

SUPREME COURT STRATEGIC PLAN

2020-2024





THE JUDICIARY

SUPREME COURT STRATEGIC PLAN 2020 - 2024

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Vision

To be a trusted apex Court that protects the Constitution, sovereignty of the people of Kenya, Rule of Law, and enhances jurisprudence.

Mission

To protect and uphold the Constitution; interpret the law in an impartial, just, accessible and timely manner; enhance public trust and confidence and develop rich jurisprudence that facilitates social, economic and political growth in Kenya.

FOREWORD



The Supreme Court of Kenya Strategic Plan 2020-2024 is the second strategic plan for the Court following the successful implementation of the Strategic Plan 2013-2017. It is a product of a consultative process involving extensive document reviews, brainstorming sessions with the Court Judges and stakeholders' engagement.

The Plan builds on the experiences and the achievements of the previous Strategic Plan and defines how the Court will operate over the next five years between 2020/21 and 2024/2025 Financial Years. It aligns the projects and programmes of the Court to the overall Judiciary development agenda and to the aspirations of the "Sustaining Judiciary Transformation 2017-2021", a flagship blueprint under my tenure. I am happy to note that the Plan also cascades initiatives mooted by the Judiciary Strategic Plan 2019-2023, which will promote consistency in implementation of projects and programmes in the Judiciary. It further seeks to strategically position the Court to effectively discharge its mandate, enhance its performance and meet the expectations of its diverse stakeholder segments.

The Vision and Mission identified in this document will, over the next five years, act as a rallying call towards aligning energies and resources to a common direction. The strategies and interventions proposed in the Plan are crafted around five Key Result Areas (KRA) namely: Enhance Access to and Expeditious Delivery of Justice; Knowledge Management and Enhancement of Jurisprudence; Entrench Transparency, Accountability and Integrity; Strengthen Institutional Capacity and Independence and Enhance Court Identity and Public Awareness.

Each KRA identifies specific activities and measurable deliverables: to guide the daily operations of the Court; enable regular monitoring and evaluation; and allow the Court to keep pace with changing client needs, resource requirements and program priorities.

Having carefully examined the Plan, I have confidence that its implementation will lead to achievement of aspirations of the Court, the Judiciary and the People of Kenya. I therefore call upon all Judges, Judicial Officers and Staff of the Court to internalise the Plan in the quest to excellence in service delivery.

Hon. Justice David K. Maraga, EGH Chief Justice and President of the Supreme Court of Kenya

Acknowledgement



The journey to the realisation of this document commenced on 9th February 2017, when the Honourable Chief Justice constituted the Supreme Court Strategic Planning Committee with a mandate to evaluate the Supreme Court Strategic Plan 2013-2017 and to develop a subsequent roadmap. However, the Committee's work was interrupted by the hearing and determination of two presidential election petitions and election appeals following the 2017 General Elections. The Committee was reconstituted on 13th September 2018, as some members of the initial committee had left the Court. Subsequently, it embarked on the task of preparing the Plan by reviewing the previous plan and conducting desk reviews of legal, policy and strategic documents to identify the background and policy priorities.

The process benefited from indispensable and insightful contributions by various individuals, teams and institutions to which we are forever indebted. First, the Committee held consultative sessions with the Hon. Chief Justice and President of the Supreme Court David K. Maraga, and the Hon. Deputy Chief Justice and Vice President of the Supreme Court, Lady Justice Philomena M. Mwilu, who provided the overall strategic direction. The input following consultations with the Supreme Court Judges: Hon. Justice (Prof) J.B Ojwang (Rtd), Hon. Justice S.C Wanjala, Hon. Lady Justice Njoki Ndungu and Hon. Justice Isaac Lenaola formed the basis for development of this Plan. I am grateful for their insightful views and unequivocal support throughout the planning process. Second, the Committee consulted with key internal and external stakeholders to validate the draft Plan. I highly appreciate their comments and views, which enriched the document.

I sincerely appreciate members of the Committee for their dedication and industry in this process. I acknowledge the Hon. Esther Nyaiyaki and the Hon. Daniel Ole Keiwua, for their roles as Registrar and Deputy Registrar of the Court respectively and as Committee Members for facilitating and

supporting the Committee's work. Other Committee Members were: Gilbert Kirui, Dominic Nyambane, Patrick Okango, Emily Mukami, Kevin Goga and Dorcas Mogere. I equally appreciate Ezan Mwiluki, Eric Kocheli, Yvonne Ndamu, Hilda Kunyanga and Janet Ogata who were variously co-opted into the Committee. The layout and design expertise by John K. Muriuki and the logistical support afforded to the Committee by Gillian Shimwenyi, Robinson Mwangi and Andrew Toroitich was invaluable.

This process received financial support from the Ford Foundation whose continued collaboration and partnership with the Court is highly cherished.

I also thank the Chief Registrar of the Judiciary for her support to the Court. Lastly, I thank the Chief Justice for his confidence and trust in according me the honour to serve as Chairperson of the Committee. I am proud to present a document that I believe will steer the Court in the next five years.

Thank you all.

Hon. Justice M.K. Ibrahim Judge of the Supreme Court & Chairperson, Supreme Court Strategic Planning Committee

Acronyms & Abbreviations

ADR Alternative Dispute Resolution

BSU Building Services Unit

CJ Chief Justice

CJSP Corporate Judiciary Strategic Plan

CMS Case Management System

COA Court of Appeal

CRJ Chief Registrar of the Judiciary

CTS Case Tracking System
CUC Court User Committees

CPD Continuous Programme Development

DCRT Daily Court Returns Template

DPOP Directorate of Planning and Organizational Performance

eKLR electronic Kenya Law Reports **ELC** Environment and Land Court

ELRC Employment and Labour Relations Court

ERP Enterprise Resource Planning

GoK Government of Kenya

HR&A Human Resource and Administration

ICT Information and Communication Technology

IEBC Independent Election and Boundaries Commission

IEC Information, Education and Communication

JIPMAS Judiciary Integrated Performance Management and

Accountability System

JSC Judicial Service Commission
JTI Judiciary Training Institute

KLR Kenya Law Reports
KRA Key Result Area

M&E Monitoring and Evaluation

NVK New Vision Kenya

PAS Performance Appraisal System
PSC Public Service Commission

PESTEL Political, Economic, Social, Technological, Environmental and

Legal

PMMU Performance Management and Measurement Understanding

V

Radio Frequency Identification RFID Registrar of the Supreme Court RSC SCM Supply Chain Management

Supreme Court of Kenya SCOK

SJT Sustaining Judiciary Transformation

SP Strategic Plan

Strengths, Weaknesses, Opportunities and Threats **SWOT**

Training Needs Assessment TNA

Virtual Private Network VPN

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Chapter 1 Introduction

1.0 Introduction

This Chapter outlines the background, mandate, objectives, vision and mission, core values and structure of the Supreme Court of Kenya. Additionally, it describes the purpose of the Supreme Court of Kenya Strategic Plan 2020-2024, the Court and Judiciary blueprints guiding the Plan.

1.1 Background

The Constitution of Kenya, 2010 establishes the Supreme Court as the apex court in Kenya's judicial system. Under Article 163(1), the Court is comprised of the Chief Justice, who is the President of the Court, the Deputy Chief Justice, who deputises the Chief Justice and is the Vice-President of the Court and five other Judges of the Court. Further, Article 163(2) sets out the Court's quorum for purposes of its proceedings. The Court was operationalised by the Supreme Court Act Number 7 of 2011 and inaugurated on 26th October 2011. Its seat is in Nairobi, at the Supreme Court Building.

This is the second Plan for the Court following the effective implementation of its first Strategic Plan (2013-2017). First, the Plan builds on the experiences and achievements of the initial Plan and defines the Court's operations over the five years, extending between 2020/21 and 2024/2025 financial years. Second, it seeks to strategically position the Court to effectively discharge its mandate, enhance its performance and meet the diverse stakeholder expectations. Third, the Plan aligns programs and activities of the Court with the overall Judiciary Agenda.

1.2 The Mandate of the Court

The Court derives its mandate from the Constitution of Kenya, 2010. The Constitution confers upon the Court powers to exercises diverse jurisdictions as follows:

- **i. Exclusive original jurisdiction.** Under Article 163(3)(a), the Court has exclusive original jurisdiction to hear and determine disputes relating to the elections to the office of the President. In exercise of this jurisdiction, under Article 140(2), the Court must hear and determine such petitions within 14 days after the filing.
- ii. Appellate jurisdiction. Under Article 163(3)(b), the Court has appellate jurisdiction to hear and determine appeals from the Court of Appeal and any other court or tribunal as prescribed by national legislation. Appeals from the Court of Appeal lie to the Court in two ways: first, as of right in any case involving the interpretation or application of the Constitution per Article 163(4)(a); and second, under Article 163(4) (b), upon certification by either the Court of Appeal or the Court, that a matter of general public importance is involved in the intended appeal.

- **iii.** Jurisdiction to offer Advisory Opinion. Article 163(6) of the Constitution vests the Court with the power to give an advisory opinion at the request of the national government, any State organ, or any county government concerning any matter concerning county government.
- iv. Appeals from tribunals constituted under Article 168(8) of the Constitution. The Supreme Court may hear and determine an appeal by a judge aggrieved by a decision of a tribunal formed under Article 168 of the Constitution to consider the Judge's removal.
- **v. Applications upon declaration of a State of Emergency.** The Court, according to Article 58(5), has jurisdiction to consider applications emanating from a declaration of a State of Emergency.

1.3 Objectives of the Court

The Court, in the execution of its mandate, is guided by the objectives outlined in Section 3 of the Supreme Court Act, 2011 as follows:

- i. Assert the supremacy of the Constitution and the sovereignty of the people of Kenya;
- ii. Provide authoritative and impartial interpretation of the Constitution;
- iii. Develop rich jurisprudence that respects Kenya's history and traditions and facilitates its social, economic and political growth;
- iv. Enable important constitutional and other legal matters, including matters relating to the transition from the former to the present constitutional dispensation to be determined, with due regard to the circumstances, history and cultures of the people of Kenya; and
- v. Improve access to justice.

1.4 Vision of the Court

To be a trusted apex Court that protects the Constitution, sovereignty of the people of Kenya, Rule of Law, and enhances jurisprudence.

1.5 Mission of the Court

To protect and uphold the Constitution; interpret the law in an impartial, just, accessible and timely manner; enhance public trust and confidence and develop rich jurisprudence that facilitates social, economic and political growth in Kenya.

1.6 Core Values of the Court

- i. Independence We execute our mandate without influence or interference.
- ii. Integrity We perform our functions honestly and impartially.
- iii. Equality We accord non-discriminatory treatment to all and ensure objective delivery of services free from bias and without prejudice.
- iv. Transparency and accountability We are open to public scrutiny, uphold good governance and take responsibility for our actions.
- v. Professionalism We uphold high levels of diligence, efficiency, excellence, humility and expeditiously delivery our service.

1.7 Structure of the Supreme Court

Under Article 163(1) of the Constitution, the Chief Justice is the President of the Court, and the Deputy Chief Justice is the Vice President and five Judges. The five Judges take precedence according to the dates on which they respectively took the oath of office as Judges of the Court. The President is the head of the Court. He is responsible for the proper management of the Court, allocation of cases, the composition of benches, and determination of sittings of the Court. While carrying out the Court's judicial mandate, the seven judges are equal.

The Registrar of the Supreme Court supervises administrative operations of the Court and exercises judicial functions as per the Supreme Court Act and Rules. The approved Judiciary Organizational Structure in Figure 1 establishes the offices under the office of the Registrar. They are the offices of Legal Counsel, Court Administrator, Law Clerks and Executive Secretaries. The Court Process Servers, Court Assistants and Registry Assistants report directly to the Court Administrator. Other administrative offices established under the Court Administrator are Human Resource and Administration, Accounts, Information Communication Technology (ICT), Supply Chain Management, and the Library. However, the offices of Legal Counsel, Human Resource and Administration, Accounts and Supply Chain Management remain vacant.

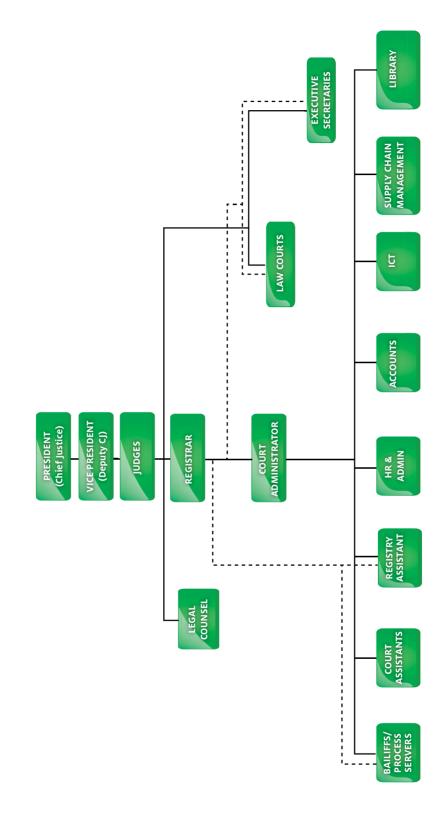


Figure 1: Organisational Structure of the Supreme Court

1.8 The Supreme Court and Judiciary Blueprints

The Plan is anchored on the Judiciary's policy documents, including the Corporate Strategic Plan 2019-2023 and the Sustaining Judiciary Transformation blueprint. It has incorporated the essential programs and projects arising from these policies. They comprise enhancing access to justice, tackling case backlog, improving integrity and accountability measures, implementation of ICT systems and adherence to the service delivery charter.

