



THE JUDICIARY
OF ZAMBIA

Issue # 2 of 2023



THE ADJUDICATOR

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CHAIRPERSON'S REMARKS



Dear Reader, Greetings

The Editorial Board of the "Adjudicator" is pleased to bring to you our valued readerships the second installment of the Adjudicator barely three months after our maiden issue. May I begin by stating that in stitching the content of this publication we continue to retain our iron-clad focus on the vision points shared by the Chief Justice in his inaugural address and particularly that of

ensuring that the community of adjudicators is well informed on all issues that demand attention and consideration.

In addition to communicating critical information and knowledge in the areas of e-justice, legislative developments and critical support services rendered by research advocates to name but a few, this issue pips into our past and in this respect shares the eminence of two female pioneering figures of the bench and bar in the persons of Justices Florence Mumba and Lombe Chibesakunda respectively. Their sagacious reputations while serving on the bench could not go unnoticed by the Board. The capstone roles played post the Zambia bench, in the Cambodian Tribunal for Justice Mumba and the Comesa Court of Justice in the case of Justice Chibesakunda speak volumes of their eminence.

The issue ends with an obituary that celebrates the life of a judicial mind that graced Zambia's judicial landscape for over 33 years with distinction. The late Hon. Mr. Justice Dennis Kamoni Chirwa who

went to sleep on the 7th April, 2023 will continue to speak and inspire the current generation of adjudicators and beyond through his well thought-out judgments and judicial attributes. We can only thank the Good Lord for lending him to us.

Lastly but not the least, I will be failing in my duty if I did not recognise the contributors that have made the second edition through their compendious articles a reality. Your commitment to this project is highly appreciated and I urge many more to share their insights through this platform

Have a wonderful read.

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E- JUSTICE AND THE JUDICIARY OF ZAMBIA

Author -Abha N. Patel, SC. S ¹



I am delighted to have been invited to contribute an article for the Judiciary of Zambia Newsletter- The Adjudicator. My personal kudos and compliments to the Chairperson, Hon Justice Palan Mulonda, and his team for this initiative. The maiden newsletter, Issue No.1 of 2023, set the tone for its very high quality and content.

I speak to a subject dear to my heart, and one I touched upon, albeit briefly, at the Judicial Conference in December 2022.²

Being an avid climate control activist, and wanting to

¹<https://judiciaryzambia.com/>

²Judicial Conference Livingstone December 2022

³Section 13 Judicature Administration Act Chapter 24 of the Laws of Zambia

embrace a green culture, it was my question to the Honourable the Chief Justice of the Republic of Zambia, as to his vision and indeed the Judiciary's vision in moving towards e-justice, 'leaving no one behind.'

I am elated, and not surprised, that true to his all-embracing character, the Honourable Chief Justice created, for the first time, The Advisory Committee on information Communication Technologies, (ICT)³ with 15 terms of reference. These are available for perusal, but the one that I believe heralds in a new type of justice delivery is couched as follows:

(b)"To develop a comprehensive ICT strategy and plan that takes into account the core functions of the Judiciary."



Our Judicial authority stems from the People of Zambia. The Constitution of Zambia provides that: "The Judicial authority of the Republic derives from the People of Zambia and shall be exercised in a just manner and such exercise shall promote accountability."⁴

Through its vision of "A just and accountable Judiciary guaranteeing justice for all" our Judiciary seeks to administer justice efficiently and effectively to all through fair and timely adjudication of matters.⁵

Our Judiciary cannot exist without the trust and confidence of the people of Zambia. To build and retain public trust and confidence in the impartiality and independence of our Judiciary, we must operate a Judicial system with due regard to professional ethical standards.

It is also trite that while exercising public power, Judges must be accountable to legal and ethical standards.⁶

There can hardly be any discussion on judicial transformation without reference to the concept of access to justice.

Immediately, what comes to mind, as we move towards the inevitable journey of e-justice, is an exercise to develop best practices and learning from within the Region to come-up with our systems to guide, shape and drive us into the future, where we all belong.

⁴ Article 118 (1) of the Constitution of Zambia, Chapter 1 of the Laws of Zambia

⁵ The Republic of Zambia, The 2021-2026 Judiciary Strategic Plan, July 2020

⁶ Sachar, D. J, Judicial Misconduct and Public Confidence in the Rule of Law, United Nations Office on Drugs and Crime (UNODC)

It is common knowledge that in the wake of the Covid-19 pandemic, when physical contact was limited, institutions, including those in justice delivery, turned to technology to ensure their services were available to the people who accessed those services. The Court house was seen as a court of service and Adjudicators and the support staff, were seen as frontline staff.

Jurisdictions that moved to embrace technology, changed the perception of court users, and showed them the possibility of engaging with the court virtually.

What is a virtual court hearing?

A virtual court hearing is one conducted through audio-visual means, whereby cases are tried without the need for parties and participants to attend the court in person. Justice institutions and indeed other service providers in the Alternative Dispute Resolution (ADR) sector, have embraced virtual hearings across different platforms, to ensure continued justice delivery and services to litigants in situations where physical hearings were not possible and or exorbitant to attain.

Imagine a situation where routine criminal cases, such as those that come up periodically, for mention, for bail, or for any other urgent applications, could be dispensed virtually. Let us pause and reflect for a moment on the attendant costs and logistics of bringing an accused person to Court, albeit for a few minutes only, to appear for mention.

Imagine a civil matter, which comes up for status, or scheduling or for the hearing of any interlocutory application. Let us reflect on the attendant costs of the litigant, the practitioners, the Adjudicator and his or her support team, as they all assemble in one place at one time. And let us for a moment, however fleetingly, think of the carbon emissions that we have caused by the use of fuel, both road and air and our effect on pollution.

How has the region developed and promoted the use of ICT and virtual courtrooms?

We were privileged to hear from the Honourable the Chief Justice of the Republic of Zimbabwe, at the Judicial Conference late last year, when he spoke to their experience.

I recently facilitated an online course in Judgment Writing, organised by the Judicial Institute for Africa (JIFA) for Judges in Kenya, I was not surprised that Kenya is also fully committed to virtual courts and digitisation has been a part of their rules in the dispensation of justice. It was common practice when reviewing a sample Judgment submitted by the participants, to see that the same had been delivered virtually. Their protocol is so well established and defined and has culminated in a Practice Direction. The link below is the recent practice directions in use in Kenya, and which contains the virtual protocol.

⁷ JIFA is a partnership between the DGRU at UCT and the SACJF which provides university-certified short courses to judges in Africa.

⁸ <http://kenyalaw.org/kl/index.php?id=11536>

Any discussion on this subject on Judiciaries in the Region, would obviously be incomplete without mention of Rwanda.

What is digitisation?

Digitisation is the term used to describe the use of digital technology, in justice delivery. It is an electronic based technology which allows many different people, in different places, to 'meet' in one place at once, on the touch of a button. It obviously brings with it unfamiliar methods of operations that poses a serious challenge to what we know as the conventional procedures of the Courts.

This service brings with it electronic case and management and virtual court hearings. As I have earlier posited that the role of the judiciary is ensuring access to justice, we need to be mindful of the users of these digitised services. We need to be fully onboard before we start to sensitize court users. On the other hand, if we are too complacent or reluctant to accept the winds of change, and allow technological advancement to pass us by, we do so at our own peril.

Digitisation of Courts complements the broader concept of access to justice as it aims to eliminate obstructions which preclude the courts from dispensing their justice function. We are reminded that delayed resolution of matters in courts, is a breach of our constitutional obligation. Article 118 of the Constitution refers.⁹

The Courts in Zimbabwe took a giant leap of faith to give full effect to digitisation of its Courts, when at the height of the Covid-19 pandemic, physical attendance became impossible, creating an almost formidable barrier to access to justice. It was also appreciated that lack of the conventional court sitting, did not stall continued human interaction and thereby conflicts, which required settlement by the Courts. The Judicial Service Commission embraced what is known as the Integrated Electronic Case Management System ("I.E.C.M.S"), which is fundamentally a measure of digitisation. In Zimbabwe, the defining feature of a court has ceased to be a physical gathering of people in a courthouse. It now embraces a virtual setting where litigants 'meet' to access justice. They have welcomed digitisation to address modern day deficiencies in access to justice for all.

From what we understand, though it remains to be actually appreciated, the IECMS is a web and computer-based system that manages, and tracks court processes filed in all the registries. Through mediums of virtual hearings, participation in legal proceedings is no longer dependant on the physical appearance of parties. The Supreme Court and the Constitutional Court have no seat outside of Harare. The IECMS

⁹Article 118 (1) of the Constitution of Zambia, Chapter 1 of the Laws of Zambia

allows for filing and electronic tracking of the progress of the case through the system. Digitisation has also brought transparency as all activities are digitally recorded and traceable and has increased public confidence in the courts.

The Judicial Service Commission has caused to be established e-filing centres for use of by litigants who may not have adequate access to e-resources for filing on the IECMS platform or do not have the skillset to access the platform. The centres are manned by fully trained staff to ensure that no one is left behind.

What is fundamental to accept and embrace, is that digital technology has dramatically changed the landscape of how we communicate, and that technology and the internet are mainstays of present and future human relations.¹⁰

One cannot have a discussion of regional advancements made in digitizing justice, without making mention of Rwanda. In the recent few years, some statistics in Rwanda have revealed the following¹¹

1. Easier Access To Justice

100% e-filing rate and 26% increase in filings

2. Faster Case Processing

From 7 months to 3.4 months

3. Reduced Case Backlog

From 42% to 23%

Frederic Drabo, The Digitization of Court Processes in African Regional and Sub Regional Judicial Institutions, Walden University, 2021.

