



REPUBLIC OF KENYA



# COURT OF APPEAL

## **STRATEGIC PLAN**

2020 – 2024



## **VISION**

The ultimate custodian of appellate justice delivered with fairness, ease of access, integrity, effectiveness, responsiveness, transparency and accountability to all.

## **MISSION**

To uphold the Constitution of Kenya, the rule of law, advance indigenous and robust Jurisprudence that can be bench marked regionally and globally and provide access to appellate justice for all.

# Foreword



The Court of Appeal is established under Article 164 (1) of the Constitution of Kenya, executing its mandate and authority through the exercise of appellate jurisdiction. The President of the Court of Appeal is the head of the Court, while the Registrar of the Court of Appeal is tasked with the administration of the Court. The Court of Appeal is headquartered in Nairobi and is decentralized to three other regions namely Nyeri, Kisumu and Mombasa and has sub-registries at Malindi, Eldoret and Nakuru. This Strategic Plan, meant to cascade the overall Judiciary corporate strategic Plan 2019/2023, is also developed in an effort to enable the Court achieve its mandate and objectives in a professional and systematic way that enhances accountability.

The Judiciary, and indeed the Court of Appeal, while carrying out its cardinal responsibility of administering justice, has focused on a people-centered approach that ensures accountability and expeditious disposal of cases in keeping with the tenets of the Sustaining Judiciary Transformation: A Service Delivery Agenda (SJT)

2017-2021 blue print. This Strategic Plan can, therefore be seen as a veritable achievement in the Judiciary transformation journey.

I note with satisfaction that Key Result Area 1 of the Court of Appeal Strategic Plan 2020-2024 is "Enhancing Access to Justice". This resonates appropriately with first strategic objective under Chapter 1 of the SJT and is also in alignment with the Judiciary Strategic Plan 2019-2023 Key Result Area (KRA 1), Enhanced Access to Justice.

The Constitution of Kenya 2010 demands a mindset change and cultural shift to enable the Judiciary to lead the transformation of the Kenyan society in line with national values. It is in this regard that it is expected that the public will experience increased access to quality services in the Court of Appeal and any barriers to quality service delivery addressed. The Judiciary an independent institution is also a complementary partner with the other organs and institutions of government as well as stakeholders in the justice chain. This Strategic Plan amply demonstrates how the Court of Appeal intends to create the requisite synergies to deepen these collaborations.

The corporate Judiciary Strategic Plan (2019-2023) responds to the challenges experienced in the implementation of previous plans and blueprints. Towards this end, there is particular emphasis for concerted efforts and a harmonized approach towards implementation of programmes, projects and activities. The corporate plan identifies eight Key Result Areas (KRA's), that is, Enhancing Access to Justice; Expediting Delivery of Justice; Growing jurisprudence and Knowledge Management; improving Governance and Transformative Leadership; Improving Human Capital Management and Organizational Development; Modernizing Registry Operations for Operational Efficiency; Enhancing Public Confidence, Awareness and Image of the Judiciary; Resource Mobilization, Utilization and Stakeholder Engagement.

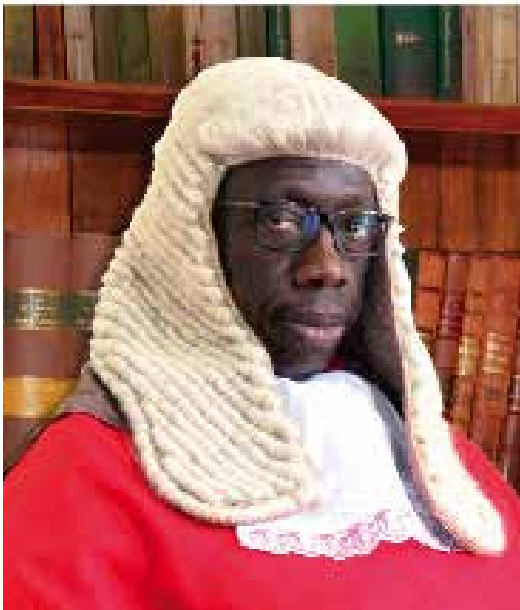
Adherence to these key areas of the corporate plan by all courts and tribunals will enable the Judiciary to not only uphold professionalism but also ensure a harmonized approach towards implementation of programmes, as I alluded to earlier, and overcome the formidable challenge of operating in silos.

The Covid-19 global pandemic has made it imperative on the need to re-dedicate efforts towards harnessing technology to facilitate speedier trials and enhance the efficiency and effectiveness of administrative processes. I am gratified that the Court of Appeal Strategic Plan has devised an ICT strategy that will facilitate speedy migration to digital court systems.

As I conclude, I wish to commend the efforts of the Court of Appeal in developing this Strategic Plan together with all our stakeholders who have provided invaluable inputs into enriching this plan.

**HON. MR. JUSTICE DAVID K. MARAGA, EGH**  
**CHIEF JUSTICE & PRESIDENT, SUPREME COURT OF KENYA**

# Acknowledgements



The accomplishment of the task of developing the Court of Appeal, Strategic Plan 2020 – 2024 has been made possible by the invaluable and insightful contributions made by many individuals and institutions to whom we shall be eternally grateful. Very special gratitude goes to the Hon. Mr. Justice David K. Maraga, EGH., Chief Justice and President of the Supreme Court of Kenya for his leadership and vision in mobilizing the entire Judiciary in sustaining and mainstreaming a transformation mindset in achieving the objectives of the Sustaining Judiciary Transformation: A Service Delivery Agenda (SJT) (2017-2021) blueprint towards enhancing service delivery.

This Strategic Plan, being a result focused initiative, has benefited immensely from the numerous reports and reform initiatives that have been produced over the years on how to improve the overall performance and productivity of the Judiciary.

We also acknowledge, with thanks, the contributions made by the Judges of the Court, judicial officers and staff of the Court of Appeal. We particularly commend them for being available every time their presence was required in the many forums and workshops set up to ensure the Strategic Plan had the requisite content, ownership and buy-in. Further, gratitude is owed to all actors in the justice chain including the ODP, Prisons, the Law Society of Kenya, private sector, civil society and other stakeholders, for their candid inputs in enriching the Strategic Plan.

We are also thankful to the Registrar of the Court of Appeal Hon. Moses K. Serem, and his team for making available the requisite documents and materials in augmenting the Strategic Plan and for creating a conducive environment that enabled fruitful discussions during the development of this Plan that commits to the effective actualization of our mandate and serves as an accountability tool for the Court of Appeal.

The Plan would have been but a pipedream without the expert input and commitment of the Strategic Plan Committee, which I was privileged to chair, which spent copious hours to give the Plan the depth, focus and authenticity required to enable the successful implementation of the activities herein; For this, we shall forever remain indebted to them. I acknowledge with gratitude Hon. Moses Serem, Hon. Joane Wambilyanga, Hon. Harrison Adika, Hon. Lorraine Ogombe, Mr. Benjamin Kinuthia, Mr. Peter Kamau, Ms. Lucy Waweru, Ms. Muthoni Njunge and Mr. Anthony Sissey.

We also acknowledge with gratitude the partnership and financial support provided by the International Development Law Organisation (IDLO).

We are committed to the implementation of this plan as yet another milestone towards the realization of the Judiciary transformation agenda and to have it serve as a tool to which every citizen can hold us, as a Court, to account.

**HON. MR. JUSTICE WILLIAM OUKO, EBS.  
PRESIDENT OF THE COURT OF APPEAL**

## Acronyms And Abbreviations

<b>ADR</b>	Alternative Dispute Resolution
<b>CJ</b>	Chief Justice
<b>CJSP</b>	Corporate Judiciary Strategic Plan
<b>CMS</b>	Case Management System
<b>COA</b>	Court of Appeal
<b>CRJ</b>	Chief Registrar of the Judiciary
<b>CTS</b>	Case Tracking System
<b>CUC</b>	Court User Committees
<b>DCRT</b>	Daily Court Returns Template
<b>DHRM&amp;D</b>	Director of Human Resource Management and Development
<b>DICT</b>	Director of Information and Communications Technology
<b>DPOP</b>	Directorate of Planning and Organizational Performance
<b>eKLR</b>	Electronic Kenya Law Reports
<b>ELC</b>	Environment and Land Court
<b>ELRC</b>	Employment and Labour Relations Court
<b>ERP</b>	Enterprise Resource Planning
<b>HR&amp;A</b>	Human Resource and Administration
<b>ICT</b>	Information and Communication Technology
<b>IEBC</b>	Independent Election and Boundaries Commission
<b>IEC</b>	Information, Education and Communication
<b>JSC</b>	Judicial Service Commission
<b>JTI</b>	Judiciary Training Institute
<b>KLR</b>	Kenya Law Reports
<b>KRA</b>	Key Result Area
<b>M&amp;E</b>	Monitoring and Evaluation
<b>PAS</b>	Performance Appraisal System
<b>PCA</b>	President of the Court of Appeal
<b>PESTEL</b>	Political, Economic, Social, Technological, Environmental and Legal
<b>PMMU</b>	Performance Management and Measurement Understanding
<b>RCOA</b>	Registrar of the Court of Appeal
<b>SJT</b>	Sustaining Judiciary Transformation
<b>SWOT</b>	Strengths, Weaknesses, Opportunities and Threats

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# **CHAPTER ONE**

## **Introduction**



# Chapter 1: Introduction

## 1.1. Background

The Court of Appeal was initially established in 1950 as a regional court, known as the Court of Appeal for Eastern Africa. The Court exercised jurisdiction in cases from Kenya, Uganda and Tanzania. Although domiciled in the then Nairobi Law Courts building, currently the Supreme Court Building, the Court was administered independent of the Judiciary of Kenya. The collapse of the East African Community in 1977 resulted in the establishment of the Court of Appeal of Kenya.

Article 1 of the Constitution provides that sovereign authority belongs to the people of Kenya, which is delegated to the various State organs including the Judiciary. Therefore, being an independent custodian of justice, as established under Article 159 of the Constitution, the Judiciary draws its authority from the people of Kenya and exercises it through Courts and Tribunals.

