



THE JUDICIARY

OFFICE OF THE CHIEF JUSTICE AND PRESIDENT
OF THE SUPREME COURT OF KENYA

HONOURABLE CHIEF JUSTICE'S REMARKS AT THE 2024 CHIEF JUSTICE'S ROUNDTABLE WITH KEPSA – TRADE MARK HOTEL, 16TH JULY 2024

**Dr. Jaswinder Bedi, Chairperson of the KEPSA
Board,**

Members of the KEPSA Board

Ms. Carole Kariuki, CEO, KEPSA,

**Captains of Industry and Members of KEPSA
present**

Ladies and Gentlemen,

Good morning!

1. It is an honour to engage with you at the 2024 Chief Justice's Roundtable, now in its third edition. This annual gathering underscores the Judiciary's recognition of the pivotal role played by our stakeholders in enhancing the effectiveness and efficiency of our judicial system. Among these esteemed stakeholders is the Kenya Private Sector Alliance (KEPSA), which represents our nation's vibrant business community and professional bodies.
2. The Chief Justice's Roundtable was established as a dedicated platform for open dialogue, allowing the Judiciary to gain invaluable feedback and suggestions from the business community. This engagement is crucial as it helps us forge strategic partnerships aimed at bolstering the judicial system's effectiveness and efficiency.

3. The Judiciary has been in a quest to strengthen Kenya's business climate by encouraging increased investment through building confidence in its commercial justice system, by ensuring quality and efficient commercial justice.

4. Today's Roundtable serves as a vital opportunity to evaluate our progress in making the Judiciary a supportive pillar for improving the business environment and investment climate in Kenya. In our institutional strategic blueprint, '**Social Transformation through Access to Justice (STAJ)**', we have acknowledged the Judiciary's essential role in facilitating a conducive economic environment. By ensuring cost-effective and efficient dispute resolution, we are committed to enhancing the ease of doing business in our country.

Judiciary's Digitization and Automation

5. I am pleased to inform you that the Judiciary has made tremendous progress regarding our digitization and automation agenda since our last Roundtable Meeting. Over the past year, we successfully rolled out our e-filing system nationwide in March 2024 after the initial pilot in Nairobi City County from July 2020. Since March 2024, all pleadings and other court documents are now filed online in all our court stations throughout the country.

6. The e-filing platform allows cases to be filed remotely, eliminating the need for physical court attendance by litigants and advocates. It also supports remote court fee assessments, online inquiries about case status, automatic allocation of cases to judicial officers, and convenient downloading of case documents. Judges and magistrates can draft, edit, and publish rulings,

judgments, and orders online, as well as generate individual case statistics and performance reports through the case tracking Judiciary-facing part of the e-filing system.

7. Through the e-filing system, the Judiciary is promoting the integration and interoperability of information systems with other justice sector agencies. The system is already integrated with the Office of the Director of Public Prosecutions, and efforts are underway to incorporate other agencies.

8. In addition, the Judiciary is rolling out a transcription system powered by an Artificial intelligence engine to help in offering transcription support to several court stations with plans to expand nationwide through the establishment of the Judiciary Transcription Centre. This project, which received significant

support from KEPSA during its pilot phase under the Ajira Digital Project, aims to accelerate the transcription of court proceedings.

9. The causelist portal launched in March 2024 provides real-time access to court schedules, enabling all stakeholders to stay informed about upcoming cases, thereby fostering transparency and accountability. This innovation ensures that justice is dispensed timely and in organized manner.

10. Another notable advancement is the introduction of the Judiciary Data Dashboard. This initiative is part of our efforts to enhance accountability within the institution by leveraging technology. The Data Dashboard allows the leadership of the Judiciary to monitor, in real-time, the performance of each court and each judicial officer or judge with the click of a button, all from the comfort of our offices.

We view this innovation as a significant boost to our efforts to ensure effective monitoring and supervision of the performance of all our courts throughout the country.

11. The Directorate of ICT of the Judiciary is developing a public facing court decision portal where all decisions posted on the Case Tracking system will be published. This repository will provide easy access to court decisions by members of the public.

12. Through these initiatives and programmes, we aim to improve Kenya's ranking and attractiveness as an investment destination by increasing the effectiveness and efficiency of contract enforcement. This will be achieved by reducing the time and cost of dispute resolution through leveraging technology in the administration of justice.

Small Claims Courts

13. One of the major transformative initiatives that we are pursuing is the rollout of Small Claims Courts, which are geared towards ensuring that commercial disputes are resolved promptly. These courts are designed to hear and determine commercial disputes involving values of less than 1 million shillings within 60 days.

14. Since the appointment of the first Small Claims Court adjudicators in April 2021, we now have a total of eighty-one (81) adjudicators designated to preside over the thirty-seven (37) operational Small Claims Courts across the country.

15. As of the end of June 2024, the Small Claims Courts have seen 81,640 cases filed since their establishment. Of these, 68,167 cases have been

heard and determined, leaving 13,473 cases currently active in the court system. The value of the determined cases stands at 12.6 billion Kenya shillings released back into the economy.

