



THE JUDICIARY



THE SUPREME COURT

OFFICE OF THE CHIEF JUSTICE / PRESIDENT, SUPREME COURT OF KENYA

HONOURABLE CHIEF JUSTICE'S REMARKS DURING THE LAUNCH OF THE NAKURU COUNTY ALTERNATIVE JUSTICE SYSTEM (AJS) ACTION PLAN AND SMALL CLAIMS COURT (SCC), NAKURU LAW COURTS, 16TH MAY, 2022

**Governor of Nakuru County, H.E Lee
Kinyanjui, EGH,**

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

**Presiding Judge Nakuru High and
Chairperson, National Steering Committee
for the Implementation of AJS Policy, Hon
Justice (Prof) Joel Ngugi,**



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Presiding Judges of the Environment and Land Court, Honourable Mr. Justice John Mutungi

Presiding Judge of the Employment and Labour Relations Court, Hon. Lady Justice Hellen Wasilwa

Deputy Chief Registrar of the Judiciary, Hon. Paul Maina,

County Commander of Police, Commissioner Beatrice Kiraguri,

Judges, Judicial Officers, and Staff,

Distinguished Guests,



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Ladies and Gentlemen,

Good morning!

1. I am deeply delighted to be here today. Nakuru Law Courts has a special place in my heart due to the three or so years that I spent here as the Resident Judge.
2. I am extremely glad to see that you are still a very inclusive and cohesive Court. The atmosphere here is refreshing. No doubt, it is part of the reason that you had outstanding performance according to the PMMU 2019/2020 results. I am particularly impressed by your productivity in terms of delivery of judgments and in the reduction of



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backlog which was rated at 91%. That is no mean feat! As I said earlier this morning, indeed, this is ‘Bonde la Haki.’ Congratulations and keep it up.

3. It is also with immense pleasure that I join you to launch the operation of the AJS model and Action Plan and Small Claims Courts. These two resonate with and speak to the aspirations that animate the **‘Social Transformation through Access to Justice’ Vision for the Judiciary.**
4. The vision for the Judiciary lays emphasis on access to justice. Particularly on the need to embrace a **multi-door approach to the delivery of justice.** What this means is that



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the Judiciary is keen to promote access to alternative mechanisms of access to justice beyond courts. This is aimed at ensuring that litigants have various options in redressing social grievances.

**Distinguished Guests,
Ladies and Gentlemen,**

5. I consider AJS beneficial because it is closer to the people, more affordable, easier to access, familiar, and less bureaucratic. It also serves as a form of restorative justice. In addition, due to its participatory nature, it ensures more social inclusion.



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6. It also prevents injustice and reduces harm suffered by people ***by focusing on root causes of injustice*** and on ***justice needs of entire communities and societies rather than just individuals***. Thus, the launch of the Nakuru Country AJS Action Plan is an additional step geared towards the realization of the goal of having in place an accessible, efficient, cost-effective, and expeditious system of justice.

7. I am also pleased to launch the Small Claims Courts today. These courts are vested with the mandate of determining cases that involve claims of less than one million shillings through a process characterized by procedural simplicity, flexibility, efficiency, and



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expeditiousness in the delivery of decisions. Small Claims Courts aim to reduce backlog, facilitate citizen access to justice, and open the courts to the public directly. Accordingly, they are an avenue for enhancing people-centered justice.

8. In addition, the Small Claims Courts will reduce the cost of doing business in the country by ensuring that commercial disputes are resolved within 60 days. This means that the burden on courts in resolving larger commercial disputes will reduce and thus also increase efficiency in that category of cases as well.



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9. AJS and Small Claims Courts will aid in achieving the goal of providing access to justice for all. They are instrumental in relieving the Courts in terms of easing the burden of dispute resolution. Further, they put people at the center of justice systems and move from justice for the few to justice for all.
10. They also aid the Judiciary vision by dismantling the systemic and informal barriers to access justice, which **include high costs of litigation, delays in hearing and determination of cases, the problem of backlog of cases, perceptions of corruption, and geographical distance to court stations.**



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11. Everyone must have an equal opportunity to access justice and the Judiciary is at the fore in widening the doorways of justice. This has the dual effect of a stronger, more efficient Judiciary and an **empowered** citizenry.

12. It is in this context that we are launching the Nakuru County AJS Action Plan and Small Claims Courts. We are relying on Nakuru County to show the Judiciary and the entire country the utility and way forward on how the AJS structures can be harnessed to ensure accessible, fair, and expeditious delivery of justice.



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13. I, therefore, urge Kenyans in general and the residents of Nakuru County to make use of the diverse menu of dispute settlement processes and options available to them including the AJS mechanism and Small Claims Courts. By embracing them, the public will resolve their conflicts in an efficient way, strengthen social harmony, and boost state stability.

14. To show the Judiciary's commitment to the multi-door approach to access to justice, we will be giving room in our court buildings across the country to AJS and Small Claims Courts as we have done in Nakuru Law Courts.



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**Distinguished Guests,
Ladies and Gentlemen,**

15. I must, at this juncture thank the Governor of Nakuru County H.E Lee Kinyanjui for gracing this occasion and for the unwavering support in the dispensation of Justice. Your presence at this event speaks to the spirit of the 2010 Constitution that calls for a dialogic and cooperative mode of Governance that prioritizes the needs and aspirations of the Kenyan people in our work as servants of the people.

16. Justice is a shared responsibility. This fact is reinforced by **Article 6 of the Constitution**



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which provides for Devolution and Access to Services in Kenya. It commands that Government entities in the National and County Governments must conduct their mutual relations based on consultation and Cooperation.

17. Furthermore, the realisation of the right to access to justice in Article 48 of the Constitution is an obligation of all state organs. Thus, your presence at this event speaks to our collective appreciation of the need to embrace the constitutional imperative of cooperative governance and in so doing enhance access to justice for Kenyans.



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18. Given that delivery of justice to Kenyans is a shared obligation which will be made possible by a coordinated, multi-stakeholder approach that is anchored on the need to open more avenues of access to Justice, I see an opportunity for the leaders and the people of Nakuru County to partner with the Judiciary at the sub-county (Constituency) level in delivery of judicial services.

19. County Governments, County Assemblies, and other structures at the local level like the National Government Constituencies Development Funds are essential pillars to the delivery of justice to every Kenyan.



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20. Due to resource constraints, the Judiciary cannot realise the aspiration of having a High Court in every County and Magistrate's Court in every sub-County immediately on our own. Hence, in several Counties across the country, we have partnered with the County Governments and the National Government Constituencies Development Funds to avail land and build court premises.

21. My request to you today as the leader of Nakuru County is that you partner with the Judiciary in this quest to develop court structures at the sub-county level. By doing this, we can fulfill our joint obligation to ensure access to justice for our people.



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22. In furtherance of this goal, I welcome discussions and initiatives aimed at collaboration between the County Government and Constituency leadership with the Judiciary.

**Distinguished Guests,
Ladies and Gentlemen,**

23. I must also offer gratitude to our development partners for their continued support of Judiciary initiatives. I call for continued solidarity in our collective mission to enable access to justice by fostering deeper partnerships and collaborations.



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Finally, Distinguished Guests,

24. The Judiciary sees itself as the **custodian of the rule of law** and as an **enabler of people-centered social transformation**. As such, **novel and game-changing approaches to justice** will feature more centrally in our operations.

25. I thank you all for your attention and for making the time to grace this occasion.

26. With these remarks, I ask you all to join us in applauding these two game-changing innovations and to commit our support towards their full utilisation.



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Thank you and God Bless you all.

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