The Court of Appeal is established under Article 164 of the Constitution as one of the superior courts. It is mandated to administer appellate justice through hearing of appeals from the High Court, Courts of equal status and tribunals as may be prescribed by an Act of Parliament. The Court of Appeal discharges this mandate by developing jurisprudence and providing independent, accessible, fair and responsive fora for dispute resolution.

## 1.2 Vision, Mission and Core Values

### 1.2.1 Vision

The ultimate custodian of appellate justice delivered with fairness, ease of access, integrity, effectiveness, responsiveness, transparency and accountability to all.

### 1.2.2 Mission

To uphold the Constitution of Kenya, the rule of law, advance indigenous and robust Jurisprudence that can be bench marked regionally and globally and provide access to appellate justice for all.

### 1.2.3 Core values

- Independence
- Professionalism
- Integrity
- Collegiality
- Commitment
- Transparency
- Accountability

### 1.2.4 Guiding Principles and Values

In carrying out its mandate, the Court of Appeal will be guided by the following values;

- Independence:** We will protect the right of every person to have their case decided solely on the basis of the law and evidence.
- Professionalism:** We will exhibit the highest levels of competence, good judgement and continually promote excellence.
- Integrity:** We will uphold the highest standards of honesty, truthfulness, openness and sincerity and remain fair and ethical in service delivery.
- Collegiality:** We will commit to cooperation and joint effort in upholding the Constitution of Kenya, the values of the Court of Appeal, and our oath of office.
- Courage:** We will have the courage to take action, to face any hardship, to confront fear and tackle uncertainty.

### 1.3 Jurisdiction of the Court of Appeal

The Court of Appeal is established as a Superior Court under Article 164 of the Constitution of Kenya, 2010, with jurisdiction to hear appeals and applications from the High Court and Courts of equal status or tribunals as may be prescribed by an Act of Parliament.

The Court of Appeal of Kenya is a collegial court, meaning it operates through multi-member decision-making process. The bench usually comprises an odd number of three Judges. However, situations may arise where the Court may comprise five, seven, nine or eleven Judges. It is argued that besides its authoritative nature, plurality of decisions emerging from a collegial approach in decisions is preferable because appellate courts have the most control and influence over legal doctrine. This ensures that the Court maintains consistency in the application of the law and that the jurisprudence developed is just, of quality and predictable, both in substance and procedure.

The exercise of jurisdiction by the Court of Appeal is underpinned by the principles enshrined in Article 159 of the Constitution which provides that:

1. Judicial authority is derived from the people and vests in, and shall be exercised by, the courts and tribunals established by or under this Constitution.
2. In exercising judicial authority, the courts and tribunals shall be guided by the following principles—
  - a) justice shall be done to all, irrespective of status;
  - b) justice shall not be delayed;
  - c) alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms shall be promoted, subject to article 159 clause (3);
  - d) justice shall be administered without undue regard to procedural technicalities; and
  - e) the purpose and principles of this Constitution shall be protected and promoted.

### 1.4 Administration and Organisation of the Court of Appeal

The practice and procedure of the Court is regulated by the Appellate Jurisdiction Act (Cap 9), while its administrative procedures are guided by the Court of Appeal (Organisation and Administration) Act of 2015. The Court of Appeal (Organisation and Administration) Act provides for;

- The organization and jurisdiction of the court as a whole, inclusive of its stations and divisions
- The structure, reporting lines and seniority of judges
- The election, station, functions, powers and removal of the President of the Court

- The exercise of powers of the President of the Court by a Presiding Judge in a station outside Nairobi
- The election of the Court's representative to the Judicial Service Commission,
- Committees of the Court, sittings of the Court, establishment and organization of the Court registry.
- Qualifications, appointments, duties and functions of the Registrar and Deputy Registrars.
- Responsibilities of the staff of the Court, supporting resource structures, Seal of the Court, Court recess, transfer of Judges and practice and procedure of the Court.

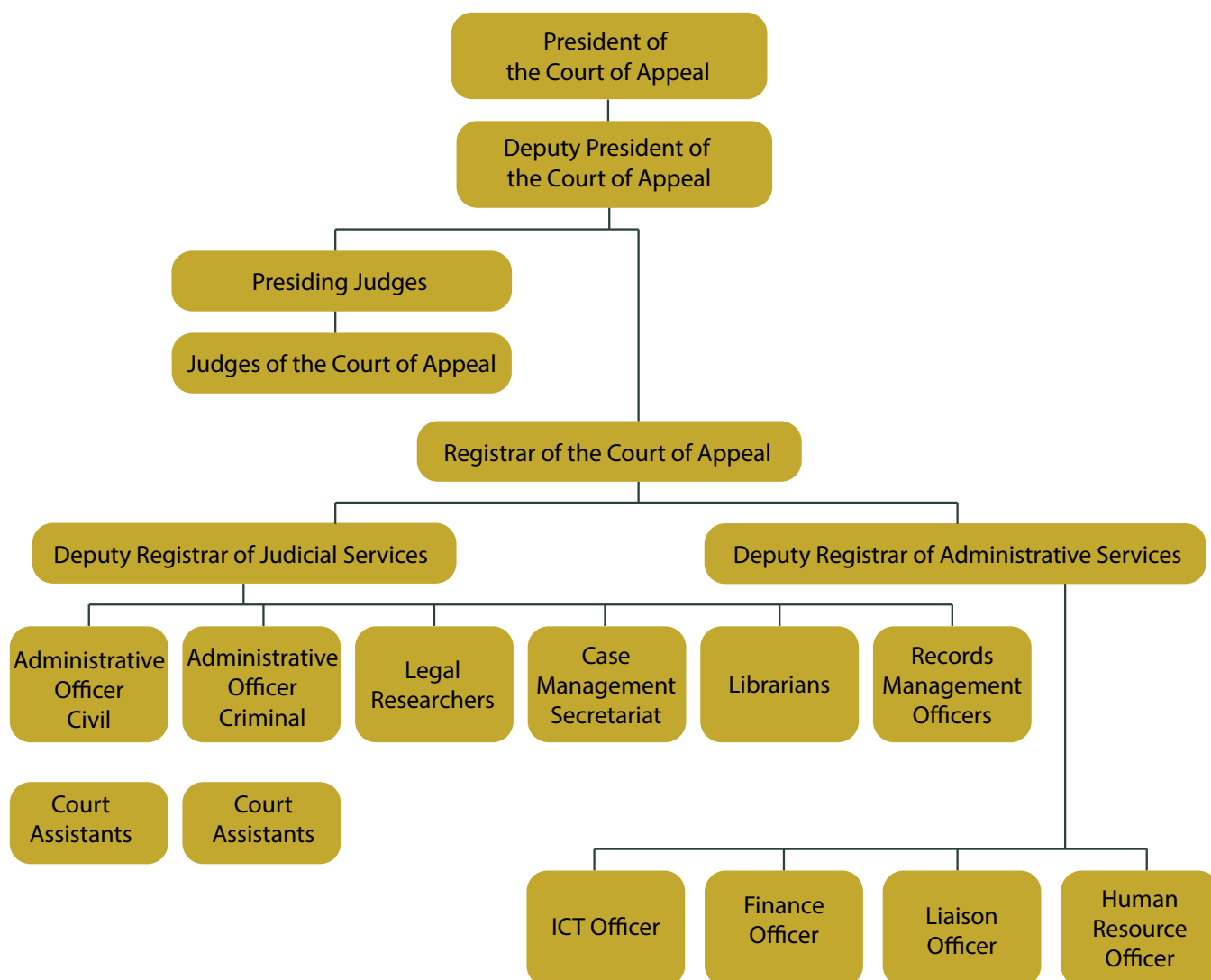
The Act defines the composition of the Court as:

- the President of the Court
- and not less than twelve judges appointed in accordance with the Constitution

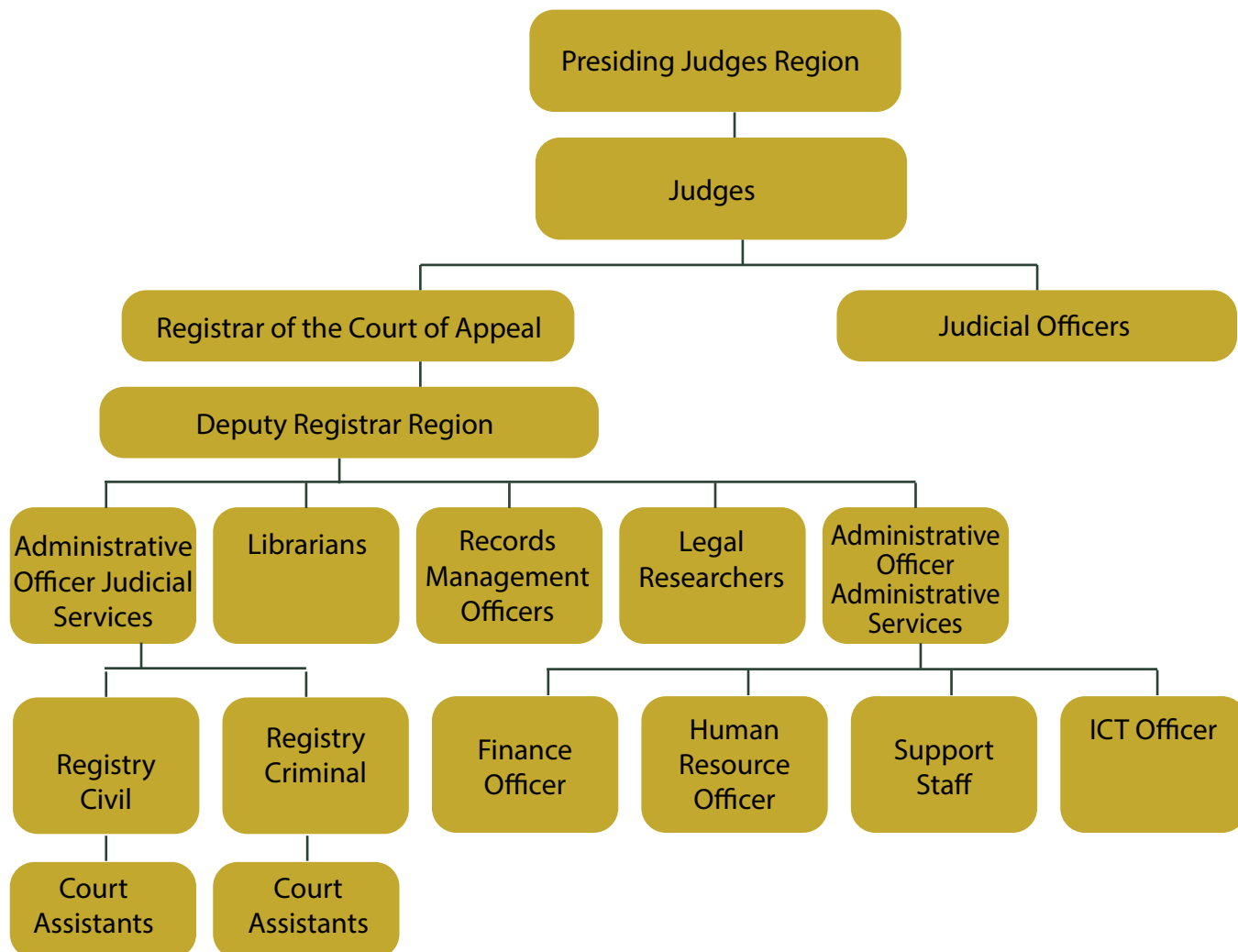
Currently, the Court of Appeal has a total of 15 judges. This includes the President of the Court of Appeal, the Court of Appeal Judicial Service Commission (JSC) representative and the Director of the Judiciary Training Institute (JTI). The current President of the Court of Appeal is the Hon. Mr. Justice William Ouko, EBS. The President of the Court is elected by the Judges of Appeal from amongst themselves. The President of the Court in consultation with the Chief Justice has established the Civil Appeals and Criminal Appeals Divisions of the Court of Appeal. The Court is administered through the Registrar of the Court of Appeal assisted by Deputy Registrars and other judicial staff.

