

IN THE CONSTITUTIONAL COURT OF ZAMBIA
AT THE CONSTITUTIONAL REGISTRY
HOLDEN AT LUSAKA

Appeal No. 10/2016
2016/CC/A016

(Constitutional Jurisdiction)

IN THE MATTER OF:

ARTICLE 47(2), 51, 54, 72(2)(c) AND 73(1)
OF THE CONSTITUTION OF ZAMBIA
(AMENDMENT ACT) NO. 2 OF 2016

AND

IN THE MATTER OF:

SECTION 81, 89, 97(1), 98(c), 99 AND 100(2)
OF THE ELECTORAL PROCESS ACT NO. 35
OF 2016 OF THE LAWS OF ZAMBIA

IN THE MATTER OF:

CODE OF CONDUCT RULES 12, 15(a)(h)(k)

AND

IN THE MATTER OF:



CONSTITUENCY ELECTIONS
HELD IN ZAMBIA ON THE 11TH AUGUST

BETWEEN:

NKANDU LUO (PROF)

THE ELECTORAL COMMISSION OF ZAMBIA

AND

DOREEN SEFUKE MWAMBA

ATTORNEY GENERAL

1ST APPELLANT

2ND APPELLANT

1ST RESPONDENT

2ND RESPONDENT

Coram: Sitali, Mulenga and Mulembe, JJC

On 4th August, 2017 and 26th February, 2018.

For the 1st Appellant:

Mr. B. Mutale SC of Ellis & Company; Mr. E. Silwamba SC of Eric Silwamba, Jalasi and Linyama Legal Practitioners; Mr. M. Lungu of Lungu Simwanza & Partners; and, Ms. M. Mukuka of Ellis & Company

For the 2nd Appellant:

Mrs. N. Banda-Chanda of A.M. Wood & Co.

For the 1st Respondent:

Dr. H. Mbushi of HBM Advocates; Mr. G. Phiri of PNP Advocates; Mr. K. Mweemba and Mr. S. Mbewe both of Keith Mweemba Advocates

For the 2nd Respondent:

No appearance

RULING

Mulembe, JC, delivered the Ruling of the Court.

Cases referred to:

1. July Danabo (T/A Juldans Motors) v Chimsoro Farms Limited Z.R. 149
2. NFC Africa Mining PLC v Techro Zambia Limited (2009) Z.R. 236,
3. Jamas Milling Company Limited v Imex International (PTY) Limited (2002) Z.R. 79;
4. Zambia Revenue Authority v. Charles Walumweya Muhau Masiye Appeal No. 56/2011,
5. Access Bank (Zambia) Limited v. Group Five/ZCON Business Park Joint Venture (suing as a firm), Judgment No. SCZ/8/52/2014,
6. Robert Lawrence Roy v Chitakala Ranching Company Limited (1980) Z. R. 198.
7. Bank of Zambia v Jonas Tembo and Others SCZ Judgment No. 24 of 2002.
8. Muyawa Liuwa v Judicial Complaints Commission and Attorney General SCZ Judgment No. 6 of 2011
9. Samuel Kamau Macharia and Another v KCB Limited and 2 Others Application No.2 of 2011
10. Dickson Muricho Muriuki v Timothy Kagendo Muriuki and 6 Others [2013] ekLR,

Legislation referred to:

1. Constitutional Court Rules Statutory Instrument No.37 of 2016
2. Constitution of Zambia (Amendment) Act No.2 of 2016

By Notice of Motion to raise preliminary objection made pursuant to Order X Rule 2 and Order XI Rule 9(4) of the Constitutional Court Rules, the 1st Respondent is seeking the following reliefs:

1. The appeal cannot be heard because the Record of Appeal filed into court by the Appellant on 22nd December, 2016 is defective for being incomplete and it must, as such, be dismissed on account of not containing all the exhibits that were tendered as evidence in the court below contrary to the mandatory stipulations of Order XI rule 9(4)(g), (h), (i), and (m) of the Constitutional Court Rules.

2. The Court in its Ruling of 18th July, 2017 held that it would proceed to hear the appeal without video evidence because it was possibly contaminated without giving reasons why it had reviewed its decision of 5th July, 2017 where it was ordered that in the event of the parties failing to agree on the contents of the video, it would instruct the court below to view the video in question for purposes of determining its authenticity.

