



THE JUDICIARY OF ZAMBIA

NewsLetter

Issue #1, 2023

THE ADJUDICATOR

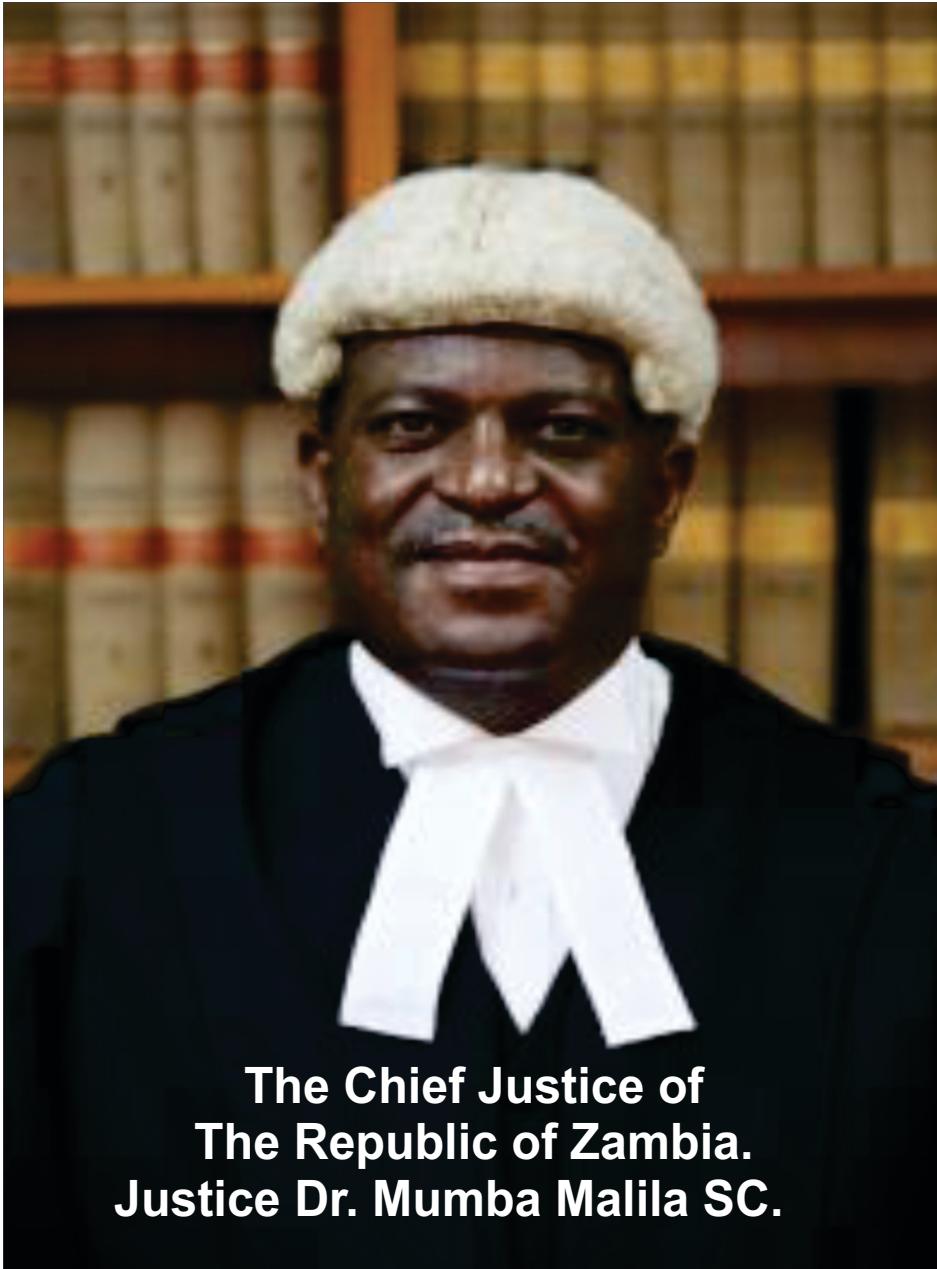
Independent • Impartial • Efficient • Effective

TABLE OF CONTENTS

FOREWORD	2
CHAIRPERSON'S REMARKS	3
ADVISORY COMMITTEE ON PUBLIC RELATION AND INFORMATION	4
EDITORIAL TEAM	4
ADJUDICATING DURING THE COVID19 PANDEMIC:	
JUDICIARY (CORONAVIRUS) MAY 2020 GUIDELINES	5
COURT REPORTING AT A GLANCE	7
CASE MANAGEMENT, FROM A TRIAL COURT'S PERSPECTIVE	8
A DAY IN HISTORY	11
DID YOU KNOW	12
THE RELATIONSHIP BETWEEN MENTAL ILLNESS AND CRIME	13
THE PROSPECTS OF ELIMINATING AN UNBALANCED DUAL LEGAL	
SYSTEM THROUGH MEDIATION	14
RETIRED JUDGES	16
WELLNESS CORNER	17
PROMOTION OF STAFFS	18
STAFF RETIREMENT	20



FOREWORD



**The Chief Justice of
The Republic of Zambia.
Justice Dr. Mumba Malila SC.**

I wish to welcome you all to 2023! I trust that you have had a good start to the year and that, so far, you are on track with all the resolutions and the goals you may have set for yourselves for the year ahead.

This is the first edition of the Judiciary of Zambia newsletter - The Adjudicator - after a long time. One of the mandates of the Advisory Committee on Public Relations and Information is to provide communication channels within the Judiciary generally. An institution such as ours needs a dedicated and well-

organised communication voice. The absence of such a communication tool results in fragmented and limited flow of information within the institution. It is against this backdrop that the Advisory Committee on Public Relations and Information identified the need to establish a newsletter for the Judiciary.

This newsletter bridges the information gap by informing members of the Judiciary of the latest developments in the institution; heightening contact between members of the Judiciary; acting as a platform for the Judiciary to

share views on general matters that affect them; and profiling Court staff in the execution of their duties.

I am very hopeful that this newsletter, will, going forward, consistently be published on a quarterly basis primarily for the Judiciary's consumption. In this era of thriving technological advancements, and in remaining true to our commitment to a green environment, the e-version of The Adjudicator must be a welcome development. It is cheaper to publish, easier to distribute across the country and at any rate, more accessible to all our staff.

I wish to encourage all of you to find time to contribute articles on diverse issues that affect your courts or yourselves, even at a personal level. I particularly encourage those of our staff in far flung areas to share experiences and profiles of long serving staff.

Broadly speaking, the subject matter of this particular publication includes topics on adjudicating during the Covid 19 Pandemic, Case Management, and updates on staff promotions and retirements. The publication also includes interesting nuggets of information on historical facts about the Judiciary. I hope you find these particularly informative and enlightening.

It is crucial that we all support this initiative and contribute towards the enhancement of the quality and the growth of this publication. It belongs to all court staff. Once again, we are grateful for the selfless service rendered by members of the Advisory Committee, Editorial team, and those that have made contributions to this edition of the publication.

CHAIRPERSON'S REMARKS



Hon. Amb. Justice Palan Mulonda.

Dear Reader,

Allow me on behalf of the Advisory Committee on Public Relations and Information (ACPRI) to make a few remarks on our maiden e-newsletter issue styled the Adjudicator.

The issue follows the reconstitution of the ACPRI by His Lordship the Chief Justice Hon. Dr. Justice Mumba Malila, SC and whose terms of reference include among others the publication of a newsletter with the aim of serving as a platform for informing, communicating and educating the community of adjudicators within our jurisdiction.

The policy directive by the Chief Justice to ACPRI to have a publication of this nature,

comes at a time when the Vision shared by His Lordship demands that none is left behind within our community in following through that Vision. In this respect the editorial team intends to pitch the Adjudicator as a read of choice, on information, communication and education within the Judiciary.

To attain this goal, the editorial team is counting on you our readers and community, involved in rolling out the Vision of the Chief Justice, to share content that speaks to the Vision. The editorial team on its part will endeavor to assemble a publication that is balanced and speaks to the threefold function of the issue, namely, information, communication and education. This being the first issue of its kind we look forward to receiving in our

ICEBOX comments and suggestions on how we can deliver on our mandate.

In concluding may I, on behalf of the editorial team, thank the contributors to this first e-newsletter issue for their well researched and enlightening articles. Lastly but not the least I would be failing if I do not recognise the immediate past Chairperson of ACPRI, Hon. Mr. Justice Jones Chinyama, who ably superintended over the work of the ACPRI in its formative phase and saw the publication of a hard copy newsletter among other notable achievements.

I wish you all a wonderful read.

