

Republic of Kenya



The National Council on Administration of Justice (NCAJ)

Court Users' Committee

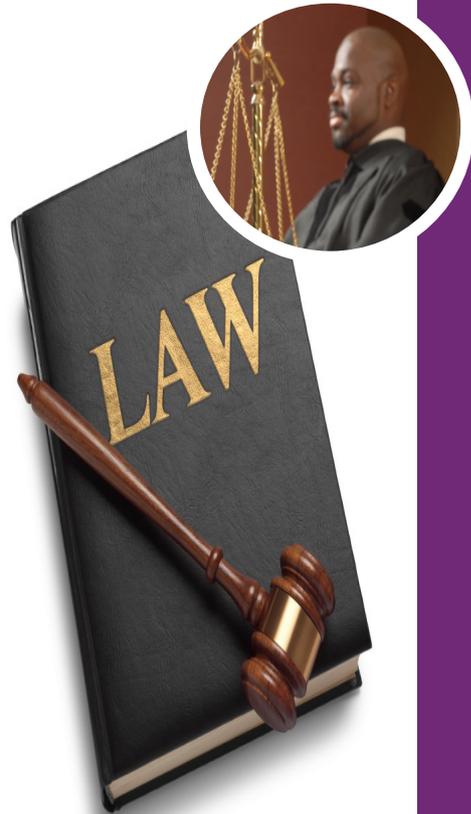


Who Are We?

A Court Users Committee is a forum that brings together actors in the administration of justice as well as users in the justice system to address problems within the sector by all agencies and stakeholders concerned.

CUCs also serve to promote accountability and improvement of performance by Courts and all actors within the justice chain.





How are the Court Users' Committees established?

There shall be a Court Users Committee established at each Court Station.

Mobile Courts shall establish Court Users Committees where necessary.

Special Courts namely the Industrial Court, the Children's Court and the Municipal Council Courts inter alia shall establish Court Users Committees.

There shall be established at each county Court Users Committees, a secretariat to coordinate the activities of committee within the County and Court Stations falling within the supervisory jurisdiction of the County Court.

What is the membership of the Court Users' Committee and how am I represented as an accused person/litigant/paralegal?



The membership of the CUC shall reflect that of the NCAJ in as far as is practicable.

However, a CUC is at liberty to invite members on an ad hoc or permanent basis according to its needs. The ad hoc members may only be invited to attend to specific agenda of the CUC and cease to be a member thereafter.

Consequently, the membership of the CUC will comprise the heads of the following institutions or their deputies appointed in writing:

- The Resident Judge or Head of Division and in the case of Magistrates Court, the Head of a Station appointed as such who shall serve as the Chairperson of the Court Users Committee;
- Other Judges and or Magistrates
- Probation and Aftercare Service
- Kenya Prisons Service
- Children's Department;





- Office of the Director of Public Prosecution;
- Attorney General’s representative
- National Police Service – Station Commanders and Divisional Commanders including specialized units within the Police Service;
- Other agencies with prosecutorial powers within the stations; e.g. Labour, Environment, Municipal Councils etc
- Witness Protection Agency
- National Legal Aid Programme
- Superintendent of the local hospital
- Law Society of Kenya or local Bar Representatives;
- A representative of the County Executive in the case of the station CuCs
- Two Representatives of relevant Civil Society Organizations dealing with the administration of justice;
- A representative of the paralegal support network