1.9 Rationale for the Strategic Plan

The expiry of the inaugural Supreme Court Strategic Plan, whose application ended in the financial year 2017/2018, led to the development of the Plan. It puts in place strategies for realising the aspirations of the Constitution of Kenya and the goals set out in the Judiciary Strategic Plan 2019-2023, the Judiciary Strategic Plan 2014-2018 Evaluation Report and Sustaining Judiciary Transformation 2017-2021 Blueprint.

The Plan will guide the identification of projects, programmes and activities in the next five years through annual work plans, budgets and other operational plans. Furthermore, the Plan will provide a framework for the Court to monitor, report continuously and assess its achievements.

Chapter 2Situational Analysis

2.0 Introduction

The environment within which the Supreme Court operates has an impact on its performance. The Court must be cognisant of internal and external factors, which have a bearing on the Court's performance. This chapter presents the key achievements and challenges of the Court since its establishment. It assesses the impact of internal and external factors on the Court's performance. Further, the chapter undertakes stakeholder analysis to identify interests, relationships and expectations. The critical priorities, strategic goals, objectives and strategies will be drawn from this analysis.

2.1 Achievements of the Supreme Court

i. Determination of Cases

Since its founding in 2011, the number of matters filed has steadily risen, a pointer to the public confidence in the Court. In the FY 2014/2015, 61 cases were filed while 47 were resolved. The Court registered a Case Clearance Rate (CCR) of 77 per cent in that year. In the FY 2016/2017, 38 cases were registered while 16 were resolved. 61 cases were filed in the while 39 cases were resolved in the FY 2017/2018.

As at June 30 2020, 476 matters had been filed; out of which 7 were Presidential Election Petitions, 20 References, 224 Applications and 225 Petitions.

ii. Growth of Jurisprudence

The Court, in the execution of its mandate, has developed the law and solidified the country's jurisprudence. Some of these landmark decisions summarised hereunder, have informed legislative amendments and policy reforms.

a. Exclusive Original Jurisdiction

In exercise of its exclusive original jurisdiction under Article 163(3)(a) of the Constitution, the Court has successfully heard and determined 3 Presidential Election Petitions within the requisite Constitutional timelines. In **Raila Odinga & 5 others v Independent Electoral and Boundaries Commission & 3 others,** [2013] eKLR (**Raila 2013,**) the Court disallowed the petition thereby upholding the presidential elections results as declared by IEBC. Notably, the Court's pronouncements in this decision spearheaded critical legislative reforms in the Electoral laws that included the incorporation of technology in our elections, in particular, the statutory amendment providing for electronic transmission of presidential election results to Tallying Station. It is also the decision that settled the law on timely filing of election petitions within constitutional timelines: henceforth petitions were fully filed within the required deadlines and not in piecemeal.

In Raila Amolo Odinga & another v Independent Electoral and Boundaries Commission & 2 others, [2017] eKLR (Raila 2017) the Court nullified the presidential election on the ground that the poll was not conducted per the Constitution and directed for a fresh election. The decision was fundamental to the interpretation of Section 83 of the Elections Act as regards when an election may be invalidated. The Court accorded the section a disjunctive interpretation given the use of the word "or". The decision led to a hastened amendment of the Act by the National Assembly via The Election Laws (Amendment) Act 2017 substituting the word 'or' with 'and'. However, this amendment was declared unconstitutional by the High Court in Katiba Institute & 3 others v Attorney General & 2 others [2018] eKLR. The High Court affirmed that section 83 of the Elections Act, as was before the amendment, is constitutional. Hence the Supreme Court's interpretation stands and was the basis upon which all the Courts determined subsequent election petitions.

The case of **John Harun Mwau & 2 others v Independent Electoral and Boundaries Commission & 2 others,** [2017] eKLR, challenged the results of the fresh election that had been ordered by Court in **Raila 2017.** However, the Court found the two petitions unmerited and proceeded to dismiss them. The timely resolution of all these matters, helped resolve the political impulse and entrenched the rule of law.

b. Direct Appellate Jurisdiction from Decisions of a Tribunal

The other jurisdiction of the Supreme Court is to hear direct appeals from tribunals. The President constitutes such a tribunal on the recommendation of the JSC, to investigate the conduct of a Judge. The Court in **Joseph Mbalu Mutava v Tribunal appointed to Investigate the conduct of Justice Joseph Mbalu Mutava** [2019] eKLR, upheld the Tribunal's finding that the petitioner's conduct amounted to gross misconduct contrary to Article 168 (1) (e) of the Constitution. It recommended to the President for the petitioner's removal from office under Article 168(7)(b). Being the first case to be heard and determined under this jurisdiction, the Court set foundational principles applicable in similar circumstances in the future.

c. Appellate Jurisdiction for Appeals from the Court of Appeal, as of Right

First, the Court settled the question as to what amounts to a matter involving constitutional interpretation and application under Article 163(4) (a). In **Hassan Ali Joho & another v Suleiman Said Shabaal & 2 others,** [2014] eKLR (**Joho case**) it held that there is a multiplicity of parameters for determining what amount to a matter of constitutional interpretation and application of the Constitution. The Court in **Gatirau Peter Munya v Dickson Mwenda Kithinji & 2 others,** [2014] eKLR (**Munya I**), held that where the

conclusions leading to the determination of the issue can be said to have a trajectory of constitutional interpretation or application, such a matter falls within the realm of Article 163(4)(a). Later, in **Evans Odhiambo Kidero & 4 others v Ferdinand Ndungu Waititu & 4 others [2014] eKLR, (Kidero case)** the Court collated all its previous pronouncements on its appellate jurisdiction and set out the principles that govern appeals under Article 163(4)(a) of the Constitution. Notably, these decisions emanated from the 2013 General election cycle.

During the 2017 General elections cycle, the Court moved to streamline further the application of the above principles in election matters. Notably, in the cases of Nasra Ibrahim Ibren v Independent Electoral and Boundaries Commission & 2 others [2018] eKLR and Zebedeo John Opore v Independent Electoral and Boundaries Commission & 2 others [2018] eKLR the Court demystified the erroneous practice of blanket citation of the Elections Act as being a normative derivative of the Constitution (as had been held in the Munya 1 case) in an attempt to cloth the Court with jurisdiction in all election matters. It developed guiding principles applicable in determining when an election petition appeal falls within the Court's jurisdiction under Article 163(4)(a). These decisions cured the apparent misconception that the earlier 2013 decisions had opened the Court's door for all appeals in election matters.

With the above principles on the delimitation and meaning of Article 163(4) (a) jurisdiction, remarkable decisions and pronouncement have been made by the Court on various aspects.

d. Appeals as of Right in Election Matters

As regards elections, the Supreme Court settled the law on several issues in exercise of its jurisdiction under Article 163(4)(a) of the Constitution. In the Raila 2013; Gatirau Peter Munya v. Dickson Mwenda Kithinji & 2 Others (Munya 2); Nathif Jama Adama v. Abdikhaim Osman Mohamed & 3 Others [2014] eKLR, and Nicholas Kiptoo Arap Salat v. Independent Electoral and Boundaries Commission & 7 Others, [2015] eKLR, the Court set out the guiding principles concerning scrutiny and recount of votes in an election petitions.

The Joho case set the tone on the role of the Court in election matters. The Court affirmed the 28 days upon declaration of results, the constitutionally provided timeline within which a person may file a petition to challenge the results, by holding that Section 76(1)(a) of the Elections Act, that provided that the 28 days run from the date of publication of results, was inconsistent with Article 87(2) of the Constitution, and, to that extent, a nullity. On this

basis, during the 2017 election cycle, most parties filed their petitions timeously.

The Court in **Nathif Jama Adam v Abdikhaim v Osman Mohammed & 3 others,** [2014] eKLR, held that the central issue in electoral disputes is the constitutional franchise of the electorate, which should be protected. Failures by electoral officials in their duties should not be used to curtail such rights.

In Moses Masika Wetangula v Musikari Nazi Kombo & 2 others, [2015] eKLR, the Supreme Court affirmed the sui generis nature of election petitions; that they are neither criminal nor civil, and in determining them, a court acts only within the statute as guided by the Constitution. In particular, that an election petition is not an action at Common Law, nor in equity, but a statutory proceeding to which neither the Common Law nor the principles of equity apply but only those rules which the statute makes and applies. It is a special jurisdiction, exercised under the statute creating it.

Section 85A of the Elections Act provides for appeals to the Court of Appeal on matters of law only. This Court interpreted what amounts to a matter of law in **Munya 2.** This decision settled the law, as regards elections appeals. The Court of Appeal adopted the decision in the 2017 election cycle. **Raila 2013** settled the law that the burden of proof lies upon the party alleging a fact to prove it to the required standard; while **Raila 2017** settled the law that the standard of proof of any election offence or quasi-criminal conduct is that of beyond reasonable doubt.

The case of **Fredrick Otieno Outa v. Jared Odoyo Okello & 3 others** [2017] eKLR, though an election matters, is fundamental as the case in which this Court settled the question whether it has powers to review its own decision. Holding that generally, the Supreme Court has no jurisdiction to sit on appeal and/or review of its own decisions, the Court nonetheless set out exceptional circumstances under which it may review its own decisions.

During the 2017 election cycle, some critical issues were determined. For instance, in Musa Cherutich Sirma v Independent Electoral and Boundaries Commission & 2 others [2019] eKLR and Francis Wambugu Mureithi v Owino Paul Ongili Babu & 2 others [2019] eKLR, the Court stated that it had no jurisdiction to interfere with the Court of Appeal's discretion under the Court of Appeal (Election Petition) Rules.

In Silverse Lisamula Anami v Independent Electoral & Boundaries Commission & 2 others [2019] eKLR the Court settled the question as to whether an election Court has jurisdiction to determine pre-elections disputes. Indeed, in Sammy Ndung' u Waity v Independent Electoral &

Boundaries Commission & 3 others [2019] eKLR the Court went further and formulated guiding principles on how to resolve pre-election disputes. In **Hamdia Yaroi Shek Nuri v Faith Tumaini Kombe & 2 others** [2019] eKLR, the Court held that in the absence of an express statutory provision,

eKLR, the Court held that in the absence of an express statutory provision, no second appeal lies to the Court of Appeal, from the High Court, from an election petition concerning the validity of the election of a member of a county assembly. The decision settled the law as to whether Members of the County Assembly can appeal all the way to the Supreme Court.

e. Appeals as of Right Generally

This jurisdiction has been triggered in election matters and appeals generally on diverse issues of the law. For instance, the Court was instrumental in transiting the country from the analogue to the digital era of Television transmission. In the Communications Commission of Kenya & 5 others v Royal Media Services Limited & 5 others [2014] eKLR case, the Court set aside the Court of Appeal decision. It allowed the government, through the Communications Commission of Kenya to implement the national digital migration programme. The decision culminated in the country ultimately transiting to the digital platform in line with global deadlines.

The vetting of the serving Judges and Magistrates on the effective date was timeously conducted following the Supreme Court's decisions. First, in Judges & Magistrates Vetting Board & 2 others v Centre for Human Rights & Democracy & 11 others [2014] eKLR the Court held that the Board's decision was final, and in Judges and Magistrates Vetting Board v Kenya Magistrates and Judges Association & another [2014] eKLR the Court settled the law on the scope of the Board's mandate: that it could only vet the conduct of Judges and magistrates in office on the Constitution's effective date.

In a bid to enforce citizens' political rights, the Court recognised the rights of Kenyans living in the Diaspora to vote, in the case of **Independent Electoral and Boundaries Commission (IEBC) v New Vision Kenya (NVK Mageuzi) & 4 others** [2015] eKLR. It directed the IEBC to put in place the necessary infrastructure for comprehensive registration of Kenyans in the diasporas and on this basis and in implementing this decision, the IEBC, for the first time, had Citizens in some parts of the Diaspora voting during the 2017 General elections.

In Justus Kariuki Mate & another v Martin Nyaga Wambora & another [2017] eKLR, this Court was called upon to determine when it might infer with Parliamentary processes that are in actual progress. The Court echoed the doctrine of Separation of Powers and formulated guiding principles on how the various arms are to co-exist within a constitutional framework anchored on the rule of law, with the courts exercising judicial restraint. This decision has helped guide the two institutions, particularly as regards when the courts may intervene in impeachment matters before Parliament.

In **Republic v Karisa Chengo & 2 others** [2017] eKLR, the Court declared that Judges of Courts of equal status of the High Court, under Article 162(2) of the Constitution have no jurisdiction to hear and determine criminal appeals. This decision caused a re-hearing of cases where these judges had sat on criminal appeals.

In **Geoffrey M. Asanyo & 3 others v Attorney-General** [2018] eKLR, the Court found that the Court of Appeal has jurisdiction to adopt a consent and remitted the matter back to the appellate Court for the adoption of the consent before it. In this way, the Supreme Court reaffirmed the duty on all courts to enforce the principle in Article 159(2)(d) of the Constitution as regards alternative dispute resolution. This decision also demonstrates the Supreme Court's resolute, as the apex court, to ensure the protection and enforcement of the Constitution.

In Francis Karioki Muruatetu & another v Republic [2017] eKLR, the Court declared the mandatory death sentence to be unconstitutional. As a result, unlike before, Courts now have the discretion while sentencing persons found guilty of heinous crimes, which were initially only punishable by death. The Court directed the Attorney General, the Director of Public Prosecutions and other relevant agencies to prepare a detailed professional review to set up a framework to deal with sentence re-hearing cases where a mandatory death penalty was granted.

Another decision where this Court's decision had a reverberating effect was in the case of Martin Wanderi & 106 others v Engineers Registration Board & 10 others [2018] eKLR. The Court ordered the Engineers Registration Board to, within 21 days, register engineering graduates that it had previously refused to register as engineers for over ten years. The Court found that the Board has infringed on their fundamental rights and freedom. This case had a tremendous public interest and impact in the country and the field of engineering.

