

## E-JUSTICE: DEFINE STEPS BY THE JUDICIARY OF KENYA

**D. Odima**

*The Judiciary, Nairobi, Kenya*

*E-mail: odymad@judiciary.go.ke*

### **Abstract**

The Promulgation of the Kenyan Constitution in August of 2010 brought a breadth of freshness to many institutions in the country. The Judiciary as the third arm of the government, has carefully propped itself and is currently playing a very decisive role in realization of the constitutional ideals for Kenya. This paper attempts to give an elaborate framework that the Judiciary has put in place and practiced for the last 3 years in her ambition to become the first fully paperless court in Africa. This paper also looks at the staff composition and does a comparative analysis with other jurisdictions in Africa especially South Africa and Uganda. It looks at the ICT usability and the virtual systems in place such as E-mail, Transaction Processing Systems, and Management Information Systems that exist and are in use in the Judiciary. The paper discusses the judiciary structure and presents a case study of one of court stations that is targeted to be paperless by the end of year 2013. The technology level of the Judiciary is also discussed as well as disaster preparedness and security concerns. The technology level covers types of common and active devices in use. These include switching technology, routing technology and even communications technology and adoption of IP telephony system. The necessary legislations that will facilitate full implementation of the E- justice is also discussed in this paper as well as concerns of integration with other existing and relevant systems that are common across the government of Kenya. The security threats, posed by data and online systems is also looked at in this paper and measures and reality checks elaborated. Comparative notes are availed in this paper so as to help in understanding reasons for high-end security measures that are implemented. In conclusion, this paper brings to attention certain drawbacks that are associated with the deliberate steps that judiciary is undertaking in ICT.

**Key words:** E-justice, usability, virtual systems active devices, disaster preparedness

### **1.0 Background**

The history of Kenya's Judiciary can be traced to the East African Order in Council of 1897 and the Crown regulations made there under which marked the beginning of a legal system in Kenya. It was based on a tripartite division of subordinate courts; that is, Native courts, Muslim courts and those staffed by Administrative officers and Magistrates. The first court ever to be established was in Mombasa. A dual system of superior courts was also established, one court for Europeans and the other for Africans. This system only lasted for 5 years.

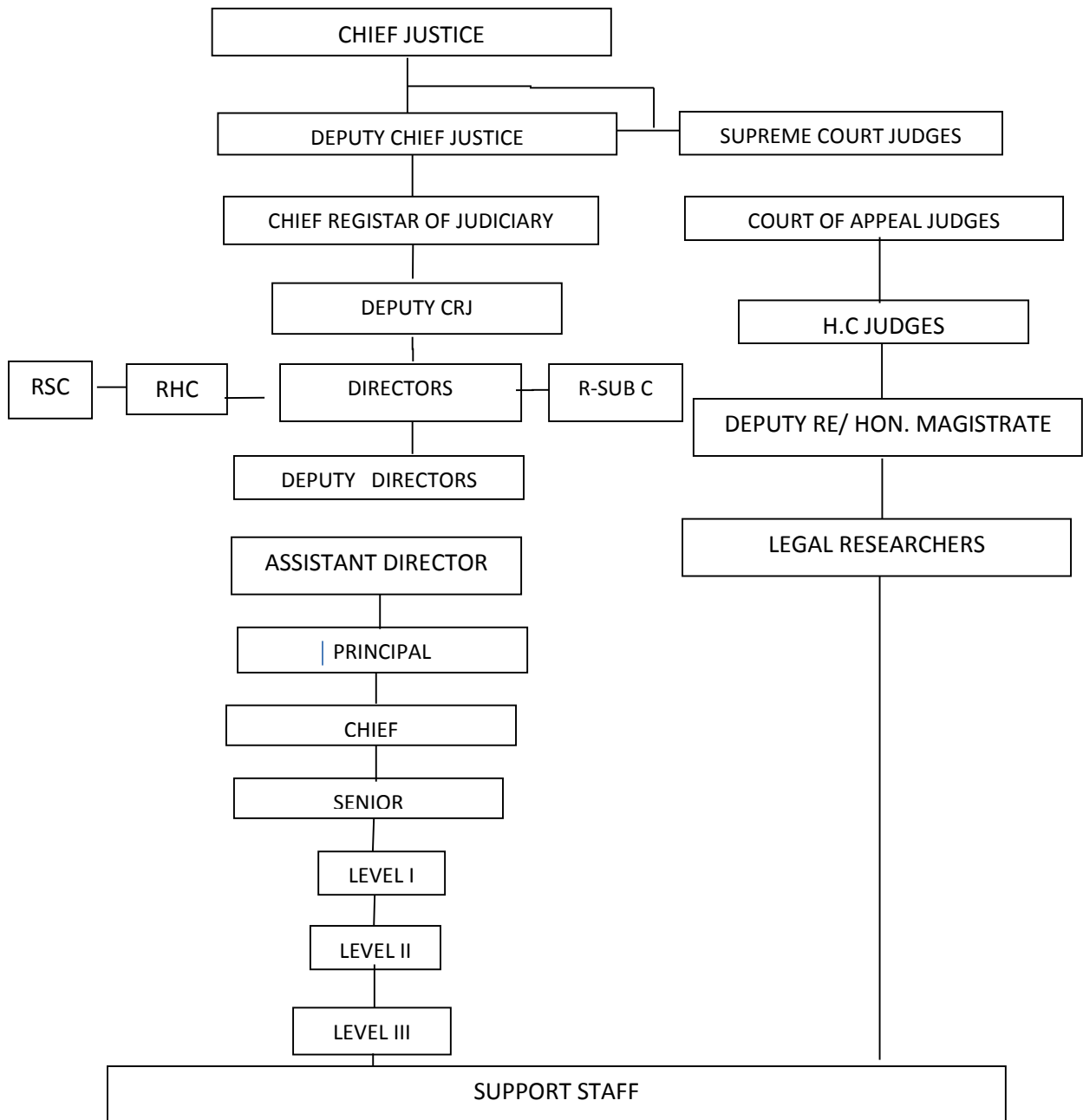
Upon the realization by the colonial authorities of the need to have dispute resolution organs, village elders, headmen and chiefs were empowered to settle disputes as they had done in the pre-colonial period. These traditional dispute settlement organs gradually evolved into tribunals. They were accorded official recognition in 1907 when the Native Courts Ordinance was promulgated. This ordinance established native tribunals that were intended to serve each of the ethnic groups in Kenya.