16. The court has expanded its presence and is now operational in thirty-three (33) counties with thirty-seven (37) functional Small Claims Courts. Additionally, I have already gazetted the Voi and Garissa Small Claims Courts, which will be launched on the 24th of July, 2024. The expansion of the Small Claims Court outside Nairobi has allowed the Judiciary to provide the expeditious delivery of justice to the public.

17. Due to the informality, simplicity of court procedures, and proper case management, the court has managed to reduce the time for hearing and determination of cases. By the end of June

2024, the court maintained a median time of **sixty-six (66) days** for the determination of cases.

18. The Small Claims Court has continued to leverage technology to enhance access to its services, promoting efficiency and productivity. Various CTS modules, including e-registration, e-assessment, and e-payment of court fees, have been implemented in all courts. The court is now implementing Phase II of the CTS & e-filing system enhancement, which will enable the end-to-end automation of all registry processes. Currently, this system has only been adopted in the Milimani Small Claims Court. This enhancement will improve productivity and service delivery in all registries, promote transparency and accountability, ensure equal access to registry services, and fully enable the court to move towards being paperless.

19. On regulation of adjournments, the Small Claims Act was amended to fix the maximum number of adjournments that can be granted at three and stipulates that adjournments are limited to unforeseen and exceptional circumstances. This has significantly reduced the time taken to determine commercial disputes.

20. Looking ahead, we aim to digitize the Small Claims Courts registries by entering all existing Small Claims Court files into the system. To achieve this, we require the facilitation of the Ajira team to scan and upload all files in the registry, along with the provision of 100 scanners to be distributed across all Small Claims Courts. Moving forward, all court proceedings will be scanned and uploaded, ensuring that all Small Claims Courts are fully automated.

21. Additionally, we plan to roll out 25 more Small Claims Courts across the country to increase access to justice for all citizens. Financial support will be needed to meet infrastructural needs, such as the construction of more Small Claims Courts.

22. With regard to waiver of court fees for filing commercial cases not exceeding Kshs. 1,000,000, the Cabinet Secretary for Treasury effected a waiver for a period of 2 years with effect from 1st April 2020 which period lapsed on 1st April 2022. I urge KEPSA to engage the Treasury for a continued waiver of such fees.

Training Programmes

23. We have revamped the Kenya Judiciary Academy (KJA) into a vibrant institution of continuous

learning and collaboration. We are positioning the Academy to serve as the regional hub for judicial learning and justice dialogues.

24. The Judiciary has partnered with the private sector to build the capacity of the Judges and Judicial officers practicing in the commercial courts in tax laws, insolvency and mobile technology. The Kenya Judiciary Academy will work closely with KEPSA to identify knowledge and resource gap within the institution to enable a partnership framework which will equip the Judges and Judicial officers with the necessary skills, knowledge and best practice to handle and dispense commercial and tax matters within a reasonable timeframe and ultimately enrich the commercial justice jurisprudence.

A Corruption-Free Court System

Ladies and Gentlemen,

25. The Judiciary and the Judicial Service Commission, are resolute in our commitment to ensuring that our courts are corruption-free. We have intensified this effort through the National Council on the Administration of Justice (NCAJ), where we are coordinating a sector-wide and nationwide campaign against corruption. I am happy that KEPSA has expressed an interest in participating in this renewed anti-corruption initiative, led by the NCAJ.

26. I invite KEPSA to be an integral part of our whole-of-society approach and accountability dialogues as we work to reinvigorate our national value system and embrace a culture that abhors corruption. By adopting this comprehensive approach, we can effectively combat the cancer of

corruption that has hindered our nation from realizing its developmental potential.

27. In addition, I am happy to report that we have revamped our complaints processing and investigation systems within the Judicial Service Commission. This enhancement ensures that any corruption-related complaints lodged against judges, judicial officers, or members of staff are dealt with promptly and effectively. But as I always say, it takes two to tango. Let us also extend the fight against corruption to Advocates, Litigants and other Court Users as this is the only way to root out corruption from our justice system.

Conclusion

Ladies and Gentlemen,

28. In conclusion, I would like to emphasize the immense value of the partnership that the Judiciary has been able to forge with KEPSA. Your insights, suggestions, and material support have significantly contributed to the enhancement of the efficiency and effectiveness of our justice system. This collaboration has been instrumental in driving many of the advancements we are discussing today.

29. By working together, we can continue to make our justice system more responsive to the justice needs of all Kenyans. A responsive and efficient justice system not only upholds the rule of law but also acts as a crucial facilitator for commerce and national development. It is through such partnerships that we can ensure that justice is not just an abstract ideal, but a practical reality that

supports and accelerates economic growth and social progress.

30.As we move forward, I look forward to continuing our collaboration with KEPSA and all other stakeholders. Together, we can build a judicial system that is transparent, accountable, and dedicated to serving the people of Kenya. Let us remain committed to our shared vision of a just and prosperous nation.

31.Thank you for your ongoing support and dedication. Let us continue to work hand in hand to achieve our common goals.

Thank you for your attention.

Hon. Justice Martha K. Koome, EGH

**Chief Justice and President of the Supreme
Court of Kenya**