In the case of Narok County Government v Livingstone Kunini Ntutu & 2 others [2018] eKLR, the Court reiterated its role in upholding the values of transparency, legality and public interest in matters of land, more so public land. It held that the process of conversion of public land or land held in trust to private land has to be beyond reproach. The matter was remitted to the Environment and Land Court to determine the constitutionality and legality of the title where a piece of land from the Maasai Mara was excised and converted to private land in unclear circumstances.

In British American Tobacco Kenya, PLC (formerly British American Tobacco Kenya Limited) v Cabinet Secretary for the Ministry of Health & 2 others; Kenya Tobacco Control Alliance & another (Interested Parties); Mastermind Tobacco Kenya Limited (The Affected Party) [2019] eKLR, the Court considered whether the Tobacco Control Regulations 2014 were in contravention of the Statutory Instruments Act 2013 and Article 10 of the Constitution for lack of public participation among

other reasons. In a unanimous decision, the Court set out the principles for a framework for public participation. The Court dismissed the appeal, affirming the legality and constitutionality of the Tobacco Control Regulation, 2014. The Regulations will have a significant impact on dealing with tobacco smoking in the country.

In Albert Chaurembo Mumba & 7 others (sued on their behalf and behalf of predecessors and or successors in title in their capacities as the Registered Trustees of Kenya Ports Authority Pensions Scheme) v Maurice Munyao & 148 others (suing on their behalf and behalf of the Plaintiffs and other Members/Beneficiaries of the Kenya Ports Authority Pensions Scheme) [2019] eKLR, the Court determined the fundamental question: "Which is the forum with original jurisdiction in the first instance to hear and determine the dispute between Pensioners and the Trustees of a Pension Scheme?" The Court considered the problems caused by a multiplicity of fora for dispute resolution. It directed that disputes should be lodged first with the Chief Executive Officer of the Retirement Benefits Authority. If dissatisfied, parties can appeal to the Retirement Benefits Appeals Tribunal.

The principle of alternative dispute resolution under Article 159(2)(c) of the Constitution received endorsement in **Synergy Industrial Credit Limited v Cape Holdings Limited** [2019] eKLR. The Court considered whether there is a right of appeal to the Court of Appeal following a decision by the High Court under Section 35 of the Arbitration Act? It held that not every decision of the High Court under Section 35 is appealable to the Court of Appeal. An intended appeal, not anchored on the four corners of Section 35 of the Arbitration At, should not be admitted. Consequently, an intended appellant must demonstrate that in arriving at its decision, the High Court went beyond the grounds set out in Section 35 of the Act for interfering with an Arbitral Award. The decision will guide many disputes pending before the superior courts. (See also the **Nyutu Case** below, being an appeal filed under Article 163(4)(b) of the Constitution).

f. Appellate Jurisdiction for Appeals from the Court of Appeal upon Certification

The Court formulated the principles in determining matters involving issues of General Public Importance. First, the Court held that the jurisdiction under Article 163(4)(b) is forward-looking. (See Samuel Kamau Macharia & another V Kenya Commercial Bank Ltd & 2 others, [2012] eKLR and affirmed in Omega chemicals industries limited V Barclays Bank of Kenya limited [2014] eKLR. The principles for certification were then set out in the case of Hermanus Philipus Styne v. Giovanni Gnecchi-Ruscone, [2013] eKLR (The Hermanus case) hence reference to them as the 'Hermanus Principles". In Malcolm Bell v Daniel Toroitich Arap Moi & another [2013] eKLR these principles were enriched. Subsequently in Town Council of Awendo v Nelson Oduor Onyango & 13 others, [2015] eKLR, (the

Awendo case), the Court added another principle that was affirmed in Rift Valley Agricultural Contractors Limited v Kenya Wildlife Service [2016] eKLR.

In National Bank of Kenya Limited v Anaj Warehousing Limited [2015] eKLR, the Court departed from the long-standing precedent in the Ndolo Ayah case. It restated the law to the effect that "no instrument or document of conveyance becomes invalid under Section 34(1)(a) of the Advocates Act, only by dint of its having been prepared by an advocate who at the time was not holding a current practising certificate".

In Isack M'inanga Kiebia v Isaaya Theuri M'Iintari & another [2018] eKLR the Court recognised the place of customary law by affirming that customary trusts are overriding interests, to which a registered proprietor is subject. In so doing, the Court dispelled the notion that registration of land automatically extinguished customary rights. The impact of this decision reverberated in the entire country given the long-standing jurisprudence on the sanctity of a first registration, where it defeated all other interests.

In the Town Council of Awendo v Nelson O Onyango & 13 others; Abdul Malik Mohamed & 178 others (Interested Parties) [2019] eKLR, the Court dealt with what happens to unutilised land compulsorily acquired by the government. Further, it heard whether the original owner of such property has any preemptive rights to reacquire the unutilised land. The Court formulated general principles to this issue to guide the government and all the stakeholders.

In Kenya Wildlife Service v Rift Valley Agricultural Contractors Limited [2018] eKLR, the Court held that the Kenya Wildlife Services was liable to pay damages in cases of destruction under the Kenya Wildlife Services by dint of Section 3A of the Wildlife Act.

In Nyutu Agrovet Limited v Airtel Networks Kenya Limited; Chartered Institute of Arbitrators-Kenya Branch (Interested Party) [2019] eKLR the Court dealt with two fundamental issues - firstly whether sections 10 and 35 of the Arbitration Act hinder a party's right to access justice under Articles 48, 50(1) and 164(3) of the Constitution. Secondly, whether there was a right of appeal, to the Court of Appeal, following a decision by the High Court under Section 35 of the Arbitration Act. The Court affirmed the principle of alternative dispute resolution per Article 159(2)(c) of the Constitution and held that Sections 10 and 35 of the Act were not unconstitutional. It was stated that, "the only instance that an appeal may lie from the High Court to the Court of Appeal on a determination made under Section 35 is where the High Court, in setting aside an arbitral award, has stepped outside the grounds set out in the said section and thereby made a decision so grave, so manifestly wrong and which has completely closed the door of justice to either of the parties. This circumscribed and narrow jurisdiction should also be so sparingly exercised that only in the clearest of cases should the Court of Appeal assume jurisdiction". By this decision, the Supreme Court settled contradicting jurisprudence on arbitration from the superior courts.

g. Advisory Opinion Jurisdiction

In exercise of its mandate on advisory opinion, the Court has advised and recommended pragmatic solutions to State organs significant in solving emerging disputes. The first was the **Interim Independent Electoral Commission** [2011] eKLR, where the Court demarcated the scope of its jurisdiction.

In the Matter of the Principle of Gender Representation in the National Assembly and the Senate [2012] eKLR, the Court advised the Attorney General on the progressive realisation of the enforcement of the one-third-gender rule. While the Court, by a majority, opined that the implementation has to be progressive realised within five years. Unfortunately, more than eight years after the decision, no law has been passed to implement the decision.

In the Matter of the Speaker of the Senate & another [2013] eKLR, the Court advised the National Assembly and the Senate to set up a Mediation Committee for amicable of disputes between them, by the terms of Article 113 of the Constitution. Following the decision, whenever a dispute concerning a money bill arises, a mediation Committee is established.

In the Matter of the National Land Commission [2015] eKLR, the Court acknowledged institutions crafted under the Constitution, must not run contrary to the general remit of the functions of Chapter 15 of the Constitution. It affirmed the independence of the Ministry of Lands and the National Land Commission. It asked the two institutions to work harmoniously while respecting each other's autonomy and independence. The Court directed the institutions to engage one another in good faith and to seek mutual understanding. It emphasised on the principle of comity of state institutions.

In Re Speaker, County Assembly of Embu [2018] eKLR, the Court advised on the process of filling the position of Deputy Governor, upon a vacancy arising as a result of the removal of a County Governor through impeachment proceedings, being within fourteen days of the occurrence of a vacancy in that office. In line with the recommendations of the Court, the Senate formulated the County Government Amendment Bill which requires Governors to appoint their deputies within fourteen days, in case of a vacancy.

The upshot is that the Court has undoubtedly pronounced itself on most of its jurisdictions and in so doing helped settle the law of the land with finality. In so doing, it has continued to achieve both its constitutional and statutory mandate and objectives of protecting the Constitution and sovereignty of the People and developing a rich indigenous jurisprudence.

iii. Proposed Amendments to the Supreme Court Act and the Supreme Rules; and the Development of Practice Directions and Registry Documents:

In exercise of the powers conferred by Article 163 (8) of the Constitution, the Court has continuously reviewed its rules for effective and efficient case management as listed below. To improve the registry operations, the Court developed a Registry Manual and a Service Delivery Charter.

- 1. The Supreme Court Amendment Rules, 2016 The amendments to the Supreme Court Rules, 2012, in 2016 were aimed at addressing various gaps in the Rules. For instance, to fast track the determination of cases, the amendments introduced the adjudication of all interlocutory applications by way of written submissions. The changes also sought to clarify the sittings of the Court, matters to be determined by a single Judge, the hours of lodging documents and the role of the Registrar in accepting or rejecting pleadings.
- **2.** The Presidential Elections Petition Rules, 2017 These Rules repealed the Presidential Election Petition Rules, 2013. The Rules clarified the timelines for filing documents and the manner of conducting proceedings within the 14 days provided by the Constitution.
- 3. The Supreme Court Amendment Bill, 2020 and the Supreme Court Rules, 2020 The Court proposed a Bill to amend the Supreme Court Act to align it to the Court's current practices and jurisprudence. The Bill addresses the gaps in the Act by thematically arranging the various provisions, provides for the inherent powers of the Court, the functions of the President of the Court and the procedures in deciding matters relating to a state of emergency. On the other hand, the Supreme Court Rules, 2020 comprehensively provides for the administration of the Court, clear timelines for filing documents, and exhaustive procedures for conducting proceedings. They, further, provide mechanism governing Contempt of Court.
- **4. Supreme Court Practice Directions -** The Court developed Practice Directions to ensure speedy, efficient and consistent operations at the Supreme Court. Some of the significant practice directions include documents colour codification when filing, format standardisation and pagination when presenting written submissions and list of authorities.
- **5. Transcription Guidelines –** The Court electronically records its proceedings. To improve accuracy and the quality of the transcripts and to expeditiously avail them to the Judges, the Court developed transcription guidelines.
- **6. Registry Service Delivery Charter -** The Court developed and continues to implement a Service Delivery Charter. The Charter outlines the services offered at the registry, fees and costs, and expected service delivery timelines.
- **7. Registry Manual –** The Court developed a Registry Manual to standardise the practices and procedures at the Court's registry.

iv. Enhanced Knowledge Sharing & Exchange Programme:

The Judges of the Court conducted official visits to the apex Courts in Colombia, United Kingdom and India. During these visits, they exchanged knowledge and experiences on mutual areas of interest. Moreover, the Court hosted a high-level panel of Justices drawn from different countries during the Judges' Induction session held in 2017. The Court also sustained a Law Clerks exchange programme with the Constitutional Court of South Africa. At the same time, it conducted a study tour for its registry staff to the East African Court of Justice (EACJ); the African Court on Human and Peoples' Rights; and The United Nations Mechanism for International Criminal Tribunals (formerly the International Criminal Tribunal of Rwanda).

v. Increased Knowledge Sources for the Court:

The Court strived to equip its library with new e-learning resources and enhanced the collection of Library titles.

vi. Information, Education and Communication:

The Court developed and disseminated over 5000 information, education and communication materials to members of the public and other stakeholders.

2.2 Challenges

The Court has faced the following salient challenges:

- **i. Quorum Glitches:** The Court is composed of 7 Judges, and for its proceedings, the quorum is 5. The mandatory quorum of 5 Judges remains a challenge. There are occasions where the Court is unable to raise the requisite majority for its proceedings. The problem is compounded, by the engagement of two judges as Commissioners of JSC at any given time. Consequently, the lack of a requisite quorum led to delays in clearance of cases by the Court. When one or more Judges recuses themselves or are indisposed, the quorum is negatively affected.
- **ii. Transitions at the Court:** In 2016, the Court's work was disrupted when three judges retired. The Court was left with four Judges, who could not constitute a quorum. The extended period it took to fill the vacant positions further slowed down the Court's performance.
- **iii. Strict Constitutional Timelines:** This is a challenge to the Court when hearing and determining Presidential election petitions. The Court found the 14 days within which to resolve these matters strenuous to the Judges and Staff.
- **iv. Budget Constraints:** The scaling down of the judiciary budget in the last Strategic Plan hindered the Court from achieving the targets set out in the previous Plan. The Court also had limited control over its allocated

- resources. In some instances, the resources are utilised for other activities within the Judiciary.
- v. Lack of a Supreme Court Building: The Court is housed at a building designated as a national monument. The building is shared with the Court of Appeal and the Judiciary's administration head offices. Although the extensive renovation of the building is a critical concern, because the building was built in 1935, the terms of the partnership between the Judiciary and the National Museums of Kenya have hindered the structural adjustments. Besides, the building's architecture is incapable of supporting state-of-the-art security features, installation of audio-visual recording equipment and ICT infrastructure. Consequently, the Court requires a stand-alone building, to be the principal seat of the Court.
- vi. The Court's relationship with the Judicial Service Commission: In execution of its mandate, under Articles 168 and 172 of the Constitution, the Commission has failed to show deference to the constitutional authority and independence of the Court. In the handling of complaints against Supreme Court Judges, the Commission has appeared to sit on appeal or review of the Court's decisions. Further, the undue delay in the determination of complaints against Judges of the Court has negatively impacted the operations of the Court.

2.3 SWOT Analysis

This section analyses the internal and external environment in which the Court operates. Whereas the internal environment assesses the Court's strengths and weaknesses, the external environment examines the Court's opportunities and threats.