In dispensing justice under the relevant English and Indian laws where non-Africans were concerned, the administration of justice was entrusted to expatriate judges and magistrates. Appeals lay from subordinate courts to the Supreme Court. The head of the system was the Chief Justice while the administrative duties were carried out by the Registrar of the Supreme Court. The main courts were established at the large urban centers such as Nairobi, Mombasa and Kisumu. Judges and magistrates on circuit served other centers.

Muslim courts were headed by a Chief Kadhi and were classified as subordinate courts. As such, appeals from Islamic courts lay to the Supreme Court. The segregated system of administering justice prevailed until 1962 when the African Courts were transferred from the provincial administration to the Judiciary. Further, it was not until 1963 when the independence Constitution finally enacted that the beginning of a truly independent and impartial Judiciary was set up.

In 1967 three major laws were enacted. These were the Judicature Act (Chapter 8), the Magistrates' Courts Act (Chapter 10) and the Kadhis Courts Act (Chapter 11). These Acts have streamlined the administration of justice in Kenya until the onset of a new constitutional dispensation that the country embraced in August 2010. This new enactment brought with it massive shift and focus from the way that the judiciary was seen to be conducting its business in the past. For the first time, the office of the Chief Justice, the Supreme court judges were advertised and applicants were publicly interviewed and vetted.

**1.1 Establishment and Structure**



The Judiciary as at September 2013, had staff composition as follows:

*Table 1: Staff composition*

| OFFICE                                     | NO. OF STAFF | GENDER(M/F) |
|--|--------------|-------------|
| 1. Hon the Chief Justice                   | 1            | M           |
| 2. Hon the deputy Chief Justice            | 1            | F           |
| 3. Hon Supreme Court Judges                | 5            | 4M, 1F      |
| 4. Hon Court of Appeal Judges              | 26           | 19M,7F      |
| 5. Hon Chief Registrar of Judiciary        | 1            | F           |
| 6. Hon deputy Chief Registrar of Judiciary | 1            | M           |
| 7. Hon High Court Judges                   | 127          | 93M/34F     |
| 8. Hon Magistrates and Kadhis              | 477          |             |
| 9. Directors                               | 7            | 7M          |
| 10. Assistant Directors                    | 100          | 60M/40F     |
| 11. Legal Researchers-                     | 130          | 78M/52F     |

## **2.0 Introduction**

Kenya as a country is a young democracy with bottomless potential for growth and take off as an emerging industrialized country. Therefore, ICT must play its role as an enabler of the environment to make these achievable. A competent, efficient and effective Judiciary that can expeditiously dispose of commercial disputes and enforce contracts is an absolute necessity.

The Judiciary Transformation Framework 2012-2016 lays the foundation for the transformation of the Kenyan Judiciary. ICT is one of the pillars in the JTF where it is stated as an enabler of justice. ICT has been tested and seen as having enormous potential to improve the administration of justice. ICT as presently used, has facilitated speedier trials and enhanced efficiency and effectiveness of administration processes through provision of computers; provision of structured cabling (LAN); provision of internet services/ email and court processes automation system.

ICT has enormous potential to improve the administration of justice as a cross-cutting imperative for the pillars of transformation identified in the Judiciary framework: people/ user focused delivery of justice; internal Human Resource Capacity; and infrastructure and Resources. Properly harnessed and deployed, ICT can facilitate speedier trials and enhance the efficiency and effectiveness of administrative processes through data management, data processing and secure archiving of information while guaranteeing more transparency and fairness in the adjudication of cases and facilitating internal and external communication. The automation of courts also has the potential to enhance public confidence in the judicial process by minimizing the risk of misplacement or loss of court files.

## 2.1 Provision of Computers

The Judiciary has in the recent past, distributed about 900 laptops. All the Supreme Court judges, court of appeal Judges, honorable Magistrates, Legal Researchers, directors other senior officers have laptops.

The Judiciary has provided for about 2500 desktops. These are widely and variably distributed in all the 120 court stations countrywide.

The target and specific officers assigned desktops include Court Assistants, Accountants, Clerical officers, Secretaries/Typists, Librarians/Archivists, etc. Below is a sample of computers and laptops as at 23<sup>rd</sup> June 2013 for 67 court stations. The sample represents a 56 % of all the court stations in Kenya.