Information extracted from Synergy e Case in its Report: Enabling the Digitalization of Justice Systems

4. World Justice Project Rule of Law Index

1st in Sub-Saharan Africa and 42nd worldwide

Civil Justice: 1st in Africa and 27th worldwide

Criminal Justice: 3rd in Africa and 43rd worldwide

As we have seen even at home, technology is regulated by various pieces of legislation. We have The Electronic Communications and Transactions Act. , The Electronic Government Act . We also have Order LIV of the High Court Rules on electronic filing .

This is perhaps the least used of our High Court Rules. Is it not time to dust off the cobwebs and re-look at these rules? The question we need to ask ourselves is how we are going to streamline, amend and or harmonise all these Rules and Laws to partner with technology, in order to transform the legal system, to deliver justice in tandem with technological advancement.

As a Country, the Government of Zambia, appears to have embraced digital transformation and change to achieve a paperless Government. Are we playing our part in this by requiring 21 hard copies of the Record of Appeal to be filed in the Court of Appeal? Rule 58 rule (5) requires 13 hard copies and 1 electronic copy to be filed for Records of Appeal in the Supreme Court.

I have previously bemoaned the huge volumes of paper and numerous bundles that we require without adequate storage or archiving facility. The National Archives Act remains out dated from 1969, and with little or no ability to archive the

voluminous records that we amass year in year out.

If we were to learn from the example of Judiciaries such as Kenya, Zimbabwe and Rwanda, to name a few, the transition will need to be in phases to fully appreciate and monitor the online platform as opposed to the traditional paper-based system. This will need to be supported by extensive periods of training of the stakeholders to include judicial officers, the Police, Correctional Facilities, the Advocates, Prosecutors and members of the public, to name but a few stakeholders. Court staff and registry personnel would all need training specific to their job description, so that they in turn could assist the litigant.

The desire to do things in the traditional way, because we have always done them that way, is the bane of any judiciary, and is quite simply, a known fear of the unknown. We must also be alive to the dangers of internet penetrations, confidentiality of proceedings and the larger self-interest, all of which defeat access to justice.

The nature of funding, access to stable internet connectivity and its source will ultimately guide the long-term success of the project. It is suggested that Government funding is optimum as it is a constitutional obligation.

¹² Act No. 4 of 2021

¹³ Act No. 41 of 2021

¹⁴ High Court (Amendment) Rules, 2012 (S. I No. 27 of 2012)

¹⁵ Meeting of key stakeholders held at Government Complex between 31st January to 2 February 2023

¹⁶ Order X rule (2) (10) Court of Appeal Rules S.I. No. 65 of 2016

¹⁷ The Supreme Court Amendment Rules S.I. No. 26 of 2012

¹⁸ The National Archives Act Chapter 175 of the Laws of Zambia

In conclusion, I ask you to reflect on the following:

What is our hashtag?

What is our digital and carbon footprint?

What legacy will we leave behind for posterity to Judge us?

I end my article, by inviting you all to acknowledge the special and privileged position we occupy in society. To be leaders and innovators, rather than followers, to embark on this journey of self-discovery and justice delivery, by embracing the potential of e-justice in the knowledge and comfort that we aim to achieve our shared mission statement which reflects our desire "to administer justice to all in an independent, impartial, competent and timely manner."





AN ARTICLE ON THE ROLE OF RESEARCH ADVOCATES AT HIGH COURT LEVEL, FROM A JUDGE'S PERSPECTIVE

by Mr Justice Kazimbe Chenda,



1 CLASSIFICATION OF RESEARCH ADVOCATES

- 1.1 The office of a Superior Court Judge, including at High Court level, is staffed with inter alia, an advocate duly admitted to the Bar. The official designation of that officer is 'research counsel' or 'research advocate' (see section 12(a) and 13 of the Judiciary Administration Act No. 23 of 2016 as amended by Act No. 5 of 2018).
- 1.2 Research advocates are thus not administrative staff (as commonly misunderstood in the Judiciary) but instead properly classified as:
- (i) legal staff;
 - (ii) learned persons in their own right (equipped with the theory [LLB] and practice of law [ZIALE-LPQE]); and
 - (iii) part of the noble profession to which Superior Court Judges and other adjudicators belong.

2 THE REALITY AT HIGH COURT LEVEL

- 2.1 It is a notorious fact that the case load at High Court level has continued to increase exponentially when compared to the number of Judges in service.
- 2.2 Thus, for a High Court Judge, control of proceedings and managing the role players (i.e. litigants, counsel, researcher, marshal) is critical to:
- (i) the optimal use of judicial time;
 - (ii) effective case flow management;
 - (iii) success as an adjudicator; and
 - (iv) the overall performance of the Judiciary.

2.3 On the other hand, lack of control has many undesirable consequences including:

- (i) leaving the cases in free fall (at the whims of the role players);
- (ii) accumulation of backlog;
- (iii) burnout for the adjudicator; and
- (iv) diminished public confidence in the Judiciary and its relevance as a primary organ of the State.

3 RESEARCH ADVOCATE TO THE RESCUE

3.1 On the premise that no one has monopoly of knowledge and wisdom, research advocates can, if properly guided, be of immense value in the (Judge's) quest to attain the requisite control and desired levels of management of affairs.

3.2 Research advocates can aid a Judge in that quest in atleast the following ways:

- (i) routinely checking for and reporting on legislative changes and new jurisprudence in the field of law commonly applicable to the Judge's work;
- (ii) undertaking preliminary assessment of the substance of new cases (based on a checklist agreed upon with Judge, where applicable);

- (iii) undertaking preliminary assessment of merit of interlocutory applications (based on a checklist agreed upon with Judge, where applicable);
- (iv) providing legal opinion on a case after trial but before the Judge prepares the judgment;
- (v) providing critique of reasoning for draft rulings and judgments;
- (vi) proof reading rulings and judgments for typographical and grammatical errors;
- (vii) supervising marshal's updating of upcoming records with latest filings before the records are taken to Judge for advance preparations;
- (viii) supervising the weekly update of returns;
- (ix) supervising and coordinating marshal and secretary over tasks assigned by Judge if the Judge is out of office or unusually busy; and
- (x) acting as de facto executive assistant to the Judge on any assignments (typically administrative) which are beyond the sphere of competence of the other staff in the Judge's office.

3.3 When properly applied, such assistance can greatly improve the turnaround time and overall quality of a Judge's work.

3.4 For the avoidance of doubt, research advocates, are not a

substitute for the Judge in performance of any function as the ultimate responsibility for the office (and end product on all assignments) remains that of and for the Judge.

4 CLOSING REMARKS AND RECOMMENDATIONS

4.1 Given the disparities between workload and manpower for the adjudicator at High Court level, it would be prudent for Judges to make full use of their 'in-house counsel' comprising research advocates, if they are not already doing so.

4.2 Such optimal use can be achieved in a number of ways including a tripartite effort involving:

- (i) creation of an enabling environment by the Judiciary (recognition and support for the role and status of research advocates; provision of training opportunities for research advocates alongside those for Judges [where practicable]; and enhancement of conditions of service commensurate to the office of an advocate to motivate and retain talent);
- (ii) willingness by a Judge to teach and integrate the research advocate into the Judge's unique work process (the Judge must invest time and patience to groom and equip the research advocate with the skill set needed for the Judge's peculiar work process); and
- (iii) reciprocal commitment on the part of the research advocate to be trained and to apply oneself as a beneficial catalyst in the given work process (the research advocate must be malleable, passionate about their work, dedicated and dependable).



A BIRD'S EYE VIEW OF SOME OF THE SALIENT FEATURES OF THE CHILDREN'S CODE ACT, NUMBER 12 OF 2022

Hon. Mr. Justice Kenneth Mulife

1.0. INTRODUCTION

- 1.1. On 9th August, 2022, the Government of the Republic of Zambia enacted the long-awaited Children's Code Act No.12 of 2022 (hereinafter referred to as the 'the Act'). It is a revolutionary piece of legislation that has reformed and consolidated all child-related domestic legislations while repealing some. It has domesticated some of the fundamental children's Conventions and expanded the scope of issues of concern to children.

- 1.2. It would be over-ambitious to attempt a discourse of all the thematic areas of the Act in a single Article, albeit, of limited space such as this one. For this reason, the Article shall be restricted to provisions relating to adjudication – a sphere of daily concern to the reader. It is divided into six parts. Part One is introductory. Part Two provides a general overview of the Act. Part Three discusses the jurisdiction of courts as conferred by the Act. Part Four discusses procedure in

matters involving a child in conflict with the law and a child witness. Part five deliberates methods of dealing with a child in conflict with the law. Part Six is a conclusion.

2.0. OVERVIEW OF THE ACT

- 2.1. The Act is divided into nineteen Parts. Part I consists of preliminary provisions. Part II outlines rights and responsibilities of a child. Part III outlines the administrative machinery of the Act. Part IV prescribes responsibilities of parents towards their children. Part V relates to investigations into offences committed by a child. The part provides for the arrest of a child in conflict with the law, bail and deprivation of a child's liberty.
- 2.2. Part VI outlines the concept of diversion. Part VII relates to court proceedings involving a child in conflict with the law and a child witness. Part VIII provides for probation whereas Part IX provides for a child approved centre order and child reformatory centre order.
- 2.3. Part X provides for affiliation, status of a child in a family, maintenance and custody. Parts XI and XII are concerned with guardianship and children in need of care and protection, respectively whereas as Parts XIII and XIV as well as Part XV are concerned with foster care and adoption, respectively.
- 2.4. Parts XVI and XVII of the Act provide for child care facilities and child safeguarding, respectively. Part XVIII provide for international child abduction whereas Part XIX comprises general provisions.

