0	0	6	0	0	0	7	7	1	0	1	1
Bute	9	0	25	5	0	51	1	0	0	82	21	6	0	50	1	0	0	78	13	0	0	0	53
Daadab	102	26	107	3	0	82	6	0	1	199	82	2	0	80	4	0	0	168	133	19	0	19	38
Eldas	2	1	22	0	1	60	0	0	0	83	7	0	1	50	0	0	0	58	27	0	0	0	23
Eldoret	2	1	14	0	3	13	6	1	1	38	7	0	2	1	4	0	1	15	25	0	0	0	7
Elwak	23	0	77	13	2	50	2	4	0	148	79	14	3	49	1	4	0	150	21	0	0	0	37
Garbatulla	8	1	19	33	19	74	8	0	0	153	13	10	4	34	4	0	0	65	96	0	0	0	47
Garissa	647	504	216	34	11	166	83	10	0	520	513	89	7	171	149	9	0	938	229	2	18	20	773
Garsen	32	3	27	8	1	106	1	1	0	144	31	8	2	63	1	1	0	106	70	0	0	0	48
Habaswein	13	0	46	11	3	137	0	1	0	198	37	9	2	126	2	1	0	177	34	1	0	1	8
Hola	22	2	65	13	5	109	10	2	1	205	64	14	5	110	16	2	0	211	16	0	0	0	26
Ijara	33	3	38	1	0	103	4	0	5	151	37	2	0	102	4	0	5	150	34	5	0	5	4
Isiolo	54	19	44	30	8	115	39	3	7	246	58	41	8	93	48	2	6	256	44	0	0	0	32
Kajiado	16	4	9	0	2	5	5	0	0	21	4	0	2	0	0	0	0	6	31	3	1	4	9
Kakamega	25	3	138	7	9	204	3	0	7	368	143	11	11	199	1	0	7	372	21	5	0	5	6
Kakuma	64	6	142	11	12	217	0	0	7	389	138	15	13	199	0	0	6	371	82	7	0	7	7
Kericho	8	11	6	1	9	26	2	3	1	48	8	0	12	25	4	3	1	53	3	9	0	9	42
Kibera	67	52	20	0	7	269	4	5	0	305	42	1	7	202	12	4	0	268	104	6	15	21	49
Kilifi	44	18	14	0	52	49	40	6	0	161	19	2	46	35	47	6	0	155	50	2	4	6	21
Kisumu	30	20	17	1	6	35	17	2	1	79	28	6	8	30	21	2	0	95	14	0	0	0	112
Kitui	46	7	3	1	0	17	14	0	0	35	2	0	2	16	13	0	0	33	48	4	0	4	155
Kwale	131	84	14	0	38	33	214	45	0	344	13	0	38	20	264	38	0	373	102	63	13	76	37
Lamu	37	4	52	8	78	149	25	9	3	324	48	6	73	118	29	7	0	281	80	1	0	1	15
Machakos	9	10	12	1	6	72	4	11	0	106	9	2	4	67	6	9	0	97	18	2	4	6	3
Malindi	72	44	15	32	6	93	31	1	0	178	7	40	10	50	68	1	0	176	74	0	2	2	181
Mandera	51	1	99	2	17	164	27	8	0	317	115	3	18	152	41	8	0	337	31	9	0	9	27
Mariakani	5	3	19	0	10	123	15	1	0	168	16	0	10	118	17	0	0	161	12	0	0	0	2
Marsabit	92	42	56	17	3	71	21	6	0	174	57	30	3	87	26	3	0	206	60	2	0	2	98
Merti	18	3	32	48	33	51	14	3	0	181	29	49	25	33	10	1	0	147	52	1	0	1	60
Meru	5	4	8	0	1	6	1	0	0	16	8	0	1	5	3	0	0	17	4	0	3	3	170
Modogashe	20	39	33	8	0	39	2	0	0	82	20	4	1	37	2	0	0	64	38	39	0	39	46
Mombasa	539	337	512	9	892	661	394	14	2	2,484	676	6	906	663	523	12	2	2,788	235	7	0	7	9
Moyale	42	4	75	22	3	130	44	0	0	274	71	16	3	121	39	0	0	250	66	0	0	0	48
Msambweni	138	38	23	0	7	241	551	0	0	822	32	3	7	244	543	0	0	829	131	20	0	20	30
Nairobi	237	64	359	14	1,206	611	104	26	8	2,328	369	24	1,211	613	119	19	6	2,361	204	6	0	6	0
Nakuru	9	3	11	0	0	10	4	0	0	25	8	1	0	5	2	0	0	16	18	0	2	2	372



Station	Pending Cases as at 30th June 2023					Filed Cases					Resolved Cases							Pending Cases as at 30th June 2024				Av. Time to Disp (Days)	
	Pending	Backlog	Divorce	Matrimonial Cause	Misc Application	Marriages	Succession	Misc Succession	Personal Status	All	Divorce	Matrimonial Cause	Misc Application	Marriages	Succession	Misc Succession	Personal Status	All	Pending Cases	1-3 Yrs	Over 3 Yrs		All backlog
Nyeri	32	14	2	2	2	3	8	2	0	19	4	2	3	2	19	0	0	30	21	4	3	7	438
Takaba	19	0	84	10	2	67	3	1	0	167	83	14	2	67	4	1	0	171	15	1	0	1	32
Thika	0	4	4	0	1	43	1	0	0	49	0	0	1	5	0	0	0	6	43	4	0	4	1
Vihiga	22	0	0	0	3	0	2	0	0	5	1	0	2	0	1	0	0	4	23	0	0	0	36
Voi	15	4	12	3	8	55	1	4	0	83	10	4	8	57	10	3	0	92	6	1	0	1	64
Wajir	95	13	204	31	27	177	13	5	0	457	178	14	26	141	8	4	0	371	181	18	0	18	71
Witu	59	16	36	3	12	101	1	11	0	164	27	1	34	101	3	8	0	174	49	4	1	5	68
All courts	2,911	1,416	2,767	387	2,520	4,981	1,731	185	44	12,615	3,155	452	2,529	4,507	2,071	148	34	12,896	2,630	247	66	313	30