The Court of Appeal headquarters is based Nairobi. However, the Court is decentralized to three other regions namely Nyeri, Kisumu and Mombasa. The Court has eight sub-registries at Malindi, Eldoret, Nakuru, Meru, Kakamega, Kisii, Busia and Garissa.

## 1.5 Organisational structure of the Court of Appeal



## Decentralized Courts



## **1.6 Rationale for development of the Court of Appeal Strategic Plan**

The Court of Appeal Strategic Plan 2020-2024, was developed against the backdrop of growing public need and expectations on the Court to provide quality and efficient services. This Plan is a management tool that will help the Court to dedicate resources towards meeting these expectations. This Strategic Plan builds on the Judiciary Strategic Plan 2019-2023 which has provided a platform, for the Judiciary's transformation process. It is also in line with the objectives outlined in the Sustaining Judiciary Transformation (SJT) 2017-2021 blueprint that consolidated the reform agenda.

Further, the Strategic Plan responds to the need for harmonised implementation of various projects and initiatives. It hence provides the overall strategic direction for the Court of Appeal and sets forth measurable indicators that are drawn from various policy documents, strategic blueprints and manuals.

# **CHAPTER TWO**

## **Situational Analysis**

# Chapter 2: Situational Analysis

## 2.1 Introduction

This chapter presents an analysis of the internal and external environment in which the Court of Appeal operates as well as a synopsis of the key policies, legal and procedural documents, which informed the strategic planning process. These include the National Development Agenda, Medium Term Expenditure Framework, Sustaining Judiciary Transformation (2017-2021): A Service Delivery Agenda blueprint, the Judiciary Strategic Plan (2019-2023) and other Judiciary policy and procedure documents. It highlights the strength, weaknesses, opportunities and threats of the Court of Appeal while providing the foundation blocks on which the vision and strategies of this Plan are anchored.

## 2.2. Strength, Weaknesses, Opportunities and Threats Analysis

This SWOT analysis provides a summary of the internal and external environment in which the Court of Appeal operates. The strengths and weaknesses are an examination of the internal environment while the opportunities and threats are an examination of the external environment.

**TABLE 1: SWOT Analysis**

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"><li>• Court of Appeal's mandate, independence and structure is well entrenched in the Constitution</li><li>• Multimember bench</li><li>• Competent and professional staff with diverse experiences</li><li>• Institutionalized performance management</li><li>• Collegiality</li><li>• Gender parity</li><li>• Good will from development partners and other stakeholders</li><li>• Judiciary Organization Structure</li><li>• Existence of relevant committees (e.g. the Leadership and Management Team, Court Users Committee and Bar-Bench Committee)</li></ul>	<ul style="list-style-type: none"><li>• Inadequate number of Judges affecting service delivery</li><li>• Inadequate physical infrastructure</li><li>• Inadequate ICT infrastructure</li><li>• Inadequate human resource capacity in key performance areas e.g. ICT, customer care and communication</li><li>• Slow uptake of technology and automation</li><li>• Unethical practices including corruption</li><li>• Inadequate policies and weak enforcement of existing policies</li><li>• Weak stakeholder engagement strategies</li><li>• Lack of a wide network of courts that take services closer to users</li></ul>
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"><li>• Goodwill from development partners</li><li>• Improved stakeholder engagement</li><li>• Technological innovations</li><li>• Adoption of Alternative Dispute Resolution mechanisms (ADR) including Court Annexed Mediation (CAM)</li><li>• Training and research in emerging jurisprudence</li><li>• Collaboration with other government agencies</li></ul>	<ul style="list-style-type: none"><li>• Shifting funding priorities of development partners</li><li>• Negative publicity</li><li>• Interference in the Judicial Independence</li><li>• Disregard of court decisions and orders</li><li>• Security threats and terrorism including cyber threats</li><li>• Gaps in laws to operationalize key initiatives</li><li>• Dynamic political environment</li><li>• Instability in the economy</li><li>• National disasters such as the Covid-19 Pandemic</li><li>• Inability to keep up with technological innovations</li><li>• Unpredictable budgetary allocations</li></ul>

## 2.3 Stakeholder analysis

Stakeholders are the court users, individuals, institutions and groups who interact with, or have an interest in or are impacted by the Court of Appeal. This analysis was undertaken to outline the expectations of key stakeholders.



**Table 2: Stakeholder Analysis**

STAKEHOLDERS	STAKEHOLDERS' EXPECTATIONS FROM THE COURT OF APPEAL	COURT OF APPEAL'S EXPECTATIONS FROM THE STAKEHOLDER
Advocates	<ul style="list-style-type: none"> <li>Independence and impartiality in decisions</li> <li>Efficient and effective case management</li> <li>Professionalism</li> <li>Uphold integrity</li> <li>Adopt a zero tolerance approach on corruption.</li> <li>Relevant information and feedback</li> <li>Conducive work environment including for people with disability</li> </ul>	<ul style="list-style-type: none"> <li>Respect for the rule of law</li> <li>Comply with court processes and timelines</li> <li>Uphold integrity</li> <li>Contribute to growth of jurisprudence</li> <li>Provide feedback and adequate information</li> </ul>
National Council on Administration of Justice (NCAJ)	<ul style="list-style-type: none"> <li>Support Court User Committees at every court station</li> <li>Prudent use of funds</li> <li>Hold CUC meetings as per schedule</li> <li>Involvement of stakeholders in key policy decisions</li> </ul>	<ul style="list-style-type: none"> <li>Spearhead legal reforms in areas of administration of justice</li> <li>Review legal and policy frameworks for the justice sector</li> <li>Strengthen Court User Committees</li> <li>Mobilize resources for the administration of justice</li> <li>Public education and advocacy</li> </ul>
National Council for Law Reporting (NCLR)	<ul style="list-style-type: none"> <li>Avail court decisions in a timely manner</li> <li>Timely submission of judgements, cause lists and other information</li> </ul>	<ul style="list-style-type: none"> <li>Publish and disseminate court decisions in a timely manner</li> <li>Keep the laws of Kenya updated and current</li> <li>Publish daily cause lists</li> </ul>
Law Society of Kenya (LSK)	<ul style="list-style-type: none"> <li>Effective and efficient case management</li> <li>Share relevant information</li> <li>Transparency and accountability</li> <li>Create a culture that supports access to justice</li> </ul>	<ul style="list-style-type: none"> <li>Perform their role as stipulated in the LSK Act</li> <li>Upholding professional standards and ethics</li> <li>Offer free legal services to indigent litigants</li> <li>Contribute to growth of jurisprudence</li> </ul>
Development Partners	<ul style="list-style-type: none"> <li>Transparency and accountability</li> <li>Implement projects according to the approved work plans</li> <li>Timely reporting</li> </ul>	<ul style="list-style-type: none"> <li>Technical and financial support</li> <li>Timely funding and support</li> <li>Feedback</li> <li>Participate in joint activities</li> <li>Adhere to Judiciary priorities</li> </ul>
Academia/ Research Institutions	<ul style="list-style-type: none"> <li>Collaboration in research</li> <li>Strategic partnerships</li> </ul>	<ul style="list-style-type: none"> <li>Conduct scholarly discourse on the court's decisions.</li> <li>Information dissemination</li> <li>Collaboration in research on issues relating to administration of justice</li> </ul>
Media	<ul style="list-style-type: none"> <li>Transparency in conducting court processes</li> <li>Provide accurate and timely information</li> <li>Provide rules of engagement</li> </ul>	<ul style="list-style-type: none"> <li>Fair, accurate and objective reporting</li> <li>Information dissemination</li> </ul>
Attorney General	<ul style="list-style-type: none"> <li>Professionalism</li> <li>Execute our mandate as stipulated in the Constitution</li> </ul>	<ul style="list-style-type: none"> <li>Collaboration and execution of their mandate as stipulated in the Constitution</li> <li>Professionalism</li> </ul>
Directorate of Public Prosecution	<ul style="list-style-type: none"> <li>Professionalism</li> <li>Execute our mandate as stipulated in the Constitution</li> </ul>	<ul style="list-style-type: none"> <li>Collaboration and execution of their mandate as stipulated in the Constitution</li> <li>Professionalism</li> </ul>
Ethics and Anti-Corruption Commission (EACC)	<ul style="list-style-type: none"> <li>Strategic partnerships</li> <li>Professionalism and integrity</li> <li>Speedy disposal of matters</li> </ul>	<ul style="list-style-type: none"> <li>Investigate corruption and economic crimes</li> <li>Professionalism and integrity</li> </ul>
Kenya School of Law	<ul style="list-style-type: none"> <li>Collaborate in training of students i.e. pupillage</li> </ul>	<ul style="list-style-type: none"> <li>Perform their role as stipulated in the Council for Legal Education Act</li> <li>Professionalism</li> </ul>
Judiciary Training Institute	<ul style="list-style-type: none"> <li>Partnerships in specific programmes</li> <li>Submit training requirements</li> </ul>	<ul style="list-style-type: none"> <li>Provide necessary technical support and training</li> <li>Conduct scholarly discourse on the court decisions</li> <li>Collaboration in research</li> <li>Dissemination of information</li> </ul>

## 2.4 Court of Appeal Caseload Statistics and Backlog

Expeditious case clearance remains the Court of Appeal's top priority. The Court has endeavoured to hear and determine appeals and applications expeditiously despite operating at half (15 Judges only) of its full complement of 30 Judges as prescribed by the Constitution.