3.0. JURISDICTION OF COURTS AS CONFERRED BY THE ACT.

The Juvenile Court

- 3.1. Jurisdictional provisions are contained in Part VII of the Act. Courts of first instance in matters involving children are the Subordinate Courts (denoted as the 'Juvenile Court') and High Court (denoted as the Children's Court).
- 3.2. In terms of criminal jurisdiction of both Courts, a discussion thereof, logically begins with the age of criminal responsibility. Section 45 of the Act ties the age of criminal responsibility to that which is prescribed in Section 14 of the Penal Code, Chapter 87 of the Laws of Zambia. Going forward, Section 2 of the Act defines a 'Juvenile Court' as a Subordinate Court, sitting for purposes of hearing a charge or matter involving a child— (i) of the First Class or Second Class; or (ii) in the case of a Subordinate Court of the Third Class, a Subordinate Court presided over by a Magistrate of not less than one-year experience.
- 3.3. It is striking why the Legislature decided to maintain the term 'Juvenile' with reference to the Subordinate Court when it has abolished the term with reference to the class of persons who formerly were called by that title. It would have been ideal if the term was abolished from the Act completely, because it is derogatory as it is more inclined to delinquency.

- 3.4. Section 66(1)(b) of the Act empowers a Juvenile Court to hear any charge against a child, other than a charge—(i) of murder or treason;(ii) of a class of offences specified under the Criminal Procedure Code to be tried by the High Court; or (iii) in which the child is charged together with an adult.
- 3.5. By Section 65 of the Act, the Subordinate Court sitting for purposes of hearing a charge against a child or for any other purpose relating to a child, shall constitute itself as a Juvenile Court. It is advisable for the record of proceedings to expressly show this aspect, as it might become an issue for consideration on appeal in an appropriate case.
- 3.6. The civil jurisdiction of the Juvenile Court is outlined in Section 66(1)(a) of the Act. By this provision, the Court is empowered to entertain matters relating to parental responsibilities, diversion, child approved centre orders and reformatory centre orders, guardianship as well as children in need of care and protection.
- 3.7. Suffice to note that the Act has withdrawn the Subordinate Court's jurisdiction to entertain petitions for adoption and vested it solely into the High Court. This is a departure from the repealed Adoption Act which gave a petitioner a choice between the High Court and the Subordinate Court of the First Class.
- 3.8. Overall, the Juvenile Court can exercise any other

jurisdiction conferred on it by the Children's Code Act or any other written law and this feature applies to the court's civil and criminal jurisdictions.

3.10. An appeal against the decision of a Juvenile Court, lies to the Children's Court.

3.11. **The Children's Court**

3.12. Turning to the Children's Court, its criminal jurisdiction is outlined in Section 67 (1)(a) of the Act. By this provision, the Court is empowered to hear a charge against a child—(i) of murder or treason; (ii) of a class of offences specified under the Criminal Procedure Code to be tried by the High Court; (iii) in which the child is charged together with an adult.

3.13. The provision entails expanded criminal jurisdiction for the Children's Court and reduced criminal jurisdiction for the Juvenile Court in matters involving children in conflict with the law. This is because the repealed Juveniles Act only precluded Juvenile Courts from entertaining cases involving homicide or attempted murder.

3.14. Further, it is startling why a child who is jointly charged with an adult should be tried by the Children's Court even for an offence which is triable by the Subordinate Court. The requirement is startling because if the offence triable by the Subordinate Court was

committed by a child alone, the Subordinate would preside over the case. The position would be the same if the offence was committed by an adult alone. One then wonders, what would have changed if the same offence is committed jointly by a child and an adult for it to deserve the attention of the Children's Court.

3.15. Further, in view of the occasional criminal sessions for the Children's Court, the requirement will delay the disposal of such cases and this would not be in the best interest of the child in conflict with the law. It would be helpful if the Juvenile Court retains jurisdiction for such cases.

3.16. Section 67 (2) of the Act empowers the Children's Court to hear and determine a charge against a child for an offence which if committed by an adult, would be punishable by death. However, this provision has been rendered otiose following the abolishment of the death penalty by Penal Code (Amendment) Act No. 23 of 2022. Thus, together with other provisions in the Act which make reference to the death penalty, it should be repealed.

- 3.17. Section 67(4) of the Act is also worthy of note as it empowers a Children's Court to alter a conviction and sentence in a matter on appeal, review or confirmation of sentence, from a Subordinate Court, where it finds that the convicted person is a child and not an adult.
- 3.18. The civil jurisdiction of the Children's Court is provided for under Section 67(1)(c) of the Act. The Provision empowers the Court to entertain matters relating to Foster Care and Adoption.
- 3.19. Section 67(1)(d) of the Act empowers the Children's Court to exercise any other jurisdiction conferred on it by the Act or any other written law. This applies to the Court's civil and criminal jurisdiction.
- 3.20. Is the High Court other than a Children's Court Precluded from Exercising Jurisdiction conferred by the Act?
- 3.21. Questions have been asked if the High Court which is not a Children's Court, can exercise the jurisdiction conferred on the Children's Court by Section 67 of the Act. Section 2 of the Act defines a Children's Court as a Division of the High Court established by the Constitution of Zambia (Amendment) Act No. 2 of 2016. The requisite provision of the stated Constitution, is Article 133 which, quoting only relevant portions, states as follows:

“(1) There is established the High Court...

(2) There are established, as divisions of the High Court...Family Court and Children’s Court”.

3.22. A cursory perusal of Section 67(1) read with Section 69(1)(2) of the Act, suggest that only a Children’s Court is empowered to exercise the jurisdiction conferred by the Act. However, a circumspective reading of other provisions of the same Act, the Constitution of the Republic of Zambia and the High Court Act, Chapter 27 of the Laws of Zambia, disclose that the jurisdiction conferred by Section 67(1) of the Act, can be the jurisdiction conferred by Section 67(1) of the Act, can be exercised by any Judge of the High Court and not only the Children’s Court. Section 69(5) of the Act supports this position in the following terms:

“A court shall, where the court, other than a juvenile court or Children’s Court, hears a charge against a child, apply the provisions of this Act relating to the safeguards to be accorded to a child in conflict with the law (the underlining is mine).”

3.23. Additionally, by Article 134 (a) of the Constitution of the Republic of Zambia, the High Court enjoys unlimited and original jurisdiction in civil and criminal matters save for matters specifically reserved for the Constitutional Court by Article 128 of the Constitution. Suffice to state that according to Article 133 of the said Constitution, there is only one High Court for Zambia.

3.24. Section 4 of the High Court Act, Chapter 27 of the Laws of Zambia, is similarly insightful and requires no ingenious interpretation. It prescribes as follows:

“Subject to any express statutory provision to the contrary, all the Judges shall, have and may exercise, in all respects, equal power, authority and jurisdiction, and, subject as aforesaid, any Judge may exercise all or any part of the jurisdiction by this Act or otherwise vested in the Court, and, for such purpose, shall be and form a Court”.

3.25. Based on the foregoing provisions, I reiterate that any Judge of the High Court, other than the Children’s Court, is bestowed with the jurisdiction conferred by Section 67(1) of the Act.

3.26. Circular No. CJ/2/79/2 dated 10th March, 2023 issued by the Honourable Chief Justice, Dr. Mumba Malila, SC, upholds this position. What is crucial, where a Judge of the High Court other than a Children’s Court is exercising jurisdiction conferred by Section 67(1) of the Act, as guided by the stated Circular, is for the Judge to transform herself of himself, into a Children’s Court and this is by way of adopting procedures prescribed by the Act. This drifts the Article to the next stage.

4.0. COURT PROCEEDINGS INVOLVING A CHILD IN CONFLICT WITH THE LAW AND CHILD WITNESS.

- 4.1. The applicable procedures are outlined in Section 68 of the Act and they apply to both the Juvenile Court and the High Court.
- 4.2. Section 68(1) of the Act directs for the use of a different building or room from that used in proceedings involving adults, when conducting proceedings involving a child in conflict with the law. Where there is no separate building or room, such proceedings should be held at a different time from those for adults.
- 4.3. Section 68(2) of the Act lists persons who can attend the proceedings namely, officers of the court, witnesses, persons directly concerned with the case as well as the parties and their Legal Advocates.
- 4.4. Sections 72 and 73 of the Act provides for an array of due process rights available to a child in conflict with the law. The provisions mandate the trial Court (the Juvenile Court or the High Court, as the case may be) to explain the rights to the Child and this aspect should expressly appear on the record of proceedings.
- 4.5. Noteworthy, is Section 72(3) of the Act which states that a child found guilty of having committed an offence, has the right to have the decision and the measures that have been imposed as a result, reviewed by a higher Court. Relative to the Juvenile Court, the 'higher court' is

the High Court. As regards the High Court, the 'higher court' is the Court of Appeal. Where the child opts to exercise the right of review, the 'higher court' shall proceed on the basis of Sections 337 and 338 of the Criminal Procedure Code, Chapter 88 of the Laws of Zambia because these are the provisions which provide for the power of review.³

- 4.6. Section 75(1) of the Act permits the trial court to remand the child in conflict with the law, in a child transit centre, pending trial . The remand warrant is valid for a renewable period of seven days and the child should be present in court when the warrant is being renewed.⁴
- 4.7. According to Section 75(5) of the Act, the total period of remand pending trial shall not exceed ninety days. However, I am of the view that the lapse of the ninety days is not a bar to the continuation of trial where the matter has not been disposed of. Rather, it is a bar to the continued institutionalisation of the child while the matter is pending trial. Consequently, this triggers the requirement to place the child on bail save to note that the position raises a question of unusual difficulty where the circumstances of the case as prescribed under Section 73(2) of the Act do not permit for bail. That as it may, I opine that the express waiver of the continued remand by the Act, automatically terminates the institutionalisation of the child thereby rendering considerations for bail, otiose. Such an interpretation, in my view, is what would be in the best interest of the child.