2.3.1 Analysis of Internal Environment

The Court will seek to build on its strengths while tackling weaknesses to realise the objectives of this Strategic Plan. Table 1 summarises the internal strengths and weaknesses of the Court.

Table 1: Strengths and Weaknesses

STRENGTHS	WEAKNESSES	
 Multi-member bench. Collegiality in the Court. Predictability, certainty and consistency of the Court's decisions. Competent and professional staff. Clear Court procedures. Institutionalized performance management system. 	 Restrictive composition of 7 Judges. Inadequate library and information resources. Insufficient human resource capacity. Low levels of stakeholder engagement. Limited media engagement. Lack of financial autonomy. 	

2.3.1.1 Strengths

- i. Multi-Member Bench: The Court sits as a multi-member bench with Judges drawn from distinct professional specializations and experience in diverse areas of law. The decision-making process considers the different viewpoints, thereby enriching the pronouncements of the Court. Further, the minimum requirement of a five-judge bench lends credence to the Court's ability to provide an authoritative and impartial interpretation of the Constitution.
- **ii. Collegiality in the Court:** The Judges have a cordial working relationship and engage in a manner that respects each other's opinion.
- **iii. Predictability, Certainty and Consistency of the Court's Decisions:** The Supreme Court operates as a single bench in one location thus guaranteeing certainty, predictability and consistency of its decisions. This can be contrasted with the other superior courts, which have several stations, posing the risk of parallel or conflicting rulings by different benches of the same court.
- **iv. Professional Staff:** The employees of the Court have the requisite skills, and knowledge and experience necessary to perform their duties. This ensures efficient management of the Court's daily operations.
- v. Clear Court Procedures: Following a review of the Court's Rules in 2012, 2016, 2017 and 2020 and the development of the Court's Practise Direction in 2020, development of the Registry Manual, Filing Checklists and Service Delivery Charter, the Court has established clear and standard operating procedures.
- vi. Institutionalized Performance Management System: Since the financial year 2014/2015 the Court has institutionalized performance management by setting performance targets for the Court and the office of the Registrar. These targets were further cascaded to all staff.

2.3.1.2 Weaknesses

- I. Restrictive Composition of 7 Judges: The Court is composed of seven Judges with a quorum of five. Should one or more Judges be unavailable to sit due to a vacancy, indisposition or recusal, it is difficult to attain the Constitutional quorum of five. The responsibilities of the Chief Justice and the Deputy Chief Justice in the administration of the Judiciary, affects their day-to-day judicial duties at the Court. In addition, two judges of the Court are engaged as Commissioners of the JSC at any given time.
- **ii. Insufficient Human Resource Capacity:** The Court does not have adequate personnel to support its judicial and administrative functions. For instance, the offices of Media Liaison, Editor, Legal Counsel, Accountant, Protocol and Procurement remain vacant.
- **iii. Inadequate Library and Information Resources:** Despite effort to equip the Library, the Court lacks sufficient resource materials such as books, journals, law reports and online resources necessary for effective research.
- iv. Low Levels of Stakeholder Engagement: There was limited engagement with various stakeholders such as court users and members of the bar.
- **v. Limited Media Engagement:** The Court does not have a communication strategy for engaging the media.
- **vi.** Lack of Financial Autonomy: The Court has limited control over its allocated resources. There have been instances where the Court's limited resources have been diverted to other Judiciary activities.

2.3.2 Analysis of External Environment

The external environment is evaluated through an analysis of Court's opportunities and threats. Consequently, the Court will develop strategies that will utilize the opportunities favourable to its vision and mission and mitigate the threats. Table 2 summarizes identified opportunities and threats for the Court.

Table 2: Opportunities and Threats

OPPORTUNITIES	THREATS
 Mandate derived from the Constitution. Amendment of the Constitution. Innovations and advances in technology. Goodwill from stakeholders. Media and public interest in the decisions of the Court. Existence of a Judiciary Transformation Agenda. 	 Non-compliance with the Court's decisions and orders. Interference on the judicial independence of the Court. Budgetary constraints. Shifting public perceptions. Insecurity/Terrorism.

2.3.2.1 Opportunities

- i. Mandate derived from the Constitution: The mandate of the Court is provided under the Constitution and its objectives set out in the Supreme Court Act, 2011. Furthermore, the Supreme Court decisions are binding on all other courts.
- **ii.** Amendment of the Constitution: The envisioned constitutional amendments might provide an opportunity to address some of the identified challenges facing the Court, such as quorum glitches and stringent constitutional timelines for hearing and determination of presidential election petitions.
- **iii. Innovation and Advances in Technology:** Modern courts have integrated information and communication technologies in service delivery to enhance access to and prompt delivery of justice. This includes audiovisual recording, transcription of court proceedings and administrative systems. The Court can take advantage of these developments and emerging technologies to enhance efficiency.
- **iv. Goodwill from Stakeholders:** The goodwill from key stakeholders presents an opportunity for the Court to: mobilize support for a favourable operating environment, bridge resource gaps, build capacity, develop partnerships and collaborations and share information.
- v. Media and Public Interest in the Decisions of the Court: Matters before the Court often attract significant public and media attention which the Court can harness to inform, influence and change public discourse.

vi. Existence of a Judiciary Transformation Agenda: The Judiciary has developed various policy documents including the Judiciary Strategic Plan 2019-2023, Sustaining Judiciary Transformation and the ICT Master Plan. This provides an appropriate platform for the Court to strategically position itself in the transformation journey within a coordinated policy environment.

2.3.2.2 Threats

- i. Non-compliance with the Court's Decisions and Orders: Parties may disregard Court Orders hence undermining its authority and public confidence.
- **ii.** Interference with Judicial Independence of the Court: There is a possibility that external parties may attempt to influence the judicial independence of the Court. This is attributable to the fact that the Judiciary has not fully achieved its operational and financial independence yet.
- **iii. Budgetary Constraints:** Allocation of financial resources to the Judiciary is dependent on the decisions of the National Assembly. To this end, the National Assembly may disregard or fail to take full considerations of the judiciary budgetary estimates. The trend shows that the allocation of funds is way below the budgetary requirements by the Judiciary, which affects the Court's budget.
- **iv. Shifting Public Perceptions:** The decisions made by the Court under different prevailing political or socio-economic circumstances may be misconstrued negatively, therefore affecting the public trust and confidence.
- **v. Distortion of Facts:** Misrepresentation of facts in the social media has led to unwarranted vilifications of the Court.
- vi. Insecurity and Terrorism: Security of the court building as well as personal safety of the Judges and staff of the court is paramount. The building where the Court is housed is inadequately secured. It lacks the necessary policies on the requirement security personnel and equipment to assess access to the court building including non-working hours. The Court is therefore an easy target for persons with criminal intent including terrorists.

2.4 PESTEL Analysis

A PESTEL analysis is an assessment in which political, economic, social, technological, environmental and legal factors are examined to chart an organization's long-term plans. Table 3 summarises significant factors that may affect the operations of the Court.

 Table 3: The Court's PESTEL Analysis

CATEGORY	ISSUE	EFFECT
Political	 Political goodwill in the implementation of the Constitution Disregard for the rule of law Terrorism, wars and conflicts Elections and political trends Change of government Political influence and interference 	 Causes uncertainties that hamper the Court's administration of justice Determines the level of citizens' access to the courts Determines government policies Disrespect for court decisions. Undermines separation of powers, justice and judicial independence
Economic	 Economic trends Economic inequalities and widespread poverty Disposable income Unemployment 	 Impacts on resource allocation to the Court Effects access to justice and the cost of Court administration. Influences the Cost of legal representation

CATEGORY	ISSUE	EFFECT
Social	 Ethnic and cultural diversity Existence of minorities, special interest groups and marginalized communities 	 Increases demand to improve and expand services Increases demand for institutional accountability High poverty levels. Adverse effects on the productive population
	Literacy levels	 Affects participation in decision- making and the ability to participate in governance and agitation for constitutional rights.
	■ Corruption	 Excludes segments of the society from their rightful access to fair and effective judicial services. Affects fairness and impartiality
	Population growth rate	 Increases demand for implementation of constitutional rights particularly socio-economic rights
Technological	 Rate of technological change and innovation. Level of technology infrastructure 	 Enhances expeditious delivery of justice Increases timely dissemination of relevant information. Reduces operational costs Enhances public participation Enhances quality of research
Environmental	PollutionRenewable energy	 Cost of sustainable business practices (e.g. use of renewable energy)

CATEGORY	ISSUE	EFFECT
Legal	 Constitution of Kenya 2010 Supreme Court Act Rules and procedures of the Court Court Directions Appointment of Judges 	 The mandate of the Court Independence Technical nature of court processes hinders access Promotion of ADR and alternative justice systems. Public confidence

2.5 Stakeholder Analysis

Stakeholders are individuals, groups, organizations and institutions that have an interest in or are impacted by the Court's activities. An analysis of the stakeholders was undertaken to outline their expectations and to highlight their role in assisting the Court to realize its' mandate. The analysis will aid in the design of appropriate strategies and approaches for stakeholder engagement as well as identifying opportunities and relationships to build upon during the implementation period. It will also form the basis of the Court's Service Delivery Charter. Table 4 provides a summary of the stakeholder analysis.

 Table 4: Stakeholder Analysis

STAKEHOLDERS	STAKEHOLDER EXPECTATIONS	SUPREME COURT EXPECTATIONS
Supreme Court Judges	 Provide mechanisms to enhance the Judge's knowledge and skills Ample working environment Efficient discharge of administrative and judicial duties 	 Uphold Constitutionalism and the rule of law in exercising judicial power Enhance integrity, professionalism Provide leadership
Members of staff	 Facilitate professional development Teamwork Conducive working environment Reward and recognition 	 Enhance professionalism Maintain the commitment to the administration of justice Uphold Public service values and principles Enhance customer focus
Other courts and Tribunals	 Robust jurisprudence Purposeful engagement in judicial dialogue and activities Sharing of relevant information 	 Enrich purposeful engagement in judicial dialogue and activities Boost sharing of relevant information Heighten adherence to its precedents
Office of the Chief Registrar	 Develop and implement operational plans Prudent use of resources Timely reporting 	 Improve administrative support

STAKEHOLDERS	STAKEHOLDER EXPECTATIONS	SUPREME COURT EXPECTATIONS
Judiciary Training Institute (JTI)	 Implement lessons learnt from training programmes Sharing of relevant information 	 Enhance the capacity of the Court Develop curriculum that meets the needs of the Court
Judicial Service Commission	 Implement JSC policies Professionalism Adopt principles of good corporate governance. 	 Promote independence and accountability of the Court Strengthen, motivate and create conducive working environment Provide policy leadership and direction Enhance the Court's capacity Create transparency and competitiveness in appointments
Litigants	 Fairness and impartiality in decision-making. Efficient and effective case management Expeditious disposal of cases Transparency and accountability Professionalism Sensitization on Courts procedures and processes 	 Enhance compliance with Court procedures Abide by the Court's decisions and orders

STAKEHOLDERS	STAKEHOLDER EXPECTATIONS	SUPREME COURT EXPECTATIONS
National & County Governments	 Interpret the law and facilitate national development agenda. Prudent use and accountability for allocated resources Respect for separation of powers Communication of Court decisions Sharing of relevant information 	 Improve participation in developing appropriate policies Provide requisite resources Implement Court orders Increase the observance of the rule of law Promote respect for separation of powers Strengthen adherence to Court orders
Parliament	 Interpret the Constitution Communicate the Court's decisions Respect for separation of powers Prudent use and accountability for allocated resources 	 Enact enabling legislation Provide checks and balances (oversight) Allocate adequate resources Respect for separation of powers Protect and respect the independence of the Court
Civil Society	Interpret the ConstitutionCommunication of Court decisions	 Public interest litigation Abide by the decisions of the Court Create awareness on the role of the Court

STAKEHOLDERS	STAKEHOLDER EXPECTATIONS	SUPREME COURT EXPECTATIONS
Media	 Transparency in conducting Court processes. Sharing of relevant information Provide rules of engagement 	 Fair and objective reporting Uphold professional standards and ethics
Academia/ Research Institutions	Sharing of relevant informationStrategic partnerships	 Conduct scholarly discourse on the Court's decisions Dissemination of Information Conduct of research
Public	 Uphold Constitutionalism and the rule of law in the exercise of judicial powers Avail simplified versions of Court decisions for wider and easier dissemination Transparency and accountability Build public trust and confidence in the Court 	 Informal watchdog Comply with and respect the Court's decisions

STAKEHOLDERS	STAKEHOLDER EXPECTATIONS	SUPREME COURT EXPECTATIONS
Development partners	 Implement projects according to the approved work plans Timely reporting Accountability 	 Technical and financial support
Law Society of Kenya	 Effective and efficient case management Sharing of relevant information Publish Court decisions Transparency and accountability Strategic partnership, e.g. development of rules of procedure 	 Advising clients on their legal rights and obligations and representing their clients in court Upholding professional standards and ethics Offer free legal services to indigent litigants Comply with and respect Court orders
Regional and International Courts	Share relevant informationShare best practices	Share best practicesProvide benchmarking opportunities
National Council for Law Reporting	Avail timely Court decisionsStrategic Partnership	 Publish and disseminate decisions of the Court
National Council for Administration of Justice	 Establish Court users Committee 	 Review legal and policy frameworks for justice sector Operationalise Court Users Committee Mobilize resources for the administration of justice.

Chapter 3Strategic Direction

3.0 Introduction

This Chapter presents the key areas of focus for the Court for the strategic plan period. It identifies 5 Key Result Areas namely; Enhanced Access to and Expeditious Delivery of Justice; Knowledge Management and Enhanced Jurisprudence; Entrenched Transparency, Accountability and Integrity; Strengthened Institutional Capacity and Independence; and Enhanced Court Identity and Public Awareness. The KRAs as well as the Strategic Objectives, Strategies and interventions are informed by the background and situational analysis discussed in the previous chapters.