Appendix 2.12: Caseload Statistics for Tribunals

Tribunal Name	Backlog as at 30th June 2023	Filed Cases	Resolved Cases	Pending June 2024	1 to 3 Years	Over 3 years	Backlog June 24	Reduction in Backlog
BBRT	3,879	7,269	7,950	4,612	727	2,814	3,541	-9%
CMT		31	12	19	-	-	-	-
CAMAT	2	2	0	4	2	-	2	0%
Competition	-	0	1	1	-	-	-	-
Cooperatives	627	1,365	1,089	1,921	52	72	124	-80%
Copyright	-	2	2	1	-	-	-	-
EAT	2	0	0	2	-	2	2	0%
EPT	8	28	31	14	8	-	8	0%
HAT	-	73	101	51	1	4	5	100%
IPT	2	5	13	2	-	1	1	-50%
LAT		52	35	17	-	-	-	-
LEAT	10	12	20	4	10	-	10	0%
MSET	2	17	5	16	2	-	2	0%
NCAART	3	5	3	10	3	-	3	0%
NEAT		1	1	0	-	-	-	-
NET	16	30	89	21	7	3	10	-38%
PPDT	1	30	27	11	1	-	1	0%
PPPPC	-	0	0	0	-	-	-	-
RRT	6,634	3,132	4,119	6,554	1,365	2,788	4,153	-37%
SDT	5	113	113	42	2	1	3	-40%
Standards	5	10	7	12	4	1	5	0%
TAT	254	1,598	1,749	1,283	212	-	212	-17%
TLAB	7	28	44	17	10	-	10	43%
Water		111	92	19	-	5	5	100%
Total	11,457	13,914	15,503	14,633	2,406	5,691	8,097	-29%



Appendix 6.1 – Fines Collected

S/No	Court Station	FY2021/22 KSh	FY2022/23 KSh	FY2023/24 KSh
1.	Baricho	5,189,549	3,781,095	6,749,592
2.	Bomet	11,058,246	7,863,433	6,338,345
3.	Bondo	6,636,027	3,600,319	2,502,625
4.	Bungoma	11,576,708	7,187,654	11,159,920
5.	Busia	14,613,247	9,723,946	15,008,094
6.	Butali	3,558,944	4,446,692	5,190,461
7.	Butere	3,258,610	2,452,765	3,331,265
8.	Chuka	10,049,418	5,856,996	7,160,834
9.	Dadaab	337,000	124,301	1,075,116
10.	Eldama Ravine	7,177,525	6,374,452	6,701,954
11.	Eldoret	26,100,912	22,405,656	40,779,498
12.	Embu	8,919,778	6,134,148	7,255,624
13.	Engineer	17,727,307	9,611,863	8,324,244
14.	Garissa	14,772,216	9,484,926	5,926,500
15.	Garsen	2,824,059	1,199,748	1,233,075
16.	Gatundu	13,640,169	31,172,846	20,586,573
17.	Gichugu	3,849,666	3,913,810	4,922,039
18.	Githongo	4,470,514	2,492,748	3,828,866
19.	Githunguri	5,252,169	4,591,158	4,020,008
20.	Hamisi	3,751,611	1,804,395	2,736,756
21.	Hola	1,667,523	879,126	1,734,475
22.	HomaBay	4,115,403	35,778,575	4,404,045
23.	Isiolo	12,951,331	16,869,627	25,109,421
24.	Iten	5,299,670	8,473,840	9,517,808
25.	JKIA	2,417,447	7,733,228	13,513,472
26.	Kabarnet	4,646,307	5,719,036	3,450,078
27.	Kabiyet		1,221,439	3,522,603
28.	Kajiado	27,125,926	13,328,371	10,268,509
29.	Kahawa	469,062	4,475,735	8,156,708
30.	Kakamega	8,883,021	9,411,797	14,603,144
31.	Kakuma	4,194,411	3,279,537	2,747,353
32.	Kaloleni	682,134	2,084,256	2,543,991
33.	Kandara	9,921,275	18,699,526	16,873,503
34.	Kangema	4,223,104	6,206,740	4,466,408
35.	Kangundo	11,743,850	8,921,257	11,732,035
36.	Kapenguria	5,909,132	4,762,705	3,909,749
37.	Kapsabet	12,798,899	9,823,623	12,167,153
38.	Karatina	3,655,414	3,870,875	4,885,328
39.	Kehancha	4,325,561	6,008,169	5,581,275
40.	Kenol		7,033,807	17,227,650
41.	Kericho	19,711,295	17,049,066	19,210,883
42.	Keroka	11,153,856	11,069,425	11,917,968
43.	Kerugoya	4,317,129	6,960,863	6,862,888
44.	Kiambu	24,287,615	22,118,451	30,838,565
45.	Kibera	56,977,348	53,964,476	43,314,001
46.	Kigumo	11,083,409	8,699,825	11,948,838
47.	Kikuyu	17,129,417	12,161,521	14,884,154
48.	Kilgoris	8,147,730	6,509,673	8,063,154
49.	Kilifi	1,947,652	2,092,319	5,471,183
50.	Kilungu	9,700,566	10,088,269	11,068,432
51.	Kimilili	3,600,548	2,756,370	4,423,882
52.	kisii	7,695,169	7,250,879	10,417,098
53.	Kisumu	13,640,195	5,075,024	10,298,254
54.	Kitale	16,796,139	13,315,320	12,228,255