- 4.8. Further, to avoid the dilemma cited above, it would be helpful for the legislature to align Section 75(5) of the Act to Section 79(7) of the same Act relating to the period within which proceedings involving children in conflict with the law should be concluded. In that case, the maximum period of remand would be six months as this would coincide with the period within which proceedings involving a child in conflict with the law should be concluded.
- 4.9. Section 78(1) of the Act mandates the Children's Court and the Juvenile Court to conduct a *voire dire* on every child witness. The effect of this provision is to increase the age threshold for persons who are amenable to a *voire dire*, from below 14 years (in the repealed Juveniles Act), to 18 years and below. The increase in the age threshold is in view of the definition of the term 'child' according to Section 2 of the Act read with Article 266 of the Constitution. This notwithstanding, the two-tier test of a *voire* has been maintained. Thus, the child must demonstrate to be in possession of sufficient intelligence and to understand the duty of speaking the truth.
- 4.10. Further, Section 78 (1) of the Act creates an absurdity in the sense of suggesting that only the Children's Court and the Juvenile Court have the jurisdiction to conduct a *voire dire* before the evidence of a child could be received. I am of this view because the Children's Court and the juvenile court are not the only courts which

receive evidence from children. Against this backdrop, it would have sufficed if the Act just made reference to the term 'Court'. For now, I am of the view that a purposive interpretation of the Act would entail that any court receiving evidence from a child, should conduct a *voire dire*, regardless of the nature of the proceedings.

- 4.11. By Section 78(2) of the Act, the Children's Court or Juvenile Court is entitled to receive unsworn evidence of a child who has failed a *voire dire*. The child can personally give such evidence or give it through a child welfare officer responsible for the case.
- 4.12. Trial courts are implored to take cognisance of the mandatory requirements of Section 78(4)(5) of the Act relating to the court room environment when a child is testifying. I note that certain requirements direct for the physical separation of the child witness from the person against whom the child is testifying. Such requirements would certainly pose challenges in the numerous districts where suitable infrastructure does not exist.
- 4.13. Section 78(6)(a) of the Act empowers the trial court to permit recorded pre-trial interviews with a child to be presented as evidence in lieu of a live testimony by a child. This as it may, the innovation does not extinguish the right to cross-examination.

4.14. By Section 78(9) of the Act, corroboration of a child's evidence is now not a mandatory requirement. This is a departure from the repealed Juveniles Act where in criminal proceedings, the child's evidence needed to be corroborated for a conviction to be sustained.

5.0. METHODS OF DEALING WITH CHILDREN IN CONFLICT WITH THE LAW

5.1. Sections 79 and 100 of the Act lists methods of dealing with a child in conflict with the law where a finding of guilty has been entered . The provisions also outline the appropriate language to be used by the court during proceedings and the limitations in the applicability of specific orders. Thus for example, a child below the age of sixteen years, shall not be sent to a reformatory centre ; that a child below the age of sixteen years shall not be given a custodial order . And, a child aged between sixteen and eighteen years shall not be given a custodial order if the child can suitably be dealt with in any other manner .

5.2. The jurisdiction conferred by Section 79(8) of the Act is equally crucial. The provision authorises the Court to pass any order or a combination of orders which it is empowered to pass under the Act or any other written law in relation to a child. An example of a situation envisaged by this provision is Section 138(4) of the Penal Code, Chapter 87 of the Laws of Zambia which permits the court to make an Order for community service or counselling for a child aged over twelve years, who has committed the offence of defilement or attempted defilement.

³ A child transit centre is established under Section 99(1)(b) of the Act.

⁴ See section 75(4) of the Act.

⁵ Section 73 (2) of the Act states as follows: "where a child appears before a juvenile court or Children's Court charged with an offence, the court shall enquire into the case and, unless there is a serious danger to the child or the community, release the child on bail". By this provision, it would appear that all offences committed by a child are bailable as the only consideration is whether or not admitting the child to bail would result into serious danger to the child or the child's community. This is a departure from the repealed Juveniles Act which in the main, tied bail to the offence that has been committed. Thus, homicide or grave crimes were not amenable to bail.

5.3. By Section 74(7) and 76(1) of the Act, a social welfare report is still a requirement before the trial court can make an order where a finding of guilty has been entered. However, the court is not bound by the recommendations in the report. This notwithstanding, the court should state the reasons on record, for declining the recommendations. Further, I am of the view that the court should exercise this discretionary power judiciously as the Supreme Court of Zambia frowns upon courts rejecting recommendations in social welfare reports.

5.4. As highlighted already, Section 79(7) of the Act gives the trial Court discretion to discharge a child in conflict with the law, where the matter is not disposed of within six months from the date the Child first appeared before the Court. That as it may, this discretionary power must similarly be exercised judiciously and only in cases where the delay has been occasioned by negligence on the part of the State. I am of this view because the provision is not intended to defeat the course of justice. Thus for example, a discharge must not issue where the delay has been caused by the child.

5.5. Further, a discharge would not be a bar to future proceedings arising from the same facts since there would be no judgment on the merits.

6.0. CONCLUSION

- 6.1. Save for the few pitfalls highlighted above, I am of the view that the Act is a progressive piece of legislation as it has provided for a wide array of children's concerns which hitherto, were not available. The panacea to the pitfalls lies in timely amendments.
- 6.2. The Act also requires institutional and technological reforms for its effective implementation. For example, the enhanced services under the Act, will require the establishment of new institutions such as the Child Development Department and an increase of human resource for existing stakeholder institutions such as the Judiciary, Departments of Social Welfare and Community Development, Legal Aid Board, police and National Prosecution Authority. The enhanced services also require new infrastructure and a modernisation of some existing ones.
- 6.3. To exhaust the discourse on the Act, it is hoped that the distinguished publishers of the Newsletter, shall, in its future publications, call for articles relating to the unexplored thematic areas.

⁶ These are: dismissal of the case, discharge of the child, Probation Order, Order for a child approved centre or child reformatory centre, Order for payment of a fine, damages or costs for a young person. According to Article 266 of the Constitution, a 'young person' is a person aged between 15 and 19 years. The Court is also empowered to make an Order for Restorative Justice in accordance with the programs established under Section 84 of the Act. The Court is additionally empowered to deal with the child in any other manner it determines in the administration of justice. Further, the Court is empowered to order the child's parent, guardian or person having parental responsibility for the child, to give security for the good behaviour of the child, pay a fine, damages or costs. However, orders relating to such persons are only tenable where evidence is suggesting that they are complicity or conducted to the child's conduct in issue. Further, they must be given an opportunity to be heard before the order is made.

⁷ See section 99(4) of the Act.

⁸ Section 79(3) of the Act.

⁹ Section 79(4) of the Act.

¹⁰ Section 78(8) of the Act.

¹¹ See the case of Joseph Besa (A Juvenile Offender) v. The People, Appeal No. 30 of 2016.



LIQUIDITY DILEMMA OF THE JUDICIARY OF ZAMBIA

Article by Jonathan Mazyopa JR (Research Analyst Wallstreet Oasis)

Streams of people ferry their souls to the accounts departments in pursuit of files every day as the sun rises. The Judiciary of Zambia faces a new dilemma that has been growing unnoticed.

Among the problems Judiciary faces is mainly to do with funds. The situation is getting desperate and some people do not seem to know it. The files claiming payments are congesting offices more than ever. Every time someone goes to follow up on a payment, they are told there is no funding, the answer has remained constant ever since I can remember. Even when funding comes no one knows, rumors of funding have equally died. Some of the institutional staff have forfeited their Settling in Allowances because they are not worth the chase.

Consequently, some employees spend more time chasing files and payments at the expense of important tasks. The only time one can make a proper follow-up is in the morning, lunchtime is out of the question while the afternoon inquiries are met with hanging jackets on chairs.

Though one can argue that the time spent is minimal, it is important to note that it is at the expense of something else.

The liquidity problems of the Judiciary have also been felt in the procurement department which has embarked on a rationing policy. The institution is cutting the number of items an office gets, for instance, paper. Paper is on the way to becoming a rare commodity with a value next to drugs. This is true because lowering the amount of paper given is not answering any problem because demand is constant. The basic microeconomic theory negates this assumption, you cut the supply of paper the cost of paper goes high, making it the Opium of the institution.

It should be recognized that this rationing policy would only be effective if some tasks can be revisited to adjust their paper involvement.

To understand the liquidity dilemma, you need to introspect and retrospect on the institution.

If you look at the Judiciary currently nothing much has changed, of course, the establishment of new divisions has brought in more staff but equally new streams of income have been created. This on its own offset the claim that hiring new staff exacerbated the coffers of the institution. In addition, the scrapping-off of the Criminal circuit sessions has saved thousands of Kwachas.

However, the institution still seems to be in a pickle, cost-

cutting measures, and the desperate rationing of stationery are still the order of the day.