Table 2: Distribution of laptops and Desktops as at 23<sup>rd</sup> June 2013

| Station  | Total staff | Mag | Support staff | Other | No. of Desktops | Ratio |
|----------|-------------|-----|---------------|-------|-----------------|-------|
| Wundanyi | 14          | 2   | 6             | 6     | 5               | 6:05  |
| Nyando   | 22          | 3   | 7             | 12    | 5               | 12:05 |
| Iten     | 18          | 2   | 5             | 11    | 5               | 11:05 |
| Kigumo   | 19          | 3   | 8             | 8     | 4               | 8:04  |
| Kitui    | 22          | 3   | 7             | 12    | 6               | 12:06 |
| Narok    | 20          | 3   | 5             | 15    | 6               | 15:06 |
| Ogembo   | 23          | 3   | 7             | 13    | 6               | 13:06 |
| Mavoko   |             |     |               |       |                 |       |
| Ukwala   | 15          | 1   | 4             | 10    | 8               | 10:08 |
| Nkubu    | 20          | 2   | 4             | 14    | 6               | 14:06 |
| Ndhiwa   | 15          | 2   | 5             | 8     | 7               | 8:07  |
| Kilifi   | 18          | 4   | 1             | 13    | 5               | 13:05 |
| Mumias   | 27          | 3   | 6             | 17    | 8               | 17:08 |
| Kangema  | 18          | 2   | 8             | 8     | 6               | 8:06  |
| Maua     | 25          | 5   | 6             | 14    | 15              | 14:15 |
| Keroka   | 20          | 2   | 7             | 11    | 3               | 11:03 |
| Karatina | 21          | 2   | 5             | 14    | 10              | 14:10 |
| Othaya   | 11          | 2   | 2             | 7     | 6               | 7:06  |
| Gatundu  | 19          | 3   | 5             | 11    | 7               | 11:07 |
| Tamu     | 16          | 2   | 4             | 10    | 6               | 10:06 |
| Bondo    | 23          | 3   | 7             | 13    | 10              | 13:10 |
| Engineer | 7           | 1   | 1             | 5     | 2               | 5:02  |
| Sirisia  | 21          | 2   | 4             | 15    | 7               | 15:07 |
| Mwingi   | 19          | 3   | 7             | 9     | 7               | 9:07  |
| Vihiga   | 27          | 3   | 7             | 17    | 7               | 17:07 |
| Oyugis   | 22          | 2   | 7             | 12    | 7               | 12:07 |
| Moyale   | 15          | 2   | 4             | 9     | 5               | 9:05  |
| Makueni  | 13          | 2   | 3             | 8     | 7               | 8:07  |
| Mutomo   | 12          | 2   | 3             | 7     | 4               | 7:04  |
| Maseno   | 20          | 3   | 5             | 12    | 6               | 12:06 |

|            |    |   |    |    |    |          |
|------------|----|---|----|----|----|----------|
| Runyenjes  | 17 | 2 | 6  | 9  | 6  | 9:06     |
| Baricho    | 18 | 2 | 6  | 10 | 5  | 10:05    |
| Webuye     | 23 | 2 | 5  | 15 | 9  | 15:09    |
| Winam      | 24 | 2 | 7  | 15 | 9  | 15:09    |
| Kehancha   |    |   |    |    |    |          |
| Rongo      | 21 | 2 | 10 | 9  | 8  | 9:08     |
| Taveta     | 11 | 2 | 2  | 7  | 6  | 7:06     |
| Molo       | 26 | 2 | 7  | 17 | 6  | 17:06    |
| Siaya      | 22 | 3 | 8  | 11 | 10 | 11:10    |
| Kwale      | 17 | 3 | 2  | 12 | 5  | 12:05    |
| Butere     | 19 | 2 | 8  | 9  | 11 | 9:11     |
| Kithimani  | 16 | 2 | 6  | 8  | 4  | 8:04     |
| Wajir      | 17 | 2 | 8  | 7  | 5  | 7:05     |
| Mukurueini | 15 | 2 | 2  | 11 | 7  | 11:07    |
| Sotik      | 18 | 3 | 4  | 11 | 5  | 11:05    |
| Marimanti  | 11 | 2 | 4  | 5  | 5  | 5:05     |
| Kabarnet   | 13 | 2 | 1  | 10 | 5  | 10:05    |
| Kandara    | 16 | 3 | 6  | 7  | 6  | 7:06     |
| Kyuso      | 13 | 2 | 6  | 5  | 5  | 5:05     |
| Hola       | 9  | 2 | 2  | 5  | 4  | 5:04     |
| Maralal    | 16 | 2 | 5  | 9  | 7  | 9:07     |
| Kilungu    | 10 | 1 | 2  | 7  | 5  | 7:05     |
| Kajiado    | 16 | 3 | 3  | 10 | 5  | 10:05    |
| Tigania    | 13 | 2 | 3  | 8  | 6  | 8:06     |
| Isiolo     | 20 | 3 | 1  | 16 | 7  | 16:07    |
| Garsen     | 14 | 2 | 4  | 8  | 7  | 8:07     |
| Kimilili   | 26 | 2 | 8  | 16 | 8  | 16:08    |
| Marsabit   | 10 | 2 | 3  | 5  | 3  | 5:03     |
| Naivasha   | 35 | 4 | 5  | 24 | 11 | 24:11:00 |
| E.Ravine   | 22 | 3 | 8  | 11 | 4  | 11:04    |
| Voi        | 12 | 4 | 2  | 6  | 5  | 6:05     |
| Siakago    | 14 | 2 | 2  | 10 | 5  | 10:05    |
| Hamisi     | 16 | 2 | 4  | 10 | 8  | 10:08    |