In support of the application, the 1st Respondent filed into Court the Affidavit in Support and Skeleton Arguments on 24th July, 2017.

In the Affidavit in Support, the 1st Respondent averred that on or about the 26th August, 2016, she filed an election Petition in the High Court seeking, inter alia, a declaration that the election of the Appellant as MP for Munali Constituency was null and void.

It was averred that on 22nd September, 2016, the Court below issued Orders for Directions which provided, among other things, that discovery would be by list of documents exchanged on or before 29th September, 2016, while exchange of Bundle of Documents would be on or before 30th September 2016. That on 30th September, 2016 the 1st Respondent tendered into Court Bundle of Documents which included video clips showing the violent attack of a red double-decker bus belonging to the UPND. It was further deposed that the said Bundle of Documents was an agreed Bundle by virtue of discovery by list.

The 1st Respondent averred that at the hearing of the election petition, she made extensive reference to the attack that she suffered, while aboard the campaign bus for the UPND, in her testimony. It was further averred that during the hearing all the other witnesses made references to the documents and other exhibits but that these were not specially marked neither was there special requirement to tender them into Court as part of evidence because the Bundles of Documents that are before the Court were agreed Bundles. The 1st Respondent further deposed, in the alternative, that even if need existed for the video evidence to be specifically tendered into Court, it should be taken to have been so tendered as it was referred to in Court, was published and the Court proceeded to view it without any objection from the Appellant's and the 1st Respondent's advocate and that he was cross-examined on the video evidence at the close of the court proceedings.

It was deposed that much to the Respondent's surprise, the video clip in issue was not available when the Appellant's advocates served the Record of Appeal which is contained, at page 995, an affidavit filed into Court on 11th December, 2016 sworn by one Bonaventure Chibamba Mutale, SC, deposing to the fact that the

video clip was missing. That the said affidavit has never been served on the 1st Respondent's advocates.

It was deposed that in its Ruling of 5th July, 2017, this Court ordered that the video clip should be viewed in the presence of the Registrar of the Constitutional Court and that, should the parties not agree on authenticity, the Court would order the lower Court to view it and verify its authenticity. Further, that the Master of the Constitutional Court viewed the video clip and there was no indication that the learned Judge in the court below had been requested to view it and what his reaction had been.

That the 1st Respondent was surprised to learn that on 18th July, 2017, this Court ruled that the appeal would be heard without reference to video evidence that the 1st Respondent had relied on in her election Petition in the court below.

It was deposed that the 1st Respondent's advocates had advised that the Record of Appeal is defective for not containing all exhibits from the court below and, as such the appeal must be dismissed and a by-election must be conducted by the 2nd Appellant in Munali Constituency.

Counsel for the 1st Respondent filed detailed skeleton arguments in support of the Motion. As the same are on record, we propose to only outline the gist of the said arguments in this Ruling.

Counsel submitted that on 28th June, 2017 during the hearing of the election appeal, the Appellant's lead Counsel, State Counsel Bonaventure Mutale, informed the Court that the video evidence of an incident of violence that occurred on 8th August, 2016 in M'tendere compound during the campaigns for the general elections, was not part of the Record before the Court and that all efforts to locate it had been unsuccessful. That after hearing both sides, this Court, in its Ruling of 5th July, 2017, agreed that the only way the video could be availed was by way of Supplementary Record of Appeal. The Court ordered that before the video could be availed before it, it should be viewed in the presence of the Registrar of the Constitutional Court to confirm that the contents were the same as those of the clips viewed in the court below and file the agreed Supplementary Record of Appeal by 12th August, 2017.

At the hearing of the appeal on 8th August, 2017, Counsel for the 1st Respondent informed the Court that the video was viewed in the presence of the Master of the Constitutional Court and that the

Parties had not agreed on the authenticity of its contents. The 2nd Respondent's Counsel could neither confirm nor deny that the clips viewed were the ones viewed in the court below.

This Court ruled that it would proceed to hear the appeal in the absence of the video evidence as it was possibly contaminated. The 1st Respondent's counsel informed the Court that they wished to raise a Preliminary Objection pursuant to Order X rule 2 of the Constitutional Court Rules. The Court ordered that the Preliminary Objection be made formally with supporting arguments.