This brings us to a wider view of the institution. The Judiciary has heavily relied on the money generated by registries/court divisions, meager interest rates from the banks, and library services. These streams of income are crumbling under the weight of inflation. The liquidity dilemma of the Judiciary has mostly been influenced by the economic cycle. Inflation has consequently, spiked prices of the materials and stationery which are significant to the daily court operations. Therefore, the seed of the liquidity problems of the Judiciary can be traced back to the last decade.

So, what should be done then?

Firstly, the Judiciary needs to look beyond its perception as an institution that can only generate money from fines, fees, and library services. This perception is narrow and can no longer hold the mammoth financial demands of this behemoth institution. The institution should start thinking about Private Public Partnerships (PPP) as an avenue to raise funds. Multiple flows of income are the best strategy to mitigate the liquidity crisis we are facing.

For instance, the institution can partner with a bank to bring ATM services to Central Administration either through a lease agreement or an appropriate agreement. The Judiciary HQ is one of the busiest next only to the hospital, this place guarantees more withdrawals than a filling station. If the

same can be done for banks we hold accounts with, clients would even have an opportunity to pay for filing and other payments.

Secondly, the institution needs to revisit the tasks and responsibilities of some positions. Some paperwork is unnecessary, one such example is a Cause-list. There should be an increase in the use of emails and digital communications.





MY THOUGHTS ARE FREE

THE COURT INTERPRETER'S CORNER
Ian Hamalabbi
COURT INTERPRETER

In July, 1968 DR K.D KAUNDA stated, “we’re architects of our destiny. We’re bricklayers in the nation –building process involved at present in laying what I consider to be a reliable foundation upon which our children can build a decent and happy future for themselves and the succeeding generations”. Upon these words, I have built my courage and confidence as a Court Interpreter - that in whatever I do in my department I always remember that I am a bricklayer. This is the vision of his lordship Chief Justice to build a solid foundation for the administration of justice for the succeeding generations upon which justice will no longer be measured by the scale of one’s standing in society but that everyone will be equal before the law.

The history of Court Interpreters is dating as far as 1924 when copper was discovered in Northern Rhodesia. The whites invaded our land but not our languages. Our own secret as a nation is our language, our pride and identity. It was only us who could interpret it and give meaning to it. Prominent people like Mainza Chona in the 1950s joined this noble calling of a Court Interpreter at Livingstone High Court. As Court Interpreters, we are proud of this mile stone of achievement. History tells us that Mainza Chona was a Court Interpreter who worked so hard and went all the way to obtain a Bachelor of laws and the first Zambian to be admitted to the bar and later he became Zambia’s vice president. History is not history unless it’s the truth. There many judges, magistrates and lawyers who started as Court Interpreters to us you are a rock of faith, I agree with Martin Luther King when he said, “ this faith can give us courage to face the uncertainties of the future.it will give our tired feet new strength as we continue our forward stride toward the city of freedom. And come with an eloquent cry that we have nothing to fear but fear itself” .

Despite our department being old as Zambia itself, this department is not free from challenges. The challenge of investing in human capital for Court Interpreters. One major challenge faced by Court Interpreters in rural Zambia like Mumbwa which has a national park within its vicinity is

the difficulty of interpreting the names of wild animals. To address this problem, it is necessary to arrange for workshops promptly. The other challenge faced by court interpreters is that of having their lunch hour ignored without consultation in a bid to dispose off cases. Some court cases are dragged on even during lunch hours.

Finally, the department of Court Interpreters in the Zambian judiciary is like a gold mine yet to be discovered. The judiciary is the light of our country and that this light must be kept burning, shining and protected. This is our vision collectively for the judiciary that can stand on its both legs firmly and that after we are gone, this will be our legacy to the next generation, the solid foundation. It is our collective duty as members of staff and of course Court Interpreters in whichever part of Zambia we are to remember that our country is looking to us; to lay a solid foundation; to speak to the next person about hard work and interpreting correctly with good voice projection. Remember, people will respect us if we get organized and speak as one.

Ian Hamalabbi
Court Interpreter
Mumbwa Sub-Court
File no. EG 6055.





SOME FEMALE TRAILBLAZERS OF THE JUDICIARY

JUSTICE FLORENCE MUMBA

Judicial Tenure 1980-2012



INTRODUCTION

Let me start by saying that I am a Christian, and always guided by my Christian principles. In all I do, I use “Here I am God it’s up to you to use me” as my mantra. Whenever I am given an assignment, I always tell myself that I am on trial, regardless of whether or not I have a boss looking over me.

Q1. PLEASE TELL ME ABOUT YOUR EARLY CHILDHOOD...FAMILY, EDUCATION?

A1. I was born in Mufulira on the Copperbelt. I grew up in a family of 6. After my father lost his job in Mufulira, we went to Chisekese, in Southern Province. I started school at home, my mother actually taught my sister and I, grade 1 and 2 work. So, I, in fact, started formal education in grade 3. My father found another job in Mufulira, which led us to move back there from Chisekese, and that is where I

went into standard 6, the equivalent of present-day grade 8. I then passed and went to Chipembi and completed my secondary school education in 1967. In 1968 I went to the University of Zambia (UNZA), I joined law school, and completed in 1972. I thereafter went to the Law Training Institute, and in March 1973, I was called to the Bar.

Q2. WHY LAW AS A CAREER

A2. When I was completing my O-levels, I actually wanted to study theology. I didn't know that UNZA didn't teach theology, so I asked what was new and the other students said law. By then there were only 2 ladies, Mrs. Mutukwa and another lady, who's name I can't remember. It was intimidating because the majority were men, and some lecturers were not kind to me. I was the only girl out of 13. Among my classmates were some who were kind and encouraging, they treated me like their young sister. I'd get discouraged because law school was really difficult, so I focused on those who were passing.

Q3. WHO HAS BEEN YOUR GREATEST INSPIRATION AND WHY?

A3. When I was at secondary school, during one of my holidays in Mufulira, I saw the Mufulira Mirror, and in it was a photo of Justice Lombe Chibesakunda a law student in the United Kingdom. She used to be our head girl at Chipembi and when I saw her photo, I was inspired by her. When I joined law school, I was appointed in the Ministry of Justice as learner Counsel. I worked as a prosecutor, and thereafter joined the then Department of Legal Aid where I really developed as a lawyer. Mr. Ali Hamir, SC would take me along with him to court, that was how I learnt to be a defence counsel, and I learnt how to treat people who were falsely charged, bearing in mind of course that every case is different.

Q4. BEST CAREER MOMENT/ GREATEST ACHIEVEMENT CAREER WISE

A4. Going into international legal practice was great. I was afraid when the Judiciary requested me to submit my CV, which I didn't even have at the time. Fortunately, I used to sit on university council, and that helped me come up with one. It was among the many CVs submitted to the General Assembly of the United Nations in New York, by Africa, the UK and other Commonwealth countries. I got elected that's how I moved to the Hague. I never expected to go international at any point in my life before then. I worked hard to leave a legacy for those who came after me. I learnt that the degree we got at UNZA was very basic but had all the principles in it, so I had to learn and learn fast. By the time I completed my 2nd year at the Hague, I was able to preside over international cases. In my last 2 years, I sat on the Appeals Chamber, of both the Hague Tribunal and the Rwanda Tribunal. I had a rounded understanding of international law.

Q5. LET US NOW TALK ABOUT YOUR WORST CAREER MOMENTS

A5. Some of the cases I handled were quite hard. I misunderstood the phrases because I never studied Latin. I had to study Latin to overcome that hurdle. We had researchers who would assist in our work, but these needed to be guided by the Principal. Sometimes I didn't get the support that I needed.

Q6. TELL US ABOUT HOW YOU PARTICIPATED IN DRAFTING THE RESOLUTION TO HAVE RAPE RECOGNIZED AS A CRIME AGAINST HUMANITY

A6. I was appointed by GRZ to represent Zambia at the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and one of the objectives was to understand what

happened to females during armed conflict. This was before the International Criminal Tribunal for the former Yugoslavia was created, based on the Geneva Conventions and Violations of the Laws or Customs of War. It came to our attention that this was an area that was neglected, as such having it recognized as a war crime, a crime against humanity was a great achievement.

Q7. YOU HAVE DONE SOME WORK TO CAMPAIGN AGAINST ECOCIDE – GIVEN THE CURRENT ENVIRONMENTAL DEGRADATION BEING EXPERIENCED, IS THERE A POSSIBILITY TO LOCALIZE THIS, AND IF YES, HOW IS THIS BEING DONE?

A7. I got interested in the fight against ecocide, but unfortunately that was short-lived. I realized that while I was a sitting judge in Cambodia and couldn't proceed because I was being compensated. There are however a number of conventions at international level protecting the environment, but because of commercial interest, have been difficult to stop. When you see nothing being done, you know that people in power are involved, both at local and at international level. We should be ethical in our work. Even at traditional levels, we don't build our homes near rivers because we are aware of the adverse impact that this would have on the environment. Yet we now see so much construction along river banks, all for commercial benefit.

Q8. WHAT'S NEXT FOR THE HON. LADY JUSTICE FLORENCE MUMBA?

A8. I am excited to be coming home this year; have I been in Cambodia for almost 8 years now, and I am so thankful for the support rendered to me by the Zambian Government. I am winding down career on a successful note. I have been in formal employment since 1972, and I look forward to setting down the



JUSTICE LOMBE CHIBESAKUNDA

JUSTICE LOMBE CHIBESAKUNDA

Judicial Tenure 1982-2015



Q1. PLEASE TELL ME ABOUT YOUR EARLY CHILDHOOD...FAMILY, EDUCATION?