During the 2019/2020 Financial Year the Court had **7,598** pending cases while **1,074 cases** were resolved during the same period.

**Table 1.0: Filed Cases in COA Stations by type, FY 2019/2020**

Court Name	Criminal Appeal	Criminal Application	All Criminal Cases	Civil Appeal	Civil Application	All Civil Cases	All cases
Kisumu	337	19	356	298	195	493	849
Malindi	10	0	10	106	120	226	236
Nairobi	24	2	26	574	335	909	935
Nyeri	161	4	165	268	167	435	600
<b>All Courts</b>	<b>532</b>	<b>25</b>	<b>557</b>	<b>1,246</b>	<b>817</b>	<b>2,063</b>	<b>2,620</b>

**Table 1.1: Resolved Cases in COA Stations by type, FY 2019/20**

Court Name	Criminal Appeal	Criminal Application	All Criminal Cases	Civil Appeal	Civil Applications	All Civil Cases	All Cases
Kisumu	178	13	191	99	78	177	368
Malindi	21	0	21	67	13	80	101
Nairobi	88	6	94	332	121	453	547
Nyeri	23	0	23	8	27	35	58
<b>All Courts</b>	<b>310</b>	<b>19</b>	<b>329</b>	<b>506</b>	<b>239</b>	<b>745</b>	<b>1,074</b>

**Table 1.2 Pending Cases for COA Stations by type, FY 2019/20**

Court Name	Criminal Appeal	Criminal Application	All Criminal Cases	Civil Appeal	Civil	All Civil Cases	All Cases
Kisumu	1,211	71	<b>1,282</b>	694	245	<b>939</b>	<b>2,221</b>
Malindi	1	101	<b>102</b>	122	345	<b>467</b>	<b>569</b>
Nairobi	67	80	<b>147</b>	1,819	661	<b>2,480</b>	<b>2,627</b>
Nyeri	533	5	<b>538</b>	905	738	<b>1,643</b>	<b>2,181</b>
<b>All Courts</b>	<b>1,812</b>	<b>257</b>	<b>2,069</b>	<b>3,540</b>	<b>1,989</b>	<b>5,529</b>	<b>7,598</b>

## 2.5 Court user satisfaction

The overall Judiciary Court User Satisfaction index in 2019 was 67 per cent. This is an increase of three per cent compared with 64 per cent satisfaction level in the year 2017. The Court of Appeal registered a three per cent increase in Court User Satisfaction level from 65% in 2017 to 68% in 2019.

# **CHAPTER THREE**

**Strategic Focus**

# Chapter 3: Strategic Focus

## Introduction

This chapter highlights the key areas of focus for the Court of Appeal. The court's strategic focus has been informed by the issues identified in the situational analysis in the previous chapter.

It responds to the emerging issues and priority areas identified under the national development policy agenda, the Sustaining Judiciary Transformation (SJT): A Service Delivery Agenda (2017-2021), the Judiciary Strategic Plan 2019-2023, and other policy documents.

In line with the foregoing and the mandate of the Court of Appeal, nine (9) Strategic Objectives and Key Results Areas (KRAs) were identified as follows;

- 1. Enhanced access to justice**
- 2. Expeditious delivery of justice**
- 3. Growth of jurisprudence and knowledge management**
- 4. Improved governance and transformative leadership**
- 5. Improved human capital management and organisational development**
- 6. Harnessing information, communication & technology (ICT) to enhance access to justice**
- 7. Enhanced public confidence, awareness and image of the Court of Appeal**
- 8. Resource mobilization and utilization**
- 9. Stakeholder engagement**

### KRA 1. Enhanced Access to Justice

Under Article 48 of the Constitution, the Judiciary is required to ensure access to justice to all persons and where court fee is required, it should be reasonable so as not to be an impediment. To this end, the Court of Appeal has remained steadfast in enhancing and promoting access to justice.

During this strategic plan period, the Court shall take deliberate steps to reduce obstacles that hinder public access to the Court by improving physical access to justice through construction of new ultra-modern Court of Appeal buildings, establishment of new sub-registries, refurbishment, improvement of existing court's physical infrastructure, and enhancing proximity and physical access to courts.

To enhance access to court services, the Court of Appeal will improve court systems and processes, incorporate alternative forms of dispute resolution (ADR) in the appellate processes, review Court of Appeal Rules and fees, simplify and disseminate court procedures.

The Court will prioritize the use of ICT to enhance access to justice.

STRATEGIC OBJECTIVES	ACTIVITIES
1. To improve physical access to courts	<ul style="list-style-type: none"><li>• Lobby for and pursue the commencement and construction of 2 new ultra-modern Court of Appeal buildings in Nairobi and Eldoret</li><li>• Refurbish 4 Court stations</li><li>• Establish 5 new sub-registries</li><li>• Provide alternative and reliable power supply in all court stations</li></ul>

2. To enhance access to court services	<ul style="list-style-type: none"> <li>• Review and amend the Court of Appeal Rules</li> <li>• Develop and implement a registry manual</li> <li>• Develop 4 Practice Directions to simplify court procedures</li> <li>• Conduct 32 Circuits and RRI's annually</li> <li>• Operationalise Alternative Dispute Resolution in the Court</li> <li>• Review and standardise court fees and costs</li> <li>• Develop and operationalise modern customer service centres</li> <li>• Publish simplified court procedures for the public</li> <li>• Prioritize use of ICT</li> </ul>
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## KRA 2: Expeditious Delivery of Justice

The Constitution under Article 159 requires that justice shall not be delayed. The Court of Appeal aims to ensure that justice is delivered expeditiously and without undue regard to procedural technicalities.

The Court has faced various challenges in execution of this mandate including inadequacy of Judges. Currently the Court has only 15 judges out of the Constitutional compliment of 30 judges. In this Strategic Plan period, the Court of Appeal will seek to bridge this gap in the number of judges of appeal. The Court shall seek to efficiently and expeditiously deliver justice by enhancing its human resource capacity.

The Court shall through the President of the Court of Appeal, in consultation with the Chief Justice, engage the JSC to recruit additional Judges of Appeal. The President of the Court shall also engage the Chief Registrar of the Judiciary to implement the organizational review findings to enhance optimal staffing in the Court.

Initiatives that address the clearance of case backlog in the court and case management will be prioritized. During the period, the Court of Appeal will conduct circuits and rapid results initiatives (RRIs) to aid in the clearance of case backlog.

STRATEGIC OBJECTIVE	ACTIVITIES
1. To enhance capacity of courts for timely resolution of cases	<ul style="list-style-type: none"> <li>• Lobby for recruitment and appointment of 15 Judges</li> <li>• Request for 5 new Deputy Registrars</li> <li>• Request for additional staff to fill the following key performance areas; ICT, customer care, communication, transcription, record management and court assistants.</li> <li>• Request for a legal researcher for each Judge</li> <li>• Implement the performance accountability framework for Judges, Judicial Officers and the staff</li> </ul>
2. To fast track hearing and determination of appeals and applications	<ul style="list-style-type: none"> <li>• Conduct regular court circuits and rapid results initiatives (RRIs) to enhance clearance of case backlog</li> <li>• Prioritize clearance of appeals and applications which are 5 years and older</li> </ul>

### KRA 3: Growth of Jurisprudence and Knowledge Management

In the Strategic Plan period, the Court of Appeal will seek to support the growth of indigenous and harmonious jurisprudence and to institutionalize knowledge management. To achieve this objective, the Court of Appeal will promote skills acquisition, mentorship, peer review and the sharing of relevant experience with other jurisdictions.

Further, to promote collegiality, the Court plans to hold annual joint colloquia with the Superior Court judges, Inns of Court, judicial exchanges and engage with various scholars on topical and emerging areas of law. The Court will also lobby for the recruitment of Senior Legal Researchers to provide necessary research support for Judges.

To further enhance the growth of jurisprudence and knowledge management, Library Information Services will be strengthened by adequately stocking court libraries, increasing the number of librarians, installing a library management system, subscribing to online research resources for the Court and establishing an electronic database for all Court decisions.