ADVISORY COMMITTEE ON PUBLIC RELATIONS AND INFORMATION



Hon. Amb. Justice Palan Mulonda.
Chairperson



Hon. Mr. Justice Kelvin Muzenga
Member



Hon. Lady Justice Bubile Shonga
Member



Mr. Prince Mwiinga
Member



Ms. Jennifer Bwalya
Member



Mr. Sangwani Nyimbiri
Member



Ms. Kalumba Chisambisha-Slavin
Secretary

EDITORIAL TEAM FOR THE ADJUDICATORS

- 1.Hon. Mr. Justice Palan Mulonda
- 2.Hon.Lady Justice Bubile Shonga
- 3.Hon Exnobert Zulu
- 4.Mr. Fynold Mufwaafwi
- 5.Mr. Sangwani Nyimbiri
- 6.Ms. Kalumba Chisambisha-Slavin
- 7.Mr. Mwansa Kayongo
- 8.Mr. Elias Makoni

ADJUDICATING DURING THE COVID19 PANDEMIC: A JUDGE'S PERSPECTIVE



BY LADY JUSTICE
CATHERINE M. LOMBE PHIRI

INTRODUCTION

This article seeks to highlight the interventions that were introduced to curb the spread of the Coronavirus disease (Covid19 virus) while seeking to maintain the vision of the Judiciary of Zambia to adjudicate civil, criminal and constitutional matters in an independent, impartial and timely manner without fear or favour. The article will also bring to the fore some of the practical challenges faced by adjudicators in carrying out their mandate during the pandemic. It will also discuss the importance of having a functioning digital system both for filing of court documents and attendance of proceedings. It is hoped that a case will be made out for consideration of investing in digital technology that will enhance access to justice and ultimately contribute to the rule of law.

BACKGROUND

The threat of Covid-19 was not palpable even after it was declared a global public health emergency on 30th January, 2020 and upgraded to a pandemic in early March of the same year by the World Health Organization. The first two (2) cases of Covid-19 in Zambia were recorded on 18th March, 2020. Thereafter, more cases came up, necessitating the

Government to act to curb the spread of the pandemic. The Judiciary was not left behind in these efforts to manage the spread of the virus. The Chief Justice on 20th May, 2020 issued guidelines to ensure that the dispensation of justice was not compromised by the need to safeguard adjudicators and judiciary staff from the ravages of the Covid 19 virus. Among the notable interventions introduced by the Guidelines was the allowance given for the use of electronic means to effect service of court documents and to conduct hearings. The guidelines also, among other things, provided direction regarding sitting arrangements during the hearing of both civil and criminal matters at the different levels of judicature.

It became very apparent during the conduct of proceedings during the peak period of the pandemic that the use of digital interventions was essential. However, as all other protocols that are introduced during emergency situations, the were various challenges in their implementation. Be that as it may there have also been vital lessons learned which may be cardinal in enhancing the core function of the Judiciary which is to deliver justice.

JUDICIARY (CORONA- VIRUS) MAY 2020 GUIDELINES

From a public health perspective, the key social interventions in preventing and managing the spread of the Covid19 virus included three key strategies i.e. masking up, physical distancing and sanitizing. At the height of the pandemic large public gatherings were banned. Social gatherings had to be held with the permission of the Ministry of Health under stringent conditions. Initially all court sittings, both civil and criminal, were cancelled. In the wake of the COVID-19 pandemic, the Zambian Judiciary postponed sessions of the Supreme Court, Constitutional Court and Court of Appeal, which were scheduled to commence on the 7, 14 and 21 April 2020, respectively. The High Court also followed

a similar route by suspending its criminal sessions in various districts and hearing of all civil matters, except for one judge attending to urgent matters such as injunctions and stay of executions. This paused a serious threat to the constitutional right to a free, fair and speedy trial. The Judiciary were, however, quick in putting in place interventions to ensure that there was no total breakdown of the justice delivery system.

The Chief Justice moved swiftly to put into place Guidelines that spoke to the public health requirements as provided for by the Minister of Health. The Guidelines were clear in stating that they would apply to all Courts of Judicature from the Local Courts right up to the Supreme Court. It was also stated in the Guidelines that while they would apply for an initial 90 days, they were subject to extension, as may be determined by the Chief Justice. Further, there was sufficient flexibility provided in the event that circumstances change and the Guidelines required modification.

The commonality on the manner proceedings are held at the various levels of judicature were provided for by the provision of general guidelines. However, it was recognized in the Guidelines that there are differences in the manner that criminal and civil proceedings are held. In so recognizing, there were specific provisions made to ensure that the peculiarities under each head were taken care of in order to safeguard the rights of litigants, witnesses and victims.

The common Guidelines related to filing of process and notices, attendance of hearings, cause listing of matters, time limits and delivery of judgments. The emphasis in these Guidelines was with regard to the need to limit or completely eliminate physical contact while maintaining the litigants right to be heard. Allowing for a Court to exercise its discretion, whether or not to proceed in a particular manner, gives an opportunity to treat each matter on a case-by-case basis. As will be shown below this was necessary considering the different

infrastructure and human resources available from station to station.

With specific regard to criminal proceedings, emphasis was placed on the need to ensure that an accused person was well informed of the proceedings. Also, that the Accused was present during the proceedings. Allowance was also given to interlocutory applications, such as bail applications, to be heard on the basis of the documents filed into Court.

In relation to Civil proceedings the notable Guidelines were with regard to the service of notices by electronic means including short messaging system and WhatsApp Messenger and the allowance of audio and video hearings. This allowance of use of commonly used electronic means was a timely intervention. Reference of matters to court annexed mediation was also encouraged.

It was stated that the Guidelines that are applicable in civil matter would apply, with necessary modifications, to proceedings before the Small Claims Court and Local Court.

CHALLENGES IN IMPLEMENTATION

In order to adhere with the public health regulations, the Judiciary had to ensure that there were sufficient facilities to ensure that the three main interventions were being complied with.

One of the main challenges with regard compliance with the public health regulations was the requirement to have sanitary conditions prevail. This meant the acquisition of goods and services to ensure that the Court premises were adequately sanitized and Judiciary staff were provided with personal protective equipment (PPE). Owing to procurement procedures the trickle down of resources to the provincial and district centers was very slow. Further, the resources were insufficient to cater for all the levels of the Courts. In most instances it was only the higher Courts that were adequately funded leaving the other courts to fend for themselves or rely on circuiting courts.

While the use of electronic means to serve notices and other court process

was a welcome initiative there were several challenges in that regard. Firstly, the rule was applicable to only to the Court and not on a party-to-party basis. This led to delay in disposal of applications as there was often a question of sufficient service in relation to the High Court Rules. The other practical challenge arose from the fact that no resource allocation was made to the Court staff in terms of data or talk-time. In most cases the burden was on the Judge or Registrar to dip into their personal resources if this mode of communication was going to be relied upon.

In relation to conducting proceedings via audio or visual technology the challenge arose with regard the availability of necessary technology. In most cases there was a party that was unable to have access to the necessary technology. Also, the mere mention of appropriate decorum left the Guidelines to the whims of individual adjudicators to decide what is appropriate. This lack of predictability with regard the conduct of proceedings opened an opportunity for delay of proceedings on insubstantial grounds.

The other challenge that arose was with regard the infrastructural inadequacies. It is of common knowledge that at all levels of judicature there is insufficient office and courtroom space. The number of adjudicators compared to the available space falls way below the appropriate requirements. Further, in most locations, the buildings used from Magistrate to Supreme Court level are either colonial or immediate post-Independence buildings. Few have received any expansion to speak to the increased number of adjudicators and the increased volume of litigation. The coming of the pandemic and interventions to limit or curb the spread of the virus did not help the prevailing situation. Adjudicators were directed to sit in the courtrooms even for chamber matters. This added to the already existing pressure on the insufficient "sitting" space. At Lusaka High Court two courtrooms were allocated for criminal proceedings. This left 6 Courtrooms to be used by all the Judges for civil matters. A sitting schedule was introduced to accommodate all the Judges, however, this led to a delay in the disposal of some matters. There was also a need to reschedule matters that had already been scheduled leading to a delay in

disposal of certain applications and trials, especially where litigants or their counsel insisted on an in-person hearing. Also only one court room was fitted with audio-visual facilities. This meant there was a serious competition for an insufficient resource.

CONCLUSION

It is evident from the foregoing that the Judiciary made an admirable and timely intervention to curb the Covid19 pandemic. The Guidelines presented a bold and practical answer to the prevailing circumstances. They also provided protocols that could be employed in any case where the State is presented with the challenge of an infectious disease. The flexibility of the Guidelines are such that in the unfortunate event that the country has to deal with similar circumstances, there are procedures in existence and there would be no need to begin de novo. However, the pandemic also presented the Judiciary with an opportunity to see the gaps that exist in the administration of justice especially from an infrastructural and technological point of view. The High Court Rules already provide for an electronic filing process however, these have never been exploited to their full capacity. Perhaps the Covid19 pandemic experience would present an opportune time for the full digitalization of the Judiciary. Further, with an empirical study on the effects of the Covid19 pandemic a strong argument may be presented for the development of modern and adequate infrastructure at all levels of judicature.