Table 3: Tablets distribution among senior judiciary staff

| <b>NAME</b>                | <b>DESIGNATION</b>          | <b>STATION</b> |
|----------------------------|-----------------------------|----------------|
| Naim Bilal                 | Director Dpac               | Supreme        |
| Jamila Mohamed             | Judge Of Appeal             | Supreme        |
| Asike Makhandia            | Judge Of Appeal             | Supreme        |
| Andrew Kiarie Njeru        | Deputy Director Procurement | Supreme        |
| James Otieno Odek          | Judge Of Appeal             | Supreme        |
| Steven Gatembu Kairu       | Judge Of Appeal             | Supreme        |
| Fatuma Sichale             | Judge Of Appeal             | Supreme        |
| Kathurima M'Inoti          | Judge Of Appeal             | Supreme        |
| Sankale Ole Kantai         | Judge Of Appeal             | Supreme        |
| Ann Asugah                 | Deputy Registrar            | Supreme        |
| Thomas Atak                | Director Ict                | Supreme        |
| Martin Okwatta             | Director Procurement        | Supreme        |
| Esther Nyaiyaki Onchana    | Registrar                   | Supreme        |
| Jairus Ngaah               | Murang'a Law Courts         | Murang'a       |
| Festus Azangalala          | Judge Of Appeal             | Supreme        |
| John Wycliffe Mwera        | Judge Of Appeal             | Supreme        |
| Elijah Ogoti Obaga         | Industrial Court Judge      | Kitale         |
| Jorum N Abuodha            | Nyeri Law Court             | Nyeri          |
| Lily Odundo                | Facility Manager- Hr        | Supreme        |
| Mary Gitumbi               | Milimani Law Court          | Milimani       |
| Boaz N Olao                | Industrial Court Judge      | Kerugoya       |
| Nzioki Wa Makau            | Chief Magistrate            | Milimani       |
| Samuel Mukunya             | Industrial Court Judge      | Mombasa        |
| Oscar Angote               | Industrial Court Judge      | Malindi        |
| Onesmus Makau              | Industrial Court Judge      | Mombasa        |
| Dismus Obondo              | Director Human Resource     | Supreme        |
| Beatrice Kamau             | Deputy Director Finance     | Supreme        |
| Kissinger Kakai            | Supreme Dcrj                | Supreme        |
| Justice Mathew Nderi Nduma | Judge.                      | Supreme        |
| Justice Njagi Marete       | Judge                       | Supreme        |
| Justice James Rika         | Industrial Court Judge      | Nairobi        |
| Duncan Odima               | Icto                        | Milimani       |
| Lucy Waithaka              | Industrial Court Judge      | Nakuru         |
| Linnet Ndolo               | Industrial Court Judge      | Nairobi        |
| Dr. Christopher Wamwea     | Director Performance        | Supreme        |
| John Fredrick Okello       | Pmu-Jpip                    | Supreme        |
| Dr. Julie Ouma Oseko       | Assistant Director Jti      | Jti            |

|                          |                                |                   |
|--------------------------|--------------------------------|-------------------|
| Lucy Waweru              | Assistant Bench Liason Officer | Supreme           |
| Lucy Gitare              | Chief Magistrate               | Kisumu            |
| Nicholas Simani          | Communication Specialist-Jpip  | Supreme           |
| Simiyu Werunga           | Security Consultant            | Milimani          |
| Catherine Wambui Wachira | Deputy Director Dpac           | Supreme           |
| Dr. Paul Kimalu          | Deputy Director Perfomance     | Rahimtulla Towers |
| Margaret Kobia           | Commissioner Jsc               | Supreme           |
| Steve Ikileng            | Assistant Director Ict         | Milimani          |
| Josphat Karanja          | Assistant Director Ict         | Milimani          |
| Justice Hellen Wasilwa   | Industrial Court Judge         | Kisumu            |
| Justice Bryam Ongala     | Industrial Court Judge         | Nyeri             |
| Justice Maureen Onyango  | Industrial Court Judge         | Nairobi           |
| Justice Anne Omollo      | Industrial Court Judge         | Bungoma           |
| Justice Anthony Oteng'o  | Industrial Court Judge         | Nyeri             |
| Justice Anthony Kaniaru  | Industrial Court Judge         | Kisumu            |
| Justice Lucy Gacheru     | Industrial Court Judge         | Nairobi           |
| Justice Peter Njoroge    | Industrial Court Judge         | Meru              |
| Justice Stephen Kibunja  | Industrial Court Judge         | Busia             |
| Justice Samson Okong'o   | Industrial Court Judge         | Kisii             |
| Justice Esther Maina     | Industrial Court Judge         | Homa Bay          |
| Justice Mutende Lilian   | Industrial Court Judge         | Machakos          |
| Faith Kosgei             | Deputy Director Hr             | Supreme           |
| Liza Gicheha             | Spm                            | Malindi           |
| Patrick Kiage            | Judge Of Appeal                | Supreme           |
| Abdul Omar               | Deputy Chief Of Staff          | Supreme           |
| Grace Nzioka             | Judge                          | Supreme           |
| Barbara Achieng Ojoo     | Deputy Registrar               | Magistrate Court  |
| Kiarie Waweru Kiarie     | Chief Magistrate               | Milimani          |
| S. Ole Kantai            | Judge Of Appeal                | Supreme           |
| Agnes Murgor             | Judge Of Appeal                | Supreme           |
|                          |                                |                   |

The above details clearly show the definite steps that the Judiciary is undertaking towards the realization of E-justice. The presentation of part-fulfillment by acquisition of the hardware as listed show the level of efficiency that the judiciary now embraces in as far dispensation of justice is concerned. The above shows likelihood that all the staff as listed in Table 1 has access to a working, internet enabled computer system.

