



# THE JUDICIARY



Hon. Lady Justice Hellen A. Omondi

Presiding Judge – Eldoret High Court

email: [hellen.omondi@court.go.ke](mailto:hellen.omondi@court.go.ke)

## NOTICE (AMENDED)

TO:

1. All Judges, Eldoret Law Courts
2. All Magistrates & Kadhis, Eldoret Law Courts, Kapsabet Law Courts and Iten Law Courts
3. Officer-in-Charge, Eldoret Men's Prison
4. Officer-in-Charge, Eldoret Women's Prison
5. Officer-in-Charge, Eldoret Children Remand Home
6. President, North Rift Law Society & All Advocates
7. Office of the Director of Public Prosecutions – Eldoret
8. Attorney General's Office - Eldoret
9. CEO, Law Society of Kenya
10. All Court Users and Litigants

DATE: 17<sup>th</sup> April, 2020

### INTERIM ADMINISTRATIVE DIRECTIVES ON UP-SCALING OPERATIONS OF THE COURTS IN ELDORET LAW COURTS, KAPSABET LAW COURTS AND ITEN LAW COURTS

In compliance with the directives contained in the Press Statement of the Honorable Chief Justice dated 15/04/2020 and the circular of the Chief Registrar of the Judiciary dated 16/04/2020 regarding the upscaling of Court Operations upon the satisfaction of MOH guidelines, the Presiding Judge issues the following **Interim Directives**:

1. The Station's Leadership is consulting with the Ministry of Health and County Health Officials who will visit the Court station and give concrete guidance on how the Courts can resume certain operations within the MOH guidelines on combating the spread of COVID-19 while protecting the health of Court officers and all Court users. In particular, the Ministry of Health and County Health Officers will advise the Court Station Leadership on the following:
  - a) What regular fumigation and other disinfecting methods should be employed to ensure the Court building is free from any Corona Viruses and the frequency recommended for such fumigation/disinfection.
  - b) Whether a sanitizing mister is needed for use in sanitizing all persons entering the Court premises and if so, the logistics of acquiring and installing one given that a normal-operating Court is a public service building.

- c) What sanitation and hygiene needs of the Court building and Court staff are and what extra measures to put in place to ensure lives of those working in and/or visiting the Court building are not put at risk.
  - d) The maximum number of people who can work in all the different spaces (registries; Courts; chambers; offices) in the building. This information will inform the decisions to be made on the number of Court staff, Judicial Officers and Judges that can come to Court on any given day as well as the maximum number of Court users who can be in any given space at any given time.
  - e) The Personal Protective Equipment (PPE) required by each member of Judiciary Staff, Judicial Officer and Judge before they can report to work.
  - f) How to sanitize documents and files and what handling procedures to be established to prevent infection through these items.
  - g) What other requirements to make of members of the public and Court users entering the Court building?
2. After the Ministry of Health and County Public Health Officials have made their recommendations, the recommendations will be communicated to National Judiciary Management team for procurement and acquisition. Once the MOH guidelines are met to the satisfaction of the Ministry of Health and County Public Health Officials and the Station Leadership Team, the date for physical re-opening of the Court and the exact nature of “upscaling” will be announced upon discussion and consultation with all stakeholders through the Court Users Committee (CUC).
3. Whatever the decision and recommendations made by Public Health Officials, the following groups of staff will be exempted from going to Court or work and will only work from home:
- a. Judges, Judicial Officers and Judiciary Staff who are aged 58 years and above; and
  - b. Judges, Judicial Officers and Judiciary Staff who have pre-existing conditions.
4. Meanwhile, Judicial Officers and Judges will continue hearing all matters which can be appropriately handled remotely in accordance with *Practice Directions for the Protection of Judges, Judicial Officers, Judiciary Staff, Other Court Users and the General Public From the Risks Associated with the Global Corona Virus Pandemic* (Gazette Notice No. 3137 of 17<sup>th</sup> April, 2020) and the Constitution noting to balance the fair trial rights of all the disputants. In particular, the following cases will proceed:

**The Magistrates’ Courts, the following categories of cases will proceed remotely:**

- i. Applications filed under Certificate of Urgency electronically.
- ii. All civil cases – including applications -- which can be determined by written submissions and without requiring the hearing of witnesses. These will be heard by way of Written Submissions electronically filed;

- iii. Re-sentencing Applications brought under the *Muruatetu* doctrine as referred to the Courts by the High Court. These will be heard by way of video-conferencing;
- iv. Criminal cases which have reached the Defence stage where the Accused Person is in remand which will be heard by way of videoconferencing;
- v. All matters before any of the Courts pending confirmation of filing of written submissions and taking of a judgment or ruling date; and
- vi. Any other application or matter which can, in the judicial determination and discretion of the Judicial Officer, be canvassed by way of Written Submissions and/or video-conferencing.

**The High Court will continue hearing the following categories of cases remotely:**

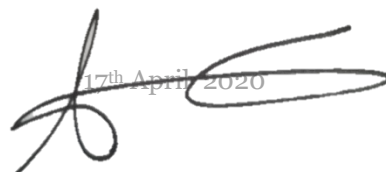
- i. Applications filed under Certificate of Urgency electronically.
- ii. Criminal revisions which, where necessary, will be heard by way of video-conferencing;
- iii. Criminal appeals which are ready for hearing which will be heard by way of written submissions and video-conferencing;
- iv. Admitted Civil appeals and applications -- which will be heard by way of Written Submissions electronically filed;
- v. Miscellaneous Criminal Application and Petitions including Applications for Re-sentencing which will be heard by video conferencing or, where appropriate, by written orders by the Court;
- vi. All matters before any Court pending confirmation of filing of written submissions and taking of a judgment or ruling date; and
- vii. Any other application or matter which can, in the judicial determination and discretion of the Judge, be canvassed by way of Written Submissions and/or video-conferencing.