STRATEGY OBJECTIVE	ACTIVITIES
1. To promote skills acquisition, mentorship, peer review and exchange programs	<ul style="list-style-type: none"><li>• Develop specialised training curriculum and continuous professional development programme for judges</li><li>• Sensitize Judges and Judicial officers on emerging areas of jurisprudence</li><li>• Publish a Court of Appeal case digest bi-annually</li><li>• Participate in the joint colloquia with the superior court Judges to discuss emerging jurisprudence</li><li>• Hold 1 annual Court of Appeal Judges' conference</li><li>• Organise 1 annual Inns of Court</li><li>• Hold expert speaker sessions on topical issues</li><li>• Conduct visits, exchange and benchmarking programs to other jurisdictions annually</li></ul>
2. To strengthen Library information services	<ul style="list-style-type: none"><li>• Establish, update and expand libraries in all court stations</li><li>• Establish linkages with other libraries</li><li>• Request for 5 new Librarians</li><li>• Implement Library Management Guidelines</li><li>• Operationalise an Enterprise Resource Planning (ERP) System Library Module to Automate the Judiciary Library and Information Records Management functions</li><li>• Subscribe to 3 online research resource portals</li></ul>
3. To promote knowledge management	<ul style="list-style-type: none"><li>• Implement Knowledge Management Guidelines</li><li>• Operationalise an Enterprise Resource Planning (ERP) System Information and Records Management Module to create an electronic database of records and publications</li></ul>
4. To promote research on emerging thematic areas of jurisprudence and judicial practice	<ul style="list-style-type: none"><li>• Develop a research policy</li><li>• Request for Legal Researchers for each Judge</li><li>• Establish partnerships with academic institutions</li></ul>

#### KRA 4. Improved Governance and Transformative Leadership

Leadership of the Court of Appeal is provided for under the Constitution of Kenya and the Court of Appeal Organisation and Administration Act. The President of the Court of Appeal is the head of the Court, while the Registrar of the Court of Appeal is the overall administrator.

During the strategic plan period, the court will endeavour to adhere to transparency, accountability, integrity, Constitutional requirements and best practices in the governance and leadership. This will be achieved through strengthening mechanisms for feedback, reporting and determination of cases of corruption and malpractices. The Court will endeavour to provide transformative leadership and governance. The Court will also create partnerships with key agencies such as the Directorate of Criminal Investigations (DCI) and Ethics and Anti-Corruption Commission (EACC) among others.

A culture of high performance at individual and Court level will be institutionalized by ensuring transformative leadership, change management and promotion of collegiality. Additionally, there will be concerted efforts to mainstream national values, gender and diversity issues to ensure compliance with the Constitution, relevant laws and internal policies.

The Court will continue to implement performance management to enhance productivity and accountability geared towards expeditious delivery of justice. Individual accountability and collective responsibility will be enhanced through annual setting of ambitious yet realistic targets. The Court will endeavour to institutionalize an effective performance management framework that will award the best performing units and Staff.

The strategic objectives and activities for improved governance and transformative leadership are summarised as follows:

STRATEGIC OBJECTIVES	ACTIVITIES
1. To combat corruption and unethical practises	<ul style="list-style-type: none"><li>• Undertake corruption mapping</li><li>• Develop online feedback reporting system</li><li>• Implement whistle blowing policy</li><li>• Conduct public awareness programs on feedback and complaints handling</li><li>• Active engagement of key investigative agencies in addressing corruption matters</li></ul>
2. To strengthen performance management systems	<ul style="list-style-type: none"><li>• Implement performance management and accountability systems under the PMMU and Personal Appraisal System (PAS)</li><li>• Develop and operationalise a rewards framework for the Court</li></ul>
3. To promote a culture change for transformative leadership and management	<ul style="list-style-type: none"><li>• Implement JLAC, LMT and other leadership and management guidelines</li><li>• Build capacity of LMTs through training</li><li>• Train management of Courts and Administrative Units on management and strategic leadership</li><li>• Conduct retreats, peer reviews and sports days for the Court</li></ul>
4. To mainstream national values, gender and diversity	<ul style="list-style-type: none"><li>• Implement the Judiciary Gender Policy</li><li>• Implement sexual harassment and disability policies</li><li>• Mainstream national values</li></ul>

## KRA 5: Improved Human Capital Management and Organizational Development

Effective human resource management is critical in attainment of the objectives of this Strategic Plan. To efficiently execute its mandate, the court requires sufficient and competent human resource at all levels.

The Court is hindered by insufficient number of Judges, currently at 15, a number which does not match the increasing demand for judicial services. In order to strengthen the office of the President of the Court of Appeal and improve operational efficiency and promote good corporate governance, there is need to create the office of Deputy President of the Court of Appeal. Further, there is shortage of judicial officers, and in particular, Deputy Registrars and judicial staff in critical support areas such as ICT, communication, customer care, records management and staff in the registries.

During this Strategic Plan period, there will be emphasis on strategies that will ensure continued growth and enhanced capacity of human resource, improved work environment, and discipline in the workplace. The Court will focus on enhancing capacity of staff through training and employee wellness programmes.

The strategic objectives and activities are as highlighted below:

STRATEGIC OBJECTIVE	ACTIVITIES
1.To establish optimal staffing levels	<ul style="list-style-type: none"><li>• Create the Office of the Deputy President of the Court of Appeal</li><li>• Review staffing levels</li><li>• Implement decentralization of administrative functions</li></ul>
2. To enhance skills and competence	<ul style="list-style-type: none"><li>• Implement the Training and Development Policy</li><li>• Conduct skills and competences audit and training needs assessment for the staff in collaboration with the JTI</li><li>• Prepare a Training Master Plan for Staff</li><li>• Undertake capacity building programmes for the Staff</li></ul>
3. To provide safe and conducive work environment	<ul style="list-style-type: none"><li>• Procure furniture and other office equipment</li><li>• Implement recommendations of the Security Risk Analysis Report</li><li>• Install security equipment in all court stations</li><li>• Install emergency preparedness and response equipment</li></ul>



## **KRA 6: Harnessing information, communication technology (ICT) to enhance access to justice**

The use of technology as a tool for enhancing access to justice is a key pillar under the SJT. Emerging trends in technology and innovations have increased platforms for automation of registry and court processes and practices.

There has been a progressive uptake of technology in the Court of Appeal in service delivery and court functions. The Court will continue to fully automate registry operations, records management, and all court processes including virtual hearings, audio-visual recording and transcription in the Courts. Automation will enhance efficiency and access to justice.

The Court will implement the Case Management System that provides for e-Court Services namely; eFiling, ePayment, eService, case tracking, eDiary, eCauselist, eNotifications, eCase statistics, eCourt proceedings among others.

During this strategic plan period, the Judges, Judicial Officers and Staff will be trained on the various aspects of automation of the registry and court processes and records management.

The strategic objectives and key interventions are as follows:

STRATEGIC OBJECTIVE	ACTIVITIES
1. To provide reliable ICT infrastructure and applications	<ul style="list-style-type: none"><li>• Install and maintain appropriate ICT infrastructure in all Courts Stations</li><li>• Provide adequate and modern ICT Equipment and accessories for Judges, Judicial Officers and Staff</li><li>• Train the Judges, judicial officers and staff on the various aspects of automation and records management</li></ul>
2. To automate all court processes	<ul style="list-style-type: none"><li>• Develop and implement electronic case management practice directions</li><li>• Implement the automated Case Management System (CMS) in all stations. The CMS will include modules for Case Tracking, e-Case Status, e-Filing, e-Fee assessment, e-Payment, e-Process serving, e-Notification service via SMS &amp; E-mail and Mobile Application Version of the Case Management System.</li><li>• Develop and disseminate IEC materials on automated processes.</li><li>• Develop and operationalise a Records Management Policy</li></ul>
3. To adopt effective records management practices	<ul style="list-style-type: none"><li>• Develop and implement a registry manual</li><li>• Initiate legislative reforms for Records Disposal Act Cap 14</li><li>• Develop and operationalise a Court of Appeal Records Retention and Disposal Schedule.</li><li>• Train all staff on the Registry Manual and e-Records Management</li></ul>

## **KRA 7: Enhanced Public Confidence, Awareness and Image of the Court of Appeal**

The Constitution demands that all courts demonstrate fairness, impartiality, transparency and promote public participation in its processes and activities.

In this strategic period, the Court of Appeal will employ comprehensive communication strategies to disseminate information and engage the public on matters related to the Court and enhance public confidence by continuously building its image through effective communication strategies as well as stakeholder engagement.

The strategic objectives and key interventions are as follows:

STRATEGIC OBJECTIVE	ACTIVITIES
To enhance participatory interactive engagement with the public	<ul style="list-style-type: none"><li>• Organise bi-annual media fora</li><li>• Develop and disseminate IEC materials</li><li>• Publish an annual Court of Appeal information booklet</li><li>• Conduct corporate social responsibility activities</li><li>• Review and update the Court of Appeal content in the Judiciary website</li><li>• Operationalise Customer Care Helpdesks in all stations</li><li>• Conduct regular stakeholder engagement</li></ul>

## **KRA 8: Resource Mobilisation and Utilisation**

Inadequate budgetary allocation to the Judiciary and other budgetary cuts, negatively impacts on the Court of Appeal's efficiency and performance.

During the strategic period, the Court of Appeal will actively participate in the Judiciary budgetary process to lobby for an equitable share of the available resources. In addition, the court will engage with external development partners for additional resource mobilisation to fund various programmes and activities.

STRATEGIC OBJECTIVE	ACTIVITIES
1. To enhance funding for the Court of Appeal	<ul style="list-style-type: none"><li>• Participate in the budgetary process of the Judiciary to lobby for an equitable share of the resources</li><li>• Develop and implement resource mobilization and partnership engagement strategy with development partners</li></ul>

## KRA 9: Stakeholder Engagement

For the Court of Appeal to achieve its ultimate objective of access to and expeditious delivery of justice to all, the other actors in the justice chain must perform corresponding and complementary roles. In the administration of justice, various roles and responsibilities are shared by the Judiciary, the Executive, the Legislature, Independent Commissions, members of the public, among others. Therefore, stakeholder engagement and collaboration is critical in achievement of the set objectives by the Court of Appeal.

During this strategic period, the Court of Appeal shall engage the stakeholders through Court Users Committees, Bar-Bench Committees, open days, prison visits, corporate social responsibility activities among others.

STRATEGIC OBJECTIVE	ACTIVITIES
To enhance stakeholder engagement	<ul style="list-style-type: none"><li>• Hold 3 CUC meetings every year in all stations</li><li>• Hold 3 bar-bench meetings every year in all stations</li><li>• Hold an annual open day with the general public</li><li>• Participate in the ASK shows</li><li>• Hold 3 prison visits every year by each station</li><li>• Organise CSR activities annually</li></ul>

# **CHAPTER FOUR**

## **Implementation And Coordination**

# Chapter 4: Implementation And Coordination

## 4.1 Introduction

Effective implementation of this Strategic Plan will require clarity of responsibilities and optimal allocation of human, financial and other enabling resources. This includes the need for leadership at all levels of management, cascading of the Plan to all court stations and divisions. Similarly, it will require an effective organizational structure, staffing as well as mobilization and prudent utilization of financial resources.