## 2.2 Structured Cabling of Courts

The Judiciary has completed structured cabling for all the high court's and other important facilities as listed in Table 4 below. In the coming financial year, 2014-2015, there will be an addition of 40 more court stations joining the grid. In yet another approach, and with donor support though Judicial Performance Improvement Project (JPIP) supported by the World Bank, all the proposed stations will LAN ready upon completion.

The scope of structured cabling as implemented by the Judiciary includes:

- (i) Provision of Local Area Network.
- (ii) Provision of adequate and commensurate number of data points.
- (iii) Provision of Wide Area Network.
- (iv) Provision of Clean Power System.
- (v) Provision of Uninterruptible Power Supply System.
- (vi) Provision of Generator.
- (vii) Provision of Close Circuit Television (CCTV).
- (viii) Provision of IP Telephony.
- (ix) Provision of Access Control.

*Table 4: List of courts stations and other facilities that have structured Cabling complete and working*

| <b>NO.</b> | <b>STATION</b>             | <b>STATUS</b>   |
|------------|----------------------------|---|
| 1.         | Rahimtullah                | Used By Human Resource, Procurement and Finance Directorates. |
| 2.         | Elgon                      | Court of Appeal Nairobi                                       |
| 3.         | Busia Law Courts           | Court   |
| 4.         | Mayfair                    | Judicial Service Commission Offices, Nairobi                  |
| 5.         | Bima Towers                | Industrial Court Mombasa                                      |
| 6.         | Kiambu Law Courts          | Court   |
| 7.         | Kisumu Law Courts          | Court   |
| 8.         | Kakamega Law Courts        | Court   |
| 9.         | Kericho Law Courts         | Court   |
| 10.        | Milimani Law Courts        | Court   |
| 11.        | Malindi Law Courts         | Court   |
| 12.        | Mombasa Law Courts         | Court   |
| 13.        | Garissa Law Courts         | Court   |
| 14.        | Bungoma Law Courts         | Court   |
| 15.        | Kitale Law Courts          | Court   |
| 16.        | Nakuru Law Courts          | Court   |
| 17.        | Embu Law Courts            | Court   |
| 18.        | Kisii Law Courts           | Court   |
| 19.        | Supreme                    | Supreme Court   |
| 20.        | Milimani Commercial Courts | Court   |



|     |                           |       |
|-----|---------------------------|-------|
| 21. | Machakos Law Courts       | Court |
| 22. | Makadara Law Courts       | Court |
| 23. | Nyeri Law Courts          | Court |
| 24. | Meru Law Courts           | Court |
| 25. | Eldoret Commercial Courts | Court |
| 26. | Eldoret Law Courts        | Court |
| 27. | Kibera Law Courts         | Court |
| 28. | Kikuyu Law Courts         | Court |

### 2.3 Case Management System

The Judiciary adapted a Case Management System in 2012. The CMS is tailored and built specifically for the Judiciary and has been successfully used in the just concluded election petitions. The presidential election petition also used the Case Management System. The CMS is available for use in all the divisions of the court including Supreme Court, Court of Appeal, High Court and Subordinate Courts. The CMS is an interaction system with allowances for any party in litigation to have multiple party designations, i.e. form type, native and value of claim, sequence number and legal representatives.

The CMS provides screen for specific court events and functions like hearing, mention and Judgments. It captures and displays relationships between parties during a case and also maintains a history of these changes. The CMS allows comments and letters, via integration with MS Outlook and Word to be created and sent to any or all parties using case details stored in the database. The system also allows a judge or other members of the Judiciary to be added to the case contracts when allocated to a case. The CMS allows for E- filling 24/7 by submission of forms by email and online. It automatically creates and integrates with MS Outlook and Zimbra. It has a financial module which displays a reconciliation of cash drawers by cashier, department and court stations. It has capability for cash direct deposit, credit/ debit cards, RTGS/Online and mobile phone payment methods. It also accounts for none-case related funds received e.g. Document copies, certified documents.

The CMS as used by the Judiciary has integrated MPESA payments platform for payment of bills such as fines, penalties and other court fees. The System is web based and supports Email and Short Message System (SMS). The CMS uses open source systems. It uses POSTGRE SQL Database due to its extendibility and advanced standards including ANS/ISO SQL Standard, SSL Connections between the client and server. Security features and Relational database Management System (RDBMS). CMS comes with an inbuilt workflow management system that allows for approvals, notifications and process movement through the enterprise (Judiciary).

Case Management System (CMS) is a comprehensive, automated case management system developed for all law enforcement agencies and appellate courts. CMS allows for courts to accept filings and provide access to file documents over the Internet CMS is designed to better use, manage, consolidate, share, and protect case-related information with the facility to immediately update dockets and make them available to users, file pleadings electronically with the court, and download documents and print them directly from the court system.