S/No	Court Station	FY2021/22 KSh	FY2022/23 KSh	FY2023/24 KSh
55.	Kithimani	8,533,124	7,303,889	8,679,437
56.	Kitui	6,417,728	8,660,261	9,465,344
57.	Kwale	5,689,585	5,284,593	6,011,009
58.	Kyuso	1,127,793	1,916,992	1,664,262
59.	Lamu	3,441,020	3,201,792	2,277,089
60.	Limuru	8,770,287	13,100,848	12,342,960
61.	Lodwar	4,770,213	3,764,347	4,000,053
62.	Loitokitok	3,359,741	3,628,591	7,656,182
63.	Machakos	8,601,581	9,507,472	11,991,960
64.	Madiany	-	1,006,442	2,234,462
65.	Makadara	108,397,910	107,118,119	107,895,667
66.	Makindu	11,384,204	14,928,781	21,139,036
67.	Makueni	6,006,746	4,893,358	3,158,219
68.	Malindi	5,587,340	6,313,454	9,391,518
69.	Mandera	5,281,324	4,514,089	2,663,960
70.	Maralal	4,067,159	2,235,273	1,767,896
71.	Mariakani	13,632,732	8,426,564	7,736,485
72.	Marimanti	755,248	1,364,476	3,478,610
73.	Marsabit	2,226,008	2,568,787	5,917,839
74.	Maseno	6,526,843	4,300,950	8,915,442
75.	Maua	8,192,831	7,194,028	6,589,636
76.	Mavoko	51,652,807	28,407,296	40,246,367
77.	Mbita	2,683,205	1,516,610	1,772,114
78.	Meru	12,992,051	16,135,004	18,840,273
79.	Migori	7,265,319	4,015,692	6,289,278
80.	Milimani Commercial	-	100,000	-
81.	Milimani E.L.R.C.	7,160,000	-	300,000
82.	Milimani Law	171,344,525	206,631,069	133,365,716
83.	Molo	18,104,685	16,114,509	16,802,233
84.	Mombasa	39,466,804	28,247,737	43,637,815
85.	Moyale	5,097,277	4,816,373	3,182,958
86.	Mpeketoni	660,000	703,544	533,447
87.	Msambweni	1,750,186	1,613,731	2,179,778
88.	Mukurwe-ini	1,619,947	1,266,639	784,331
89.	Mumias	2,859,705	4,548,940	4,558,153
90.	Muranga	4,925,887	8,056,248	6,223,833
91.	Mutomo	2,707,803	2,514,600	2,466,610
92.	Mwingi	17,719,882	9,880,822	6,956,816
93.	Naivasha	29,617,105	32,307,381	31,336,331
94.	Nakuru	55,283,797	29,236,337	27,156,977
95.	Nanyuki	14,007,469	15,370,195	13,059,137
96.	Narok	7,928,231	6,642,471	13,830,379
97.	Ndhiwa	1,537,426	1,351,877	3,088,612
98.	Ngong	18,439,397	27,807,781	20,220,572
99.	Nkubu	5,538,556	6,656,511	5,311,372
100.	Nyahururu	17,869,173	19,724,380	18,541,130
101.	Nyamira	7,497,307	4,594,433	3,877,316
102.	Nyando	2,940,191	2,592,371	11,528,064
103.	Nyeri	14,078,349	16,883,650	10,908,397
104.	Ogembo	7,733,848	10,800,627	8,119,228
105.	Ol-Kalou	-	2,978,848	3,651,498
106.	Othaya	1,706,050	1,888,503	1,890,111
107.	Oyugis	6,308,626	3,705,347	6,183,324
108.	Rongo	4,593,381	5,051,131	11,030,038
109.	Ruiru	36,446,361	37,208,651	27,811,645
110.	Rumuruti	-	3,920,468	5,219,240

S/No	Court Station	FY2021/22 KSh	FY2022/23 KSh	FY2023/24 KSh
111.	Runyenjes	3,856,898	3,697,512	5,546,667
112.	Shanzu	14,499,534	16,945,319	18,866,998
113.	Siakago	5,474,850	5,915,646	11,969,698
114.	Siaya	2,577,852	3,003,201	5,174,011
115.	Sirisia	1,565,436	1,341,413	7,310,967
116.	Sotik	6,485,330	4,108,190	7,011,401
117.	Tamu	1,787,681	1,644,561	1,447,707
118.	Taveta	20,594,481	19,120,875	11,362,350
119.	Tawa	381,664	699,806	4,257,970
120.	Thika	49,890,262	49,334,421	43,633,294
121.	Tigania	3,876,373	6,594,241	7,537,054
122.	Tinderet		1,410,541	2,065,750
123.	Tononoka	25,000	25,000	115,000
124.	Tribunals	400,000	-	-
125.	Ukwala	2,954,311	761,997	2,005,365
126.	Vihiga	3,105,293	2,553,560	8,093,429
127.	Voi	7,011,749	6,589,037	6,004,032
128.	Wajir	6,578,822	3,948,969	2,266,188
129.	Wanguru	3,949,131	7,037,700	11,174,724
130.	Webuye	7,426,059	5,775,498	9,653,142
131.	Winam	6,716,972	7,675,715	7,796,706
132.	Wundanyi	2,942,957	3,895,630	7,697,258
133.	Malaba	-	-	3,513,845
134.	Etago	-	-	1,360,501
135.	Port Victoria	-	-	1,298,765
136.	Nairobi City Court	-	-	4,880,077
Total Collections		1,460,386,635	1,434,517,415	1,490,116,710
Reinstated Fined upon successful Appeal		(27,029,519)	(15,478,844)	(26,116,335)
NET FINES		1,433,357,116	1,419,038,571	1,464,000,375