## 4.2 Cascading the Strategic Plan

The President of the Court of Appeal will provide overall leadership on the implementation of the Court of Appeal Strategic Plan whereas the Registrar of the Court of Appeal will spearhead its implementation.

In addition, this document will lay the basis for preparation of annual workplans by the Court. Further, the document will be used for target setting by Court stations, divisions and staff.

### (i) Staffing

Successful implementation of the Strategic Plan will require appropriate and adequate human capital with the requisite skills and competencies, hence, the need for defined staffing levels for all court stations. Similarly, it requires clear reporting lines, defined responsibilities as well as clear linkages within the court. This is meant to provide guidance, responsibility and accountability for effective and efficient delivery of justice.

### (ii) Resource Mobilization

The successful and effective implementation of this Strategic Plan will require adequate financial resources. The Court of Appeal will explore strategies for resource mobilization.

- i. **Participation in Judiciary Budget Making Process:** The Court of Appeal will participate in the budgetary cycle of the Judiciary to lobby for equitable share of Judiciary budget.
- ii. **Development Partners Support:** To supplement the allocated resources, the Court of Appeal will leverage on its cordial relations with development partners as well as on their goodwill, to support implementation of its programmes and activities.

## 4.3 Prioritization and Sequencing

To ensure efficiency and value-for-money, the activities will be sequenced and prioritized through annual work plans as well as procurement plans for implementation.

## 4.4 Communication of the Plan

The Court of Appeal will adopt strategic communication to create awareness of the Strategic Plan among internal publics. This will involve a combination of various communication channels that include the IEC materials, notice boards as well as through meetings, workshops and retreats, among other communication outlets. Newly posted staff will be oriented on the Strategic Plan through induction programs as well as staff meetings.

## 4.5 Risk Management

The Strategic Plan identifies several uncertain events or conditions that may affect its implementation and proposes a risk mitigation plan, to eliminate or minimize the impact of such events. This is indicated in Table 4 below;

**Table 4: Risk Identification and Mitigation Plan**

Description of Risk	Rating of risk	Mitigation measures
Inadequate number of Judges of Appeal	High	<ul style="list-style-type: none"> <li>• Lobby for recruitment and appointment of Judges of Appeal to the optimal establishment (30 judges)</li> </ul>
Inadequate ICT infrastructure, training and support	High	<ul style="list-style-type: none"> <li>• Conduct ICT needs assessment of the Court of Appeal.</li> <li>• Pursue increased allocation of resources for purchasing and upgrading ICT equipment</li> <li>• Purchase and install the necessary ICT hardware and software</li> <li>• Recommend to the Judiciary to post sufficient dedicated and competent ICT officers to support the court</li> <li>• Install and maintain up to date effective technologies being utilized in courts across the world</li> <li>• Continuously maintain existing equipment and upgrade outdated equipment</li> <li>• Introduce and maintain use of ICT in Court (e.g. audio-visual recording and transcription of Court proceedings, conducting virtual hearings)</li> <li>• Continue migrating various record keeping, tracking systems and other mechanisms to a digital platform</li> <li>• Train judges and judicial staff on the use of these technologies as needed</li> <li>• Develop relevant IEC materials to inform the public on the use of the various technologies</li> </ul>
Inadequate financial resources	High	<ul style="list-style-type: none"> <li>• Lobby for additional resource allocation for the Court of Appeal</li> <li>• Develop, review and implement a quality resource mobilization strategy</li> <li>• Conduct a potential donor assessment and create a donor database</li> <li>• Design engagement strategies tailored to specific donors</li> </ul>
Inadequate human resource	High	<ul style="list-style-type: none"> <li>• Initiate and follow up on requests for recruitment and posting of senior legal researchers assigned to the Court of Appeal, ICT officers and other key staff required to support the Court.</li> <li>• Conduct a staff competency assessment to determine staff competencies, roles and responsibilities. Reassign and train staff accordingly</li> <li>• Ensure offices are adequately staffed for improved functionality and service delivery (e.g. Office of the President)</li> </ul>
Inadequate physical infrastructure (Lack of a Court of Appeal Building in Nairobi)	High	<ul style="list-style-type: none"> <li>• Lobby for the fast tracking of commencement and construction of the Court of Appeal Building at Nairobi</li> </ul>
Case backlog	High	<ul style="list-style-type: none"> <li>• Lobby for increased number of judges of appeal to deal with increasing case load.</li> <li>• RRI and other initiatives to deal with old cases.</li> <li>• First in, first out policy for listing and hearing matters, where practicable.</li> </ul>

Slow migration to digital court systems	High	<ul style="list-style-type: none"> <li>• Conduct a technological needs assessment for the Court.</li> <li>• Install and maintain appropriate digital systems for court operations.</li> <li>• Adequately train judges and staff on the digital systems and technologies.</li> <li>• Increase migration to digital systems for court operations (case tracking, record management, transcription, among others).</li> <li>• Develop relevant IEC materials for the public on the use of the various technologies implemented by the Court of Appeal.</li> </ul>
Inadequate Law Reporting of Court of Appeal decisions	Medium	<ul style="list-style-type: none"> <li>• Establish a law reporting website for Court of Appeal decisions.</li> <li>• Create a law reporting secretariat with a dedicated reporter, legal researcher and editor.</li> </ul>
Sustaining change	Medium	<ul style="list-style-type: none"> <li>• Develop and implement a change management strategy and change process plan.</li> <li>• Provide judges and judicial staff with relevant and continuous training on new strategies, processes, policies and procedures.</li> <li>• Develop, review and implement an internal and external communication strategy.</li> </ul>
Unclear roles, responsibilities, accountability and authority mechanisms	Medium	<ul style="list-style-type: none"> <li>• Continuously review and develop roles, responsibilities, accountability and authority mechanisms for the Court and train staff on the same.</li> <li>• Provide additional motivation for staff, career management, training and capacity development.</li> <li>• Minimize duplication of tasks and ensure a more equitable workload distribution for staff.</li> </ul>
Negative public perception/ loss of public confidence	Medium	<ul style="list-style-type: none"> <li>• Develop and implement public communication engagement strategy.</li> <li>• Utilize print, broadcast and social media to broadcast positive stories, case studies and court decisions related to the Court of Appeal.</li> <li>• Engage the public in the development and implementation of court projects.</li> <li>• Develop, maintain and provide a unified message and vision of the Court.</li> <li>• Establish and broadcast the courts independence from other influences.</li> </ul>
Perception of corruption	Medium	<ul style="list-style-type: none"> <li>• Develop and implement public communication engagement strategy.</li> <li>• Utilize print, broadcast and social media to broadcast positive stories, case studies and court decisions related to the Court of Appeal.</li> <li>• Engage the public in the development and implementation of court projects.</li> <li>• Develop, maintain and provide a unified message and vision of the Court.</li> <li>• Establish and broadcast the courts independence from other influences.</li> </ul>
Relationships with other stakeholders	Medium	<ul style="list-style-type: none"> <li>• Develop and implement a stakeholder communication and engagement strategy.</li> <li>• Promote stakeholder collaboration in the design and development of projects.</li> <li>• Increased stakeholders' engagement through CUC, open days and other initiatives.</li> <li>• Develop a coordinated engagement with the NCAJ.</li> </ul>

Staff Motivation	Medium	<ul style="list-style-type: none"> <li>• Listen to and address staff concerns.</li> <li>• Conduct team building workshops.</li> <li>• Implement various motivational programmes for career development, talent management, job rotation, reward systems, etc.</li> <li>• Review and develop relevant policies. (e.g. gender and anti-discrimination policy)</li> </ul>
Conflicting Jurisprudence	Low	<ul style="list-style-type: none"> <li>• Improve information databases, sources and research skills in the court to ensure that decisions are based on sound research.</li> <li>• Explore the possibility of implementing permanent benches to effectively deliver judgements consistently.</li> <li>• Implement a system that allows for monitoring and evaluating the court processes.</li> </ul>
Corruption	Low	<ul style="list-style-type: none"> <li>• Map corruption and its sources.</li> <li>• Identify strategies to target identified corruption within the Court of Appeal.</li> <li>• Implement internal corruption controls.</li> <li>• Follow through with disciplinary and corrective actions.</li> <li>• Corruption awareness and education.</li> <li>• Establish a work culture of openness and honesty.</li> <li>• Implement confidential systems for reporting.</li> <li>• Promote the internalization of national, Judiciary and Court of Appeal values.</li> </ul>
Overall Risk:	High	



# **CHAPTER FIVE**

## **Monitoring, Evaluation And Reporting**

# **Chapter 5: Monitoring, Evaluation And Reporting**

## **5.1 Introduction**

The purpose of monitoring, evaluation and reporting, is to ensure that the implementation of a strategic plan is undertaken according to schedule and in the event of any deviation, appropriate and timely action is taken. This chapter presents how this Strategic Plan will be monitored and evaluated during and after its implementation to assess the extent of achievements of planned activities and results. Successful implementation will require putting in place an adequate monitoring and evaluation committee and framework.

## **5.2 Implementation of the Strategic Plan**

Implementation of the strategic plan will be spearheaded through the overall leadership of the President of the Court of Appeal, while day to day responsibility for managing the necessary processes and programmes lie with the Registrar of the Court. The Strategic Plan committee shall assist the Registrar manage implementation of the plan.

## **5.3 Monitoring and Evaluation**

A monitoring and evaluation (M&E) committee shall be established by the President of the Court of Appeal, comprising of the leadership of the Court, including Presiding Judges, Heads of Division, the Registrar of the Court, Deputy Registrars, representative of the Strategic Plan Committee, a representative from DPOP, and any other member as the President may nominate.