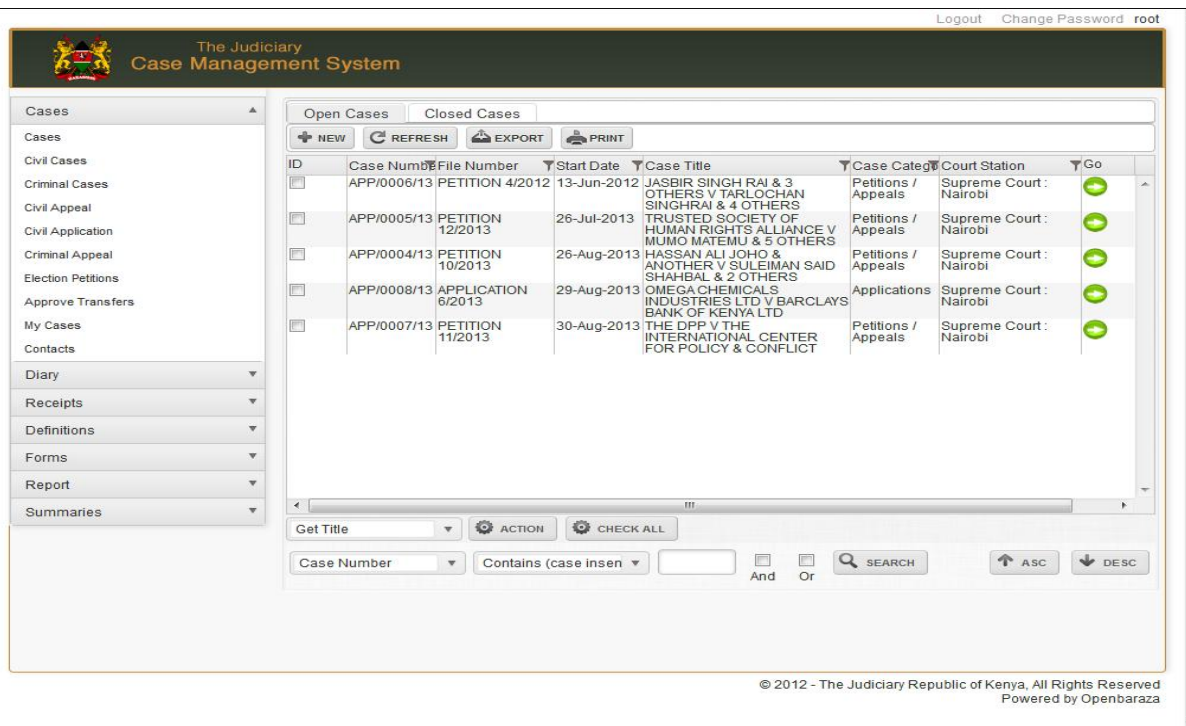


Figure 1: Screen shot of cases module on the Case management System

The Case Management System by 2015 will be in use in all the courts in the judiciary. The CMS ensures that there are no back logs of cases. It also helps in record keeping as the files are virtual and hence the issue of misplaced files or lost files is just disappearing. The CMS application is used by all Judiciary staff especially the court clerk.

## 2.4 E-mail System

It is mandatory that any new staff must be assigned an email address, [user@judiciary.go.ke](mailto:user@judiciary.go.ke). The Judiciary has all the 5,000 members of staff on its email system. All the over 5,000 staff and members of the Judiciary as part of ongoing policy implementation and development must have a [user@judiciary.go.ke](mailto:user@judiciary.go.ke). The email system adapted by the Judiciary stems from the designated government of Kenya portal and currently cloud hosted. The email uses Zimbra as a browser because of its popularity with Linux. Linux is the popular OS in the Judiciary (Desktops and laptops).

The Email system as adapted by the judiciary has improved communication by heaps and bounds. Bearing in mind that the Judiciary in Kenya has established about 120 court stations country wide, the email system has brought about instantaneous improvement on communication. Judiciary has saved millions of shillings in the last two years in stationeries expenditure, telephone expenses as a result of the email system. The email system is both for official and non official correspondences and acts as a complimentary to the other communication systems as described elsewhere. The attachment limit is 10MB. The number of files to attach is unlimited so long as they all add up to the 10MB ceiling. The email login of the Judiciary is embedded in the judiciary website, [www.judiciary.go.ke](http://www.judiciary.go.ke). It allows for user login with automatic completion process based on entry history. The email server is cloud based and the URL, [simba.judiciary.go.ke](http://simba.judiciary.go.ke) is secure.