¹The Article is not an exhaustive discussion of the Coronavirus Guidelines. It merely seeks to highlight what the author believes are key interventions and the challenges that were encountered during the height of the pandemic.

²The Author was appointed Judge of the High Court for Zambia on 26th December, 2017. She has from that time served on the General List at Lusaka. She has in that regard handled a wide range of civil and criminal cases. She has also had the opportunity of handling both civil and criminal circuit sessions in Chipata and Mongu. Prior to her appointment she served as Deputy Chief State Advocate in the National Prosecution Authority. She is a holder of a Bachelor of Laws Degree from UNZA (2004) and a Diploma in Legislative Drafting from ZIALE (2012).

³What is stated is not from any empirical study but from the writer's own experiences and interactions with other adjudicators.

⁴[https://www.who.int/publications/m/item/covid-19-public-health-emergency-of-international-concern-\(phec\)-global-research-and-innovation-forum](https://www.who.int/publications/m/item/covid-19-public-health-emergency-of-international-concern-(phec)-global-research-and-innovation-forum).

⁵<https://crisis24.gardas.com/alerts/2020/03/zambia-country-confirms-first-cases-of-covid-19-march-19-update>.

⁶Judiciary (Coronavirus) May 2020 Guidelines issued pursuant to Article 136 (2)(e) of the Constitution, Chapter 1 of the Laws of Zambia.

⁷Guidelines 8 and 11 of Judiciary (Coronavirus) May 2020 Guidelines issued pursuant to Article 136 (2)(e) of the Constitution, Chapter 1 of the Laws of Zambia.

⁸Statutory Instrument Number 22 of 2020

⁹<https://www.chrup.ac.za/covid19-istatabase/zambia>

¹⁰In June, 2021 the author was on circuit in Chipata. While there she had to share the PPEs and sanitary items with the Magistrate and Local Court at Chipata as they had not been funded or provided with any PPEs.

¹¹Order LIV of the High Court Rules as amended by Statutory Instrument Number 27 of 2012

COURT REPORTING AT A GLANCE



By . Mr . Robson Banda

Court Reporting is a section under Court Operations in the Judiciary of Zambia. The Section provides real-time Court reporting services to ensure that an efficient, effective and accurate verbatim record of proceedings is available to all stakeholders, namely; the Courts, Counsel, litigants, Commissions of inquiry, Tribunals and the general public.

Who is a Realtime Court Reporter?

Realtime Court Reporters are highly trained professionals who share a unique ability to convert the spoken word into text instantly through a computer translation system that can be read, streamed and broadcasted.

Realtime Court Reporters prepare official transcripts of proceedings for parties to a sitting to consult and aid quick access to what had been deliberated upon. Official transcripts of legal proceedings can easily be accessed aiding in a speedy dispensation of justice. The official record of proceedings safeguards the legal process by providing a document to consult when litigants want to exercise their right of appeal among other numerous undertakings.

In an era defined by technological advancements, Realtime Court Reporters remain the gold standard for capturing the spoken word in situations

that demand speed without sacrificing accuracy across Zambia.

HOW IT'S DONE

Realtime Court Reporters combine their stenographic skills with Computer technology to provide real-time transcripts. The stenotype machine in real-time Court Reporting is connected to a laptop computer that is loaded with specialized Computer-Aided Transcription (CAT) software capable of transcribing shorthand notes near instantaneously.

The Court Reporters work does not end in the Courtroom alone as the work captured goes through vigorous editing and proof reading to ensure accuracy and providing a transcript that meets international standards.

TRAINING

University graduates from all over the Country are subjected to a further 2 years Court Reporting Training. This is an in-house training Course conducted in conjunction with the National Court Reporters Association of USA. These provide the curriculum and recommended training materials. However, the formation of the Court Reporters Association of Zambia has seen developments in developing a localized curriculum. The Curriculum is in its final stages of implementation.

One of the major constraints to training as observed is inadequate training equipment. This has adversely affected

the duration of the training and output of sufficiently trained personnel.

AFFILIATIONS

Realtime Court Reporters are affiliated to the Court Reporters Association of Zambia (CRAZ) via a mandatory monthly subscription fee.

The Court Reporters Association of Zambia (CRAZ) was registered and launched in an effort to raise the standards of Court reporting in Zambia and to ensure that all Court Reporters undertake the necessary training as a prerequisite to certification.

A contingent of Zambian reporters and other law professionals visited the National Court Reporters Association (NCRA) of USA to discuss certifications, how certification functions in the United States and more details about NCRA's testing programs. This was aimed at establishing the route to take in developing a localized curriculum and testing systems.

The Association has engaged TEVETA in proving a certification program for Court Reporters. Certification will serve to display not only that one possesses refined skills necessary to the job but also convey a sense of commitment. The Association has also made headways towards accreditation. This will enable the association issue internationally recognised certificates.

The Association does also engagement in end of year activities that are aimed at capacity building programs.

CONCLUSION

The Court Reporting Section of the Judiciary of Zambia has played a key role in ensuring a quick dispensation of justice. Zambia being one of the first few countries to successfully train Court Reporters, there has been a huge demand for Zambian Court Reporters locally and internationally. It is hoped adequate financial resources are allocated to the Section as training of Court Reporters has proved to be very expensive.

CASE MANAGEMENT, FROM A TRIAL COURT'S PERSPECTIVE



**AUTHOR:
JUDGE CHARLES ZULU**

INTRODUCTION

The primary energy that pumps the judicial machinery to function effectively and efficiently, are the virtues and principles of judicial independence and impartiality. And a proper case management system is part and parcel of the values embodying the good administration of justice.

The Constitution of Zambia (Amendment) Act No. 2 of 2016, vests the discharge of judicial authority in the Judiciary through its judicial officers as defined by section 2 of the Judicial (Code of Conduct) Act No. 13 of 1999.

Judicial independence must be balanced by judicial accountability, which in our context has a correlation to case management. And with the amendment of the Republican Constitution in 2016, it is evident that the demand for judicial accountability and the mechanism to enhance and enforce it, is gaining more prominence than before. And one of the chief reasons why there is demand for accountability is to counter delays in the delivery of justice. Sir Fred Philips, the learned author of The Modern Judiciary, Challenges, Stresses and Strains¹ records this sound observation:

The matter of time lag in delivery of judgments is one that brings the accountability of judicial officers into serious questions.

CASE MANAGEMENT

Case Management is a system or mechanism through which court officials assume closer administrative control over the litigation process. In other words, it is a system by which the courts manage the progress of cases from the time they are registered until they are disposed of.

The syndrome that: "I am a Judge, Magistrate or Registrar and not a manager", is no longer the best approach or practice in case management. In the age of heightened case management to actualize litigants' right to a fair trial in terms of speedy resolution of disputes, litigation is supposed to be court driven.

Clearly, case management is not rocket science or a complicated technical approach. The pith and substance of case management basically entail a system or mechanism that is inherently practical in character, and one that spur judicial officers to be pragmatic, industrious, decisive, consistent, committed and diligent. And speaking of diligence, Abraham Lincoln once remarked:

The leading rule for the lawyer as for the man of every other calling is diligence.

In dealing with case management, an adjudicator must assume the mantle of a manager. It is for this reason this paper is basically designed to share some of the best approaches across the judicial spectrum relative to trial courts, albeit not exhaustive.

Faced with the desire to enhance accountability through the platform of case management, it has now become imperative to create a nexus between case management and some component of performance management systems. Conduct or misdeeds that are counter to case management are well documented,

they include, but not limited to: indifference, aloofness, indecisiveness, slowness, tardiness, lack of punctuality, and procrastination.

While it is acknowledged that the workload and caseload is unavoidably overwhelming, worsened by scarcity of resources such as: judicial time, infrastructure, lack of access to research materials and unpreparedness on the part of other stakeholders, nevertheless, an adjudicator must be seen to be in full control of case management. Losing control of case management, has adverse consequences, thus, paralysis of case management and accumulation of backlog.

Interestingly, the learned authors of Handy Hints on Legal Practice, share some chilling, yet compelling and beneficial thoughts on what is termed “professional paralysis” vis-a-vis “file management”, from a legal practitioner’s perspective. The sound reasoning is still applicable in the case of a judicial officer. I paraphrase their thoughts as follows:

Professional paralysis: ... it is a form of professional breakdown, bewildering, mind-blurring condition that is magical, inexplicable and sometimes untreatable ... **Symptoms of professional paralysis:** ... are file stagnation, unopened drawers of filing cabinet, excuse, and procrastination.... **Causes of professional paralysis:** ... genuine over-work, incompetence, ego, not consulting others and seeking their assistance. **Treatment for professional paralysis:** ... whether professional paralysis is terminal or can be treated depends on the particular case ... [treat it by] physically facing up to the problem, make time, get the matter moving and completed. Share the problem with someone else, talk to a friend. If you keep everything to yourself, legal practice can be desperately lonely.

