



REPUBLIC OF KENYA  
THE JUDICIARY



Telegrams: "COURTS", Nakuru  
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[nakurucourt@court.go.ke](mailto:nakurucourt@court.go.ke)

High Court of Kenya  
Nakuru Law Courts  
P.O. Box 61  
NAKURU

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**Honourable Chief Justice**

**Honourable Deputy Chief Justice**

**Your Excellency, Governor Lee Kinyanjui**

**All Protocols observed**

16<sup>th</sup> may, 2022 will remain a memorable day for the justice seekers within Nakuru County and the entire country as we witness the launch of important structures which gives the opportunity for the citizens of Nakuru to exercise their Agency in choosing the forum for seeking justice.

It is a remarkable day because the Nakuru Justice Seekers are realising the vision of the Chief Justice, Hon. Lady Justice Martha Koome while unveiling the 8-Pillar Judiciary Transformation Agenda, which emphasizes on a multi-door approach to access to justice which seeks to expand the doorways of justice through supporting multiple channels for addressing grievances through institutions thus the opening of the Small Claims Court and the AJS Suite.

The multi door approach is equated to Social Justice Theory which revolves around equality where everyone should have equal access to wealth, health, well-being, privileges, and opportunity, regardless of their background. The same is based on four principles- Equality, Equity, Rights and Participation- all these are echoed in Article 10 of the Constitution of Kenya.

AJS is about the supremacy of the people as clearly stipulated under Article 159(2)( c) of the Constitution of Kenya, and that it is promoting diversity in the Nakuru. It is encouraging resolution of disputes in an amicable manner to foster good human and interpersonal relations and for the communities to live as a united nation. Nakuru City presents a cosmopolitan environ with diverse ethnic communities due to the inter-marriages, inter-settlements and commercial transactions. To foster this inclusivity, the logic of AJS is every day way of life.

The above logic was realized when we undertook a survey within the county and noted that most cases are resolved through AJS platforms. For instance,



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since January, the OCS Bondeni has resolved 300 cases at the police station (cumulatively about 5,000 cases in the whole county); the boda boda operators had resolved Over 1000 cases through AJS and the Smart Ladies had resolved approximately 700 cases. The cases include simple assaults, family disputes, theft among others. This affirms the findings of the 2018 Justice Needs Survey which showed that 79 percent of disputes are resolve out of the formal court system. Today, we are giving the opportunity to the residents of Nakuru County to continue exploring the avenues of justice. Nakuru CAP comes at a time when the NaSCI AJS has prepared the first Swahili version of the AJS Policy and the Braille Version. Indeed, we celebrate these milestones.

Nakuru County becomes the first County to develop and hereby launch the AJS County Action Plan after undergoing the 10-step onion process which includes: Awareness Creation; Sensitization and formation of the CUC working group; Training of the CUC; Data Collection, Analysis of the data; Development of the CAP; Presentation of the CAP to the CUC for validation; Incorporation of the Input from the CUC; and as we witness today the eighth step which is the launch of the CAP. It is imperative to note that we embark on the ninth and the tenth step which is the implementation of the CAP and Monitoring and Evaluation respectively.

We present today a hybrid model shifting from the three models presented in the AJS Policy including the Autonomous, Third Party and Court Model. The Nakuru AJS Model has five layers and will be used to process both civil and criminal cases including land cases:

- The Court Users Committee will serve as the Policy Making body for the model.
- The CuC AJS Working Group will serve as the Governance body. Among its key roles would be to approve affiliation requests for autonomous AJS Mechanisms.
- The AJS Secretariat will serve as the Technical body (to collect information, process it, documentation, and process affiliation)



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- Affiliated Autonomous AJS Mechanisms and a Court-Annexed AJS Mechanism is the next layer. These will be the actual forums where disputes will be resolved. Among targeted autonomous AJS Mechanisms are councils of elders in the rural parts of Nakuru who will be deciding land cases as well as AJS Mechanisms supported by the County Government, LRF, FIDA-Kenya, among others to resolve the problem of land distribution among the Land Buying Companies in Nakuru County.
  - The last layer will consist of unaffiliated AJS Mechanisms which will form the catchment area for the AJS Secretariat to influence to apply for affiliation.

In this model, affiliation with the CUC will serve as analogous to engage Alternative and norms. in the task of promoting, protecting and transforming Justice Systems using the human rights language

The launch of the Small Claims Court gives the opportunity to the Nakuru dwellers to have their disputes, which meet the threshold of Small Claims Court, to have their disputes resolved within 60 days. This has come in handy since Nakuru County, has been upgraded into Nakuru City, and will have more business transactions arising from its status.