In regard to ground one of the Motion, Counsel for the 1st Respondent submitted that the appeal cannot proceed as the Record of Appeal is defective as it is incomplete. Counsel cited Order XI rule 9(4)(g),(h),(i),(l) and (m) arguing that the same are mandatory. The said portions of Order XI rule 9 provide as follows:

"The record of appeal shall contain the following documents in the order in which they are set out:

(g) copies of the documents in the nature of pleadings, so far as it is necessary for showing the matter decided and the nature of appeal;

(h) copies of all affidavits read and all documents put in evidence in the High Court or a tribunal, so far as they are material for the purposes of the appeal, and, if such documents are not in the English language, copies of certified translations thereof; affidavits, together with copies of documents exhibited thereto, shall be arranged in the order in which they were originally filed; other documentary evidence shall be arranged in strict

order of date, without regard to the order which the documents were submitted in evidence;

(i) such other documents, if any, as may be necessary for the proper determination of the appeal, including any interlocutory proceedings which may be directly relevant to the appeal;

(j) a list of exhibits, or schedule of evidence, as the case may be, indicating those items which are being forwarded to the Master and those which are being retained by a court below or the tribunal; and

(m) copies of the exhibits or parts of the exhibits, including correspondence, as are relevant to the matters in controversy on the appeal."

Counsel submitted that the defect of the Appellant's Record of Appeal goes to the root of the appeal and that the appeal cannot be heard while a vital piece of evidence is missing. The case of **July Danabo (T/A Juldan Motors) v Chimsoro Farms Limited**¹ was cited for the authority. Counsel also referred us to the cases of **NFC Africa Mining PLC v Techro Zambia Limited**², **Jamas Milling Company Limited v Imex International (PTY) Limited**³ and **Zambia Revenue Authority v Charles Walumweya Muhau Masiye**⁴, all illustrating the importance of litigants adhering to the rules when filing records of appeal. Counsel also called in aid the case of **Access Bank (Zambia) Limited v Group Five/ZCON Business Park Joint Venture (suing as a firm)**⁵ where the Supreme Court stated:

"Yet, justice also requires that this Court, indeed all Courts, must never provide succor to litigants and their counsel who exhibit scant respect for the rules of procedure. Rules of Procedure and timeliness serve to make the process of adjudication fair, just, certain and even-handed. Under the guise of doing justice through hearing matters on their merit, courts cannot

aid in the bending or circumventing of these rules and shifting goal posts, for while laxity in application of these rules may seem to aid one side, it unfairly harms the innocent party who strives to abide by the rules."

Counsel stressed that it was without dispute that the absence of video evidence rendered the Record of Appeal incomplete and defective and the Court should dismiss the appeal. It was counsel's submission that the responsibility to prepare and file a complete record of appeal rested with the Appellant and pointed to this Court's Ruling of 5th July, 2017, emphasizing the importance of the missing evidence.

In regard to ground 2, it was submitted that this Court had not advanced reason in its ruling of 18th July, 2017, reviewing its decision to direct the court below to view the video for authentication in the event that the parties fail to agree on the authenticity of the video evidence.

Counsel argued that the Court could not proceed to review its order without showing that there had been discovery of fresh material evidence which would have effect upon the decision of the Court and has been discovered since the decision but could not, with reasonable diligence, have been discovered. On this point we were referred to **Robert Lawrence Roy v Chitakala Ranching Company Limited**⁶.

Counsel contended that the Record of Appeal did not comply with the rules of the Court. That the failure to include video evidence is a significant breach. Counsel urged the Court to dismiss the appeal or, alternatively, to allow the Court below to view the video in issue as earlier ordered, in order that the contents of the same be authenticated.

To augment, learned counsel for the 1st Respondent, Mr. Phiri, stated that the crux of the Motion is predicated on the decision of this Court of 18th July, 2017, wherein the Court appeared to review its earlier decision to allow the Court below to view the video evidence that is in contention and to authenticate its veracity. He submitted that this Court has no jurisdiction to review its decision. Mr. Phiri contended that the cases of the **Bank of Zambia v Jonas Tembo**⁷ and **Muyaba Liuwa v Judicial Complaints Authority and Attorney General**⁸ were misapplied as this Court had earlier reviewed its decision in this matter.

Learned counsel Mr. Mweemba wondered how this Court, would deal with the finding of fact of the judge in the court below without viewing the most vital piece of evidence which, he submitted, was instrumental in terms of the judgment of the lower court. Mr.