## 2.5 Vehicle Tracking System

The Judiciary has a fleet of 326 vehicles. Out of this, 150 are on Vehicle Tracking System. These are the pool vehicles assigned to various stations countrywide. The rest, 176 vehicles, are assigned to Honorable Judges and other seniors such as the Chief Registrar and Directorate heads and hence not under VTS. The VTS is Web Based and is capable of the following:

- (i) Accessing data for vehicle, plants and other mechanical equipment.
- (ii) Initializing ID to capture all vehicle details including registration number, chassis no., engine no., and make/model. Acquisition cost, color ,year of manufacture, class of vehicle, equipment ,type, location and other keys for use in tracking /report making by vehicle/ equipment, date, month.
- (iii) Immediately track, monitor and secure assets using internet and mobile phones upon installation of the tracking unit
- (iv) Connecting vehicles/equipment across the country with your headquarters, counties and other places on request.
- (v) Generating a report on cost per km/hour for fuel for specific vehicle/ equipment, selected group of vehicles/ equipment for comparison and integrate with existing fueling data.
- (vi) Integrating different modules inclusive of external fuel cards, electronic fuel dispensers and GPS/GPRS devices.
- (vii) Costing per vehicle/ equipment the covering fuels, oils, lubricants, tyres, batteries, spare parts etc.
- (viii) Differentiating modules where all areas are inclusive of vehicle, drivers, repairs, fuel, tires, accidents, stock control, pool planning etc.
- (ix) Monitoring and advising on services intervals and history of the same, notifications (reminders for next service date, kms engine hours) show unusual repair cost in reference to set keys.
- (x) Giving automatic trip that includes, driving behavior, start-stop time for trip and mileage, initial and final odometer/ hour meter reading, start and final destination, total distance covered in km, total time spent on the trip, rpm, liters of fuel etc.
- (xi) Downloading data and automatic reports generation and delivery by email.
- (xii) Sending automatic E-mails alerts in emergency situations etc.

## **2.6 Modular Data Centre (MDC) and Storage Facility**

The Judiciary has implemented a Data center.A data center is a large group of networked computer servers typically used by organizations for the remote storage, processing, or distribution of large amounts of data. The MDC as built and designed accommodates all other all other requirements such as:

- (i) Sixteen high density 1a" 600mmx 1000m Equipment Rack with a sliding rail system. All are 43Us.
- (ii) 22KW all in one bx air conditioner unit-5 (five )units
- (iii) Biometric Access control
- (iv) Novec based Fire Detection and Suppression system
- (v) Security and Environment monitoring appliances
- (vi) Fibre Guide distribution system.
- (vii) Electrical distribution Board (class II surge protection)
- (viii) Dual BusWay system
- (ix) General and Emerging Lighting Requirements
- (x) Roxtec Entry for UPS, Generator and fibre connectivity.

The MDC is currently based at Supreme Court in Nairobi. The MDC has life span of 20 years and will be reviewed in 2033 when it is expected to be full and hence expansion.

The current location as described is temporary. The Judiciary plans to move the same to a more secure location and away from city.

## **2.7 VOIP**

The Judiciary, as part of its deliberate steps towards achieving E-Justice has acquired the usage of VOIP IP based telephone system and network. All the high courts have adapted the use of IPTs ad all are in one MPLS hence the ease of communication amongst staff. The calls are an extension away no matter which station you are in. The table below presents IPT census in respect to 21 sites.

## 2.8 CCTV and Access Control Systems

Table 5: WAN Phone count and distribution per station

|     | Station                      | Staff | Conference | Attendant | Top Executive | Operator | Executive | Professional | Standard |
|-----|------------------------------|-------|------------|-----------|---------------|----------|-----------|--------------|----------|
| 1.  | Judicial Training Institute  | 20    | 2          | 2         |               | 2        | 2         |              | 14       |
| 2.  | Nyeri High Court             | 91    | 1          | 3         |               | 12       | 12        | 1            | 63       |
| 3.  | Meru High Court              | 61    | 1          | 2         |               | 7        | 7         | 1            | 44       |
| 4.  | Embu High Court              | 51    | 1          | 2         |               | 5        | 8         | 1            | 35       |
| 5.  | Machakos High Court          | 52    | 1          | 2         |               | 9        | 12        | 1            | 28       |
| 6.  | Kericho High Court           | 40    | 1          | 2         |               | 4        | 7         | 1            | 26       |
| 7.  | Kisii High Court             | 63    | 1          | 2         |               | 4        | 7         | 1            | 49       |
| 8.  | Kisumu High Court            | 99    | 1          | 3         |               | 8        | 11        | 1            | 76       |
| 9.  | Kakamega High Court          | 82    | 1          | 2         |               | 7        | 10        | 1            | 62       |
| 10. | Bungoma High Court           | 56    | 1          | 2         |               | 7        | 10        | 1            | 36       |
| 11. | Kitale High Court            | 66    | 1          | 2         |               |          |           | 1            | 63       |
| 12. | Eldoret High Court           | 73    | 1          | 2         |               | 9        | 12        | 1            | 49       |
| 13. | Nakuru High Court            | 82    | 1          | 2         |               | 9        | 12        | 1            | 58       |
| 14. | Mombasa Lower and New Courts | 151   | 2          | 4         |               | 19       | 22        | 1            | 105      |
| 15. | Garissa High Court           | 41    | 1          | 2         |               | 6        | 6         | 1            | 26       |
| 16. | Milimani High Court          | 600   | 3          | 7         |               | 34       | 54        | 10           | 495      |
| 17. | Milimani Commercial Court    | 123   | 1          | 4         |               | 10       | 18        | 1            | 90       |
| 18. | Kibera Law Court             | 53    | 1          | 2         |               | 6        | 9         | 1            | 35       |
| 19. | Makadara Law Court           | 38    | 1          | 2         |               | 7        | 10        | 1            | 18       |
| 20. | Kikuyu Law                   | 22    | 1          | 2         |               | 2        | 5         | 1            | 12       |

|     |               |     |   |  |   |   |    |    |    |     |
|-----|---------------|-----|---|--|---|---|----|----|----|-----|
|     | Court         |     |   |  |   |   |    |    |    |     |
| 21. | Supreme Court | 340 | 8 |  | 5 | 8 | 40 | 35 | 60 | 192 |

There is use of IP cameras with varied specifications that are dependent on the type of cameras. All the cameras are 2 megapixels for effective use of bandwidth. There are total of 432 IP cameras distributed in 21 court stations as a pilot phase and Access Control System of the Judiciary. They are all centrally managed at Milimani Law Courts. All the participating stations have a resident NVR that does the recording of audio and video data over TCP/IP networks. Each NVR has up to 16 channels of pure IP surveillance.