It should be remembered that it is the duty of every judicial officer to protect the public interest by participating actively in the process of moving cases from filing to determination. The question is how should this be done? Our respective court rules and procedures, and case-law collectively outline some form of mechanisms for case management, especially with the advent of **the High**

Court (Amendment) Rules Statutory Instrument No. 58 of 2020.

Two key beneficial features that were introduced by S.I No. 58 of 2020 are: firstly, equipping a trial judge with sufficient controls and power in the formative and progressive stage of the case aimed at enhancing case management. Secondly, the rules now provide timelines for delivery of rulings and judgments. For rulings within ninety (90) days from the close of submissions, and for delivery of judgments within one hundred and eighty (180) days from the close of submissions.⁶

Allied to the foregoing, the Honourable Mr. Justice Frederick Egonda-Ntende of the Court of Appeal in Uganda, once remarked:

There has been a considerable amount of work done in this area both at the international level, under the international frame work for Court excellence among the ten court values, that an excellent court must espouse is “timeliness” and “certainty”, which relates to acting within the time standards established either by law or by the court and certainty that such time standards will be observed.⁷

The rationale for imposition of timelines is generally threefold:

- (i) to remind judges and magistrates of the established standards, and employ the same as a benchmark for the measure of judicial competence and diligence;
- (ii) to inform the public and court users of the standards that the courts have accepted to be accountable to; and
- (iii) to provide material upon which legal practitioners can advise their clients on the likely timeline of litigation should the client elect to pursue litigation.⁸

This resonates with what our Supreme Court held in **Access Bank (Zambia) Limited v. Group Five/ZCON Business Park Joint Venture**,⁹ to the effect that:

Rules of procedure and timelines serve to make the process of adjudication fair, just, certain and even-handed.

While full compliance with timelines remains a huge challenge, the

phenomena, of setting timelines must be embraced, to make litigation and adjudication governable and as practicable as possible, predictable.

PRACTICAL TOOLKIT FOR CASE MANAGEMENT

1. Take charge of the case:

The unavoidable responsibility in proper case management is that, the onus lies squarely on the judicial officer to take charge of a case from the time the case is filed up to the time of its determination. In the case **Mukuka Wingstone Bwali Nukwe v. Zambia Development Agency**¹⁰ the Supreme Court in upholding the notion that, court process is court driven rather than party driven lucidly advised as follows:

Once litigants move the courts of law, they subject themselves to the control of the court and the law, they are no more at liberty to follow their own procedure.

It is highly censurable for a judicial officer to lose control or management of a matter to the whims or self-serving interests of litigants or counsel. A judicial officer should be alert that, counsel may have many personal reasons to delay proceedings: other clients, relative fees to be earned, procrastination, or lack of familiarity with procedure, to name but a few. Litigants whose cases are not promptly tried may conclude that the fault lies entirely with the courts¹¹. It is for this reason adjournments should only be granted sparingly, and only in compelling circumstances. A laissez faire attitude to grant of adjournments is number one enemy to good administration of case management. A proper case management system is interdependent on other key stakeholders, but the driving force to make it work remains on the one who sits in the seat of judgment.

2. Maintenance of chamber registers.

One of the best practices, judicial officers are encouraged to embrace is to maintain a chamber register. Once a case is allocated, it is must be recorded

in the chamber register, taking note of the date it was filed, date of allocation and ensuring that jurisdiction over the case is properly assumed.

Chamber registers must be updated daily or regularly or whenever it is necessary to do so. The chamber register is handy in preparing monthly, quarterly or annual returns as the case may be.

3. Periodic review of cases.

It is worth noting that immediately after filing; some cases may go into sleep mode, especially if the prime mover of the originating process goes into slumber. A periodic review of all cases will unearth dormant cases. This also helps to ascertain the status of the case, e.g., if parties or a party has complied or not with court orders. A review helps with closing dormant cases, and giving appropriate orders or/and directions where necessary for speedy conclusion of matters.

It is also necessary to employ a system in judicial parlance called 'BU' (Bring-UP). This is a case tracking tool. It works in such a way that, a date is recorded in respect of a matter over which a certain event is expected to be done by a party(s). The endorsed date is purely for the judicial officer to check if a party has complied or not, and take appropriate action.

4. Avoid delays.

Once a case or a matter is allocated, a plan must be drawn in form of directions to the parties. Hearing of interlocutory applications must be prioritized, so that no delays are caused when it comes to setting down the matter for trial.

5. Pre-trial preparations.

Matters, particularly interlocutory applications must be assigned with return dates as early as possible. And before the return date or trial date, an adjudicator is expected to adequately read the record, understand the facts, issues and the law involved.

It is undesirable to look misguided during the hearing of the matter simply on account that the trial judge or magistrate did not study the record before trial or hearing. With prior preparations, it is achievable to render ex tempore rulings. For instance, why adjourn for ruling when the matter is

for a simple application to join a party, substitution of a party, misjoinder, amendment etc.

Furthermore in the case of Indeni Petroleum Refinery Co. Limited v. Kifco Oil Limited¹¹ the Supreme Court held:

A robust judge [or judicial officer] ... must ensure that he is alert and invokes the inherent jurisdiction vested in him of weeding out hopeless, frivolous and vexatious matters and those wrongly presented before him after giving the parties an opportunity to be heard. He is not deprived of the duty of exercising this discretion based on the fact that a party has submitted to such proceedings whose commencement has been called into question because the mere fact of submitting to such proceedings does not cure the defect nor does it amount to acquiescence of the defect.

The need to be alert and robust to timely deal with hopeless, frivolous and vexatious matters cannot be overstated. These matters, if not speedily taken out of circulation, have the potential to clog up the river of justice and adversely affect case management.

6. Organization, preparation of cause lists and diarizing of matters and planning.

Judicial officers are encouraged to plan out their work. The plan should contemplate work on a monthly, weekly and daily basis.

Planning inter alia involves orderly management of the diary. At the start of the week, a weekly cause list must be printed to show the pending work for that week. Cause listing and diarizing matters is not the sole preserve of the marshal. It is, in fact, the preserve of the judicial officer who decides when a particular matter or matters will be heard and determined. The marshal only comes in to offer logistical support, in terms of issuing notices of hearing and updating the diary. A marshal enjoys no autonomy when it comes to cause listing matters for hearing or trial.

7. Avoid overcrowding the cause list and employ wise use of judicial time.

A cause list should list a reasonable and manageable number of cases on a given date, with different scheduled

times of hearing especially for interlocutory applications. The planning should be in such a way that matters will take-off on the date assigned for hearing, rather than to over-congest the cause list hoping that some matters will fail to take-off. Trials or hearings should be designed in such a way that there is realistic time set apart to write rulings or judgment. Many a time we think that judgment writing or legal research should only be done in our spare time, No! It is imperative to have a balanced work plan.

8. Preparation and timely submissions of returns.

In our jurisdiction, monthly, quarterly and annual returns have a dual functionality. Firstly, and primarily so, they serve as a means through which supervisors monitor case management. Secondly, they can also be used as means of measuring judicial performance of an adjudicator.

Likewise, the primary data entry operators for preparations of returns are the support staff. Again, these are supposed to work under an adjudicator's close supervision and management. The veracity, correctness and reliability of the data entered in the reports or/and returns must be verified by the concerned judicial officer. An adjudicator must take full ownership of the report once validated, as a mark of accountability.

CONCLUSION

Finally, it is immeasurably beneficial to strive to be on the side of an effective and efficient Managing Judge/Magistrate than to be disconnected to the values of case management systems. It is said, "get organized in order to succeed"

¹Wild, Simmonds & Hill Publishing (WS & H) 2021 page 127.

²Bonnie, Mediation, Principles, Process (2nd Edition, Queensland, Australia, Lexis Nexis Butterworths, 2005).

³See judicial case management at <https://www.justice.gov.bw>

⁴Lewis and Kyrou, Handy Hints on Legal Practice (2nd Edition, Lexis Nexis 2011) pages 419-422 (SCZ Appeal No. 170 of 2008).

⁵Federal Judicial Centre, Chambers Hand Book for Judges' Law desks and Secretaries (1994) page 105.

⁶Order XXXVI rule 2(2) HCR, see John Sangwa v. Sunday Bwalya Nkonde SC (SCZ Appeal No. 2/2021) the case gives more guidance on the proper application of time lines for delivery of rulings and judgments.

⁷Remarks delivered at JIFA Training (Human Rights Law and Practice) University of Cape Town, May 2020.

⁸Ibid.

⁹SCZ 28/52/2014.

¹⁰SCZ Appeal No. 170 of 2008).

¹¹Brittany K.T. Kaufman, Institute for the Advancement of The AM Legal System, Change the Culture, Change the System: Top 10 Cultural Shifts Needed to Create the Courts of Tomorrow, 18 (2015).

¹²SCZ Selected Judgment No. 29 of 2017)

A DAY IN HISTORY



Muwo, Hughes become new judges

By Times Reporter

TWO new judges and an acting judge were sworn in by President Kaunda at State House yesterday. The judges were Mr Godfrey Muwo and Mr Joseph John Hughes, and the acting judge was Mr Fredrick Chomba.