Mweemba submitted that this Court needed to reveal reasons on which it anchored the decision of 18th July, 2017. He added that there would be no prejudice to be suffered by the Appellant if the Court's ruling of 5th July, 2017 is respected.

Learned counsel Dr. Mbushi, reiterated the 1st Respondent's position that there was no need for this Court to review its earlier ruling of 5th July, 2017 as it was *functus officio*.

The 1st Appellant filed Skeleton Arguments in Opposition on 1st August, 2017. It was submitted that the preliminary objections were opposed on the basis that the Court has no jurisdiction to either rehear an application upon which it has made a final decision on the merits or to review an order that it has competently made.

Referring to reliance on Order X rule 2 by the 1st Respondent, the Appellant contended that Order X is only applicable where the Court is dealing with matters in its original jurisdiction and not in exercise of its appellate jurisdiction. Pointing to the nature of the preliminary objections raised by the 1st Respondent, it was argued that the substance of the Motion was that the Court vacates its Ruling of 18th July, 2017, which ordered that the appeal proceeds

without the video evidence. The 1st Appellant submitted that the issue that immediately arises is whether:

- a) It is open for the parties to challenge a Ruling of the Full Court of the Constitutional Court before the same Court
- b) The Court has the power to re-open proceedings and issues upon which it has made a final decision.

In regard to the first point, it was submitted that the preliminary objections are in substance a challenge to the Court's Ruling as the 1st Respondent had advanced arguments why, in her opinion, the Court misdirected itself in the decision of 18th July, 2017 and that the appeal should be dismissed on account of the record being defective or incomplete.

The 1st Appellant contended that there was no novel evidence led in the 1st Respondent's affidavit to support the Motion other than the same facts that were before the Court when it made its decisions on 5th July and 18th July, 2017. Further, that the argument which forms the basis of the first ground of the objection, that is that the video evidence is of critical importance to the determination of the appeal has been considered in both Rulings.

It was contended that there was no basis other than the 1st Respondent's sense of grievance for the Court to vacate its earlier decision and that the course adopted is an abuse of Court process seeking to bring the administration of justice into disrepute.

In response to the second ground, the 1st Appellant submitted that the Court was now *functus officio* regarding the issue of the video and had made an order for the appeal to proceed.

It was argued that there should be finality to litigation citing the case of **Bank of Zambia v Jonas Tembo and Others**⁷.

The Court was referred to the case of **Muyawa Liuwa v Judicial Complaints Commission and Attorney General**⁸ where the Supreme Court held that it had no power to review its judgments or to set aside or re-hear an appeal. That if it were not so there would be no finality in dealing with appeals. The 1st Appellant submitted that the principle also applies to interlocutory rulings made by the Full Court.

The 1st Appellant reiterated that the 1st Respondent's preliminary objection was an abuse of Court process, not supported by any authority, and an attempt to seek to bring about a convenient desirable outcome to the 1st Respondent regardless of the Court order in the Ruling of 18th July, 2017.

State Counsel Mutale submitted that no authority had been cited to justify this Court to revisit its decision of 18th July, 2017 and that the application was an abuse of the Court process.

Learned counsel Mr. Lungu, submitted that Order X rule 2, on which the application has been brought, deals with interim relief. That there was no such application before this Court but that the application sought to dismiss the whole appeal. Mr. Lungu contended that it was not true that the Ruling of 18th July, 2017 reviewed the ruling of 5th July, 2017. Counsel added that the substantive issue before this Court was whether or not to proceed without the video evidence. Mr. Lungu further submitted that the Court had no jurisdiction to entertain the preliminary objection.

State Counsel Silwamba referred the Court to pages 667-678 of the record of appeal dealing with the evidence of PW3 which, he submitted, showed that there was no production of the video clip in the court below. He argued that the prayer for dismissal of the appeal was misplaced.