My roots go to Chinsali, now Muchinga province. I come from a very traditional family, my father was chief Chibesakunda who reigned for more than 50 years. Also remarkable is I come from a polygamous family-6 wives. This is why Chibesakunda can be said to be a clan. My brothers and sisters are wider than just nuclear. I am a cultured person, all the values and ethics of bemba culture were incorporated

into me as a child. I know all about kneeling, ceremonial clapping, for example in insonge- celebrating a good harvest, or the birth of a child, which we tried to revive during the chieftaincy of the late Chitimukulu. When I was young, such ceremonies as isonge symbolized killing of a lion, ushering in certain things such as the 1st harvest of imyungu, a type of a pumpkin, where you had to observe certain rituals. I must mention that I was also somewhat of a rebel. There are certain values I accept like extension of family regardless of status in life, but there are also certain practices that I absolutely refused to be a part of; for example, I refused to be called any other name but Lombe Chibesakunda. I was named Phyllis after my baptism, but I do not use that name.

My beginning was a typical village set up, we had brick houses which were uncommon then. I come from a fairly comfortable home, no lack, I actually had surplus of things. That to a very large extent has shaped me. I have roughly 30 siblings. I was the 6th of my mother's children. I was very bright, and bypassed a number of standards. I bypassed Sub A and B, went straight to Standard 1 in Chinsali, Chibesakunda village, which was quite a feat.

I thereafter went to Standard 4, at Mpandala school in Shiwangandu, a school built by Gore Brown for his servants' children. After standard 6 I got a scholarship to Chipembi to do my form one, based on my academic excellence. I then did my form 1-6 at Chipembi, mind you, form 4-6 were what are now known as A-levels, before going into university. We were the pioneers in studying A-levels at Chipembi. Our predecessors had to go to Goromozi in Harare, before being admitted into university. Dr. Mutumba Bull and Shamwayi Muntemba, had to go to Zimbabwe, so we were very lucky.

Q2. WHY LAW AS A CAREER

Initially, I wanted to become a Statistician because I excelled in math and Latin and got awards for being a good student. However, my

father's role as Chief, and as a traditional adjudicator had some sort of influence on me; that picture of dominance, and administering justice was always at the back of my mind. That was what attracted me. Also, the late Mr. Munyama came to talk about possibilities of training as a lawyer and the possibilities before us. In addition, my late brother started training to be a lawyer at NIPA, inspired me.

It was unheard of for a girl in that era, it was a male dominated career, even when Mr. Munyama spoke about it, he didn't give us the impression that a woman could become one. Fortunately, it happened that then then Chief Justice had worked out a programme with Grays-Inn in Britain to get Zambians to study there. Again, I got a GRZ scholarship after 1 year at NIPA to go and train as a Barrister.

Being called to the Bar in Britain, you were expected to be on attachment to a legal firm to learn, but unfortunately in Britain, there was nothing like ZIALE. I didn't do that, there was a lady who was Justice McGarry's daughter, where I was attached for 4 months, it was very busy. That's where I got to learn advocacy and court process. I did not finish my 6 months because my scholarship had a problem. I had to fend for myself and that was one of the most trying periods of my life, which went on for almost a year. Fortunately, I had a ticket which was available.

We were very fortunate because we had a job waiting for me at the Ministry of Legal Affairs, and straight away I was taken on as a State Advocate. The experience was quite interesting, for example, there was nowhere I could robe at Court. I insisted on a room, which took a bit of noise from me.

The reception from the Judges differed from one to another, others were very accommodating; for example, Justice Doyle, the then CJ intimidated me from the beginning to the end.

In my first appearance before him, I sought an adjournment while prosecuting a matter, because I realized while already in court that the Police had not brought the exhibits as I had assumed. My application for an adjournment was rejected, and I was told to proceed, as he said he didn't accept unnecessary adjournments. We later met at a dinner and he said "you need to have the stamina, and be courageous. Stand up and make your point to the court and you will be heard". He was one of those who inspired me. I learnt my lesson that day and always adequately prepared for court thereafter.

Q3. WHO HAS BEEN YOUR GREATEST INSPIRATION AND WHY?

In my work on the Bench, my greatest inspiration was Justice Doyle. Very rude in a way, but very profound pronouncements. In terms of other people, I had at Chipembi Dr. Mutumba Bull, who was my house mother. Gwendolyn Connie, in my stint as a diplomat who made several contributions to the women of Zambia.

Q4. BEST CAREER MOMENT/ GREATEST ACHIEVEMENT CAREER WISE

When I was given the opportunity to head the Judiciary. To me that was the highest recognition of being a lawyer/barrister/judge. There have been cases we handled which I am so proud of, benchmarking societal behavior.

Life to me has been very interesting, I have been lucky to a large extent. I have experienced a number of professions, the highest being sitting on the Bench to shape societal values. I have dined with queens, popes, emperors. When I reminisce, I thank God because this has been made possible by God's design. Becoming a judge felt like coming home.

I think my favorite judgement is of two (2) old people whose farm was

seized by the bank. A trickster went to them and they innocently they gave him the title. He was using it to borrow money as collateral. The bank seized the property after he failed to settle the outstanding debt. This is one I am very proud of. I think it's Nkongolo Farms Limited v Zambia National Commercial Bank and Others (101 of 2004) [2007] ZMSC 11

Another which has been criticized but I am proud of a Judge of the COMESA Court of Justice is Malawi Mobile v the Government of Malawi where we spoke about sovereignty of countries.

Q5. LET'S NOW TALK ABOUT YOUR WORST CAREER MOMENTS

I would say that the worst career moment was when my appointment as acting Chief Justice was terminated. I think that there were more political than legal arguments regarding my appointment for reasons best known to the Law Association of Zambia that I was above the age of 65 and therefore since I was employed on contract, did not qualify to be Chief Justice. Maybe it was a combination of political and personal interests. It was my worst nightmare. Part of the argument were the allegations of my being related to Mr. Sata. Yet I was informed by reliable sources that my appointment was after wide consultation, and had nothing to do with our relationship to the former President. We are related through marriage, that I cannot deny. I was really surprised at what transpired. As they say, God always makes a way for His people, because the very day I received the letter relieving me of my services, I was appointed as judge president of the COMESA Court of Justice. Unbeknownst to me, the Ministry of Justice had submitted my CV to COMESA and I had no idea that they were even sitting. It was such a pleasant surprise. I have another 2years to go, you hold the position for at least 10 years.

Q.6 HOW WOULD YOU DESCRIBE YOUR WORK THERE?

You might be aware that I did have a stint at the Asian Development Bank Tribunal. I had the experience of interacting with different legal

systems, which was very enriching and very challenging to try and see the point of view from a civil jurisprudence, sharia law, and an ultimate fusion of these legal systems. I wish that this fusion could permeate into national law for interaction, intra-trade, harmonization of legal instruments and for economic pan-Africanism to succeed.

Finally, we have been trying to work as a court to have a network of legal minds to bring about harmonization of administration of justice. For economic pan-Africanism to succeed, you need to have acceptable benchmarks that can be acceptable in Africa. For example, breach of contract or certain regulations, that should be accepted all over the region. For trade to run smoothly, for acceptance of each other's benchmarks, the integration of legal systems. We have spoken about political pan-Africanism, we must start with economic pan-Africanism. We may not get to the American level, but we can start by investing in each other, in trading with each other.



MEET SOME OF THE NEWLY SWORN IN JUDGES OF THE SUPERIOR COURTS



HON. MR JUSTICE ARNOLD MWEETWA SHILIMI DEPUTY PRESIDENT CONSTITUTIONAL COURT

Hon. Mr Justice Arnold Mweetwa Shilimi is the Deputy President of the Constitutional Court having been appointed on 3rd April, 2023. Justice Shilimi holds a Bachelor of Laws Degree from the University of Zambia and a Master of Law Degree in International Law from Trinity College of the University of Cambridge, England.

He was in 1986 admitted to practice law as an Advocate of the High Court for Zambia and Solicitor of the Supreme Court of England and Wales in 1992. He is also a member of the Chartered Institute of Arbitrators, United Kingdom, and was in 1990 admitted to the status of Fellow of the Cambridge Commonwealth Society.

Prior to his current appointment, Justice Shilimi was a Senior Partner in the Law Firm of Mwansa, Phiri, Shilimi & Theu Legal Practitioners from 2012 to 2023 and before then served in various positions and finally serving as Head of Legal and Corporate Services in The Company for Habitat and Housing in Africa (Shelter Afrique) based in Nairobi Kenya from 1996 to 2012. He also served as Company Secretary and Legal Counsel with the Industrial Development Corporation (INDECO), the Zambia Industrial and Mining Corporation (ZIMCO) and Cavmont Merchant Bank between 1992 and 1996. He in 1988 also worked on attachment in London with the Chambers of Adrian Hamilton QC, Barristers and Clifford Chance, Solicitors.

Between 2015 and 2023 he served on the Boards of Habitat for Humanity, Zambia, African Life Financial Services and its Investment Committee, and African Life Holdings.



GENERAL LIST LUSAKA - HON. LADY JUSTICE SITUMBEKO CHOCHO

Hon. Lady Justice Chocho holds a Bachelor of Laws degree (LLB) from the University of Zambia. She was admitted to the Zambian Bar in June 2001, and holds a Diploma in Sustainable Business Management.