Appendix 6.2 – Fees Collected

S/No	Court Station	FY 2021/22 KSh	FY 2022/23 KSh	FY 2023/24 KSh
1.	Baricho	2,953,079	3,757,034	4,648,240
2.	Bomet	3,567,117	4,123,818	4,654,856
3.	Bondo	3,486,192	3,122,295	2,815,264
4.	Bungoma	10,842,020	12,318,236	14,224,981
5.	Busia	10,205,579	9,056,058	7,775,540
6.	Butali	2,961,875	3,311,977	3,117,392
7.	Butere	2,323,785	2,448,920	2,196,251
8.	Court of Appeals	20,068,097	16,374,126	44,218,118
9.	Court of Appeal – Nairobi	508,166	9,545,370	1,098,915
10.	Chuka	7,130,607	5,774,147	6,048,392
11.	Dadaab Law Court	201,025	246,450	272,200
12.	Eldama Ravine	1,637,883	1,643,578	1,917,624
13.	Eldoret	26,571,923	22,913,781	28,794,393
14.	Embu	6,834,337	6,472,231	8,050,897
15.	Engineer	3,919,604	4,419,393	3,985,338
16.	Etogo	-	-	515,750
17.	Garissa – Chief Magistrate	2,806,991	2,825,611	2,693,845
18.	Garissa – Balambala Kadhi	48,115	69,900	56,200
19.	Garissa – Ijara Kadhi	118,810	152,100	127,700
20.	Garissa – Modogashe Kadhis	24,500	60,300	81,300
21.	Garissa – Bura/Fafi Kadhi	32,425	34,500	56,800
22.	Garsen	1,639,242	2,018,515	1,442,550
23.	Gatundu	6,227,275	5,612,919	5,359,228
24.	Gichugu	1,707,653	1,560,415	1,582,028
25.	Githongo	1,834,693	1,906,940	1,468,543
26.	Githunguri	3,017,253	2,959,500	2,359,894
27.	Hamisi	891,825	1,149,768	1,221,946
28.	Hola	755,994	845,350	1,566,190
29.	HomaBay	5,074,601	5,836,267	5,915,880
30.	Isiolo – Chief Magistrate	1,956,128	1,991,782	2,935,565
31.	Isiolo – Garbatulla Kadhi	77,630	84,725	137,700
32.	Isiolo – Merti Kadhi	168,155	169,500	162,300
33.	Iten	2,421,468	2,947,181	2,649,914
34.	JKIA	77,260	106,100	118,474
35.	Kabarnet	1,556,181	1,525,250	1,776,117
36.	Kabiyet		359,100	577,750
37.	Kajiado	13,454,312	12,497,383	12,362,853
38.	Kahawa	38,500	50,700	99,600
39.	Kakamega	11,735,418	12,319,635	13,407,368
40.	Kakuma	505,460	678,590	1,829,900
41.	Kaloleni	1,734,631	2,226,533	2,742,112
42.	Kandara	5,126,595	4,597,515	4,484,209
43.	Kangema	1,529,787	1,590,372	1,726,785
44.	Kangundo	4,015,991	4,912,223	5,258,119
45.	Kapenguria	1,161,231	947,936	1,385,647
46.	Kapsabet	5,545,665	5,228,177	4,852,125
47.	Karatina	3,602,165	3,908,176	3,471,953
48.	Kehancha	944,385	1,001,985	1,704,132
49.	Kericho	6,608,372	8,490,489	9,486,223
50.	Keroka	2,045,197	1,834,400	1,874,903
51.	Kerugoya	8,276,217	8,970,420	10,547,878
52.	Kenol	-	2,015,813	4,104,941
53.	Kiambu	16,321,546	17,905,084	18,821,757

S/No	Court Station	FY 2021/22	FY 2022/23	FY 2023/24
		KSh	KSh	KSh
54.	Kibera	543,015	800,785	1,006,025
55.	Kigumo	4,264,371	3,948,115	3,008,214
56.	Kikuyu	8,204,453	9,247,114	9,837,684
57.	Kilgoris	1,849,390	2,897,377	3,552,961
58.	Kilifi	7,089,819	7,846,017	8,855,730
59.	Kilungu	4,467,792	3,847,875	5,244,128
60.	Kimilili	2,655,150	2,448,032	2,095,284
61.	kisii	15,041,943	13,794,653	14,366,570
62.	Kisumu	24,875,374	21,188,430	25,263,071
63.	Kitale	11,343,585	10,900,321	11,411,583
64.	Kithimani	3,841,735	3,329,701	4,193,924
65.	Kitui	8,061,243	9,209,246	10,947,388
66.	Kwale	6,252,609	7,216,815	6,487,973
67.	Kyuso	502,974	629,003	379,810
68.	Lamu - Magistrate	950,065	727,700	665,450
69.	Limuru	7,571,916	9,020,347	7,997,034
70.	Lodwar	1,292,032	787,458	1,050,265
71.	Loitokitok	913,261	1,458,307	805,978
72.	Machakos	19,559,250	18,909,984	21,125,972
73.	Madiany		419,500	917,450
74.	Makadara	390,110	634,496	621,260
75.	Makindu	4,420,575	3,991,244	6,256,491
76.	Makueni	6,928,061	5,818,369	6,163,409
77.	Malaba	-	-	328,400
78.	Malindi	16,628,660	14,388,290	16,674,461
79.	Mandera - Chief Magistrate	450,965	864,420	526,650
80.	Mandera - Elwak Kadhi Court	244,295	196,400	172,900
81.	Mandera - Tabaka Kadhi Court	118,135	171,500	217,600
82.	Maralal	970,354	584,783	433,775
83.	Mariakani	3,714,502	3,847,170	2,720,431
84.	Marimanti	605,082	555,225	982,650
85.	Marsabit	1,166,297	938,506	1,204,475
86.	Maseno	1,837,819	1,728,250	1,636,967
87.	Maua	7,806,880	5,298,158	5,679,023
88.	Mavoko	14,282,257	14,628,443	16,064,486
89.	Mbita	855,241	920,550	1,101,850
90.	Meru	14,274,179	14,019,400	15,272,844
91.	Migori	8,278,949	7,181,299	7,769,792
92.	Milimani Commercial	179,659,722	173,373,874	196,398,509
93.	Milimani E.L.R.C.	9,591,765	9,884,293	10,854,986
94.	Milimani Law	107,065,189	100,567,728	129,856,930
95.	Molo	6,372,646	6,179,507	7,863,860
96.	Mombasa	61,180,777	54,697,252	57,851,333
97.	Moyale	581,855	540,050	695,200
98.	Mpeketoni - Magistrate	603,533	300,550	619,150
99.	Mpeketoni-Witu Kadhis	150,125	64,000	122,800
100.	Msambweni	1,872,422	2,180,498	2,592,368
101.	Mukurwe-ini	1,246,769	1,578,748	1,426,472
102.	Mumias	3,086,045	3,466,371	3,634,131
103.	Muranga	11,673,288	12,395,659	12,474,116
104.	Mutomo	1,102,752	782,190	1,261,746
105.	Mwingi	3,033,349	2,987,686	2,693,017
106.	Nairobi City Court	-	-	8,185
107.	Naivasha	14,557,451	12,808,760	17,710,648
108.	Nakuru	32,173,876	31,863,553	37,712,093