In reply, Mr. Mweemba submitted that contrary to State Counsel Mutale's submission, the 1st Respondent was not asking the Court to revisit its decision of the 18th July, 2017, but that the Court

cannot review its earlier decision of 5th July, 2017. And rebutting State Counsel Silwamba's submission that there was no production of the video evidence in the court below, Mr. Mweemba argued that there was an agreed bundle in the Court below in which the video evidence was produced and there was no need to go through the rigorous rules of production of evidence. Mr. Mweemba proceeded to submit that this Court, as shown in section 25 of the Interpretation and General Provisions Act and Article 271 of the Constitution, has jurisdiction to deal with matters of this nature. Mr. Mweemba wondered what the verifying affidavit sworn by State Counsel Mutale was doing on the record if there was no production of the video evidence. He added that if indeed this Court had no power to review its decision then the ruling that is binding is that of the 5th of July, 2017 and not that of 18th July, 2017.

We are grateful to counsel on both sides. We have given serious consideration to the oral and written submissions and the authorities cited in support of, and in opposition to, this Motion.

We note that counsel for the 1st Respondent has advanced two grounds in this application. The first is that this appeal should be dismissed for being incomplete and offending the provisions of Order

XI rule 9(4)(g), (h), (i) and (m) of the Constitutional Court Rules. The second challenges the Court's ruling of the 18th July, 2017 wherein this Court, according to the 1st Respondent, reviewed its decision of the 5th July, 2017 without giving reasons.

From our perspective, the key issue running through the submissions and, thus, the central question that falls for our consideration is whether or not this Court, sitting as a full Court, can review its own decision. In that regard, we propose to deal with the second ground first. We are fortified in taking this approach because, in our considered view, determination of ground two has an effect on ground one.

Under the second ground, counsel for the 1st Respondent submitted that this Court had not advanced reasons in its ruling of 18th July, 2017 reviewing its decision to direct the court below to view the video for authentication in the event that the parties fail to agree on its authenticity. It was contended that this Court had no jurisdiction to review its decision of the 5th July, 2017 as it was *funtus officio*. On the other hand, counsel for the Appellant argued that this Court has no power to reopen proceedings and issues upon which it

has made a final decision, in reference to our Ruling of 18th July, 2017.

What is intriguing to us is that, for different reasons, both parties are contending that this Court has no jurisdiction to review its decision or reopen proceedings upon which it has made a final decision. Hence our considered view that that is the real question in contention in this Motion.

It is a fundamental and cardinal aspect of the law that the jurisdiction of the court must be well defined. Article 128 of the Constitution of Zambia provides for the jurisdiction of the Constitutional Court. Further, Article 128(1)(e) of the Constitution, as read together with section 8(1)(h) of the Constitutional Court Act, mandates this Court to determine whether or not a matter falls within the jurisdiction of the Court. In **Samuel Kamau Macharia and Another v KCB Limited and 2 Others**⁹, the Supreme Court of Kenya aptly put it as follows:

“A court’s jurisdiction flows from either the Constitution or legislation or both. Thus, a court can only exercise jurisdiction as conferred by the Constitution or other written law. It cannot arrogate to itself jurisdiction exceeding that which is conferred upon it by law.”

Though the cited case is not binding on this Court, we are, nevertheless, of the view that it is on point. The jurisdiction of the Constitution Court is defined by the Constitution, the Constitutional Court Act, the Constitutional Court Rules and any other written law as appropriate.

The Constitutional Court Rules, made pursuant to the Constitutional Court Act, regulate this Court's procedure. We note that the said Rules are silent on whether this Court has jurisdiction to review its own rulings. Therefore, there is nothing to fall on for guidance in terms of express provisions.

Before we can determine this key question, we wish to look at the context in which this Motion has been brought. It is common cause that this is an election petition appeal. In as far as election disputes are concerned, this Court is the final court of appeal, as the Constitution confirms. The Court's decisions are final and there is no other recourse that remains for a litigant once the Court renders its decision on the appeal. Being the Court of final jurisdiction in election petitions, we are cognizant of the well settled principles that there ought to be an end to litigation and also that justice must be done and be seen to have been done in each case that comes before

this Court for determination. That there should be finality to litigation and that justice must prevail are two principles of public interest. However, we are of the view that where there appears to be a conflict the court must balance one aspect against another and decide which one, on the facts and circumstances of each case, supercedes the other.