The Strategic Plan will be monitored by this M&E Committee through routine supervision, data collection, evaluation, and reporting. To ensure effective implementation of the Plan, the Court of Appeal will develop annual work plans and budgets aligned to this Strategic Plan, and ensure the PMMU targets are aligned to the work plans.

## **5.4 Annual Review and Reporting**

The Court of Appeal M&E Committee will prepare and submit to the President of the Court of the Appeal, an annual report on implementation of the Strategic Plan, at the end of each financial year. This report shall contain an annual review on the implementation processes, achievements and challenges. Before the end of the Strategic Plan period, the M&E Committee will present a report on the end term review of the Strategic Plan, to the President of the Court of Appeal.

The following implementation matrix (Appendix A) provides the implementation framework and targets.

# **COURT OF APPEAL STRATEGIC PLAN**

**(2020 – 2024)**

## **APPENDIX A – IMPLEMENTATION MATRIX**

**COURT OF APPEAL STRATEGIC PLAN (2020 – 2024)**  
**APPENDIX A – IMPLEMENTATION MATRIX**

**KEY RESULT AREA (KRA) 1.: ENHANCED ACCESS TO JUSTICE**

Strategy	Activity	Output	Key Indicator	Target for 4 Years	Target 2020/21	Target 2021/22	Target 2022/23	Target 2023/24	Estimated Cost Ksh. Millions	Responsibility
<b>Strategic Objective : Improve Physical Access to Courts</b>										
Improve Physical Access	Construct New Court Buildings (Nairobi & Eldoret)	New Courts of Appeal Constructed	Number of New Courts Constructed	2	1	0	0	1	2,000	COA Building Committee
	Rehabilitate Courts of Appeal Stations	Rehabilitated Courts of Appeal Stations	Number of Courts of Appeal Stations Rehabilitated	4	1	1	1	1	12	COA Building Committee
	Establish new sub registries	Sub Registries Established	No of Sub Registries Established	5	5	0	0	0	0	CJ & PCA
	Operationalize new sub registries	Sub Registries Operationalized	No of Sub Registries Operationalized	5	2	1	1	1		RCOA
	Install Alternative Reliable Power supply	Solar system/ generators supply installed in court stations	No. of stations with solar system generators	12	4	4	4	0		RCOA
	Uninterrupted Power Supply (UPS) installed in all Courts	Installation of UPS in court stations	No. of court stations installed with UPS	12	3	3	3	3		RCOA

Strategy	Activity	Output	Key Indicator	Target for 4 Years	Target				Responsibility
					2020 / 2021	2021/ 2022	2022/ 2023	2023/ 2024	
Strategic Objective: Enhance Access to Court Services									
Enhance access to Court Services	Amend the Court of Appeal Rules	Court of Appeal Rules amended	Court of Appeal Rules gazetted	1	1	0	0	0	Rules Committee
	Conduct circuits and RRI's	Circuits and RRI's conducted	No. of Circuits and RRI's conducted	128	32	32	32	32	PCA RCOA
	Develop and implement a Registry Manual	Development of the Registry Manual	Manual published and disseminated	1	1	0	0	0	Registry Manual Committee RCOA
		Implementation of the Registry Manual	% of staff sensitized on the Manual	100%	100%	0	0	0	Registry Manual Committee RCOA
	Develop and implement Practice Directions to simplify Court Procedures	Practice Directions Developed Practice Directions Implemented	No. of Practice Directions developed % of Staff sensitized on the practice directions	4 100%	2 100%	1 100%	1 100%	0 100%	Heads, Criminal & Civil Division RCOA RCOA

Promote ADR in the Court of Appeal	ADR Operationalised in the COA	Establishment COA ADR Committee	1	0	1	0	0	0	PCA
	Stakeholder engagement	No. of Rules developed to regulate ADR	1	0	1	0	0	0	ADR Committee RCOA
		No. of ADR registries established	4	0	0	2	2	2	RCOA
		No. of stakeholder engagement forums held	5	0	2	2	1	1	RCOA CUC
Review and standardise court fees	Standardised Court Fees rolled out	Standardised Court Fees schedule disseminated	1	1	0	0	0	0	CRJ/ RCOA
Digitize customer care help desks	Customer care help desks digitized	No. of customer care help desks digitized	12	6	6	0	0	0	RCOA
Develop and disseminate IEC materials on Court Procedures	Development and dissemination of IEC materials	No. of IEC material developed and disseminated	4	1	1	1	1	1	RCOA
Implement enhanced automated case management	Fully operationalize CTS	% of cases on CTS	100%	50%	50%	100%	100%	100%	RCOA DICT

## KEY RESULT AREA (KRA) 2: EXPEDITIOUS DELIVERY OF JUSTICE

Strategy	Activity	Output	Key Indicator	Target for 4 Years	Target 2020/21	Target 2021/22	Target 2022/23	Target 2023/24	Responsibility
Strategic Objective: Enhance the capacity of the Court of Appeal for timely resolution of cases									
Enhance capacity of the Court	Lobby for recruitment and appointment of 15 additional judges of appeal	Lobbying	Recruited judges appointed	15	15	0	0	0	JSC, PCA
	Request for 5 additional Deputy Registrars, 30 Senior legal researchers and staff	Formal request to CRJ and DHRM&D	Additional Deputy Registrars and staff Posted	5 DRs, 30 Senior legal researchers and judicial staff	1	1	1	1	RCOA CRJ
	Fast track hearing and determination of appeals and applications	Conduct circuits and RRIIs	Circuits and RRIIs conducted	No. of Circuits and RRIIs conducted	32	32	32	32	PCA RCOA

## KEY RESULT AREA (KRA) 3: GROWTH OF JURISPRUDENCE AND KNOWLEDGE MANAGEMENT

Strategy	Activity	Output	Key Indicator	Target for 4 Years	Target 2020/21	Target 2021/22	Target 2022/23	Target 2023/24	Responsibility
Strategic Objective: Promote skills acquisition, mentorship, peer review and bench marking of judicial practice									
Undertake training and continuous learning	Develop specialised training curriculum in liaison with JTI	Specialised curriculum developed and approved	Specialised curriculum	4	1	1	1	1	PCA & JTI
	Organize sensitization for judges and judicial officers on emerging areas of jurisprudence in liaison with JTI	Trainings on emerging areas held	No. of trainings held	8	2	2	2	2	PCA, JTI & RCOA
Improve accessibility to court decision	Publish considered court decisions through a Court of Appeal Case Digest	Published court decisions	% of court decisions published	100%	100%	100%	100%	100%	D-Space Committee
	Publish considered court decisions through Judiciary Website & NCLR	Published court decisions	% of court decisions published	100%	100%	100%	100%	100%	RCOA

Promote judicial collegiality	Hold a joint annual colloquium for judges of the superior courts	Colloquiums held	No. of Colloquiums held	4	1	1	1	1	1	PCA & JTI
Engage Justice Sector experts and stakeholders	Hold annual Court of Appeal Judges' Conference	Conferences held	No. of conferences held	4	1	1	1	1	1	PCA & RCOA
	Organize <i>Inns of Court</i> forums	Forums organized	No. of forums organized	4	1	1	1	1	1	PCA & RCOA
	Hold expert speaker fora on topical issues	Expert speaker fora held	No. of expert speaker fora held	4	1	1	1	1	1	PCA & RCOA
Exchange visits for experience sharing regionally and	Conduct visits to other Jurisdictions	Visits to other jurisdictions	No. of visits	4	1	1	1	1	1	PCA & RCOA
	Coordinate visits by judges, judicial officers and practitioners in justice sector from other jurisdictions	Visits from other jurisdictions	No. of visits	4	1	1	1	1	1	PCA & RCOA
	Implement exchange programmes for judicial officers and staff	Exchange programs implemented	No. of exchange programmes	4	1	1	1	1	1	RCOA
To Improve Library Information Services										
Establish physical and e- Libraries in court stations	Establish libraries in court stations	No. of physical libraries established	No. of physical libraries established	2	1	1	0	0	0	RCOA
	Establish e-libraries in all court stations	Legal resources subscribed to libraries	No. of legal resources subscribed to	4	4	0	0	0	0	RCOA



Enhance the Court of Appeal Library Services	Request for 5 new librarians	Librarians posted	No. of librarians deployed and inducted	5	5	0	0	0	RCOA
	Implement library management guidelines	Library management guidelines reviewed and implemented	Library management guidelines	1	1	0	0	0	RCOA
	Operationalize Enterprise resource management ERP system Library management module	ERP Library management module implemented	ERP Library management module	1	0	1	0	0	RCOA

Strategic Objective: To Promote Knowledge Management in the Court of Appeal									
Improve documentation in the Judiciary	Implement the Judiciary Knowledge Management Guidelines	Knowledge Management Guidelines implemented	Guidelines	1	1	0	0	0	RCOA
	Operationalise ERP System Information and Records Management Module	Court of Appeal publications and documents accessible in an electronic database	Level of access to electronic database of publications and documents	1	0	0	0	1	RCOA

Strategic Objective: To Promote Research on Emerging Thematic Areas of Jurisprudence and Judicial Practise									
Strengthen research in the Court of Appeal	Develop a research policy	Research Policy	Research policy developed	1	1	0	0	0	RCOA & JTI
	Request for Legal Researchers	Legal Researchers	No. of Legal Researchers deployed	30	15	15	0		RCOA & JSC

## KEY RESULT AREA (KRA) 4: IMPROVED GOVERNANCE AND TRANSFORMATIVE LEADERSHIP

Strategy	Activity	Output	Key Indicator	Target for 4 years	Target				Responsibility
					2020/ 2021	2021/ 2022	2022/ 2023	2023/ 2024	
Strategic Objective : To Combat Corruption and Unethical Practises									
Strengthen mechanisms for reporting and determination of cases	Implement corruption mapping report recommendation	Recommendation on corruption mapping report implemented	Annual progress reports	4	1	1	1	1	RCOA
	Develop online feedback for reporting system	Online system developed	No. of Online systems developed	1	1	0	0	0	RCOA
	Conduct public awareness programs on feedback and complaints handling	Public sensitized on complaints reporting and processing	No. of public awareness clinics held	4	1	1	1	1	RCOA
	Actively engage key investigative agencies	Supportive engagements with investigative agencies	No. of engagements forums	4	1	1	1	1	RCOA
Strategic Objective: To Strengthen Performance Management Systems									
Enhance performance management and accountability mechanisms	Implement Judiciary Integrated Performance Management and Accountability System (JPMAS)	All Judges, judicial officers and staff sensitized on PAS	% of staff with sensitized	100%	100%	100%	100%	100%	PCA & RCOA
		PAS module utilized by all staff	% of staff using PAS module	100%	100%	100%	100%	100%	RCOA
	Negotiation and evaluation of PMMUs	Annual PMMU target setting and evaluation conducted for all stations	% of implementing units	100%	100%	100%	100%	100%	Presiding Judges/ Heads of Division RCOA DPOP