S/No	Court Station	FY 2021/22 KSh	FY 2022/23 KSh	FY 2023/24 KSh
109.	Nanyuki	4,209,103	6,083,448	6,594,225
110.	Narok	5,330,352	6,272,895	7,495,373
111.	Ndhiwa	1,280,980	1,806,120	1,633,879
112.	Ngong	6,066,489	5,966,310	6,076,332
113.	Nkubu	3,148,388	3,463,317	3,006,348
114.	Nyahururu	9,225,111	8,857,695	7,459,878
115.	Nyamira	4,359,441	5,646,245	4,756,054
116.	Nyando	4,326,752	3,682,984	3,289,508
117.	Nyeri	16,245,605	15,535,581	13,502,175
118.	Ogembo	3,456,011	3,665,583	2,854,738
119.	Ol-Kalou	-	413,538	2,560,855
120.	Othaya	1,338,116	1,592,215	1,217,290
121.	Oyugis	4,890,660	4,677,876	4,705,092
122.	Port Victoria	-	-	423,900
123.	Rongo	2,775,635	2,938,874	2,605,971
124.	Ruiru	12,254,452	11,974,982	13,300,927
125.	Rumuruti		142,700	956,800
126.	Runyenjes	3,082,502	2,758,131	3,500,459
127.	Shanzu	108,520	166,500	356,485
128.	Siakago	3,748,871	3,601,383	3,348,814
129.	Siaya	4,480,901	4,767,392	4,630,645
130.	Sirisia	865,673	1,139,867	1,525,453
131.	Sotik	1,709,452	1,682,310	1,596,654
132.	Tamu	1,338,917	1,443,550	1,522,499
133.	Taveta	865,838	634,350	882,958
134.	Tawa	1,618,956	2,033,385	1,860,946
135.	Thika	18,977,993	18,937,541	22,512,383
136.	Tigania	2,741,516	2,994,213	2,600,181
137.	Tinderet		137,350	447,628
138.	Tononoka	204,130	20,450	91,450
139.	Tribunals	28,430,033	36,498,146	63,192,259
140.	Ukwala	2,467,958	2,323,307	2,164,330
141.	Vihiga	3,847,411	4,558,425	4,796,430
142.	Voi	4,203,711	5,547,502	6,112,946
143.	Wajir - Magistrate	739,638	647,800	780,700
144.	Wajir - Eldas Kadhi Court	16,530	26,500	61,100
145.	Wajir - Bute Kadhi Court	65,525	42,600	70,500
146.	Wajir - Habaswein Kadhi's Court	52,725	115,900	154,700
147.	Wanguru	4,248,210	4,082,106	4,333,285
148.	Webuye	1,666,399	2,012,736	2,586,682
149.	Winam	2,383,951	3,436,865	2,749,394
150.	Wundanyi	940,782	687,665	1,022,169
	Total Collections	1,030,210,099	1,027,998,907	1,186,940,477



Appendix. 6.3 – Interest on Deposits

S/No	Court Station	FY 2021-2022	FY 2022-2023	FY 2023/2024
		KSh	KSh	KSh
1.	Baricho	403,438	414,208	287,930
2.	Bomet	634,246	524,854	446,430
3.	Bondo	-	5,987	88,884
4.	Bungoma	679,665	731,887	1,281,155
5.	Busia	162,915	518,860	753,800
6.	Butali	-	11,796	215,051
7.	Butere	-	6,106	108,848
8.	Court of Appeal	-	54,162	376,721
9.	Chuka	463,928	464,852	841,332
10.	Dadaab Law Court	-	2,176	16,586
11.	Eldama Ravine	485,355	564,872	477,885
12.	Eldoret	2,181,643	3,363,673	3,808,792
13.	Embu	773,847	991,682	1,303,783
14.	Engineer	439,269	194,318	135,694
15.	Garissa - Chief Magistrate	392,463	474,050	418,849
16.	Garsen	-	-	72,019
17.	Gatundu	473,316	489,398	351,347
18.	Gichugu	140,636	102,036	392,083
19.	Githongo	-	9,533	121,511
20.	Githunguri	-	21,406	286,246
21.	Hamisi	-	-	140,533
22.	Hola	-	3,422	62,572
23.	HomaBay	389,997	240,101	212,781
24.	Isiolo - Chief Magistrate	548,836	628,309	888,820
25.	Iten	-	-	270,050
26.	JKIA	407,377	527,711	581,164
27.	Kabarnet	-	-	63,822
28.	Kabiyet	-	1,475	57,688
29.	Kajiado	4,444,374	1,159,474	1,120,824
30.	Kakuma	-	-	56,470
31.	Kahawa	-	512,734	1,196,974
32.	Kakamega	506,175	810,280	831,959
33.	Kaloleni	-	9,363	65,725
34.	Kandara	535,492	796,441	918,831
35.	Kangema	-	11,573	153,757
36.	Kangundo	488,982	815,902	916,121
37.	Kapenguria	-	17,351	213,151
38.	Kapsabet	639,767	767,947	730,852
39.	Karatina	63,126	-	207,130
40.	Kehancha	-	-	116,281
41.	Kenol	-	3,891	237,139
42.	Kericho	812,990	988,676	1,093,363
43.	Keroka	-	5,156	97,293
44.	Kerugoya	656,890	872,533	906,961
45.	Kiambu	3,417,693	8,576,400	9,114,527
46.	Kibera	5,246,783	6,070,202	6,080,484
47.	Kigumo	732,876	1,001,094	937,854
48.	Kikuyu	825,687	2,212,773	1,910,979
49.	Kilgoris	323,277	368,812	415,514
50.	Kilifi	1,323,203	780,827	1,039,487
51.	Kimilili	-	11,162	173,528
52.	Kilungu	-	-	120,550
53.	kisii	616,010	1,039,132	1,400,836
54.	Kisumu	2,105,659	3,485,552	4,263,803