In this case, and as mentioned *supra*, the parties have argued that this Court cannot review its decisions; in the case of the 1st Respondent that the Court cannot review its decision of the 5th July, 2017, and for the Appellant that we cannot revisit our decision of the 18th July, 2017. The Rulings of 5th and 18th July, 2017 were not in relation to a final determination of the merits of this appeal. The Rulings had to do with whether or not video evidence upon which the decision of the lower court was based should be part of the evidence on record in this appeal, subject to verification of authenticity. We are mindful of the fact that on 5th July, 2017, we ruled that in the event of failure by the parties to agree on the veracity of the contents of the video in issue, the learned Judge in the court below would be instructed to review the video and determine whether or not it is the

same one that was viewed in the court below as part of the testimony of PW3.

We have noted earlier that the Rules of this Court are silent as to whether the Court has power to review its rulings or decisions. It is trite that this Court is a creature of statute and can only exercise such jurisdiction as conferred on it by statute. The question then is, is this Court completely devoid of jurisdiction to review its decisions? The Constitution is clear that the decisions of this Court when exercising its jurisdiction are final. That notwithstanding, it is our considered view that the finality of this Court's decisions relates to final decisions which ultimately dispose of the matters before it. What is at issue at this stage of this appeal is not a final decision of the Court but rulings relating to a procedural aspect. The Rulings are interlocutory in nature.

There being no express power of review of its own decisions, the question that arises is whether this Court has, in appropriate circumstances, inherent jurisdiction to review interlocutory decisions. In the Kenyan case of **Dickson Muricho Muriuki v Timothy Kagendo Muriuki and 6 Others**¹⁰ it was stated that the inherent power of the court is the authority possessed by a court, implicitly without

it being derived from the constitution or statute; it is the unwritten power of the court without which the court is unable to function with justice and good faith. That, in our view, is a fair way of approaching the administration of justice. Hence, our position is that this Court can invoke such inherent powers where the interests of justice so require.

Our Ruling of the 5th July, 2017 highlighted the crucial nature of the video evidence relating to the events of 8th August, 2016 in Munali Constituency to the proper determination of this appeal. Learned State Counsel Silwamba, in his oral submission, referred us to the testimony of PW3 at pages 667 to 678 of the Record of Appeal, contending that there was no production of the video clip in the court below. The Ruling of 18th July, 2017 was largely premised on the basis that the video clips in issue were not produced in the court below. However, during the hearing of the application before us Mr. Mweemba informed the Court that the video clips were part of agreed bundles of documents, which position was confirmed by State Counsel Mutale.

We have reviewed that portion of the Record of Appeal. We note that while the formalities of production of the video evidence were not

undertaken, counsel for the Appellant, who was the 1st Respondent in the court below, confirmed to the learned Judge in the court below that the Petitioner's (now the 1st Respondent) list of documents referred to the video and did not object to it being viewed as part of the testimony of PW3. There was also no objection from the 2nd and 3rd Respondents (as they were in the court below) to the video being part of the testimony of PW3, who was accordingly cross-examined on the video evidence.

What then are the implications of the foregoing for the present Motion? Taking into account the peculiar circumstances of this case and since the bundles of documents were agreed, we are convinced that the interests of justice will be best served if the steps we ordered to be undertaken in the Ruling of the 5th July, 2017 are fulfilled in order for this Court to proceed to hear the merits of this appeal. Our decision in this Ruling is necessitated by what we consider, in the unique circumstances of this appeal, to be in the interests of the proper consideration and determination of the appeal.

We now turn to ground one. In this ground, the 1st Respondent contends that the appeal cannot be heard as the Record of Appeal is defective for offending the provisions of Order XI rule 9(4) of the

Constitutional Court Rules. That the defect goes to the root of the appeal as a vital piece of evidence is missing. In rebuttal, counsel for the 1st Appellant argued that there was no basis upon which the appeal should be dismissed.

Having determined that the orders of this Court as stated in our Ruling of the 5th July, 2017 stand, we see no need to address ground one any further and it is dismissed accordingly.

We direct that the learned Judge in the court below views the video clips in the presence of all the parties and thereafter the learned Judge shall give a ruling stating whether or not they are the same video clips he viewed during the trial. The ruling of the court below and the video clips, if found to be the same videos, shall be availed to this Court by way of supplementary record of appeal to be filed by counsel for the 1st Respondent by 29th March, 2018.

Each party shall bear their costs.



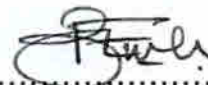
A. M. Sitali

Constitutional Court Judge



M. S. Mulenga

Constitutional Court Judge



E. Mulembe

Constitutional Court Judge