3.1 KRA 1: Enhanced Access to and Expeditious Delivery of Justice

Pursuant to Article 48 of the Constitution of Kenya 2010, the Court shall ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to justice. Further, the Court endeavours to ensure that justice is not delayed, and is administered without undue regard to procedural technicalities. To achieve this, the Court intends to make proposals for constitutional amendments to extend timelines for hearing and determining presidential election petitions and to increase the number of Judges of the Court. Subsequently, the Supreme Court Act and relevant Court Rules will be reviewed to address any emerging gaps.

To enhance access to its services and ease the filing processes, the Court will establish 2 sub-registries and implement a case management system that incorporates electronic filing. The use of ICT to expedite delivery of justice through implementation of timely and accurate Court transcription, upgrading audio-visual recording systems and development of transcription guidelines, will be prioritised.

During the period, a second courtroom will be refurbished to accommodate more sittings. Quarterly meetings will be scheduled to engage court users' and key stakeholders on various relevant issues of the Court. The Court will also maintain a customer care desk to address the court users' enquiries and concerns. The key interventions towards enhancing access to and expeditious delivery of justice are shown in Table 5.

Table 5: Summary of strategies and interventions to enhance access to and expeditious delivery of justice.

STRATEGY	KEY INTERVENTIONS	
Strategic Objective 1: Efficient and expeditious delivery of justice		
1. Implement constitutional amendments to enhance the Court's capacity	 Propose constitutional amendment to increase the number of Judges to 9 Propose constitutional amendment to extend the timelines for the determination of presidential election petitions 	
2. Implement statutory amendments to enhance case management	 Amend the Supreme Court Act to align it to the Constitution and Court decisions Review and amend Supreme Court Rules and Presidential Election Petition Rules to address gaps in case management and the conduct of proceedings Develop and operationalize Court Practice Directions for speedy, efficient and consistent service delivery 	
3. Implement a Case Management System	 Utilise case tracking system to monitor status of cases Operationalise electronic receipting for fees and costs Adopt electronic filing of pleadings Upgrade and utilise recording and transcription equipment Implement recording and transcription guidelines Procure speech to text devices 	
4. Engage justice system actors	Operationalise Court Users Committee (CUC)Operationalise Bar Bench Committee	
Strategic Objective 2:	mprove access to the Court	
Reduce distance to Court	 Establish sub-registries in 2 major towns Implement an electronic filing system 	
2. Facilitate access to justice	 Implement pro-bono and pauper brief schemes Review Court fees and costs Refurbish additional courtrooms 	

3.2 KRA 2: Knowledge Management and Enhanced Jurisprudence

Competent and knowledgeable human resource is imperative for the Court to effectively execute its mandate. The unique skills, knowledge, competencies and expertise of the Judges should be continuously developed and managed. Similarly, the rich knowledge and expertise of Judges should be harnessed and preserved.

In this Plan, the Court seeks to enhance skills and capacities of Judges through provision of Continuing Professional Development (CPD) programmes. The Judges will be facilitated to interact and share experiences with Judges from other jurisdictions and experts on diverse subjects.

The Court also intends, to establish collaborations with academia such as universities and other educational institutions. Through such partnerships, the Judges will participate in conferences and workshops on topical issues thereby extending their knowledge on different issues. Moreover, a moot court program for students will be initiated and Judge-Law Clerk mentorship guidelines developed.

Further, the scope of reference material in the in the Supreme Court library will be expanded and diversified through purchase of additional library materials and subscriptions to additional online resources. The library management guidelines will also be implemented to improve the organisation of the Library. This will also include placing custodial and security measures concerning the Library and the materials therein.

To enhance access to its decisions, the Court will develop a database of all its Rulings, Judgments and Advisory Opinions. All resource materials generated by the Judges such as research papers, articles, speeches and conference presentations will be documented and preserved for posterity. The key interventions towards knowledge management and enhancement of jurisprudence are shown in Table 6.

Table 6 Summary of strategies and interventions on Knowledge Management and Enhancement of Jurisprudence

STRATEGY	KEY INTERVENTIONS
Strategic Objective 1: T	o enhance the skills and competence of Judges
1. Enhance the Judges skills and expertise.	 Conduct capacity building needs assessment of Judges Develop a Continuing Professional Development (CPD) programme for Judges
2. Promote knowledge and experience sharing	 Hold forums with legal experts on topical issues Organise Inns of Court for Judges and senior members of the Bar Undertake benchmarking at regional and international courts Promote engagement with superior Courts
	To enhance research, strengthen and manage library and nformation services
3. Promote partnerships in research	 Establish partnerships with academic institutions Undertake collaborative research with other relevant institutions and courts Create a professional development fund to, among others, support authorship and publications by Judges
4. Strengthen Library Services	 Update and expand library reference materials Establish linkages between the Court's library and other libraries Implement a Library Management System and guidelines Implement an RFID Tagging System

5. Enhance information management	 Create a database of all Court decisions. Create a repository of all presentations, speeches and papers/presentations by Judges and other relevant speakers Develop a compendium of retired and former Judges' work and profiles Promptly publish Court case digests
To entrench mentoring	and peer review programmes
1. Implement mentoring and peer review programmes	 Conduct Judges' fora to build collegiality and bonding Establish a Judge-Law clerk mentorship guideline Establish a Moot Court program with law faculties Develop a legal internship programme

3.3 KRA 3: Entrenched Transparency, Accountability and Integrity

Transparency, accountability and integrity are among the key tenets of good governance, which the Court endeavours to adhere to, and promote in order to enhance public opinion and confidence. To attain this, the Court will develop and implement a distinct mechanism for reporting and handling of complaints from members of the public. It will also develop and implement complaint-handling guidelines and an online complaint reporting tool. Complaint boxes will be installed at prominent and strategic locations to enable court users to report malpractices in the court.

Corruption risk assessment will be prioritised to identify corruption prone areas and consequently inform implementation of specific strategies aimed at forestalling the vice. The Court will promote integrity and ethics among its officials through regular sensitisation of judges, judicial officers and staff on their various codes of conduct. In addition, a code of conduct for Law Clerks will be developed to addresses issues concerning conflict of interest, confidentiality, and interaction with litigants. It will also reinforce the values of integrity, impartiality and political neutrality.

The Court has institutionalised a performance management system, where targets for the Court and the Office of the Registrar are set and cascaded to all staffing levels, an initiative that has improved transparency and accountability at all levels. During the strategic plan period, the system will be sustained through regular appraisal of the Court and its staff through routine collection and analysis of both case and administrative data. The Court will leverage on the Judiciary integrated Performance Management and Appraisal System (JIPMAS) modules to automate the performance management.

Regular monitoring of this plan will be conducted and status reports submitted to the Court for necessary action. An appropriate reward and incentive scheme will be developed and rolled out to motivate innovation and encourage exemplary performance by staff. The Strategies and key interventions to enhance entrenched transparency, accountability and integrity are shown in Table 7.

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Table 7 Summary of strategies and interventions to enhance entrenched transparency, accountability and integrity

STRATEGY	KEY INTERVENTIONS
Strategic Objective 1:	Enhance ethics and integrity
1. Strengthen mechanisms for reporting and handling of complaints	 Develop and implement complaints handling guidelines Install complaint boxes at strategic locations Develop and implement an online complaint reporting tool Ensure compliance with the service delivery charter
2. Strengthen frameworks for ethics and integrity	 Conduct corruption risk assessment Sensitise Judges and staff on the Judiciary Code of Conduct and the Code of Conduct and Ethics for Public Officers respectively Develop and implement the Law Clerks Code of Conduct
Strategic Objective 2:	To sustain and improve performance management initiatives
3. Implement performance management and measurement	 Implement and enforce annual performance targets for the Court and office of the Registrar Cascade targets through staff performance appraisal tools Implement JIPMAS modules
4. Strengthen performance monitoring and evaluation	 Prepare quarterly strategic plan implementation reports Develop a reward scheme for best performing staff

3.4 KRA 4: Strengthen Institutional Capacity and Independence

To efficiently execute its mandate, judicial and administrative independence is paramount. There has been increasing incidences of parties and institutions disregarding court orders thereby demeaning the authority of the Court. The Court intends to ensure compliance with its Decisions through proposing amendments to the Supreme Court Act and Rules on the provisions for contempt of court. Peer engagements and consultative forums with judges of the superior courts will also be embraced to foster adherence to the doctrine of stare decisis. Further, the Court will engage the JSC on the development and implementation of Rules of Procedure to guide the hearing and determination of complaints against Judges of the Court.

During the strategic plan period, the Court will formally request for designated finance and procurement officers who will be permanently stationed at Court to exclusively manage the Court's resources. Appropriate partnerships and collaborations, with a view to widen and diversify its resource base, will be pursued during the strategic period.

The Court also plans to engage the JSC to recruit designated technical staff including ICT, accounts, human resource management, procurement, media personnel and legal counsels to enhance its capacity. The Court will also seek to be actively involved in the recruitment of its law clerks.

To attract, retain and motivate staff, the Court will establish optimal staffing levels, guided by a Staffing Needs Assessment, develop an incentive framework to enhance staff retention and develop skills and competences of its staff. Further, opportunities to judicial officers and staff to undertake relevant and specialized courses in management and various technical fields will be availed.

This Plan recommends acquisition of an ultra-modern Supreme Court Building that will not only address the physical infrastructure needs of the Court but also provide a safe and secure working environment. In the meantime, the existing Judges' chambers, offices and facilities will be renovated and expanded. Security risk assessment will be undertaken to ensure implementation of appropriate safety measures for Court. Adequate security staff will be engaged, and biometric systems installed for controlled access to chambers, offices, registry, library, archives and courtrooms.

The Court will, through consultations with relevant authorities, propose the creation of a Court police unit based within the Court premises. The unit will adequately secure the Judges, staff, Court premises and court users, who are a prime target for terrorism and other security threats. The strategies and key interventions to strengthen institutional capacity and enhance independence are shown in Table 8.

Table 8 A summary of the Court's strategies and key interventions to strengthen institutional capacity and enhance independence.

STRATEGY	KEY INTERVENTIONS
Strategic Objective 1: E	nhance the Court's Independence and Autonomy
1. Enhance the Court's judicial independence and autonomy	 Propose amendments to the Supreme Court Act and Rules on contempt of court procedural rules Hold peer engagement and consultative forums with Judges of the superior courts Engage JSC to enact, adopt and implement rules of procedure for hearing and determination of complaints against Judges of the Court
2. Enhance the Court's Administrative, independence and autonomy	 Designate finance and procurement officers to manage Court resources Designate technical staff to be permanently deployed to the Court Engage relevant stakeholders on consulting prior to redeployment of technical staff Involve Judges in the recruitment of law clerks Engage the relevant stakeholders to secure financial autonomy of the Court Diversify resource base through collaborations and partnerships Engage stakeholders on the establishment of a Court police unit
Strategic Objective 2: To attract, retain and motivate staff	
Establish optimal staffing levels	 Conduct a Staffing needs assessment and implement its recommendations
2. Enhance staff skills and competence	 Conduct training needs assessment and implement annual training programs Identify and implement relevant skills exchange programmes

4	2
-	_

3. Support judges, judicial officers and staff professional development	 Support Judges, Judicial officers and staff subscription to professional bodies Build Judges, Registrars and staff skills on leadership and management Conduct continuous training for Judges, Judicial officers and staff on ICT applications and systems
Strategic Objective 3: T	o provide a safe and conducive work environment
Provide adequate working space	 Acquire a standalone Supreme Court building Renovate and expand chambers, additional Courtrooms, registry, archiving, and office spaces
Provide sufficient working equipment and tools	 Procure computers and accessories for Judges, Judicial officers and staff Install reliable internet connectivity in courtrooms and offices Provide Virtual Private Network (VPN) in all Courts, chambers and offices
3. Enhance security of Judges and staff	 Conduct security risk assessment and implement recommendations Engage relevant stakeholders for provision of adequate security staff for the Court Install controlled access systems at the entrance to the Court offices, chambers, registry, archives and library

3.5 KRA 5: Enhance Court Identity and Public Awareness

The Court's ability to effectively perform its functions is impacted by the levels of public trust. Public perception of the Court is influenced by how well the public awareness of the Court's mandate and operations. The Court operates under the realm of the Judiciary and therefore perceptions about the Judiciary and the justice system have a bearing on the Court. Changes in social networking and communication will continue to play a key role in how the Judiciary is portrayed, and viewed by members of the public. In the Strategic period, the Court seeks to build its identity, raise public awareness and confidence.

The Court will develop a communication strategy to improve its engagement with stakeholders, public and media through open and transparent communication, education, and awareness programs. A Court Media Liaison Office will be established to act as a link between the Court, the media and the public to ensure information is complete, accurate, and timely.

Awareness and education fora will be held to sensitize the public on the Court's operations and activities. The Court will create official social media networks to proactively communicate the Court operations, programs, and initiatives. Regular customer satisfaction surveys will be conducted to provide feedback to the Court. Finally, Corporate Social Responsibility activities will be identified and regularised in the Court calendar as way of giving back to the community. The strategies and key interventions to enhance Court identity and public awareness are shown in Table 9.

Table 9 A summary of the Court's strategies and key interventions to enhance Court identity and public awareness.