Justice Chocho began her career in private practice- working for Legal Resources Chambers in 2001 as Legal Officer, a position she held from 2001-2002 thereafter proceeded to work with Corpus Legal Practitioners as Associate Advocate from 2002-2005. She also worked as Administrative Partner with Chuula & Company from 2005-2010. Prior to that she worked as in-house Counsel Journey started at Afgri Corporation & Afgri Leasing Ltd, as Legal Counsel & Company Secretary until 2014. She also worked for inq. Digital Ltd as Executive Head of Legal, Regulatory, Risk & Compliance and Company Secretary from 2014-2021. Her last position before her appointment to the Bench was at Lusaka Apex Medical University Ltd as Legal Counsel from 2021-2023.

Justice Chocho, an avid reader of books and novels, is a member of the Chartered Institute of Arbitrators and enjoys sports, martial arts and listening to music.

KITWE HIGH COURT

HON. MR. JUSTICE ENIAS CHULU

Justice Enias Chulu holds a Bachelor of Laws Degree from the University of Zambia 1984 to 1988. He was called to the Zambia Bar in 1990.

Prior to his appointment, he was Managing Partner Enias Chulu Legal Practitioners, Ndola, Zambia 2005 until his appointment as Judge of the High Court in 2023. Previously, he was Partner at Libertas Legal Practitioners in Ndola from 2003 to 2005, and

at Chulu and Company, from 1996 to 2003. Justice Chulu has served in several judicial offices as a member of the Tax Appeals Tribunal from 2019 to 2022, Commissioner of the Small Claims Court from 2020 to 2023 and as Chairman of the Football Association of Zambia Arbitration Tribunal from 2022 to his appointment.

Justice Chulu has broad experience in litigation matters before the Supreme Court of Zambia, Commercial and General List of the High Court for Zambia, the Industrial Relations Court as well as the Lands Tribunal and the Tax Appeals Tribunal. He additionally served as Defence Counsel for Respondents who have appeared before administrative/investigative Tribunals that are ad-hoc in nature. Justice Chulu has vast experience in criminal litigation, real estate, conveyance issues, and debt and loan recoveries.



COMMERCIAL DIVISION

HON. MR. JUSTICE LASTONE MWANABO

Justice Mwanabo holds a Bachelor of Laws Degree from the University of Zambia. He was admitted to the Zambian Bar as an Advocate in September 2002. His professional career began in 1998 when he worked as part – time Assistant Researcher on Environmental laws in Zambia under Judge P. Mulonda when he was at the Ministry of Justice. In 1999 he Joined the then W. Sithole – Mwenda & Co. as student legal assistant, and worked as an intern at the Permanent Human Rights Commission in 2000, under the Otto Essyen Young Professionals Programme (OEYPTP) sponsored by the United Nations Development program (UNDP).

He Joined Ellis & Co. as Learner Legal Practitioner in 2002-2003, and thereafter joined the Judiciary as a Magistrate. Afterwards, between 2004 – 2011, Justice Mwanabo worked at Messrs. Lewis Nathan Advocates joining as an Associate Advocate, Financial Markets and Commercial Law Division and rose to the level of being held out as a Partner. In March 2011, he formed and managed the law firm L M Chambers as managing partner, a position he held until April 2023 upon his appointment as Judge of the High Court for Zambia.

Justice Mwanabo is a member of the Adventist Laymen's Services in Industry (ASI), as well as a Canisius Alumni. He is married with four children (three boys and a girl), and enjoys reading, farming, listening to music and watching sports such as boxing, wrestling and athletics.

THE ECONOMIC AND FINANCIAL CRIMES DIVISION HON. LADY JUSTICE ANN MALATA ONONUJU



Ann Malata-Ononuju is currently serving as a High Court Judge for Zambia. Prior to her appointment, she served as the Director and CEO of the Zambia Institute of Advanced Legal Education (ZIALE), a statutory body established by an Act of the Zambian Parliament to provide national, regional and international post-graduate legal studies and training in Legislative Drafting from 2017. Judge Malata-Ononuju has also served as a Senior Researcher attached to the Supreme Court and a Professional Magistrate. She is the holder of a Bachelor of Laws (LLB) from the University of Zambia and is

a qualified lawyer and an advocate of the High Court for Zambia. She is a Chevening Alumni and holds a master's degree in International Human Rights Law (LLM) obtained from the University of Essex, UK. Mrs. Malata-Ononuju has a passion for both the Rule of Law and Education and holds Qualified Teacher Status (QTS) from the UK where she taught and lectured for many years. With her certification in Mediation, she has contributed positively towards the growth and practice of Alternative Dispute Resolution (ADR) in Zambia, and in particular Court Annexed Mediation. She was instrumental in ingraining Mediation in the training of lawyers at ZIALE. Mrs. Malata-Ononuju has served as the Chairperson of the Board for the Zambia Qualification Authority and as a member of the Law Association of Zambia's Legal Practitioners' Committee.



THE INDUSTRIAL RELATIONS DIVISION - HON. MR. JUSTICE OBBISTAR MUSUKWA

Hon. Mr. Justice Obbistar Musukwa was appointed Judge of the High Court on 3rd April 2023. He holds a Bachelor of Laws Degree from the University of Zambia, and was admitted to the Zambian Bar in 2008.

Prior to his current appointment, Justice Musukwa served as registrar of the High Court at Ndola from 2021 to 2023. Justice Musukwa has held various positions in the Judiciary and rose through the ranks since his first appointment as Magistrate Class II in 2006 and posted to Mpika Subordinate Court. He served as a Resident Magistrate at Mpika Subordinate Court from 2008 to 2009, Senior Resident Magistrate at Kasama Subordinate Court Courts from 2009 to 2011 and Principal Resident Magistrate at Kasama Subordinate Court from 2011 to 2013. He also served as Principal Resident Magistrate as Principal Resident Magistrate at Lusaka Subordinate Court from 2013 to 2014 and Ndola Subordinate Court from 2015 to 2021. He was a District Registrar at Lusaka High Court from 2013 to 2014 and Ndola High Court between 2016 and 2019.

Justice Musukwa has a teaching background and served in the Ministry of Education before joining the Judiciary.

He is a member of several associations including the Magistrates and Judges Association of Zambia (MAJAZ)

NDOLA HIGH COURT

HON. MR. JUSTICE GREENWELL MALUMANI



Hon. Mr. Justice Greenwell Malumani holds a Bachelor of Laws Degree from the University of Zambia, and a Master of Laws in Commercial and Corporate Law from the University of Lusaka. He was called to the Zambian Bar as an Advocate on 22nd February 2013. He cut his professional teeth when he joined the

Judiciary immediately after grade 12 as registry clerk at the Livingstone Subordinate Court. He joined the Bench as a Magistrate Class III in 2005-6 and was promoted to Magistrate Class II in 2007, and transferred to Kapiri Mposhi Subordinate Court. He was transferred to Mazabuka Sub Court as Resident Magistrate and to Lusaka in 2016. In 2017 he was elevated to Senior Resident Magistrate, and to Principal Resident Magistrate at Mongu in 2019.

Justice Malumani was on 5th August 2021 elevated to the position of Registrar of the Court of Appeal, a position that he held until his appointment as Hon. Judge of the High Court in April 2023.

He enjoys taking walks, jogging, watching live and tele sports such as WWE wrestling, football, netball, and athletics. He lives by the principle that a person's destiny can only be designed by one's input and the will of the Lord



DID YOU KNOW ?

1. That Ms. Josephine Nyirongo, SC was the first female Zambian to be conferred the rank and honor of State Counsel.
2. The last colonial Chief Justice was Sir Kenneth O'Connor. He served as the Chief Justice of Northern Rhodesia, which was the colonial name for Zambia, from 1961 until the country gained independence in 1964
3. The current Chief Justice Dr. Mumba Malila, SC served as Attorney General under 3 different presidents – President Levy Patrick Mwanawasa, President Rupiah Bwezani Banda and President Michael Chilufya Sata.
4. The first indigenous Zambian Supreme Court Judge was Sir David Lewanika. He was appointed as a Judge of the Supreme Court of Zambia in 1973 and became the first Zambian to hold such a position.
5. The current Court of Appeal bench has 2 Judges who served as Solicitor General – Justice Mubanga Kondolo, SC and Hon. Mr. Justice Dominic Sichinga, SC .



A DAY IN HISTORY



Florence Ndepele Mwachande Mumba. Judicial Tenure
21st November 1980-2023

The photo is from 2002 in Livingstone when the first set of Judges were trained in Mediation. This was part of the Chemonics Inc of USA and Judiciary of Zambia project in conjunction with the USAID. Zoom in and see how many Judges you may know or recognize.

'No one is ak

Kaunda names Simuziya new DPP

By Times Reporter

PRESIDENT Kaunda has instructed the new Director of Public Prosecutions, Mr Joshua Simuziya, to prosecute anyone who breaks the law regardless of what positions they held.

"If the President, the Secretary-General, the Prime Minister or indeed any leader breaks the law, you have no choice but to prosecute them because if you start choosing, society will break down," Dr Kaunda said.

He was speaking at a State House swearing-in ceremony where a Supreme Court judge, three puisne judges, a High Court commissioner, the DPP, a member of the Central Committee, commander of the Zambia Air Force, an assistant head of the research bureau of defence and security, a senior assistant commissioner of police, an assistant secretary and two principals took their oaths.

How to prosecute

He told Mr Simuziya, former registrar of the High Court, no one was above the law and that except in very special circumstances, nobody could direct him on how to prosecute.

Addressing Mrs Florence Mumba, the first woman to be appointed puisne judge of the High Court, Dr Kaunda said he was happy to note that Zambia now has a woman on the bench. She was formerly the director of legal aid.

"We are proud of you because this appointment adds glory and honour to our young nation which within 16 years has produced you as a judge when some countries do not have women magistrates," the President said.