S/No	Court Station	FY 2021-2022	FY 2022-2023	FY 2023/2024
		KSh	KSh	KSh
55.	Kitale	590,986	839,840	1,183,099
56.	Kithimani	321,186	473,438	368,243
57.	Kitui	1,416,135	964,797	1,115,462
58.	Kwale	627,470	727,372	-
59.	Kyuso	-	2,947	56,858
60.	Lamu - Magistrate	530,773	344,063	255,244
61.	Limuru	923,696	903,114	774,265
62.	Lodwar	-	17,336	260,508
63.	Loitokitok	-	2,146	53,072
64.	Machakos	1,238,923	1,971,214	2,349,041
65.	Madiany	-	939	55,666
66.	Makadara	7,774,447	11,191,946	17,029,956
67.	Makindu	385,588	290,941	823,121
68.	Makueni	-	70,891	192,510
69.	Malindi	2,094,164	1,810,084	4,510,111
70.	Mandera - Chief Magistrate	-	15,294	64,245
71.	Maralal	-	4,303	82,313
72.	Mariakani	412,700	923,286	567,760
73.	Marimanti	-	4,379	65,725
74.	Marsabit	180,333	42,159	196,757
75.	Maseno	-	16,247	226,402
76.	Maua	507,295	540,940	493,532
77.	Mavoko	2,089,749	2,628,602	3,052,438
78.	Mbita	-	-	-
79.	Meru	1,523,010	3,724,334	6,534,001
80.	Migori	512,928	701,665	945,635
81.	Milimani Commercial	3,793,618	5,551,866	6,093,330
82.	Milimani ELRC	-	-	3,615,382
83.	Milimani Law	45,382,362	69,667,435	105,671,878
84.	Molo	702,792	1,083,945	1,043,441
85.	Mombasa	9,148,271	14,172,088	18,753,540
86.	Moyale	-	-	63,927
87.	Mpeketoni	-	-	5,827
88.	Msambweni	93,106	129,810	175,151
89.	Mukurweini	-	2,478	31,532
90.	Mumias	-	7,880	98,082
91.	Muranga	1,355,715	1,672,301	1,703,325
92.	Mutomo	-	4,278	15,042
93.	Mwingi	454,238	454,235	349,608
94.	Naivasha	2,953,374	4,099,089	5,446,717
95.	Nakuru	5,227,305	6,940,206	7,922,890
96.	Nanyuki	1,569,209	1,460,783	1,692,442
97.	Narok	799,348	1,086,794	1,249,062
98.	Ndhiwa	-	4,823	75,374
99.	Ngong	1,335,280	1,907,950	1,834,056
100.	Nkubu	232,661	295,501	263,772
101.	Nyahururu	1,183,805	1,306,974	1,221,546
102.	Nyamira	390,930	675,560	1,240,767
103.	Nyando	-	3,582	63,550
104.	Nyeri	1,819,885	2,537,619	2,743,364
105.	Ogembo	-	-	2,090,246
106.	Ol-Kalou	-	3,083	157,458
107.	Othaya	-	3,930	59,009
108.	Oyugis	-	10,255	154,929
109.	Rongo	-	-	198,241
110.	Ruiru	502,797	819,274	1,037,447

S/No	Court Station	FY 2021-2022	FY 2022-2023	FY 2023/2024
		KSh	KSh	KSh
111.	Rumuruti	-	1,604	33,782
112.	Runyenjes	-	6,584	102,074
113.	Shanzu	2,944,452	4,146,168	4,440,796
114.	Siakago	132,108	534,387	-
115.	Siaya	407,131	502,699	220,401
116.	Sirisia	-	8,465	85,062
117.	Sotik	-	9,163	114,576
118.	Tamu	-	-	41,941
119.	Taveta	-	55,151	231,843
120.	Tawa	-	8,762	99,446
121.	Thika	3,018,967	4,113,486	5,428,243
122.	Tinderet	-	-	25,740
123.	Tigania	624,643	421,964	502,141
124.	Tononoka	-	1,982	37,048
125.	Tribunals	1,213,939	3,350,910	746,536
126.	Ukwala	-	-	84,361
127.	Vihiga	-	-	63,519
128.	Voi	310,285	394,945	345,112
129.	Wajir	-	-	94,888
130.	Wanguru	-	46,346	344,825
131.	Webuye	572,947	434,040	341,770
132.	Winam	388,782	462,367	246,150
133.	Wundanyi	-	3,757	84,358
	Total Collections	139,003,248	197,280,945	-
	Less transfers	-	18,998	-
	Net Collections	139,003,245	197,261,945	268,424,279