STRATEGY	KEY INTERVENTIONS		
Strategic Objective 1: To enhance awareness and the Court identity			
1. Improve publicity of the Court	 Introduce periodic circuit sittings outside Nairobi Produce and disseminate information, education and communication material Develop and disseminate the Court's corporate materials Conduct public awareness and training forums to sensitize the public on the Court's mandate, procedures and operations 		
Promote corporate social responsibility	 Identify and conduct corporate social responsibility activities 		
Strategic Objective 2:	To enhance communication platforms and public confidence		
3. Enhance external communication	 Develop the Court's communication strategy Establish the Court's communication's office Conduct stakeholder engagement for a 		
4. Strengthen public feedback mechanisms	 Develop and update the Court's content on the Judiciary website Establish and operationalize official social media (e.g. Face book and Twitter) platforms. Conduct customer satisfaction surveys in collaboration with DPOP 		

Chapter 4

Implementation and Co-ordination

4.0 Introduction

This Chapter outlines the prerequisites for the successful implementation of the Plan. It includes an optimal organization structure and staff establishment, financial resource requirements and mobilization strategies, cascading of the Strategic Plan, ownership and distribution of roles, risk analysis and mitigation.

4.1 Optimal Organization Structure

The successful implementation of this Plan is predicated on the availability of the right complement of human resource capacity. An evaluation of the current Court structure reveals skill gaps and vacancies that need to be addressed. A review of the structure should therefore be prioritised from the outset during implementation of the plan.

An analysis of the Court's internal environment identified the need to enhance linkages with the media and the public to ensure that information from the Court is complete, accurate and timely. In this regard, the Plan proposes the establishment of a Communication and Protocol Office within the first year of its implementation. This office will be staffed with media experts and protocol officers. The media personnel will be responsible for providing a continuing program of information to the public and the media concerning the decisions and operations of the Court. This includes issuing daily announcements of Court decisions, providing summaries of Court opinions, managing dissemination of Court publications, and maintaining the Court's website. In addition, this office will be the primary point of contact for media inquiries to and from the Court and will be charged with notifying the media of its actions, explaining procedural and administrative matters, facilitating greater understanding of the Court and the Kenya judiciary. The Protocol Officers will be expected to facilitate the Judges' participation in official functions, scheduling of events and attending to all local and foreign travel arrangements.

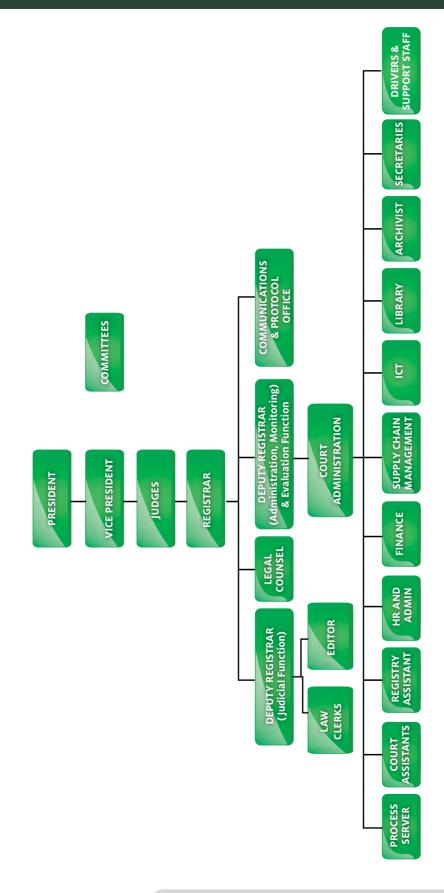
As the volume of Court work increases, the role of technical editors will be crucial in ensuring that judgments, rulings and opinions from the apex Court meet the highest editorial standards. Consequently, the Plan proposes establishment of an Editorial Office to support the judges in achieving editorial perfection.

The Plan also proposes establishment of the Office of Legal Counsel to oversee the legal, legislative, and policy functions of the Court. The Office will take charge of general legal matters affecting the Judges of the Court and also participate in drafting and reviewing of the Supreme Court Act, Rules and Practice Directions. Additionally, the Office will oversee and

coordinate legal research as required or commissioned by the Judges. It will work with relevant government offices and outside counsel to manage litigation brought against the Court.

To ensure efficiency in Courts operations, existing vacancies of Deputy Registrar (administration) and Law Clerks as well as new offices established by the Judiciary Organizational Review Report launched in 2018 which includes Human Resource & Administration, Accounts and Supply Chain Management under the Office of the Registrar should be filled. This is in addition to fulltime deployment of officers currently on seconded to the Court. The proposed optimal organogram is as indicated in Figure 2.

Figure 2 - The Court proposed optimal organogram



4.2 Staff Establishment

The total number of personnel currently at the Court is 55, namely 7 Judges, 1 Registrar, 1 Deputy Registrar, 8 Law Clerks, 1 Court Administrator, 13 Secretaries, 1 Librarian, 1 Archivist, 1 Process Server, 1 ICT Officer, 3 Support Staff, 3 Court Assistants, 3 Registry Assistants, 4 Hospitality Staff, 2 Drivers and 5 Bodyguards. To optimally function, the Plan proposes a new staff establishment (as outlined in Table 10) which is informed by the duties and responsibilities assigned to the President and Vice President of the Court and support services required by the office of the Judges.

i. Office of the President of the Supreme Court

- 2 Law Clerks
- 2 Secretaries
- 1 Court Assistant
- Security detail, Drivers and Support Staff as provided by the Judiciary

ii. Office of the Deputy President of the Supreme Court

- 2 Law Clerks
- 2 Secretaries
- 1 Court Assistant
- Security detail, Drivers and Support Staff as provided by the Judiciary

iii. Office of the Judge of the Supreme Court

- 2 Law Clerks
- 1 Secretary
- 1 Court Assistant
- 1 Support Staff
- 1 Driver
- 1 Bodyquard

4.3 Financial Resource Requirements

The total projected funding for the Strategic Plan is Kshs. 1,522 million as indicated in Table 11.

50

Table 10: Proposed Staff Establishment for the Supreme Court

SNO.	CADRE	IN-POST	PROPOSED	VARIANCE
1.	Judges	7	7	-
2.	Registrar	1	1	-
3.	Legal Counsel	О	1	1
4.	Deputy Registrars	1	2	1
5.	Editor	О	1	1
6.	Law Clerks	8	16	8
7.	Court Administrator	1	1	-
8.	ICT Officers	1	3	2
9.	Media Liaison Person	О	1	1
10.	Supply Chain Management Officer	0	1	1
11.	Accountant/ Finance Officer	О	1	1
12.	Cashier	О	1	1
13.	Secretaries	13	13	-
14.	Court Process Servers	1	2	1
15.	Court/ Registry Assistants	6	9	3
16.	Librarians	1	2	1
17.	Human Resource and Administration Officer	0	1	1
18.	Hospitality/ Support Staff	7	7	-
19.	Archivists	1	1	-
20.	Drivers (SCOK)	2	3	1
21.	Protocol	О	1	1
22.	Body Guards	5	7 (Two for the Court)	2
23.	Total	55	82	27

Table 11: Proposed required funding for the Supreme Court

	2020-2024 (Kshs. Millions)					
KRAs	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	TOTAL
KRA 1	19.8	11.3	8.3	8.3	8.3	56
KRA 2	35.4	62.4	37.9	40.4	40.4	216.5
KRA 3	12.4	3.4	5.4	2.9	5.4	29.5
KRA 4	37.2	21.2	1026.2	61.7	26.2	1172.5
KRA 5	8.8	8.8	13.3	8.3	8.3	47.5
Total	113.6	107.1	1091.1	121.6	88.6	1522

4.4 Resource Management

The Court will ensure prudent utilisation of its limited resources. Logical sequencing, harmonization and prioritization of activities at the planning and implementation stages as well as continuous monitoring will provide value for money. Collaborative initiatives and sharing of best practices within the Judiciary will also be encouraged.

4.5 Development Partners' Support

To supplement and complement the allocated resources, the Court will leverage on cordial relations with, and goodwill from its development partners to support the implementation of critical programs and projects. Strategies to attract technical and financial support from development partners will be explored through funding proposals and engagement with potential partners.

4.6 Sequencing and Collaborative Efforts

Activities in the Strategic Plan have been prioritized and staggered across the implementation period. Care will be taken to minimize duplications and overlaps through logical sequencing, harmonization and prioritization of activities at the planning and implementation stages as well as continuous monitoring will provide value for money. Collaborative initiatives and sharing of best practices within the Judiciary will also be encouraged. The Court will work closely with other courts and administrative units within and outside the Judiciary in areas where such collaborations facilitate the achievement of its strategic objectives.

4.7 Cascading the Strategic Plan

Annual Work Plans, Performance Management and Measurement Understandings (PMMUs) and individual staff Performance Appraisal System (PAS) will be used to cascade the targets in this Strategic Plan. The Annual Work Plans will inform the budgeting process and allocation of required resources for implementation of the plan. The Court will sign annual PMMUs with the Chief Justice while the Court staff will set and sign individual targets in line with the Plan.

- i. The Roles of the Chief Justice and the Deputy Chief Justice: The Chief Justice, as head of the Judiciary, will provide the overall strategic direction for the Court to achieve its vision and mission by: spearheading the presentation and acceptance of the Strategic Plan to the Government and stakeholders; mobilizing and lobbying for resources from Government and development partners; engaging and marshalling support of JSC in achieving the objectives of the Plan; and leading the Court to take up the initiatives proposed in the Strategic Plan. In playing these roles, the Chief Justice will be supported by the Deputy Chief Justice as provided in the law.
- **ii.** The Role of the President and Vice-President of the Court: In addition to their roles above, as President and Vice-President of the Court, the two offices shall lead the Court in implementing the Plan. They may delegate this responsibility and duty to a Judge of the Court.
- **iii.** The Role of the Supreme Court Judges: The duties of the Judges shall include: supporting the President and the Vice-President in implementing and coordinating the Strategic Plan; executing delegated responsibilities within the framework of the Plan; leading standing committees and participating in ad hoc committees and assigned portfolios; and leveraging on individual networks to support the Plan.
- iv. The Role of the Judicial Service Commission: The JSC will ensure that the Court has optimal human resource for the realisation of this Plan by promptly recruiting Judges and staff of the Court when vacancies arise. It will also lobby for constitutional amendments to increase the number of Judges of the Court and timelines for the hearing and determination of presidential election petition. It shall facilitate and spearhead the realisation of the Court's independence and autonomy.
- v. The Role of the Chief Registrar of the Judiciary: As the chief administrative officer of the Judiciary, the Chief Registrar will: facilitate acquisition of resources for purposes of achieving the objectives of this Plan; lobby the government for financial resources; ensure optimal staffing; and promote the Court's linkages with various Court Registrars and Directorates.
- **vi. The Role of the Registrar of the Supreme Court:** The Registrar shall be responsible for: sensitizing the staff and other stakeholders on the Plan; identifying funding, staffing, infrastructure and capacity building

needs, necessary for the implementation of the Plan; monitoring progress of activities and ensuring achievement of set targets; budgeting and formulating work plans and generating proposals for resource mobilisation; cascading plans through PMMU and PAS; preparing and presenting regular implementation reports; and acting as the link between the Office of the Chief Registrar and the Court.

- **vii.The Role of the Deputy Registrar:** The Deputy Registrar shall support the Registrar in the implementation and coordination of the Plan; through execution of delegated responsibilities within the framework of the Strategic Plan.
- viii. The Role of all Units and Sectors within the Supreme Court: All units within the Court shall: endeavour to understand the vision and mission of the Court; and efficiently and effectively implement all the activities assigned to them as per the Plan.

4.8 Risk Analysis and Mitigation

A proactive approach to strategic risk management is essential in anticipating and mitigating potential risks that could impede the realisation of this Plan. These have been as set out in Table 13.

Table 12- Risk Analysis and mitigation

RISK	IMPACT	MITIGATION
Inadequate funding	Some of the activities may not be accomplished due to lack of funds	 Robust resource mobilization to ensure support from the Government of Kenya and development partners
Reliance on shared staff from the Directorates in the performance of administrative duties	Inefficiencies in daily administrative operations of the Court	 Lobby the Chief Registrar Judiciary for permanent engagement of staff in all sections of the Court. Pursue deployment of staff in administrative units
Non-adherence and disregard for Court orders	Reduced public confidence	 Active stakeholder engagement
Legal challenges associated with adoption of ICT such as electronic-filing	Continued reliance on manual processes and procedures, hence delays in dispensing justice	 Lobby for enactment of enabling legislation Consultations/ involvement of stakeholders
Rapid changes in technology	Obsolete technology	 Keep abreast with and adoption of new technologies Continuous training on ICT
Low utilization of available technology by Judges, Judicial Officers and staff	Inefficiencies in Court operations	Ongoing training on ICT

E	E

RISK	ІМРАСТ	MITIGATION
Limited office space impeding the expansion of chambers, courtrooms and administrative offices	Constraints to the operations of the Court	 Optimal utilization of available space Refurbishment and construction of additional office space
Arbitrary reallocation of Court's budget to activities outside the	Non- implementation of planned activities	 Insistence and sensitisation on autonomy of the Court's funds

Chapter 5

Monitoring, Evaluation and Reporting

5.0 Introduction

This Chapter outlines the framework that will be instituted to ensure that the Strategic Plan is implemented according to schedule and in the event of any deviations; appropriate and timely action is taken. It is envisaged that continuous monitoring and periodic evaluation evaluations will be undertaken.

5.1 Implementation Framework

Achieving the objectives set forth in this Plan can only be accomplished through effective implementation under the leadership of the President of the Court who will oversee adoption of reform policies as well as provide overall supervision and oversight process. The Registrar of the Court will be responsible for monitoring, evaluation, reporting and oversight of the management activities.

5.2 Monitoring the Implementation of the Strategic Plan

Monitoring will involve collecting and analysing information relating to various indicators in the implementation matrix of the Plan. This will be done through daily supervisory activities, management meetings and annual performance reviews. The results from the analysis will be used to inform decision-making and corrective actions where deviations in implementation have been noted. Activities that require re-scheduling or revision of targets will be adjusted in line with the strategic objectives of the Plan.