The appointments were made to rebuild the strength of the judicial commission. The President reminded the three men of their duty to the nation and said the public would be watching them. Mr Justice Muwo is 38. He was born in Mumbwa and educated at Munnali School, Lusaka.

He was accepted for a Bachelor of Law degree course at Cape Town University, but his application for a scholarship was turned down. In 1956 the new judge joined the Northern Rhodesia civil service in the native courts

First

Mr Muwo was appointed Registrar (Supernumerary) at the High Court in Lusaka in 1966 and the following year became the first Zambian senior resident magistrate.

Last November he was made an acting judge — again the first Zambian to hold the post. Mr Justice Hughes, who is 41, is an Irishman who came to Northern Rhodesia as a resident magistrate in 1948. He has been senior resident magistrate in Kasama, Livingstone and Kitwe, and was an acting judge from January to May last year.

Mr Acting Justice Chomba, who comes from Kabwe, is 34. He read law at the Inner Temple, London, and was called to the bar in 1965.

In 1966 he was appointed resident magistrate at Kitwe, rising to senior resident magistrate in 1968. In this capacity he served in Kitwe and Livingstone.

work together?

Kaunda makes Muwo acting High Court judge

MR GODFREY MUWO yesterday became Zambia's first locally-born judge. Mr Muwo was sworn in by President Kaunda at the High Court House. He is 38 years old and has been an acting judge in the popular courts since 1966. He was called to the bar in 1966 and has since been an acting judge in the popular courts in Lusaka and Ndola.



Mr Acting Justice Godfrey Muwo in his chambers at Lusaka High Court yesterday.

Hard time

Young Godfrey and his seven brothers and sisters had a hard time making their way in the world. But he won grants and scholarships through to Munnali and then to London's Gray's Inn, where he spent three years training to become a barrister.

Law had always been his first choice of career because of his rural families. His mother was killed by snake-bite. In his early twenties Mr Muwo sustained another of the tragedies which can hit rural families. His mother was killed by snake-bite.

But he persevered with his training and eventually became a barrister in the Northern Rhodesia. One of her Muwo's special talents is that he speaks 10 local languages. He is very unafraid in accurate interpreters when they work in my court, he says with a smile.

Speaking of the recent judicial rumour, Mr Acting Justice Muwo says: "To a judge or a magistrate these upheavals are to be expected. Judges and magistrates believe in this one phrase — justice is pure and simple."

Asked whether recent upsets had made the post of judge more difficult, he replied firmly: "Not in my case."

Mr Muwo's appointment follows President Kaunda's announcement that the law would change to allow Zambians to be appointed judges after five years as a magistrate.

ANTI-GOVT. SQUATTERS GIVEN ULTIMATUM

By Times Reporter
MONGU District Commissioner Robertson Namutumbo has given an ultimatum to residents of Mungu, in the centre of town to vacate their shanty town by August 31. The ultimatum is in line with the spate of anti-government violence sweeping the shanty compounds.

He warned the squatters that if they do not leave this place by the deadline, they will be evicted. The ultimatum is in line with the spate of anti-government violence sweeping the shanty compounds.

There were also announced reports that a group of about 500 people had been seen in the compound of the National Council for Zambian Unity.

The second incident involved the burning of a vehicle at the end of a road in Mungu. The report did not indicate whether the vehicle was the property of the Government or a private citizen.

There were also announced reports that a group of about 500 people had been seen in the compound of the National Council for Zambian Unity.

BIAFRAN SECESSION TO END IF...

GENEVA, Monday. A BIAFRAN Government spokesman in Owerri was quoted today as saying that the region was willing to abandon its demand for secession if the security of its people could be guaranteed.

And in Bonn today it was learnt that Sierra Leone may recognise Biafra if peace negotiations to end the Nigerian civil war do not start before the end of the year.

The spokesman's statement in Owerri was issued by Biafra's Geneva-based public relations office. The statement said: "Biafra's only interest in wanting sovereignty is that it provides security for its 14 million people."

After tracing what he described as "the ever recurring incidence of massacres" suffered by Biafrans living amidst Nigerian soldiers carried out in 1965, 1966, and even at the present time, the spokesman said the only "logical" remedy Biafrans saw was its separate existence.

The Sierra Leone Foreign Minister Patrick Foray, was in Bonn for the opening of his country's first Embassy in Western Europe where he made the recognition statement.

Mr Foray said his Government's objectives were to bring the civil war to an end, and this could be done only by the Federal side.

Mr Foray told a Press Conference he hoped two or three other West African states would follow this example.

The Nigerian Federal Government has confirmed that its planes had destroyed a Norwegian aircraft in a bombing attack on Biafra's lone airstrip at Uli on Saturday night.

Biafra has called on the United States to take up public opinion plans to stip relief supplies by river.

According to the Biafran overseas Press division, Geneva, Biafran leader General Odumegwu Ojukwu told the breakaway state's consultative Assembly yesterday that a mercy corridor up the cross river offered the best hope of bringing emergency food supplies to the hungry territory. — Zana, Reuter.

Moth-kills

By Times Reporter
MILBURN, N.J., August 7. A car in which a young boy was killed in an accident 23 miles from Newark, N.J. Her husband who was driving was killed.

On Saturday night, a car was driven by a young boy who was killed in an accident 23 miles from Newark, N.J. Her husband who was driving was killed.

On Saturday night, a car was driven by a young boy who was killed in an accident 23 miles from Newark, N.J. Her husband who was driving was killed.

On Saturday night, a car was driven by a young boy who was killed in an accident 23 miles from Newark, N.J. Her husband who was driving was killed.

On Saturday night, a car was driven by a young boy who was killed in an accident 23 miles from Newark, N.J. Her husband who was driving was killed.

Farmers' day

The new farmer training centre at Mkushi will be opened this morning by Rural Development Minister Mr Reuben Kamanga.—Zana.

LATEST

SANTA BARBARA — At least 60 people — including 15 policemen — injured in night-long battle between students and police which saw bank destroyed by fire and several other buildings destroyed.

ZIMCO CHARGED

THE Zambia Industrial and Mining Corporation (Zimco) was among three companies charged in a Lusaka magistrate court yesterday with not paying nearly 500,000 kwacha arrears to the Workers' Compensation Board.

Zimco is alleged to have failed to pay K22,311.27 to the Board, according to the document that was filed.

Court in language poser

By Times Reporter
DOES a police officer using the contents of a presidential order and grounds of detention to a court on the document that was filed?

Wife convicted of killing

By Times Reporter
THERE were cries of joy outside Lusaka High Court yesterday when first wife of International Boxing Promotions (IBP) director and businessman Maxwell Mwamba, Emmah, was convicted of manslaughter but given a suspended sentence for the manslaughter of her stepson two years ago.

Mr Justice Mathew Chacha who acquitted Emmah, 31, of the charge of murder, found her guilty of manslaughter and sentenced her to two years' imprisonment, suspended for two years.

She had pleaded not guilty to the murder of her stepson, John Mwamba Jr on June 16, 1983 at Ndola's Woodlands Extension.

Mr Justice Chacha said the court had given her the benefit of doubt of specific intention to kill her husband's behaviour and the medical report from Chisamba Hospital said she was suffering from a mental disorder caused by her husband's behaviour.

He said the medical report from Chisamba Hospital said she was suffering from a mental disorder caused by her husband's behaviour.

HERE AND THERE

Funeral of Cde John Chanda Katema, former manager who died on Tuesday, takes place today at Chibambala, near Livingstone.

Saved Heart Catholic Church services will be at 11.30 hours, a family spokesman Dr George Simwaga announced yesterday.

Police in Ndola are investigating a case in which a taxi operator was allegedly assaulted by a drunken policeman.

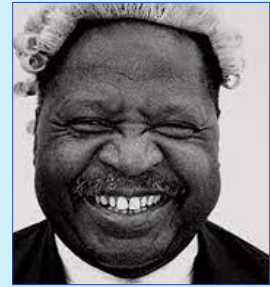
The Corporation branch of Zambia is to hold a two-day meeting on economic management of resources from tomorrow at a spokesman said.

The 24 people admitted to Kitwe Central Hospital on Saturday night after a fire at the Kitwe bank were not injured.

Newsman's burial
The burial of veteran newsman Mr. ...

DID YOU KNOW?