Appendix. 6.4 – Other Income

S/No.	Court Station	FY 2021-2022 KSh	FY 2022-2023 KSh	FY 2023-2024 KSh
1.	Bomet	-	7,300	-
2.	Court of Appeal	2,595,300	6,714,338	5,814,881
3.	Engineer	119,365	-	1,200
4.	Gatundu	49,687	36,055	3,700
5.	Hamisi	-	100	3,000
6.	Hola	-	-	16,429
7.	Kakuma	77,336	-	6,000
8.	Kaloleni	6,980	-	-
9.	Kandara	400	-	-
10.	Kangundo	-	1,000	98,434
11.	Keroka	-	70,585	20,650
12.	Kilifi	-	-	3,000
13.	Kisumu	-	-	57,875
14.	Kiambu	716,731	-	-
15.	Limuru	7,490	-	-
16.	Machakos	-	1,139,058	19,425
17.	Makadara	16,320	-	-
18.	Makueni	-	39,100	4,134
19.	Marimanti	-	3,000	-
20.	Maua	53,499	25,075	150
21.	Milimani Commercial	4,315,700	-	1,406,247
22.	Milimani Law	-	-	806,860
23.	Mombasa	-	1,627,007	232,985
24.	Mpeketoni - Magistrate	-	62,076	-
25.	Mukurweini	-	1,610	1,200
26.	Mutomo	-	9,635	4,300
27.	Naivasha	7,110	8,050	11,800
28.	Nakuru	2,566,301	-	59,705
29.	Ngong	-	257,410	-
30.	Nyando	-	1,000	-
31.	Nyeri	8,570	8,815	8,700
32.	Ruiru	29,031	1,000	10,300
33.	Siaya	226,236	93,965	-
34.	Sotik	-	21,210	-
35.	Tribunals	-	-	6,830,159
36.	Webuye	-	1,950	2,000
	Payroll Commissions	3,235,920	3,301,712	5,191,953
	Property Income:	-	-	-
1.	Sheria Sacco	477,360	238,680	1,394,080
2.	KCB Mombasa	412,296	1,088,309	104,836
3.	KCB Milimani	3,199,997	1,599,998	1,066,666
4.	KCB Agent Kilifi	25,000	32,500	22,500
	Total Other Income	18,146,629	16,390,538	23,203,169

Appendix. 6.5 – Court Deposits

S.No	Station Name	FY2019/20	FY2020/21	FY2021/22	FY2022/23	FY2023/24
		KSh'000	KSh'000	KSh'000	KSh'000	KSh'000
1	Baricho	12,437	14,941	12,834	11,552	11,815
2	Bomet	17,196	19,370	18,693	16,207	18,853
3	Bondo	2,967	3,481	3,803	3,669	8,131
4	Bungoma	26,673	24,683	26,529	37,516	46,836
5	Busia	16,873	26,813	21,728	30,109	29,810
6	Butali	7,683	9,477	10,833	12,596	15,253
7	Butere	3,074	2,367	2,581	4,057	6,148
8	Chuka	17,046	18,212	17,789	20,620	22,406
9	COA Nairobi	-	-	-	-	21,506
10	Dadaab	-	195	668	818	603
11	Eldama Ravine	19,546	17,815	17,698	15,403	17,690
12	Eldoret	92,133	119,255	129,788	122,196	135,168
13	Embu	33,678	29,314	33,509	33,410	46,959
14	ELRC	-	-	-	82,852	95,515
15	Engineer	11,807	12,940	12,280	5,502	5,233
16	Etogo	-	-	-	-	2,221
17	Garissa	19,823	21,008	17,426	19,108	16,666
18	Garsen	3,820	2,810	5,867	4,463	5,315
19	Gatundu	17,065	19,509	16,821	12,565	14,197
20	Gichugu	6,096	9,701	9,391	12,698	15,020
21	Githongo	3,424	4,305	4,659	4,978	5,792
22	Githunguri	5,693	7,649	9,187	10,583	11,048
23	Hamisi	2,741	3,536	5,390	5,167	6,007
24	Headquarters	585,984	580,994	581,301	728,449	657,688
25	Hola	1,135	1,756	1,688	2,515	2,459
26	Homa Bay	13,272	13,168	13,121	9,046	8,459
27	Isiolo	22,650	22,441	19,440	22,237	32,224
28	Iten	4,843	4,358	6,064	8,875	10,067
29	JKIA	10,628	15,926	15,841	25,339	18,960
30	Kabarnet	3,090	3,641	4,520	6,302	5,567
31	Kabiyet	-	-	-	1,419	2,941
32	Kahawa	-	1,885	9,900	21,670	49,555
33	Kajiado	161,990	170,732	39,044	38,405	46,611
34	Kakamega	27,198	28,934	27,174	30,390	40,026
35	Kakuma	1,743	2,288	1,802	1,222	2,003
36	Kaloleni	3,165	4,707	4,719	3,290	3,918
37	Kandara	17,861	19,050	23,346	24,720	31,063
38	Kangema	7,448	8,148	7,268	6,549	5,527
39	Kangundo	12,121	18,968	24,339	23,721	23,351
40	Kapenguria	4,708	6,436	6,950	9,209	7,775
41	Kapsabet	18,106	23,360	25,342	28,376	27,967
42	Karatina	10,555	10,199	8,424	8,797	8,665
43	Kehancha	3,709	5,088	5,498	4,771	7,003