5.3 Evaluation of the Strategic Plan

Implementation of the Plan may be affected by changes in the Court's external environment and client needs. In this regard, the Plan will be subjected to periodic systematic evaluations to ensure that objectives, strategies and activities are consistent with the Courts vision, mission and core values. Three major evaluation activities, namely, mid-term evaluation, ad hoc evaluation and end-term evaluation, will be provided for during the Plan period.

5.3.1 Mid-term Evaluation

Mid-term evaluation will be undertaken during the third year of implementation and will seek to establish whether or not the goals and objectives set out in the Plan are being achieved. This will entail examining internal and external changes, which may necessitate adjustments to strategies or affect their accomplishment. The evaluation will answer the following critical questions:

i. Whether the objectives will be performed according to the timelines specified in the Plan.

- ii. Whether there are adequate resources to achieve the objectives.
- iii. Whether the goals and objectives remain realistic. and
- iv. Whether the goals should be adjusted.

5.3.2 Ad-hoc Evaluation

Ad-hoc evaluations will be conducted in case of a fundamental change in the policy and operating environment of the Court, which may require a review of the Key Result Areas, objectives and strategies in the Plan. The evaluation may also be necessitated by significant and unexplained deviations between the planned and achieved targets. Such variances will be identified through regular quarterly and annual reports.

5.3.3 End-term Evaluation

The end-term evaluation will be conducted at the end of the Strategic Plan period. It will involve evaluating the relevance, effectiveness, efficiency, impact and sustainability of the activities, projects and programmes in the Plan. The achievements, challenges, lessons learnt, and recommendations made will inform the next strategic planning cycle.

5.3.4 Reporting

Monthly, quarterly, bi-annual and annual progress reports on achievement of key indicators identified in this Plan will be prepared. The Registrar will submit these reports together with annual action plans to the President, Vice President and Judges of the Court.

Key progress reports will include quarterly performance reports to the Judiciary management. In some instances, progress reports for specific activities will be prepared as indicated in the implementation matrix. The salient reports to be prepared include:

- i. Periodic Court Statistics Reports
- ii. Annual Work Plans
- iii. Annual Procurement Plans
- iv. Budget utilization/absorption Reports
- v. Annual Performance Standards and Targets
- vi. Staff Performance Appraisals
- vii. Management Reports
- viii. Term Reports
- ix. Strategic Plan Review Reports

Lessons from monitoring and evaluation will be used to improve implementation of current and future planning activities, and also improve future monitoring

and evaluation efforts. The success of this Plan will be achieved through the commitment and diligence of the Judges, Judicial Officers, the Court staff and relevant stakeholders.

5.3.5 Financing of Monitoring and Evaluation

Monitoring and evaluation activities will be financed through budget lines in the overall Court's Budget.

APPENDICES

IMPLEMENTATION MATRIX

Responsibility			PSC	SS	RSC	RSC	RSC C	RSC
Estimated Cost	(Kshs' Million)		~	-	-	-	7	0.5
	2024/25		0	0	0	0	~	0
	2023/24		0	0	0	0	0	0
Target	2022/23		0	0	0	0	0	0
	2020/21 2021/22 2022/23 :023/24		0	0	0	0	0	0
	2020/21		_	~	_	-	~	-
Target for 5	years	9	-	-	-	-	7	-
Baseline 2019/20		i divery of list			-	-	-	0
Key Indicator		elivery of Justice	Report	Report	Report	Gazetted Rules	Gazetted Rules	Gazetted Practice Directions
Output		Expeditious Do	Legislative Amendment Proposal	Legislative Amendment Proposal	Act Act	Supreme Court Rules amended	Presidential Election Petition Rules amended	Practice Directions
Activity		KRA 1: Enhanced Access to and Expeditious Delivery of Justice Strategic Objective 1 1: To Enhance Efficient and Expeditious De	Propose constitutional amendment to increase number of judges to 9	Propose constitutional amendment to enhance timelines for determining presidential election petitions	Amend Supreme Court Act to align to the constitution and court decisions	Review and amend legislation to address gaps in	case management and the conduct of proceedings	Develop and operationalize Court Practice Directions
Strategy		KRA 1: Enhance	Implement F constitutional amendments to enhance capacity of the Court	,	Implement statutory amendment s to enhance	case managemen t		

Strategy	Activity	Output	Key	Baseline	Target			Target			Estimated Cost	Responsibility
					years	2020/21	2020/21 2021/22	2022/23 !023/24	023/24	2024/25	(Kshs' Million)	
	Operationalise the court service delivery charter	Service delivery charter operationalise d	Report	-	5	1	-		-	-	0	RSC
Implement the Case Managemen t System	Utilise case tracking system to monitor status of cases	CTS Operationalised d	% Age of cases monitored	%09	100%	100%	100%	100%	100%	100%	9	RSC
	Operationalise e-receipting for fees and costs	Fees and costs e- receipting receipting operationalise d	% Age of payments e- receipted	1	100%	%57	%05	75%	100%	100%	9	RSC
	Adopt e-filing of pleadings	Parties enabled to e file pleadings	% of matters filed electronically	%09	100%	100%	100%		100%	100%	2	RSC
	Upgrade and utilise recording and transcription	Implemented Transcription guidelines	%Age of cases transcribed	100%	100%	100%	100%	100%	100%	100%	-	RSC
	equipment	Upgraded Equipment	No. of courtrooms utilising upgraded equipment	1	2	0	1	0	1	0	10	RSC/ICT
	Procure speech to text devices	Devices procured	No. of devices procured	1	10	10	0	0	0	0	9.0	ICT
Operationalise Court Users Committee (CUC) and Bar Bench	Court Users Committee operationalised	CUC established and operationalise d	No. of meetings held	0	20	4	4	4	4	4	2	RSC
Committee	Bar Bench Committee operationalised	Bar-Bench operationalise d	No. of meetings held	0	20	4	4	4	4	4	2	RSC
Strategic Object Reduce distance to Court	Strategic Objective 1.2: 10 improve Access to Court Reduce Establish sub- distance to registries in 2 established registr maint towns	Sub-registries No. of sub- established registries	Court No. of sub- registries	1	2	-	0	-	0	0	10	RSC
Improve access to the Court and its	Implement a pro- bono and pauper scheme	Pro-bono and pauper scheme implemented	Annual Reports	0	2	-	_	-	-	~	2.5	RSC

Strategy	Activity	Output	Key Indicator	Baseline 2019/20	Target for 5			Target			Estimated Cost	Responsibility
					years	2020/21	2020/21 2021/22	2022/23 2023/24	023/24	2024/25	(Kshs' Million)	
services	Review court fees and costs	Court fees and costs reviewed	Revised fee and cost schedule	1	1	-	0	0	0	0	0.5	RSC
	Renovate existing courtrooms	Existing Courtrooms renovated	No. of courtrooms	2	2	-	-	0	0	-	10	BSU
KRA 2: Know Strategic Obje	KRA 2: Knowledge Management and Enhanced Jurisprudence Strategic Objective 2.1: To Enhance the Skills and Competence of the Judges	and Enhanceonce the Skills	d Jurisprudence	of the Judges								
Enhance skills knowledge and	Conduct capacity building needs assessment of Judges	Capacity building needs report	Annual Reports		S	~	-	-	~	-	0	RSC
expertise of Judges, Judicial Officers and staff	Develop Continuing Professional Development (CPD) programmes for Judges	Continuing Professional Development (CPD) Report	No. of Trainings		2	-	~	-	~	-	30	RSC
Promote knowledge and experience sharing	Organise Inns of Court for Judges and senior members of the Bar	Annual forums organised	No. of forums organised	1	വ	-	~	~	-	~	5	RSC
	Hold forums with legal experts	Discussions with legal experts held	No. of forums organised		5	-	-	-	-	-	15	JTI/RSC
	Undertake benchmarking with regional and international courts	-	No. of visits		2	0	~	0	0	~	40	JTI/RSC
	Conduct judicial officers and staff exchange programme	Judicial officers and staff attend an exchange programme	No. of staff attending an exchange programme		10	2	2	2	2	2	20	RSC
	Promote purposeful engagement with superior courts	۔ ب	No. of sessions with superior courts		4	0	-	-	-	-	9	RSC
	Document and preserve resource materials		Percentage of materials preserved	0	100%	100%	100%	100%	100%	100%	0	RSC
Strategic Objective 2.2:		To Enhance Research		and Strengthen Library and Information Services	nformation	Services						

Strategy	Activity	Output	Key	Baseline	Target			Target			Estimated	Responsibility
					ror s years	2020/21	2020/21 2021/22	2022/23 2023/24	023/24	2024/25	Cost (Kshs' Million)	
Promote partnerships for research	Establish partnerships with academic institutions	Partnerships with academic institutions established	Memorandum of Understanding	1	လ	-	₩	-	-	~	0	RSC
	Undertake collaborative research with other relevant institutions and courts	Research collaborations with courts institutions established	Memorandums of Understanding	1	2	-	~	-	-	~	0	RSC
	Create a professional development fund to, among others, support authorship and publication by Judges	Professional development fund established	Report		ဟ	-	~	~	~	-	30	RSC
Strengthen Library and Information	Update and expand the library reference material	Subscribed e-resources	No. of subscriptions	2	-	2	2	3	3	8	15	RSC
Services		New titles acquired	No. of titles acquired	86	200	100	100	100	100	100	20	RSC
	Implement a Library Management System and	Library management guidelines implemented	Reports		-	0	-	0	0	0	0.5	
	guidelines	Library management system implemented	Operational system	0	100%		100%	1		1	1	LIBRARY
		RFID tagging system implemented	Working RFID system	0	100%	-	100%	100%	100%	100%	ı	LIBRARY
	Establish linkages between the Court library and other libraries	linkages between the Court library and other libraries established	No. of libraries linked	0	വ	-	~	-	-	-		RSC
Enhance information manageme	Create a database on all court decisions	Database established	No. of decisions updated	-	100%	100%	100%	100%	100%	100%		RSC
ıt .	Create a repository of presentations and	Database	No. of presentations		100%	25%	%09	75%	100%	100%		RSC

Strategy	Activity	Output	Key Indicator	Baseline 2019/20	Target for 5			Target			Estimated Cost	Responsibility
					years	2020/21	2020/21 2021/22	2022/23 2023/24	:023/24	2024/25	(Kshs' Million)	
	papers by judges established and other speakers		updated									
	Develop a compendium of retired and former Judges' works and profiles	Compendium	No. of publications		2	ı	-	0	-	0	ಬ	RSC
Strategic Objective 2.3:		tablish Mentor	To Establish Mentoring and Peer Review Programmes	iew Programm	es							
Establish mentoring and peer review programmes	Ju bu ya	Judges forums held	No. of forums held	1	5	-	-	-	_	-	15	RSC
	Develop a Judge- Law clerks mentoring guidelines	Mentoring guidelines developed	Approved guidelines	1	₩	F	0	0	0	0	0	RSC
	Establish a Supreme Court Moot programme for law faculties	Supreme Court Moot programme established	No. of moot courts held	0	2	0	-	0	0	-	5	RSC
			Report		۵	-	-	-	~	-		RSC
Key Result Ar Strategic Obje	Key Result Area 3: Entrench Transparency, Accounta Strategic Objective 3.1: Enhance Ethics and Integrity	Transparency, Acc	Accountability and Integrity Integrity	ntegrity								
Strengthen mechanism for reporting and handling of complaints	Develop and implement complaints-handling guidelines	Complaint- handling guidelines implemented	Guidelines	0	-	←	0	0	0	0	2	RSC
	Conduct corruption risk assessment	Corruption and risk assessment conducted	Report	0	2	0	0	-	0	-	5	RSC
	Develop an online complaint reporting tool	Online tool developed	No. of complaints processed		5	1	-	1	1	1	5	RSC
	Ensure compliance with the service	Service delivery charter	Annual Report	0	2	1	_	-	_	-	0	RSC

Strategy	Activity	Output	Key Indicator	Baseline 2019/20	Target for 5			Target			Estimated Cost	Responsibility
					years	2020/21	2020/21 2021/22	2022/23 2023/24	023/24	2024/25	(Kshs' Million)	
	delivery charter	complied with										
Strengthen frameworks for ethics and integrity	Sensitise Judges and staff on the Judiciary Code of conduct	Judges and staff sensitised on the Judiciary Code of conduct	% of Judges and Staff	0	-	~	-	~	-	-	2.5	RSC
	Develop and implement the Law Clerks Code of Conduct	Law Clerks Code of Conduct developed	Law Clerks Code of Conduct	0	-	-	0	0	0	0	ъ	RSC
Strategic Obje	Strategic Objective 3.2: To Sustain and Improve Performance Management	in and Improve	Performance Ma	Inagement								
Strengthen performance management	Implement annual performance targets for the Court and office of the Registrar	Annual PMMUs implemented	PMMU	m	വ	~	~	~	~	-	0	CJ&P/DCJ&VP
	Implement PAS for all staff	PAS implemented for all staff	% of staff	ဇ	100	100	100	100	100	100	0	RSC
	Set targets and conduct individual staff performance appraisal	es sk	Appraisal		വ	-	-	~	~	-	0	RSC
		Individual staff appraisal	% of staff appraised	100	100	100	100	100	100	100	0	RSC/HR
	Conduct data collection and analysis to support improving court performance and accountability	Data collection and analysis to support improving court performance accountabilit y conducted	Reports		ഗ	-	-		-	₹-	2	RSC/DPOP
Implement JIPMAS modules	Implement leave management module	Leave management module implemented	% of judges and staff using the system	4%	100%	100%	100%	100%	100%	100%	1	ICT/HRM