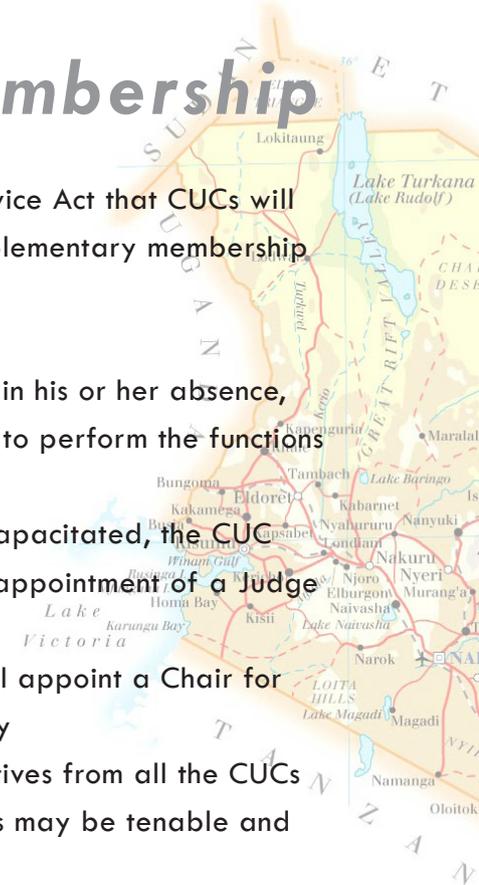
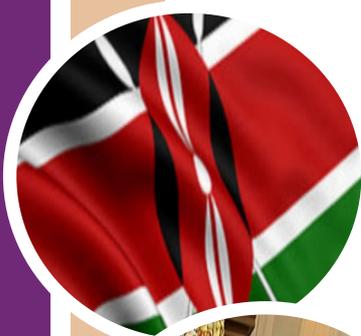
- Community Leaders (two) including Youth plus Women representatives and Paralegal Officer;
- Three Representatives of Faith-Based Organizations
- A representative of Court Bailiffs, Court Brokers and Auctioneers;
- The Executive Officer or the Deputy Registrar in the case of High Court.
- A representative of the Provincial Administration as currently constituted
- A representative of the Paralegal Support Network
- Two persons representing Special Interest Groups



County-level Membership

In line with the provision of the Judicial Service Act that CUCs will be established at the County level, the supplementary membership shall be constituted as follows:

- The County Judge will be the Chair and in his or her absence, the Chief Justice will designate a Judge to perform the functions of the Chair.
- In the event that the County Judge is incapacitated, the CUC shall appoint an interim Chair, pending appointment of a Judge by the Chief Justice.
- The Chief Registrar of the Judiciary shall appoint a Chair for Magistrates Courts Stations in the County
- Each County CUC shall have representatives from all the CUCs in the County including Special Courts as may be tenable and necessary



- The County Governor shall also be a member of the County

Because the above membership is simply illustrative and not exhaustive, CUCs shall remain at liberty to permanently or temporarily co-opt or invite any member as relevant for its purposes.

CUCs are further encouraged to ensure the participation of all through Sub-Committees and the promotion of awareness of its activities through regular media briefs and other open fora.

All CUCs must promote gender equality by ensuring that not more than two-thirds of its members shall be of one gender.



How the CUC's will assist you

The committee will look into the following issues to assist all litigants and members of the public:

- access of information for litigants and the public
- a mechanism to address issues of corruption and integrity amongst justice sector actors
- coordination and communication in the justice sector
- unreasonable and inconsistent conditions of bail and bond terms
- lack of legal aid to deserving accused persons
- inadequate capacity
- lost files and poor filing systems
- case backlog and poor case flow management
- delayed justice; mostly attributed to delays in investigations,
- corruption
- unnecessary arrests
- poor infrastructure in the justice sector
- unprofessional conduct by justice sector actors and court officials
- lack of punctuality
- complex court procedures



How often will the Court Users' Committee meet?

A Court Users Committee shall meet at least once every three months. The quorum for each meeting shall be one more than one half and not less than nine members. The venues of the meeting shall be agreed upon by the members taking into account the distance and convenience.

In discharging its functions, the Court Users Committee shall:

- a) Determine its procedure;
- b) Establish such sub-committees as are necessary;
- c) Co-opt persons whose knowledge and expertise it may require;
- d) As far as possible adopt a less formal approach in the conduct of its business.

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