*Finally*, I wish to convey my appreciation to the Honourable Chief Justice for walking the path of Social Transformation and allowing to grace this memorable occasion – giving the opportunity to the Citizens to choose their own justice path.

I wish to thank the UNODC for walking with us throughout the process of developing the CAP and welcome the other development partners to support the NaSCI AJS as they continue to foster conversations and facilitate trainings and dialogues between judicial officers and their interlocutors on the dialogic and social jurisprudence needed to fulfil the judiciary's mandate under the Human Rights Obligation in the AJS Policy as a means to protect and advance the transformative vision of the Constitution of Kenya



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Honourable Chief Justice, as you launch the AJS CAP and the Small Claims Court, you affirm your vision of Social Transformation through Access to Justice.

**Honourable Chief Justice, Ladies and Gentlemen: We as Nakuru CUC are walking this vision with you.**

For all the Kenyans, the train is moving, let us all board join in and change the justice narrative in our country.

I thank you for your kind attention.

**Joel Ngugi, LL.M, SJD, MBS**  
**Presiding Judge, Nakuru High Court &**  
**Chair, National Steering Committee for the Implementation of the**  
**Alternative Justice Systems Policy (NaSCI-AJS)**

**REMARKS MADE DURING THE OCCASION OF THE LAUNCH OF THE**  
**NAKURU AJS COUNTY ACTION PLAN AND SMALL CLAIMS COURT ON**  
**16<sup>TH</sup> MAY, 2021**

Your Ladyship, Honourable Chief Justice; Your Excellency Governor Lee Kinyanjui; Your Ladyship, Honourable Deputy Chief Justice Hon. Philomena Mwili, Deputy County Governor, Hon. Dr. Erick Korir, the Principal Judges Present: Lady Justice Lydia Achode, lady Justice Maureen Onyango and Judge Samson Okongo; Judges here present; Development Partners present from UNODC, IDLO, FAO, ICJ Kenya, LRF, the Chief Magistrates; Magistrates here; Members of the Law Society of Kenya, Members of the CUC from Nakuru, Molo and Naivasha Law Courts; the Nakuru AJS Working Group, the members of the National Steering Committee on Implementation of AJS; all protocols observed



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It is a remarkable day because the Nakuru Justice Seekers are realising the vision of the Chief Justice, Hon. Lady Justice Martha Koome while unveiling the 8-Pillar Judiciary Transformation Agenda, which emphasizes on a multi-door approach to access to justice which seeks to expand the doorways of justice through supporting multiple channels for addressing grievances through institutions thus the opening of the Small Claims Court and the AJS Suite.

The multi door approach is equated to Social Justice Theory which revolves around equality where everyone should have equal access to wealth, health, well-being, privileges, and opportunity, regardless of their background. The same is based on four principles- Equality, Equity, Rights and Participation- all these are echoed in Article 10 of the Constitution of Kenya.

AJS is about the supremacy of the people as clearly stipulated under Article 159(2)( c) of the Constitution of Kenya, and that it is promoting diversity in the Nakuru. It is encouraging resolution of disputes in an amicable manner to foster good human and interpersonal relations and for the communities to live as a united nation. Nakuru City presents a cosmopolitan environ with diverse ethnic communities due to the inter-marriages, inter-settlements and commercial transactions. To foster this inclusivity, the logic of AJS is every day way of life.

The above logic was realized when we undertook a survey within the county and noted that most cases are resolved through AJS platforms. For instance, since January, the OCS Bondeni has resolved 300 cases at the police station (cumulatively about 5,000 cases in the whole county); the boda boda operators had resolved Over 1000 cases through AJS and the Smart Ladies had resolved approximately 700 cases. The cases include simple assaults, family disputes, theft among others. This affirms the findings of the 2018 Justice Needs Survey which showed that 79 percent of disputes are resolve out of the formal court system. Today, we are giving the opportunity to the residents of Nakuru County to continue exploring the avenues of justice.



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- The last layer will consist of unaffiliated AJS Mechanisms which will form the catchment area for the AJS Secretariat to influence to apply for affiliation.

In this model, affiliation with the CUC will serve as analogous to "accreditation" and will serve as the pivot for the Judiciary to engage Alternative Justice Systems using the human rights language and norms.

The launch of the Small Claims Court gives the opportunity to the Nakuru dwellers to have their disputes, which meet the threshold of Small Claims Court, to have their disputes resolved within 60 days. This has come in handy since Nakuru County, has been upgraded into Nakuru City, and will have more business transactions arising from its status.

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Honourable Chief Justice, as you launch the AJS CAP and the Small Claims Court, you affirm your vision of Social Transformation through Access to Justice.

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