1. That the first indigenous Zambian Lawyer was the late Mainza Chona?
2. That Lawyers called to the Bar in a Commonwealth country in the public sector (government) need not be called to the Zambian Bar in order to practice law in Zambia?
3. That Hon. Mr. Justice Godfrey Muwo was the first indigenous Zambian to be appointed to the Bench as Judge? JUDICIAL TENURE 1969 - 1987
4. That the Lions at the Judiciary headquarters in Lusaka, at the High Court in Ndola and the statute of Lady Justice at the High Court in Lusaka, were designed by the late iconic sculptor Nobbie Tsokalida who passed away at the age of 70 on 2 July 2014 and was put to rest in Lusaka on 4 July 2014?
5. That the black cap is a plain black fabric square formerly worn as symbolic headgear by puisne judges when passing the death sentence. When worn, the square was placed on top of the judicial wig, with one of the four corners of the fabric facing forward. Justice George Gavan Duffy was the first judge to break the tradition, by not wearing the black cap when pronouncing a death sentence in 1937?
6. That the present Supreme Court building was unveiled by Queen Elizabeth II on the 11th July, 1957. The first Chief Justice was Sir Leicester Beaufort who served in that capacity from 1901 to 1918?



Mainza Mathias Chona
Third Vice President of Zambia



Hon. Mr. Justice
Godfrey Muwo



Lion Supreme Court of Zambia
Lady Justice High Court of Zambia



Hon. Justice
Mr. George Gavan Duffy



Queen Elizabeth II and
Dr. Kenneth Kaunda

THE RELATIONSHIP BETWEEN MENTAL ILLNESS AND CRIME



By. A. Holland

In 2019 Zambia enacted the Mental Health Act No 6 of 2019 to repeal the Mental Disorders Act of 1949 an Act which was very discriminatory to persons suffering from mental illness and which also provided for the detention of persons suffering from mental illness. The enactment of the mental health Act of 2019 can be perceived to be a step in the right direction given the fact that it seeks to promote and protect the rights of persons suffering from mental illness.

Furthermore the enactment of the mental health Act can also be seen to be a reaction to the increase in a number of people suffering from mental illness. It is worth noting that there is a relationship between the increase in the number of people suffering from mental illness and the increase in crime. As an Adjudicator I have adjudicated upon a

number of cases involving crimes committed by persons suffering from mental illness.

Suffice to say , in most cases, the point at which an inquiry is made into the state of mind of an accused person suffering from a mental illness who is alleged to have committed an offence is at the time that the offence has already been committed and is before the court. If a person commits an offence and at the time the person committed the offence, he or she was suffering from a mental illness which illness affected the reasoning, then the mental illness can be used as a defence to the offence. This is in line with section 12 of the Penal Code, Chapter 87 of the Laws of Zambia.

When mental illness is used as a defence, as already stated, the person may be found to be Not Guilty regardless

of the nature of the offence. In this regard, our approach towards mental illness should be more proactive than reactive. That is to say , there is need to educate, sensitize, and encourage people to seek medical help if suffering from a mental illness at the earliest possible time rather than taking a person for medical treatment after a person has committed a crime.

On the 7th of August, 2022 a story was circulated of a Juvenile Adult of 19 years old who is alleged to have killed both of his parents. The report seems to suggest that the boy was suffering from a mental illness which may have caused him to commit the offence. The question I beg to ask is, did the alleged offender show any signs of suffering from mental illness? If the answer is yes, what were the people around him including his late parents supposed to do? These two questions are very important because there might be many people who are suffering from mental illness and addressing the aforesaid questions can go a long way in preventing crime.

The purpose of criminal law is not only to punish offenders, but also and most importantly , to prevent the commission of the crime. However , the prevention of commission of crimes is not only the job of the police because the police are on the other hand law enforcers. The duty to prevent the commission of crimes, especially when it comes to people suffering with mental illness, also lies with the care givers that includes families, friends, relatives and the community at large. That is to say , whenever they suspect someone close is suffering from a mental illness they should encourage such a person to seek medical treatment and to try by all means to avoid stigmatizing or discrimination on the basis of mental illness which has caused a lot of people not to disclose the illness for the fear of being perceived to be mad.

THE PROSPECTS OF ELIMINATING AN UNBALANCED DUAL LEGAL SYSTEM THROUGH MEDIATION



by Lois Chisompola

In a peaceful country like ours, one would wonder what kind of conflict exists. Although we have never experienced a war and have been blessed with the peaceful change of political dispensations over the years, one of the legacies of colonialism is the continuation of a dual legal system, two separate systems of law. While the existing side by side majority of Zambians practice customary law to varying degrees, the effect of statutory law permeates the

day to day lives of urbanised Zambians ranging from electoral law to the holding of land and employment law, among others. In addition, the supreme law of the land, the Constitution, is a creature of the statutory law and all other laws (including customary law) are subject to it. Therefore, in urban Zambia subject the statutory law has far-reaching effects on the citizenry who have since resorted to practicing a blend of the two legal systems, where possible, as opposed to picking one over

the other.

While the two legal systems appear to subsist comfortably, the conflict becomes very apparent in the area of family law where a majority of our people in the urban population undergo two forms of marriage celebration thereby creating a blend of the two legal systems. The statutory marriage evidenced by a marriage certificate ensures that the marriage is recognised by statute and fortified by its protections. The second type of marriage ensures that the marriage is accepted through the rites that embody a. These processes customary marriage normally take place simultaneously. Why? Because in the Zambian context, a marriage may not be recognised by the families of the parties in the absence of customary rites regardless of the fulfilment of all statutory requirements. What this means is that where such a marriage is terminated under one legal order, it may continue to subsist under the other, an unfortunate conundrum. For instance, where the marriage is terminated through the return of a dowry under customary law, it continues to subsist under statute until the conclusion of divorce proceedings in the High Court. The subsequent post-to divorce issues relating to custody of children, maintenance or property settlement, while settled under one legal order, may leave unresolved issues under the other. Some of these unresolved issues hinge on customary practices and the strong influence of the in our context. Every extended family Zambian knows that custody in the African context is very different from the western view reflected in the statutory law, as custody of children may be influenced by matrilineal and patrilineal cultural practices and custody can be exercised through the extended family. What the two systems of law have failed to reflect is the fact that the embracing of one system does not

necessarily entail the abandonment of the other in practice. Early interactions of the dual legal systems had indicated that it was impossible for Africans to ever divest themselves of customary law because it was unthinkable that one could abandon their. As the rate the of [cultural heritage](#) urbanisation increases steadily, the interaction of Zambians with the statutory law is inevitable but this does not entail the abandonment of customary law. The legal system in its current form is unprepared to address this growing reality.

Another area of law where there is seething resentment against the upper hand of statutory law is the conversion of customary land to statutory land as urban areas continue to encroach into areas held under customary tenure. The processes set out under statute are not necessarily similar to those under customary law. In actual fact, the holding of land under the two systems of law are incompatible. While the statutory law overlooks this incompatibility and imposes a system that legitimises the continued encroachment into traditional land to serve the needs of urban Zambia, an unresolved conflict lies in the conversion of traditional land.

Despite the recognition of customary land tenure, where government or influential private interests exist, there is no level playing field, the unmodified customary law stands no chance against the whims of those wielding the authority of the statutory law. The decisions relating to land that represents an entire lineage and customary practice anchored on social cohesion and cultural heritage of rural communities are left to a chief (with the assumed consent of subjects) with no regard for the rules of customary land tenure.

Rather than subsist side by side, the statutory law takes precedence, annihilating any form of customary tenure that previously existed. This results for the most part, in displacement of rural communities with inadequate compensation. Inadequate in the sense that a monetary value cannot be placed on cultural heritage.

Even where public participation is

supposedly conducted in accordance with the law, the bargaining power of the parties is never equal. The urbanised elite and people with influence such as, [parliamentarians](#), [government officers](#), [traditional authorities](#), wield immense power over the interests of rural communities.

As earlier stated, the embracing of statutory law and what it represents need not entail the abandonment of customary land rights for rural communities in totality because rather than a co-existence of two legal systems what is occasioned is the elimination of one in preference of the other. The two systems cannot exist over the same land simultaneously and yet it may very well be the desire of the majority of the citizenry to blend the two as they have done with marriage. How then does the legal system reflect the realities of a citizenry whose practices, perspectives, values, culture and her it age are a culmination of the two separate systems? The continuance of the dual legal system offers no possibilities for the contemplation of all interests, rights and needs which are extraneous to the statutory law but essential to the lives of citizens of Zambians.

The sad reality is that the perpetuation of two systems of law continues to create some conflict, albeit hidden, in the personal lives of Zambians who must choose which system of law must govern their affairs to the exclusion of the other. To require that citizens must comply with both systems of law simultaneously is equally an unnecessary burden and a perpetuation of the very discriminations that the attainment of independence sought to extinguish. A Zambian scholar acknowledged this divide and stated that it is in fact not necessary.

The outward co-existence of two legal systems seemingly at odds, in practice, means that customary law, though practised by a vast majority of citizens, cannot be recognised in the highest courts of the land, unless it is considered on an appeal. The late Chief Justice of Zambia, Justice Irene Mambilima referred to a need to improve on the traditional ways of solving disputes which provided a win-win situation for the parties as opposed to an adversarial way of resolving disputes.