Performance % of staff on 0% 100% 50% 100% 1	Strategy	Activity	Output	Key Indicator	Baseline 2019/20	Target for 5			Target			Estimated Cost	Responsibility
Implementation Performance % of staff on 0% 100% 50% 50% 100%						years	2020/21	2021/22	2022/23	023/24	2024/25	(Kshs' Million)	
Prepare quatering developed implemented power implemented power implemented mitted mitted mitted mitted mitted mitted mitted mitted mitted in place performing steff developed areward Reward Scheme in place and Autonomy control of Courr Rules Consultative and forums held mitted against and forums with and forums against implement rules on places of the against and procurement designated and procurement designated and procurement designated minimation of indges complaint against independent and procurement designated minimates or for staff deployed selections and procurement designated minimates and procurement designated minimates and procurement designated minimates and procurement deployed selections and procurement deployed selections and procurement deployed selections and procurement for staff deployed selections and procurement designated minimates and procurement deployed selections and procurement designated minimates and procurement deployed selections and procurement designated minimates and procurement deployed selections and procurement deployed staff deployed selections and procurement designated minimates and procurement designated staff to staff deployed selections and procurement designated minimates and procurement designated staff deployed selections and procurement designated selections and procurement desi	W L	Implement Performance appraisal nodules	pe	% of staff on PAS	%0	100%	%09	%09	100%	100%	100%	1	ICT/PMD
Prepare quarterly Quarterly Duanterly Developed strength of the property of the process of the scheme of the process of the procedure for court Strategienent and forums with beld counts with beld more prepared consultative and forums with beld manage or the management designate finance Financial and No. of fetchnical staff deployed to the permanently deployed to the permanently deployed to the permanently deployed to the permanently deployed to the Engagement Report Designate Desig	<u> </u>	Implemented PMMU module	PMMU module implemented	Report	0	4	1	-	-	-	-		RSC/DPOP
Bevelope a reward Reward Scheme in place performing staff developed at Strongthan Institutional Capacity and Independence and Autonomy of court Rules of court Rules of court Rules and forums of court Rules of engagement and forums with beld mind permitted and forums with beld mind beld permitted and forums with beld mind forum with beld mind beld beld beld beld beld beld beld bel		Prepare quarterly strategic plan mplementation eports		No. of Reports	←	20	4	4	4	4	4	1	RSC
Setive 4.1: To Uphold Court's Independence and Autonomy Develop contempt of occur and Autonomy Develop contempt of orderuppt of occur Rules Developed Court Rules Developed Court Rules Developed Court Rules Developed Court Rules Court Rules of No. of Engagement Engagement and forums Consultative Court Rules of No. of Court Rules Superior courts Engage JSC to Rules of No. of Engagements Implement rules Court Rules of No. of Officers Superior courts Engage JSC to Rules of No. of Officers Complaint against enancial and No. of officers Court Designate finance Financial and No. of officers Court Court Rules Superior courts Engage Soft the Superior Court Court Rules of No. of Officers Superior court Court Rules of No. of Officers Superior courts Consplaint against against determination of procurement designated Court Designate finance Financial staff for staff Engage relevant Engagement Report Financial staff to Staff Engage relevant Engagement Engageme	<u> </u>	Develop a reward scheme for best performing staff		Reward Scheme in place	,	2	~	-	-	-	~	വ	RSC
Develop contempt Contempt of Court Rules of Court Rules and forums and forums and forums Independent and forums of Engagements and forums of Engagements and forums of Engagements and forums with JSC Engage JSC to Rules of Engagements and Procedure Financial and No. of officers of procedure for against determination of judges of the complaints against procurement designated determination of judges of the complaint against procurement designated designate finance Financial and No. of officers and procurement designated dependents staff manage court deployed staff engagement Report 1 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	(ey Result Area trategic Object	4: Strengthen In ive 4.1: To Uphol		acity and Indepen	ndence tonomy								
Hold peer engagement Engagements and forums in the forums with beld and forums with Judges of the superior courts from with Judges of the superior courts implement rules on or procedure for complaints with Judges of the against determination of judges of the complaint against determination of judges of the Court Designate finance Financial and No. of ficers to and procurement designated court deployed be permanently deployed to the Court Engage relevant Engagement Report 1 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		Develop contempt of court procedural rules		Contempt of Court Rules	1	-	~	0	0	0	0	2.5	RSC
Engage JSC to enact, adopt, implement rules on procedure for against determination of judges or the complaint against judges of the Court Designate financial and No. of officers of staff and procurement procurement deployed freshical staff to staff deployed be permanently deployed to the Court Engagement Report No. of technical 100% 100% Engagement Engagement Engagement Engagement Engagement Engage relevant Engagement Engagement Engagement Engagement Engagements - 100% 100% 100%		ent and re h the ourts		No. of Engagements	~	വ	-	-	-	~	~		RSC
Designate finance Financial and No. of officers - 2 0 2 0 2 0 and procurement procurement designated officers to staff resources. Technical at Technical staff to staff exployed be permanently deployed deployed to the Court Engage relevant Engagement Report 1 5 1 1 1 1 stakeholders of the court of the court of the court court and the court of	_ = = = = = = = = = = = = = = = = = = =	Engage JSC to enact, adopt, implement rules of procedure for learing and determination of complaint against udges of the Jourt	es of cedure nplaints ninst jes	No. of Engagements with JSC		-	0	~	0	0	0	0.5	RSC
Technical No. of technical - 100% 100% 100% staff deployed - 100% 100% 100% deployed -		Designate finance and procurement officers to manage court esources		No. of officers designated		2	0	2	0	0	0		RSC/HR
Engagement Report 1	<u> </u>	Designate technical staff to be permanently deployed to the Court	Technical staff deployed	No. of technical staff deployed		100%	0	100%		100%	100%	0	RSC/HR
			Engagement with stakeholders	Report	-	2	-	-	-	—	-	0	RSC

Activity Output Key Baseline Target Indicator 2019/20 for 5 years 2020/21 2021/22	Baseline Target 2019/20 for 5 years	Target for 5 years	1	2020/21 2021/22	2021/22		Target 2022/23 2023/24	123/24	2024/25	Estimated Cost (Kshs' Million)	Responsibility
autonomy of the held Court											
Diversify resource Engage Supreme Court 1 5 1 1 5 and base through development Budget collaborations partners and partnerships	Supreme Court Budget	ro -	ro -	-		_	-	-	٢	0	RSC
Involve Judges in Engagement No. of Law - 5 1 the recruitment of with JSC in Clerks recruited law clerks recruitment of law clerks of law clerks	No. of Law - Clerks recruited	ro 	٦ -	~		~	-	-	~	0	RSC
Engage Supreme No. of units - 1 0 stakeholders on Court police established established a Court police unit established	No. of units - 1 established	-	0	0		-	0	0	0	0	PSC/CRJ
Strategic Objective 4.2: To Attract, Retain and Motivate Staff	I Motivate Staff										
Conduct staffing Needs Report - 1 1 1 needs assessment conducted		-	-	-					1	2	RSC/HR
Implement the Recommend % of - 5 1 recommendations ations of the recommended sassessment assessment implemented	% of recommendation s recommended	ro	r.	-		~	-	₩	~		HR/RSC
Conduct training Training Report - 1 - needs needs assessment conducted	Report -	-	-	1				1	1	ro.	RSC
Implement annual Staff trained % of staff trained - 100% 25% 2 training programs	% of staff trained - 100% 25%	100% 25%	25%		(1	25%	25%	25%		20	RSC
Identify and Exchange No. of staff - 10 2 implement programmes participating in relevant skills implemented an exchange exchange programme programmes	No. of staff - 10 participating in an exchange programme	10		7		2	2	2	2	20	RSC
ss', Annual % of judges and - 100% 100% rs' professional judicial officers nnual fees paid for fees	% of judges and - 100% 100% judicial officers paid for	100% 100%	100%		-	100%	. 100%	100%	100%	7.5	RSC
to professional Percentage of - 50% 50% bodies staff paid for	- 20%	20%		%09		%09	%09	%09	%09	2.5	RSC

Responsibility		RSC	RSC		BSU/RSC	BSU/RSC	BSU/RSC	BSU/RSC	BSU	RSC	RSC
Estimated Cost	(Kshs' Million)	10	20		1000	10.5	-		25	5	15
	2024/25	100%	100%		-	-			1	15	15
	:023/24	100%	75%		-	7			100%	15	15
Target			%09		1	-			1	15	5
	2020/21 2021/22	722%	25%		_	1		1	1	15	15
	2020/21	%52	25%		-	-	-	~	1	15	15
Target for 5	years	100%	100%		1	7	-	-	1	09	09
Baseline 2019/20		1	22	=nvironment	-					0	
Key Indicator		Percentage of Judges and Registrars	% of judges, judicial officers and staff trained	Sonducive Work F	No. of buildings	No. of Chambers	No. of registries	No. of Archive	% of offices	No. of computers and accessories procured	No. of software installations and licences acquired
Output		Judges and registrars' skills enhanced	D S SE	de a Safe and	Supreme Court building acquired	Renovated chambers	Renovated registry	Renovated archive	Renovated offices	Judges, judicial officers and staff provided with computers and accessories	Software and licences procured
Activity		Build judges and Registrars skills on leadership and management	Conduct continuous training for judges, judicial officers and staff on ICT applications and systems	Strategic Objective 4.3: To Provide a Safe and Conducive Work Environment	Acquire a Supreme Court building	Renovate and expand existing space for chamber s	Renovate and expand registry space	Renovate and expand archiving space	Renovate and expand office space	Procure computers and accessories for judges, judicial officers and staff	Procure software and licences
Strategy				Strategic Object	Provide adequate working space					Provide sufficient working equipment and tools	

Strategy	Activity	Output	Key Indicator	Baseline 2019/20	Target for 5			Target			Estimated Cost	Responsibility
					years	2020/21	2020/21 2021/22	2022/23 2023/24	023/24	2024/25	(Kshs' Million)	
	D	Reliable internet connectivity installed in all courtrooms and offices	% of courtrooms and offices with reliable internet connectivity	-	100%	100%	100%	100%	100%	100%	2	ІСТ
	Provide Virtual Private Network (VPN) in all courts, chambers and offices		% all courts, chambers and offices	-		-			1	-	2	ІСТ
Enhance the security of judges and staff	Conduct security risk assessment	A security risk assessment conducted	Report	1	1	-	1	-	1	-	2	RSC
	Increase number of security staff for court premises	Additional security staff engaged	No. of staff added	r								CRJRSC
	Install controlled access systems at the entrance to supreme court offices, chambers, registry and library	Controlled access systems installed	% of offices/entrances with controlled access systems	1	100%	1	1	100%	100%	100%	5	CRJ/RSC
KRA 5: Enhan Strategic Object	KRA 5: Enhance Court Identity and Public Awareness. Strategic Objective 5.1: Enhance Awareness and Supreme Court Identity	nd Public Awa Awareness an	Awareness. ss and Supreme Court	Holentity								
Promote the Supreme Court identity	Develop and implement the Court's identity manual	Brand Manual developed	Supreme Court Brand manual		-	₩	1	1	1	1	0.5	RSC
Improve publicity of the Court	Introduce ceremonial sittings outside Nairobi	ceremonial sittings operationalis ed	No. of ceremonial sittings	1	ις	-	~	_	-	-	25	RSC
	Produce and disseminate information, education and communication material	Information, education and communicati on materials distributed	No. of IEC Materials disseminated	5,000	5,000	1,000	1,000	1,000	1,000	1,000	വ	RSC

Strategy	Activity	Output	Key Indicator	Baseline 2019/20	Target for 5			Target			Estimated Cost	Responsibility
					years	2020/21	2021/22	2020/21 2021/22 2022/23 2023/24		2024/25	(Kshs' Million)	
	Develop and disseminate the Court's corporate materials	al oed inated	No. of materials		~	1	1	~	1		റ	RSC
	Conduct public awareness forums and education to sensitize the public on right to approach the Court	Public awareness fora held and education sensitization held	No. of forums held	0	ഗ	~	-	-	~	-	ഗ	RSC
Promote corporate social responsibility	Identify and conduct corporate social responsibility activities	Corporate social responsibility identified and conducted	No. of Corporate social responsibility activities		2	-	-	-	-	-	1	RSC
Strategic Object	Strategic Objective 5.2: To Enhance Communication Platforms and Public Confidence	nce Communic	ation Platforms a	nd Public Con	fidence							
Enhance external communication	Develop Supreme Court communication strategy	Supreme Court communicati on strategy developed	Supreme Court communication Strategy		~	1	~	1	1		0.5	RSC
	Establish Court's communication's office	Communicati on's office established	Communication's office	0	-	1	٢	1		1		RSC
	Conduct stakeholder's engagement forums	Media for a conducted	Media for a conducted	0	r.	~	~	-	-	-	2.5	RSC
Strengthen public feedback mechanisms	Develop and update Supreme Court content on the Judiciary website	Supreme Court content on the Judiciary website updated	Developed and updated website	0	-	F	-	←	-	-	က	RSC
	Establish and operationalize official social media (e.g. Face book and Twitter) accounts	Official social media accounts operationalis ed	No. of operationalised social media accounts	0	2	N	2	2	2	2	0	RSC

Strategy	Activity	Output	Key Indicator	Baseline 2019/20	Target for 5			Target			Estimated Cost	Responsibility
					years	2020/21	2021/22	2020/21 2021/22 2022/23 1023/24 2024/25	023/24	2024/25	(Kshs' Million)	
	Conduct customer satisfaction surveys in collaboration with DPOP	Customer satisfaction survey conducted	Customer No. of surveys satisfaction conducted survey	0	2	0	-	0	_	0	0	RSC

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