**The Employment and Labour Relations Court will continue hearing the following categories cases remotely:**

- i. Applications filed under Certificate of Urgency electronically;
- ii. ELRC Admitted appeals which will be heard by way of written submissions electronically filed;
- iii. Petitions which will be heard by way of written submissions electronically filed;
- iv. Judicial Review;
- v. All matters before the Court pending confirmation of filing of written submissions and taking of a judgment date; and
- vi. Any other application or matter which can, in the judicial determination and discretion of the Judge, be canvassed by way of Written Submissions and/or video-conferencing.

**The Environment and Land Court will continue hearing the following cases remotely:**

- i. Applications filed under Certificate of Urgency electronically;
  - ii. Appeals which have been admitted for hearing which will be heard by way of Written Submissions electronically filed. Directions in such matters will be given by video-conferencing;
  - iii. All matters before any Court pending confirmation of filing of written submissions and taking of a judgment or ruling date; and
  - iv. Any other application or matter which can, in the judicial determination and discretion of the Judge, be canvassed by way of Written Submissions and/or video-conferencing.
5. The Court operations in mitigation of the Covid-19 by the Hon. Chief Magistrate dated 25<sup>th</sup> March 2020 especially those parts dealing with procedures for electronically filing and delivery of judgments and rulings will continue to apply. For avoidance of doubt, judgments and rulings for matters prosecuted by *pro se* litigants can also be delivered electronically where the *pro se* litigant consents to dispense with the requirements of **Order 21 Rule 1** of the Civil Procedure Rules.
6. All electronic filings **SHALL** be filed in the Email [eldoretfiling@court.go.ke](mailto:eldoretfiling@court.go.ke)
7. For any updates kindly visit our Facebook page <https://www.facebook.com/EldoretLawCourts>
8. All requests for directions or clarifications should be addressed as follows for all the Courts:
- ❖ For matters in the Court of Appeal: **0799842177 / 0722469170 or [courtofappeald@court.go.ke](mailto:courtofappeald@court.go.ke)**
  - ❖ For matters in the High Court: **0799842177/ 0722469170 or [eldorethighcourt@court.go.ke](mailto:eldorethighcourt@court.go.ke)**
  - ❖ For matters in the Environment and Land Court: **0799842177/ 0722469170 or [eldoretelc@court.go.ke](mailto:eldoretelc@court.go.ke)**
  - ❖ For matters in the Employment and Labour Relations Court: **0799842177/ 0722469170 or [eldoretelrc@court.go.ke](mailto:eldoretelrc@court.go.ke)**
  - ❖ For matters in the magistrates' Court: **0727688383 / 0713787837 / 0771371600 or [eldoretcourt@go.ke](mailto:eldoretcourt@go.ke)**
  - ❖ For matters in the Kadhi's Court: **0715562012 or [eldoretkadhis-court@court.go.ke](mailto:eldoretkadhis-court@court.go.ke)**
9. These Administrative Directives are temporary and will remain in place until reviewed or superseded by latter Directives.

  
17th April 2020

**Hon. Lady Justice H.A Omondi**  
**Presiding Judge Eldoret High Court**



# THE JUDICIARY

Hon. Lady Justice Hellen A. Omondi  
Presiding Judge – Eldoret High Court  
email: [hellen.omondi@court.go.ke](mailto:hellen.omondi@court.go.ke)

## ADDENDUM NOTICE

**TO:**

1. All Magistrates, Kapsabet Law Courts and Iten Law Courts
2. Officer -in-charge, Eldoret Main Prison, Officer- in- charge Eldoret Women Prison, Officer in charge Eldoret Juvenile Remand Home, Officer -in- charge Tambach Prison, Officer -in charge Kapsabet Prison.
3. President North Rift law Society & all advocates
4. Office of the Director of Public Prosecutions –Kapsabet & Iten
5. Attorney General's Office-Eldoret
6. All litigants and Court users
7. CEO Law Society of Kenya

**DATE:** 19<sup>TH</sup> APRIL 2020

### FURTHER DIRECTIONS AFFECTING ITEN LAW COURTS AND KAPSABET LAW COURTS

Further to the **INTERIM ADMINISTRATIVE DIRECTIVES ON UP-SCALING OPERATIONS OF THE COURTS** dated 17<sup>th</sup> April 2020, take note of the following:

1. All electronic filings for Iten and Kapsabet Law Courts **SHALL** be filed in the following Emails:
  - i. Iten Law Courts [itencourt@court.go.ke](mailto:itencourt@court.go.ke)
  - ii. Kapsabet Law Courts [kapsabetcourt@court.go.ke](mailto:kapsabetcourt@court.go.ke)
2. All inquiries, requests for directions or clarifications in Iten and Kapsabet Law Courts to be addressed as follows:
  - i. Kapsabet Law Courts 0726701859/0721422466/0723796074 and/or email [dukeaocharo@gmail.com](mailto:dukeaocharo@gmail.com) / [abdallah.musumba@court.go.ke](mailto:abdallah.musumba@court.go.ke) / [alexochumba@gmail.com](mailto:alexochumba@gmail.com)
  - ii. Iten Law Courts 0721297326/0723992022 or email [courtiten@gmail.com](mailto:courtiten@gmail.com)

19<sup>th</sup> April 2020

**Hon. Lady Justice H.A Omondi**  
**Presiding Judge- Eldoret Law Courts**