Mediation, a mechanism of alternative dispute resolution (ADR) offers this opportunity to all citizens in society regardless of the which legal system they adopt. It has in fact been practiced in Zambia since time immemorial but has gained international recognition in western countries since the late 1970s. In reality it has simply been given a name. The Zambian Constitution provides for the use of alternative dispute resolution including, traditional dispute resolution which should guide the exercise of judicial authority. The Constitution now recognises the necessity of other means of dispute resolution to improve access to justice.

Mediation, in particular, could provide a system of dispute resolution that bridges the gap between the formalities of statutory law and the unwritten customary law. Mediation involves a neutral intermediary who helps the parties reach a mutually satisfactory settlement. It allows for the full expression of needs and interests regardless of the system of law that these may be anchored on.

Beyond the resolution of disputes, it has the ability to preserve and even transform the relationship of the parties involved. The advancement of mediation in Zambia could very well be the panacea to the internal conflict that exists in the lives of ordinary people who find themselves trapped in between two legal systems by no making of their own. The use of mediation to explore all the needs, interests, values, perspectives, cultural underpinnings of Zambians who practice a blend of two legal systems, could eliminate the internal conflict that exists in navigating family, land and other disputes in Zambia today.

RETIRED JUDGES



Justice Hilda Chibomba
Judicial Tenure 1997-2022

Justice Hilda Chibomba, a graduate of the University of Zambia (1981) and the University of Bristol (1991) was admitted to the Zambian Bar in 1982. She began her legal career the same year as a Resident Magistrate at Lusaka and Kitwe and thereafter as

Senior Resident Magistrate at Lusaka. She was also Deputy Registrar at the Industrial Relations Court.

In 1989 she moved to the Ministry of Legal Affairs (now the Ministry of Justice) under the Attorney General's Chambers as an Assistant Senior State Advocate in the Civil Litigation Department and later as Senior State Advocate. She was later transferred to the International Law and Agreements Department. In 1993 she was appointed Principal State Advocate and Head of the International Law and Agreements Department, a position she held until she was appointed as Judge of the High Court in 1997.

Justice Chibomba served on both the general and commercial lists of the High Court before her elevation to the Supreme Court of Zambia in 2009 where she in addition to adjudicating

other matters, led the Commercial law panel of that Court. While serving on the High Court bench and Supreme Court bench, Justice Chibomba chaired the Chief Justice's Advisory Committee on Gender in Development and Court Operations respectively. Justice Chibomba also served as Chairperson of the Zambia Law Development Commission for a six year period. She was also a lead trainer in the Jurisprudence of Equality Program and was a member of both the Zambia Association of Women Judges and the International Association of Women Judges.

In 2016, she was appointed as the first President of the Constitutional Court. She was pivotal in the setting up and operationising of the Constitutional Court established under the Constitutional Amendments of 2016.

Justice Chibomba retired from her judicial tenure on Friday 12th August, 2022 having had an illustrious career on the bench spurning 25 years. We wish her well in her retirement as she pursues other interests.



Justice Charles Kajimanga
Judicial Tenure 2002-2022

Justice Charles Kajimanga, graduated from the University of Zambia in 1983, was admitted to the Bar in 1984 after graduating as the best student at the Legal Practising Institute. He holds an LLM from Cornell University, obtained in 1993.

Justice Kajimanga's career started in the Legal Services Cooperation, a statutory body that was created to give legal advice to parastatals. He thereafter worked for the Zambia Cooperative Federation as Board Secretary and Legal Counsel.

In 1995 he and a friend set up a private practice firm - Charles and Charles Associates, and another law firm, Kajimanga and Company, after he and his partner split up. before joining the judiciary as High Court judge in 2002.

Justice Kajimanga joined the Bench in 2002. He later became Judge in-Charge of the Commercial Court, and was promoted to the Supreme Court Bench in 2015. He served as the first Chairperson of the Chartered Institute of Arbitrators - Zambia Branch and was the first Zambian to be conferred with the title and dignity of "Chartered" Arbitrator by the UK Chartered Institute of Arbitration.

During his career at the Judiciary, he served as Chairman of the Zambia Law Report Editorial Board as well as President of the Magistrates and Judges Association of Zambia.

Justice Kajimanga retired from the Bench on Friday 30th September, 2022 After 20 years of service.

WELLNESS CORNER

In today's fast world, take care of yourself, Mind Body and Soul, use the acronym "NEWSTART" to help you get started. Here goes:

- Nutrition – Take time to understand what constitutes a balanced and nutritious diet – eat clean, eat well
- Exercise – ideally exercising for at least 30 minutes three or four times per week should do the trick
- Water – Drink a generous amount of water each day (about six to eight glasses)
- Sunshine – Ensure that the you spend at least 15 minutes per day receiving a moderate amount of sunshine. Remember to wear sunscreen
- Temperance – Try not to overindulge in substances/behaviour that are harmful to your health, such as alcohol or tobacco. Remember also to moderately use anything that is considered beneficial to health, for example food, work, rest.
- Air – Open those windows! Enjoy an abundant supply of fresh, pure oxygen.
- Rest – You've heard it before, you're hearing it again. Rest! Your body needs adequate rest and sleep each day, on average six to seven hours per day. If possible, take time to rest from work one day per week.
- Trust in God – Maintaining a daily personal relationship with God. We all need Him to help us navigate life and all it throws at us.

STAFF PROMOTIONS

PROMOTIONS HANDLED BY THE JUDICIAL SERVICE COMMISSION FOR THE PERIOD JANUARY TO JULY 2022.

NO.	FILE NO	DATE OF JSC SITTING	NAMES	POSITION	EFFECTIVE DATE OF PROMOTION
1.	EG/6049	04-Feb-22	MR.PETER MUZEYA	ACTING COURT MARSHAL	04-Feb-22
2.	J/7996	04-Feb-22	MR.BOASTON MWANKUWA	ACTING COURT MARSHAL	04-Feb-22
3.	J/14219	04-Feb-22	MS.MUPETA KANDAFULA	ACTING COURT MARSHAL	04-Feb-22
4.	J/14503	04-Feb-22	MS.MASILISO LIAMBAI	ACTING COURT MARSHAL	04-Feb-22
5.	EG/5821	04-Feb-22	MR.BRISTEN MWIINGA	ACTING COURT MARSHAL	04-Feb-22
6.	EG/6057	04-Feb-22	MR.GODWIN KUNDA	ACTING COURT MARSHAL	04-Feb-22
7.	EG/5025	04-Feb-22	MS.SUSAN MWANSA	ACTING STENOGRAPHER	04-Feb-22
8.	J/13394	04-Feb-22	MS.KASAWA CHIFUNDA	ACTING REGISTRY CLERK	04-Feb-22
9.	J/14567	04-Feb-22	MR.LACKSON MUBANA KALEJI	ACTING REGISTRY CLERK	04-Feb-22
10.	EG/4465	04-Feb-22	MR.MICHAEL NYEMBA	ACTING SENIOR ACCOUNTANT	04-Feb-22
11.	EG/4792	04-Feb-22	MS.KASAWA BWALE	ACTING ASSISTANT ACCOUNTANT	04-Feb-22
12.	EG/5280	04-Feb-22	MS.MWANSA MUMBA	ACTING SENIOR HUMAN RESOURCE MANAGEMENT OFFICER	04-Feb-22
13.	EG/5827	04-Feb-22	MS.HOPE KALELA MULILA	ACTING COURT MARSHAL	04-Feb-22
14.	EG/5551	04-Feb-22	MS.ASHLEY MASILISO SINYANI	ACTING HUMAN RESOURCE MANAGEMENT OFFICER	04-Feb-22
15.	EG/4979	04-Feb-22	MS.BERTHA ZULU	ACTING HUMAN RESOURCE MANAGEMENT OFFICER	04-Feb-22
16.	EG/5878	04-Feb-22	MS.SALOME MWANSA	ACTING COURT BAILIFF	04-Feb-22
17.	EG/2727	04-Feb-22	MS.DOREEN THEU	ACTING UNDERSHERIFF	04-Feb-22
18.	EG/3081	04-Feb-22	MR.DAVIES PHIRI	ACTING ASSISTANT SHERIFF	04-Feb-22
19.	EG/5830	04-Feb-22	MR.PHILLIP MUKOBE LISA	ACTING CLERK OF COURT	04-Feb-22
20.	EG/5706	04-Feb-22	MS.PRISCA BWALYA	ACTING LOCAL COURT MAGISTRATE	04-Feb-22
21.	EG/5716	04-Feb-22	MS.HARRIET MALAMA MULENGA	ACTING SENIOR LOCAL COURT MAGISTRATE	04-Feb-22
22.	EG/6143	04-Feb-22	MR.LIKEZO NAMAWA	ACTING SENIOR LOCAL COURT MAGISTRATE	04-Feb-22
23.	EG/5043	04-Feb-22	MR.GODFREY HAKWALE	ACTING SENIOR PRESIDING LOCAL COURT MAGISTRATE	04-Feb-22
24.	J/14968	04-Feb-22	MR.ANTHONY CHISENGA	ACTING SENIOR LOCAL COURT MESSENGER	04-Feb-22
25.	J/14710	04-Feb-22	MS.BETTY SHANGWA DUBE	ACTING LOCAL COURT REGISTRAR	04-Feb-22
26.	J/15570	04-Feb-22	MR.ELIJAH MULENGA	ACTING COURT REPORTER	04-Feb-22
27.	J/10062	04-Feb-22	MR.SIMON KAPEMBWA	ACTING PRESIDING LOCAL COURT MAGISTRATE	04-Feb-22
28.	J/13663	04-Feb-22	MS.PRECIOUS HAWA LUNGU	ACTING COURT INTERPRETER	04-Feb-22
29.	EG/5952	04-Feb-22	MR.HUDSON SIMUKOKO	ACTING COURT MARSHAL	04-Feb-22
30.	J/15060	04-Feb-22	MS.ANITA BWALYA	ACTING ASSISTANT COURT CLERK	04-Feb-22
31.	EG/5562	04-Feb-22	MR.JOSEPH MILANZI	ACTING SENIOR LOCAL COURT MAGISTRATE	04-Feb-22
32.	EG/5262	04-Feb-22	MR.EUSTACE MUKUKA	ACTING CLERK OF COURT	04-Feb-22
33.	J/10125	04-Feb-22	MR.EPULANI MWANZA	ACTING PRESIDING LOCAL COURT MAGISTRATE	04-Feb-22
34.	EG/4105	04-Feb-22	MR.EMMANUEL ANDREW PHIRI	ACTING LOCAL COURT REGISTRAR	04-Feb-22
35.	J/14188	04-Feb-22	MS.GRACE NAKAPONDA	ACTING COURT CLERK	04-Feb-22
36.	J/13976	04-Feb-22	MS.BRIDGET NGUNI	ACTING SENIOR LOCAL COURT MESSENGER	04-Feb-22
37.	J/15053	04-Feb-22	MS.AUDREY SAKALA	ACTING REGISTRY CLERK	04-Feb-22
38.	EG/5951	04-Feb-22	MR.KEKHA MHONE	ACTING ASSISTANT COURT CLERK	04-Feb-22
39.	J/15292	04-Feb-22	MR.ALEX MUTALE	ACTING COURT CLERK	04-Feb-22
40.	EG/5951	04-Feb-22	MR.MIKE MULIZE	ACTING SENIOR COURT INTERPRETER	04-Feb-22
41.	EG/3137	04-Feb-22	MS.PHAIDES MIRRIAM MWALE	ACTING COURT BAILIFF	04-Feb-22
42.	EG/5185	04-Feb-22	MR.DAVIES MAZIMBA	ACTING SENIOR CLERK OF COURT	04-Feb-22
43.	EG/3137	04-Feb-22	MS.FLORENCE NALUCHA LUNGU	ACTING ASSISTANT REGISTRAR	04-Feb-22
44.	EG/4921	04-Feb-22	MS.PRUDENCE MWENYA	ACTING COURT MARSHAL	04-Feb-22
45.	EG/4074	24-May-22	MR.EXNORBERT ZULU	ACTING CHIEF REGISTRAR AND DIRECTOR OF COURT OPERATIONS	24-May-22
46.	EG/4473	24-May-22	MS. CHONGO MUSONDA	ACTING REGISTRAR	24-May-22
47.	EG/4193	20-Jun-22	MS.RUTH LUMBONGO MBAMBI	ACTING REGISTRAR	20-Jun-22