Est ablish a rewards scheme	Develop rewards framework	Rewards framework developed	Rewards scheme in place	1	1	0	0	0	0	RCOA
	Operationalise annual rewards Programme	Rewards programmes implemented	No. of rewards programmes	4	1	1	1	1	1	PCA & RCOA

Strategic Objective : To Promote Culture Change for Transformative Leadership and Management										
Strengthen court of appeal leadership and management	Implement JLAC, LMT and other leadership and management guidelines	JLAC, LMT and other leadership and management guidelines implemented	No. of JLAC, LMT management guidelines implemented	1	1	0	0	0	0	PCA & RCOA
	Train LMTs on their roles in various aspects of management	LMT's Trained	No. of LMT trained	4	1	1	1	1	1	PCA RCOA
	Train management (of courts and administrative units) on management and administrative leadership	Judges, judicial officers, and staff at management level of courts and units trained	% of courts administrative units with trained judges, judicial officers at management level.		100%	100%	100%	100%	100%	PCA & RCOA

Strategic Objective : To Mainstream National Values, Gender and Diversity in Judiciary										
Compliance with the requirements on national values, gender and diversity	Implement the Gender Policy	Judiciary Gender implemented	% of staff sensitized on the policy	100%	100%	100%	100%	100%	100%	RCOA
	Implement Disability Policy	Judiciary Disability Policy implemented	% of staff sensitized on the policy	100%	100%	100%	100%	100%	100%	RCOA
	Implement Sexual Harassment Policy	Judiciary Sexual Harassment Implemented	% of staff sensitized on the policy	100%	100%	100%	100%	100%	100%	RCOA

	Mainstream national values in Court of Appeal programmes	National values mainstreamed into Court of Appeal Programmes	4	1	1	1	1	1	RCOA
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## KEY RESULT AREA (KRA) 5: IMPROVED HUMAN CAPITAL MANAGEMENT AND ORGANIZATIONAL DEVELOPMENT

Strategy	Activity	Output	Key Indicator	Target for 4 years	Target				Responsibility
					2020 /2021	2021 /22	2022 /23	2023 /24	
Strategic Objective: To Establish Optimal Staffing Levels in line with the Organizational Review Recommendations									
Establish optimal staffing levels	Propose for the creation of the Office of Deputy President of the Court of Appeal	Office of the Deputy President of the court of Appeal created	Legislative amendment	1	1	0	0	0	CJ & PCA, RCOA
	Review the staffing levels in all units	Staff establishment filled	No. of new staff deployed to the Court of Appeal	60	40	10	5	5	RCOA & DHRM&D
	Implement the decentralization of administrative functions	Decentralization of administrative functions reviewed	Report	1	1	0	0	0	RCOA
Strategic Objective: To Enhance Skills and Competences of Staff									
Enhance capacity of staff	Implement training policy	Training policy implemented	Report	1	1	0	0	0	RCOA
	Conduct skills and competencies audit and training needs for staff	Skills and competencies of judicial staff established	Report	1	1	0	0	0	DHRM&D

	Prepare judiciary training master plan for staff	Training master plan prepared	Approved training master plan	2	1	0	1	0	RCOA
	Undertake training and capacity building programs for judicial staff	Training conducted for all judicial staff	% of staff trained annually	100%	25%	25%	25%	25%	RCOA
<b>Strategic Objective: To Provide a Safe and Conducive Work Environment</b>									
Provide equipment and furniture	Procure furniture and other office equipment's	Courts and offices adequately furnished and equipped	% of courts and offices furnished and equipped	100%	100%	100%	100%	100%	RCOA
Ensure work place safety	Implement recommendations of the security risk analysis report	Recommendations of the security risk analysis report implemented	Report	4	1	1	1	1	RCOA
	Install security and emergency preparedness and response equipment	Security, Emergency preparedness and response equipment installed	% of units with operational security equipment and checks	100%	100%	100%	100%	100%	RCOA

## KEY RESULT AREA (KRA) 6:

### HARNESING INFORMATION COMMUNICATION TECHNOLOGY (ICT) TO ENHANCE ACCESS TO JUSTICE

Strategy	Activity	Output	Key Indicator	Target for 4 years	Target				Unit
					2020 /2021	2021 /2022	2022 /2023	2023 /2024	
Strategic Objective : To Provide Reliable ICT Infrastructure and Applications									
Provide Reliable ICT infrastructure and applications	Install reliable internet connectivity in all stations	Reliable Internet connectivity installed	% of Court of Appeal stations with reliable internet	100%	100%	100%	100%	100%	RCOA & DCIT
	Install appropriate ICT infrastructure in all courts	Installation and training on ICT equipment	Number of courts fully automated and equipped	6	2	2	2	0	RCOA
	Provide adequate and modern ICT equipment and accessories for all Judges, judicial officers and staff	Adequate and modern ICT equipment and accessories	% of Judges, Judicial Officers and staff with adequate and modern ICT equipment and accessories	100%	50%	25%	25%	0	RCOA & DCIT
	Train Judges, Judicial officers and staff on automation and records management	Judges, Judicial officers and staff trained	% of Judges, Judicial officers and staff trained	100%	50%	25%	25%	0	RCOA & DCIT
Automation of all Court Processes	Develop and Implement Electronic Case Management Practice Directions	Electronic Case Management Practice Directions developed	Practice Directions developed	1	1	0	0	0	RCOA
	Develop and Implement Electronic Case Management Practice Directions	Judges, Judicial Officers, staff and stakeholders sensitized on the practice directions	No. of sensitization forums held	3	3	0	0	0	RCOA
	Develop and disseminate IEC materials on automated processes.	Judiciary IEC materials developed	No. of IEC materials	12	3	3	3	3	RCOA

To Adopt Effective Records Management Practices									
Institutionalize best practices in records management	Develop and operationalize a records management policy	Policy developed	Policy document	1	1	0	0	0	RCOA
	Develop and implement a Registry Manual	Court registry manual developed	Registry manual	1	1	0	0	0	RCOA
	Develop and implement a Registry Manual	Judges, judicial officers and staff sensitized on the manual	% of Judges, judicial officers and staff sensitized on the manual	100%	100%	100%	100%	100%	RCOA
	Initiate legislative reforms for records	Law on Records disposal reviewed	Reviewed Act of parliament	1	0	1	0	0	RCOA
	Initiate disposal act cap 14								
	Develop and operationalise the Court of Appeal Retention and Disposal Schedules	Retention and disposal Schedules Developed	Retention and disposal schedules	1	1	0	0	0	RCOA

## KEY RESULT AREA (KRA) 7:

### ENHANCE PUBLIC CONFIDENCE, AWARENESS AND IMAGE OF THE COURT OF APPEAL

Strategy	Activity	Output	Key Indicator	Target for 4 years	Target			Responsibility	
					2020/ 2021	2021/ 2022	2022/ 2023	2023/ 2024	
Strategic Objective : To Enhance Participatory, Interactive Engagement with the Public									
Strengthen communication management	Organize bi-annual media	Media fora organized	Number of media fora organized	8	2	2	2	2	RCOA
	Develop and disseminate IEC materials	Judiciary IEC materials developed	No. of IEC materials	12	3	3	3	3	RCOA
Enhance publicity of the Judiciary	Conduct Corporate Social Responsibility (CSR) activities	CSR activities carried out	No. of CSR activities conducted	4	1	1	1	1	RCOA
	Review and update CoA content on the Judiciary website monthly	Website updated	No. of updates uploaded	48	12	12	12	12	RCOA

## KEY RESULT AREA (KRA) 8: RESOURCE MOBILIZATION AND UTILIZATION

Strategy	Activity	Output	Key Indicator	Target for 4 years	Target				Responsibility	
					2020/ 2021	2021/ 2022	2022/ 2023	2023/ 2024		
Strategic Objective : To Enhance Funding for the Court of Appeal										
Improve and sustain financial support from the Judiciary and development partner	Lobby for an equitable share of resources from the Judiciary	Participation in the Judiciary budget making process	No. of engagements with the Chief Registrar of the Judiciary	8	2	2	2	2	RCOA	
	Develop and implement resource mobilization and partnership engagement strategy	Resource mobilisation strategy developed		4	1	1	1	1	PCA & RCOA	



## KEY RESULT AREA (KRA) 9: STAKEHOLDER ENGAGEMENT

Strategy	Activity	Output	Key Indicator	Target for 4 years	Target				Responsibility	
					2020/2021	2021/2022	2022/2023	2023/2024		
Strategic Objective : To Enhance Stakeholder Engagement										
Hold regular CUC/Bar bench and other stakeholder engagement and CSR activities	Schedule CUC meetings	CUC and Bar Bench meetings resolutions	No. of meetings held	12	3	3	3	3		RCOA
	Schedule Bar Bench meetings	Bar Bench meetings resolutions	No. of Meetings held	12	3	3	3	3		PCA & RCOA
	Hold an annual open day	Open day stakeholder feedback	Open Day event held	4	1	1	1	1		RCOA
	Participate in ASK shows	Ask show members of public feedback	No. of ASK shows participated in	12	3	3	3	3		RCOA
	Carry out prison visits	Prison visit feedback and action plan	No of Prison visits carried out by each station	48	12	12	12	12		RCOA
	Organize an annual Court of Appeal CSR activity	Impact of the CSR activity and feedback from beneficiaries	No. of CSR Activities	4	1	1	1	1		RCOA