Both the CCTV and Access Control System are based on GeoVision Technology with the CMS software GV-CentreV2Pro. The Access Control is IP based biometric with such features as Control Panel, Biometric readers, door closers and electro-magnetic doors with a holding force of 280 kg. The CCTV system can receive images of up to 800 channels. It has a remote backup and offers multisite management.

### 2.9 Audio Visual System

This involves 35 courtrooms in both Supreme Court and Milimani Buildings. In Supreme Court Building there are four (4) courtrooms while in New Milimani there are thirty one (31) courtrooms. All the 35 courtrooms are fitted with audio-visual systems. Audio-visual refers to equipment and applications that deal with sound and sight. AV components include:

- (i) Cameras/production equipment and accessories.
- (ii) Hard disk and tape recorders.
- (iii) Video Display monitors and accessories.
- (iv) VCRs, CD and DVD players/recorders.
- (v) Document cameras.
- (vi) Sound system – Microphones, speakers.
- (vii) Video switcher.
- (viii) Projectors.
- (ix) Audio mixers and audio visual processors.
- (x) Equipment racks and accessories.
- (xi) Amplification and distribution.
- (xii) Cables and connectors.

### 3.0 Conclusion

Noted challenges include inadequate ICT skills and competences and lack of integration of various standalone systems. There is therefore a need to develop and realign ICT policy and strategy to the new Judiciary Transformation Strategy. The Judiciary will create an E-Judiciary Framework that will make ICT an enabler of its transformation program. Under this framework the judiciary will implement the following activities aimed at automating judicial operations.

The Judiciary has had very limited adoption and utilization of information and communication technologies. One of the key challenges is the failure to properly harness and deploy ICT, including developing the required ICT infrastructure and computerizing the key judicial applications (especially a suitable case management system) leading to poor delivery of services. The result has been inefficiency and ineffectiveness in the administration of justice.

The successful implementation of the framework will depend on the strength, resolve and commitment of the political leadership of the judiciary orbit institutions. It will be the basis for the development of Courts, Stations, and Directorates Strategic plans. A monitoring and evaluation system will be developed and a continuous appraisal system designed by the secretariat.

#### **4.0 Recommendations**

The use of Information Technology has been identified as one of the means suitable for supplementing the various reforms in convalescing the performance of the e-justice sector. The Government of Kenya has made strides in the implementation of e-justice to effectively utilize Information and Communications Technology.

There needs to be ways of harnessing the existing opportunities and methods to fully utilize and implement e-justice in Kenya that will culminate into a generic framework that can be applied in similar countries. There needs to be systems designed to improve access by Kenyan citizens and business to legal resources across all borders specifically information on laws and procedures in African countries. This will seek to improve interoperability of the information systems of legal authorities within the country and support the implementation of common standards and solutions that make cross border case handling activities easier.

The use of ICT makes judicial procedures more transparent, efficient and economic while facilitating access to justice for citizens, businesses, administrations and legal practitioners. E-justice systems should be setup such that all future legislation in the field of civil law is designed in such a way that it can be used in on-line applications. Accordingly, where proposals are made involving forms intended to be filled out by citizens, the forms should be designed and formatted ab initio for electronic use and made available in all official languages.

Action should be taken to reduce to a minimum the need to input free text and to ensure that, where necessary, on-line help is provided in all official languages and on-line electronic translation services are available. Audits should be carried out on e-justice systems to ensure that it is being used appropriately and is serving the judicial systems well and to measure the efficiency of the system in easing work load, reducing paper work, reduction of corruption and well maintained documentation of the system, elaborate reporting and audit trails retrieved from the system.

A multilingual portal should be designed to afford every assistance to citizens and businesses seeking legal assistance and initial legal advice about cross-county legal problems. Apart from access to legal databases and electronic remedies, it should incorporate intelligent systems designed to help citizens to find out how to deal with legal problems. Such systems should guide people on how to find a lawyer who speaks their language (advocate, notary, solicitor, etc), explaining their respective functions, ascertain what legal aid, if any, is available and to determine what steps to take in order to carry out certain formalities (e.g., how to set up a company, file accounts, draw up a will, buy/sell a house, etc). They should also be able to give a guide as to what the type of problem is, what procedural steps have to be taken and so on. Where possible, initial free legal advice by e-mail should be provided through, and under the supervision of, national professional bodies.

Apart from providing access to legal and legislative databases and the fullest possible range of national registers, it should also permit secure communication, video-conferencing and document exchange between courts and between courts and parties to proceedings (dematerialization of proceedings). To this end, it should also enable verification of electronic signatures and make provision for appropriate verification systems. A real e-justice strategy cannot function without harmonization of procedural safeguards and adequate data-protection safeguards applying to cooperation in criminal justice matters.

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