48.	EG/5690	20-Jun-22	MS.KASONDE MULENGA	ACTING ASSISTANT REGISTRAR	20-Jun-22
49.	J/11157	20-Jun-22	MR. ELIAS BANDA	ACTING AUTO MECHANIC	20-Jun-22
50.	J/15177	20-Jun-22	MR. NEWTON NDHLOVU	ACTING CHAUFFEUR	20-Jun-22
51.	J/14517	20-Jun-22	MS.DENIS TEMBO	ACTING REGISTRY CLERK	20-Jun-22
52.	J/14553	20-Jun-22	MR. DENNIS CHISHA	ACTING REGISTRY CLERK	20-Jun-22
53.	J/14524	20-Jun-22	MR. WAMUNYIMA NDHLOVU	ACTING REGISTRY CLERK	20-Jun-22
54.	EG/4188	20-Jun-22	MR. PENSTONE KALUTWA CHILUBA	ACTING DEPUTY SHERIFF	20-Jun-22
55.	EG/5182	13-Jul-22	MR. ALICK SAKALA	ACTING REGISTRY OFFICER	13-Jul-22
56.	EG/5116	13-Jul-22	MR. NINDE MUNGOMBA	ACTING WEBMASTER	13-Jul-22
57.	EG/4770	13-Jul-22	MS. ALICE MWANSA	ACTING STENOGRAPHER	13-Jul-22
58.	58. J/14488	13-Jul-22	MS. PAULINE MAGUSWI	ACTING STORES OFFICER	13-Jul-22
59.	J/15387	13-Jul-22	MS. SHEILA SIMEO	ACTING STORES OFFICER	13-Jul-22
60.	EG/4770	13-Jul-22	MS. CECILIA MWANDA	ACTING REGISTRY OFFICER	13-Jul-22

STAFF PROMOTIONS 2022

STAFF RETIREMENT

NO.	FILE NO.	DATE OF JSC SITTING	NAMES	POSITION	EFFECTIVE DATE OF RETIREMENT
1	J/8042	14-Jan-2022	Ms. Betty Mwale	Senior OfAce Orderly	19-06-2022
2	J/11255	14-Jan-2022	Mr. David Chewe	OfAce Orderly	22-10-2022
3	J/8768	14-Jan-2022	Mr. Mubita Sitwala	Station Handyman	13-04-2022
4	J/7683	14-Jan-2022	Mr. Mark Sausande	OfAce Orderly	21-06-2022
5	J/12631	14-Jan-2022	Mr. Isaac Mukolo	Station Handyman	13-04-2022
6	J/12071	14-Jan-2022	Mr. Moses Chalwe	General Worker	13-04-2022
7	EG.3068	9-Aug -2022	Mr. Phillip Banda	Magistrate Class I	2-09-2022
8	EG.3926	9-Aug -2022	Mr. Shadreck Chanda	Magistrate Class I	26-03-2023
9	EG.3918	9-Aug -2022	Mr. Sandras Samakayi	Magistrate Class I	23-05-2023
10	EG.3069	9-Aug -2022	Mr. Fabian Likulunga	Magistrate Class I	23-11-2023
11	EG.2026	9-Aug -2022	Mr. Given Mweempe Mweetwa	Magistrate Class II	8-11-2022
12	EG.3334	9-Aug -2022	Ms. Agness Ng`ona Banda	Senior Local Court Magistrate	30-05-2023
13	EG.5608	9-Aug -2022	Mr. Kaddy Kadilila	Presiding Local Court Magistrate	30-04-2023
14	EG.4571	9-Aug -2022	Mr. Mpundu Raphael Chitambi	Local Court Magistrate	6-03-2023
15	EG.4176	9-Aug -2022	Mr. Sinyemba Tubasiye	Local Court Magistrate	01-01-2023
16	EG.2130	9-Aug -2022	Mr. William Kashimbi	Undersheriff	02-05-2023
17	EG.1793	9-Aug -2022	Ms. Precious Salia Lupwaya	Court Bailiff	8-09-2023
18	EG.8420	9-Aug -2022	Ms. Vestina Mazyopa	Typist	29-05-2023
19	J/11671	9-Aug -2022	Mr. Munthali Chewe	Local Court Messenger	2-05-2023
20	J/10573	9-Aug -2022	Mr. Grayson Chipawa Kakanjiya	Local Court Messenger	8-11-2022
21	J/7234	9-Aug -2022	Mr. Andrew Mufunza	Local Court Messenger	25-12-2023
22	J/10738	9-Aug -2022	Mr. Robert Simulumba Muchindu	Local Court Messenger	5-09-2023
23	J/10045	9-Aug -2022	Mr. Killian Muzuba	Local Court Messenger	22-07-2023
24	J/7611	9-Aug -2022	Mr. Wilson Chembe Mulenga	Local Court Messenger	15-07-2023
25	J/7843	9-Aug -2022	Mr. Stephen Tembo	Local Court Messenger	05-05-2023
26	J/9706	9-Aug -2022	Mr. Ginious Mtonga	Local Court Messenger	27-03-2023
27	J/11510	9-Aug -2022	Mr. Mathews Mwambi	Local Court Messenger	25-12-2023
28	J/8145	9-Aug -2022	Mr. Kisala Kapanzhi	Assistant Clerical OfAcer	23-03-2023
29	J/6947	9-Aug -2022	Ms. Grace Hangoma	Assistant Clerical OfAcer	07-03-2023

THE ICEBOX

Inform, Communicate and Educate by
dropping your articles, ideas or suggestions
into the ***ICE BOX*** on
Email kalumba.slavin@judiciaryzambia.com