"Who knows, you may even end up as chief justice or president of Zambia," he joked.

He told the judges in general that they must interpret the law without fear or favour as they pledged in their oaths and not according to who appeared before them.

"In your noble duty, it is important for you to work according to what the law says without regard to whether those before you are rich or poor," he said.

The Party and its Government, he said, wanted men and women of strong character and not those who would be influenced by wealth or the

of this and that. Do not listen to this stupid gossip. I picked you because you fly jets while some of your seniors fly choppers. This is why I isolated you," he told him.

He said an air force without political and security education was a mercenary one which could respond to the highest bidder.

Dr Kaunda told Mr Magande to strengthen the defence forces and study the arms of the country. He asked him to ensure that defence units became productive and not wait for a war they might not fight.

Protected

On Mr Niolomba, he said the nation has had some misfortune in the armed forces, had erred, "but this is not peculiar to Zambia alone and in some countries, senior officers are protected by their uniforms."

Dr Kaunda said he was a



NEW High Court judge Mrs Florence Mumba taking an oath yesterday after being sworn-in by President Kaunda at State House.

'ZAMBIA FACING CULTURAL CRISIS'

By Times Reporter
PRIME Minister Lisulo has called on the nation to wage a war against wholesale transfer and imposition of foreign life styles and values.

Closing the House of Chiefs at Lusaka's Mutungushi Hall yesterday, Mr Lisulo said the nation must fight against the imposition of foreign consumer habits which were expensive and contrary to Zambia's economic situation and cultural environment. He told the chiefs to lead the nation into the war against foreign values and models of life which have led the people into shunning rural

people were no longer bound or influenced by traditional taboos and customs in their behaviour. "More of our young people are no longer ashamed of stealing and robbing because of their life in an environment where the moral and traditional leaders are being ignored by their parents and the elderly community," the Premier said.

He said "sugar daddy and sugar mummy" tendencies were spreading and continued to be treated as a joke.

Bribery and corrupt practices were spreading while dishonesty was no longer considered immoral.

All these clearly pointed to the fact that



Mr SIMUZIYA

WORKERS' COURT CHIEF REPLACED?

HAS Zambia's former high commissioner to London Miss Lombe Chibesakunda been appointed chairman of the Industrial Relations Court?

Officers at the court, including the registrar Mr Kampinda Munang'u, have said Miss Chibesakunda started work there on Monday.

They also confirmed that she had been introduced to workers as the new chairman of the court by Mr Munang'u.

Miss Chibesakunda, 39, who answered the phone in the chairman's office when the *Sunday Times* telephoned has declined to comment on her appointment replacing Mr Titus Mapani whose future is not yet known.

Secretary to the Cabinet Mr Evans Willima declined to comment on the matter.

But the *Sunday Times* has learnt that while introducing Miss Chibesakunda, Mr Munang'u said the former chairman Mr Mapani would be "handing over to her".

Other members of the court are Mr Roger Chongwe, Mr Emmanuel Chalabesa, Mr Jason Mfula and Mr David Lewanika.

Miss Chibesakunda was Zambia's first woman lawyer after obtaining her degree in London where she read law at Gray's Inn for three years.

A former member of Parliament for Matero, Miss Chibesakunda has served in various capacities including a stint as Minister of State and Solicitor-General in the Ministry of Legal Affairs.

Then she was posted as am-



© Miss CHIBESAKUNDA

bassador to Tokyo before being transferred to London. She was recalled last year.

Meanwhile, according to the court's annual report for 1980, which was tabled in Parliament recently, its work had been very much affected by the meagre financial allocations to it.

The report by Mr Munang'u says the court's financial problems "were further aggravated by the chairman's continued stay in Livingstone".

"It has cost a lot of money in terms of transport and subsistence since he had to commute between Livingstone and Lusaka whenever the court is sitting. This situation can only be relieved by having the chairman stationed in Lusaka," says the report.

Chivuno given

YOUR HEALTH IS YOUR WEALTH



MENTAL HEALTH AND WORKPLACE PRODUCTIVITY.

What makes you unique? Have you ever experienced a day at work when you are physically present in or at your work space but your mind is not at work. Your thoughts and feelings are not at work but your behavior and actions are physically at work. *Being aware of oneself is what makes you unique.*

I will briefly explain to you the concept of concerns and boundaries but before I do, let me guide you on what Mental Health versus what Mental Illness is.

Mental health is more than the lack of mental sicknesses. World Health Organization defines health as: “A state of complete physical, mental and social well-being and not merely the absence of disease or disability.”

Mental health includes recognition of the ability to realise one’s logical and emotional potential. It has also been defined as a state of well-being whereby individuals recognise their abilities, are able to cope with the normal stresses of life, work productively and rewardingly, and make a contribution to their communities. Mental health is about enhancing the competencies of individuals and communities and enabling them to achieve their self-determined goals. Mental health should be a concern for all of Zambia, rather than only for those who suffer from a mental disorder.

Mental health can be mild, moderate or severe and because it is not understood by many, individuals seek help when it is severe and this is when they are no longer in their youthful years as the disease has progressed. However, 50% of mental disorders appear by age 15 and more than 75% by age 24.

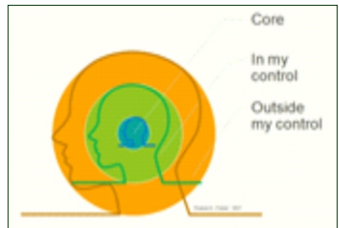
Mental health affects society as a whole, and not just a small, isolated section. No group is safe from mental disorders, individuals from high and low socio-economic backgrounds are not safe from mental health illnesses. At Chainama a high percentage of low mood also known as clinical depression, and substance use which are illicit drugs and alcohol, is recorded among the above average in society.

As we are aware of mental health, are ready and willing to accept people with mental illnesses among us? Often when we speak of mental health, we think of it as being “mad” or “crazy.” However, that’s a stereotype as mental health defines the functionality of an individual, how one thinks, acts and behaves. An individual’s mood, sleep and appetite patterns all fall under the context of mental health. It solidifies an individual’s emotional intelligence coupled with psychological awareness and well-being.

Now that we have focused on Mental Health and Mental Ill health, lets tie it into Work-life boundaries. We spend a third of our life working. Work-life boundaries are important and they need constant up-skilling on your end to improve your productivity. So how do you go about focusing on work-life boundaries?

The steps are:

1- Understand what your core principles and values are? The answer to this requires you to explore who you are or what do you align your morals and beliefs with? Are you a supportive person, or are you a social person, or are you a person who values communication. This is an active quest on your end, and once you are aware of your core, you will be in a better psychological space to know what experiences and situations can be triggers that may overwhelm you. Being aware of your core allows you to differentiate your work stressors and personal stressors, which helps you evaluate burnout.



II- What is in your control? Being aware of concerns and situations that are in your control is very important. This helps you put in boundaries on situations and experiences that you have a direct influence on. This will help you take up responsibilities and agree to situations that allow you to grow your skills and outputs.

III- What is outside your control? Being aware of situations that are beyond your control helps you say 'NO', this helps you streamline and be integral to your core. Taking up roles and being concerned about situations outside your control is taxing on your mental wellbeing. The self reflection on your part is realising that 'if I take this up or if I worry about this, this will be the consequence.'

“I am not a product of my circumstances. I am a product of my decisions.” –

Dr. Stephen R. Covey

You need to be aware of what is in your control and what is outside your control. Actualising boundaries and being self aware will help you cope with your personal concerns and your professional concerns. This will improve your wellbeing by allowing you to be brave about your weaknesses and owning your strengths to give optimum productivity. This further helps you appraise and evaluate if your place of work is overwhelming you and taxing your mental wellbeing or vice versa.

I end with a question, 'have you ever been at home and you are supposed to be present with friends and or family yet you find yourself thinking about work?' This is a constant loop many of us find ourselves in and we need to be self aware of this as this affects our growth and further influences our mental wellbeing.

According to the World Economic Forum 2020 future of jobs report, one of the top 10 skills needed in work places is emotional intelligence. We define EQ in simple words is as being self aware of your emotions and that of people around you. You are unique and you need to be aware of what makes you unique which is influenced by your mental wellbeing.

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Professional Expert Advisor: Orygen Global Advisory Council

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OBITUARY

**THE LATE HON. MR. JUSTICE DENNIS
KAMONI CHIRWA** Judicial Tenure 1979-2012

The late Hon. Mr. Justice Dennis Kamoni Chirwa joined the civil service on 1st January, 1970. He was appointed State Advocate on 4th January 1971 in the Ministry of Legal Affairs, upon his admission to the Bar. His disposition and work ethic saw the late Justice Chirwa to his promotion to Assistant Senior

State Advocate with effect from 1st February, 1973 and shortly thereafter Senior State Advocate on 28th September, 1973. He briefly served in Ndola before his promotion to Senior State Advocate.

He rose through the ranks to the position of Deputy Director, Law Development Commission with effect from 1st July, 1977.

His transition to the Judiciary came with his appointment as Registrar of the High Court on 14th July, 1977.

Born on 11th November, 1947, he ascended to the bench as a puisne judge at a young age of 32 having been appointed on 24th April, 1979. On 23rd May, 1988, the late Justice Chirwa was appointed by the President of the Republic of Zambia to act as Supreme Court Judge.

The late justice Chirwa retired as a Supreme Court Judge on 11th November, 2012 upon attaining the age of 65 years, marking the end of his 35 years of service in the Judiciary of Zambia.

He died on 7th April, 2023.