S.No	Station Name	FY2019/20	FY2020/21	FY2021/22	FY2022/23	FY2023/24
		KSh'000	KSh'000	KSh'000	KSh'000	KSh'000
44	Kenol	-	-	-	4,112	18,461
45	Kericho	42,098	41,459	39,857	45,830	45,254
46	Keroka	3,235	3,663	25,300	4,319	6,232
47	Kerugoya	17,067	22,644	25,300	25,977	26,317
48	Kiambu	146,544	172,155	210,080	235,580	252,032
49	Kibera	193,606	204,733	189,096	156,048	148,276
50	Kigumo	22,270	26,890	28,638	26,784	23,875
51	Kikuyu	42,413	49,236	52,920	53,580	55,089
52	Kilgoris	9,369	11,622	12,213	12,932	17,576
53	Kilifi	25,781	30,092	33,036	30,739	35,382
54	Kilungu	3,037	2,908	3,374	5,493	8,790
55	Kimilili	7,155	6,957	6,829	7,868	10,053
56	Kisii	29,659	34,654	42,782	48,524	51,386
57	Kisumu	51,202	72,100	95,318	102,388	109,895
58	Kitale	24,873	37,163	37,392	44,126	54,970
59	Kithimani	16,316	18,769	15,070	13,829	12,622
60	Kitui	36,733	39,046	46,326	45,080	46,741
61	Kwale	26,765	28,560	28,480	24,122	31,719
62	Kyuso	1,340	1,294	1,646	1,919	2,725
63	Lamu	10,352	11,626	10,479	10,814	9,842
64	Limuru	31,549	32,524	37,442	32,453	30,591
65	Lodwar	5,369	7,098	5,680	9,049	11,164
66	Loitoktok	913	1,385	1,857	1,735	4,202
67	Machakos	79,180	85,610	92,860	91,035	106,714
68	Madiany	-	-	-	283	6,330
69	Makadara	370,878	398,487	426,707	482,171	556,838
70	Makindu	14,069	14,471	16,767	17,752	16,868
71	Makueni	15,606	14,648	15,461	13,690	24,098
72	Malaba	-	-	-	-	1,273
73	Malindi	91,305	88,090	72,246	77,035	143,998
74	Mandera	2,257	1,304	2,282	2,065	1,555
75	Maralal	2,886	3,143	3,393	2,212	3,650
76	Mariakani	21,252	26,097	25,660	22,139	21,778
77	Marimanti	2,455	2,992	2,257	3,063	3,233
78	Marsabit	22,202	20,707	9,671	9,739	8,951
79	Maseno	6,002	7,057	8,231	8,961	10,441
80	Maua	32,350	28,685	27,137	24,930	31,106
81	Mavoko	68,190	84,757	82,832	88,229	84,962
82	Mbita	3,251	3,413	3,363	3,489	3,572
83	Meru	46,503	55,852	61,062	161,964	176,378
84	Migori	13,036	16,271	19,006	25,545	35,253
85	Milimani C.C	215,485	218,413	172,292	164,688	153,185
86	Milimani L.C	2,329,131	2,090,289	1,835,218	2,688,960	2,702,874
87	Molo	48,022	57,570	53,906	52,445	51,413
88	Mombasa	303,737	330,143	361,417	428,428	386,507
89	Moyale	3,710	4,028	2,044	1,224	3,126



S.No	Station Name	FY2019/20	FY2020/21	FY2021/22	FY2022/23	FY2023/24
		KSh'000	KSh'000	KSh'000	KSh'000	KSh'000
90	Mpeketoni	1,122	1,524	833	940	5,341
91	Msambweni	2,397	4,561	11,663	5,108	4,504
92	Mukurweini	1,967	1,807	1,602	1,290	1,459
93	Mumias	8,379	7,679	7,248	7,101	7,563
94	Muranga	48,350	50,130	45,691	45,754	47,714
95	Mutomo	5,187	1,560	2,243	2,525	3,854
96	Mwingi	11,139	19,340	15,157	12,293	14,201
97	Nairobi City	-	-	-	-	1,698
98	Naivasha	105,834	103,334	124,581	119,101	100,385
99	Nakuru	226,930	249,677	282,900	281,705	276,031
100	Nanyuki	29,336	34,206	41,288	45,188	39,988
101	Narok	24,759	35,758	36,500	40,244	40,195
102	Ndhiwa	1,394	1,700	2,110	2,974	3,565
103	Ngong	37,130	47,377	58,183	51,190	50,148
104	Nkubu	8,120	8,675	10,057	11,020	13,151
105	Nyahururu	37,680	42,897	39,589	34,653	37,796
106	Nyamira	17,045	14,004	14,152	25,747	25,257
107	Nyando	3,549	3,393	6,318	6,866	9,409
108	Nyeri	58,835	61,390	70,867	61,931	72,184
109	Ogembo	15,136	23,929	23,697	23,025	20,439
110	Oi Kalou	-	-	-	4,762	8,419
111	Othaya	2,159	1,612	2,185	2,263	2,254
112	Oyugis	3,629	4,883	5,217	5,761	10,137
114	Port Victoria	-	-	-	-	894
115	Rongo	3,505	4,446	4,687	8,649	10,379
116	Ruiru	9,708	13,082	23,457	28,993	34,449
117	Rumuruti	-	-	-	1,229	1,335
118	Runyenjes	4,637	4,020	3,342	3,374	4,084
119	Shanzu	95,992	111,408	115,027	119,210	120,491
120	Siakago	12,357	14,093	16,936	16,036	12,685
121	Siaya	12,662	14,785	16,162	12,803	17,386
122	Sirisia	2,845	4,770	5,513	5,090	3,886
123	Sotik	4,817	6,470	7,093	7,059	9,477
124	Tamu	1,096	1,465	1,794	2,057	4,730
125	Taveta	2,159	1,856	8,005	10,942	7,179
126	Tawa	3,739	4,324	4,526	4,563	3,935
127	Thika	128,092	120,426	123,286	128,432	172,515
128	Tigania	10,550	10,940	11,965	14,029	18,412
129	Tinderet	-	-	-	638	1,081
130	TononoKa	398	618	788	1,129	1,482
131	Tribunal	40,367	39,805	39,575	43,063	43,105
132	Ukwala	2,453	3,367	3,419	2,847	3,348
133	Vihiga	6,029	6,015	7,223	7,386	11,583
134	Voi	15,683	12,119	12,654	12,768	11,361
135	Wajir	3,344	3,544	3,183	3,724	3,319
136	Wanguru	7,679	5,721	8,422	13,053	14,076

S.No	Station Name	FY2019/20	FY2020/21	FY2021/22	FY2022/23	FY2023/24
		KSh'000	KSh'000	KSh'000	KSh'000	KSh'000
137	Webuye	10,967	12,477	12,428	14,292	9,826
138	Winam	14,637	13,977	15,147	8,895	13,661
139	Wundanyi	2,589	1,940	1,972	4,072	5,284
	Total	6,715,512	6,849,172	6,694,869	8,050,498	8,432,973







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