

**SPEECH BY HIS LORDSHIP THE CHIEF JUSTICE GIVEN AT THE OPEN DAY ON 26 SEPTEMBER 2023 HELD AT THE SUPREME COURT GROUNDS IN COMMEMORATION OF THE SUPREME COURT'S FIFTIETH ANNIVERSARY**

Salutations:

Fifty years ago, this month, the Supreme Court of Zambia was born. It replaced the Court of Appeal, a creature of the 1964 Constitution, to become a significant part of the judicial furniture of this country. Those men and women of goodwill, resilience and determination, who ran the affairs of our country at independence, had the noble intention to see to it that justice was done in finality within our own borders without recourse to outside judicial bodies such as the Judicial Committee of the House of Lords. Most of those persons are of course no longer with us, and I invite you to join me in remembering them all.

Today as we toast this significant milestone join me in profusely thanking His Excellency the President, for accepting to grace the occasion.

Your Excellency, distinguished guests, ladies and gentlemen, it would not be out of place if I said that the law and the legal processes that we, courts, administer can be intimidating, and even frightening to many of our people. And we Judges do not always make it less so; in fact, we have long been criticized for being inaccessible and a source of mystery to the public that we serve.

I understand that the common view of the judiciary is that of an entirely detached body of individuals who sit on elevated benches, adorn themselves in majestic black or red robes (with gavels in hand), and dispassionately rule on the various and sundry disputes of the day (and do so largely out of the public eye). That view might well be right.

Despite half a century of progress by the lead court in the judicial hierarchy, the Supreme Court, however – even today, in 2023, far too many of our people struggle to gain access to justice, especially appellate court level justice. But worse still, far too many of our people continue to interact with the legal system with little understanding of the full range of rights to which they're entitled.

To mark the five decades of the Supreme Court's service delivery to the people of Zambia, the Judiciary has lined up a series of events to engage the people it serves and thereby demystify the judiciary by creating public awareness of its processes and procedures while helping to mentor future justice leaders in various justice sectors. This is why we settled for the theme: *"The Supreme Court at 50: Empowering the next Generation of Justice Leaders"*.

Of the many events lined up to commemorate this important feat were discussions on public media by senior judiciary staff, interviews of former Chief Justices and the current Chief Justice which have been or will be aired on public media, a secondary schools quiz, two panel discussions: one on the Evolution of Women in Law in Zambia and the other one on the Supreme Court at 50: Assessing the Gains and Losses in an Effort to Enhance Access to Justice. There were public lectures delivered at ZCAS University, Lusaka University and the University of Zambia, and a moot court competition which culminated in the final that was held yesterday. There will also be a special session of the court to be held tomorrow at Mulungushi Conference Centre to which the public is invited. Additionally, lawyers from the academia and private practice and the Judiciary itself have authored two commemorative books on the *Zambian Supreme Court* which should have been launched at this event had it not been for editorial delays. These books will be unveiled soon after they come out of the printers in the next couple of weeks.

Today's open day event that your excellency has graciously accepted to officiate at, is the crowning event of the series of the commemorative events. We invited other justice sector partners to be part of the open day so that

together we can showcase our services in order that members of the public are provided with legal information and answers to the various questions they may have. The open day will, I hope, demonstrate that the judiciary is after all not a closed shop.

Yet I must point out that our 50th anniversary celebration is not so much a festivity, but a solemn occasion to pause and look back at this fifty-year journey. It is also a moment to examine the present challenges and to look ahead at the mountains of issues we must still climb.

The Supreme Court's contribution in the last 50 years extends beyond the disposition of its case load. As we all know, appellate litigation does not occur in a vacuum, but typically arises in the context of dynamic controversies because those who protest decisions of lower courts want to do, stop or change something. Disputes before the Supreme Court often excite diverse and divergent concerns, including monetary, political, governmental and public interests. In that context the existence of this independent apex Court, constituted by judges with the power to publicly scrutinise, alter or overturn lower court decisions, has a positive effect on the quality of relations generally and the upholding of the rule of law and fundamental freedoms, including freedom of expression and of the press even if these may sometimes be abused.

People at all levels of engagement do not have to tolerate or accept what they believe to be wrong, poor or even corrupt decision making. Decision makers at lower levels, in turn, know that the merits of their decisions are potentially subject to rigorous and transparent review by a Court that is above sectional or political influence and that not only enjoys constitutional independence but has been for the last 50 years, vigilant in not pursuing agendas. It is not, and must not be, "pro" or "anti" any sectional, political or other interest.

So, as we look back as to whether we have been true and faithful to the dreams of our founding fathers, who set up this court, we can say with pride that we

have played our part. Yet challenges abound. This is not the time to catalogue the institution's problems. But as your excellence has just witnessed on a tour of the Court infrastructure, the Supreme Court Building was designed and commissioned as a High Court to accommodate only 5 judges, without researchers. The Court must now carter for 13 judges with their researchers. It must also accommodate some of the judges of its younger sibling cum co-equal - the Constitutional Court. This has compounded the problem of office accommodation.

The Court and the institution generally, faces the challenge of adequate information technology facilities. Effective access to justice in modern times entails that court services be accessed electronically. Our IT infrastructure requires support just like more court infrastructure is needed, among other needs.

As I end, may I take the opportunity to call upon all the three branches of Government, especially the Executive branch to reflect and initiate consultation on how to carry into effect the financial autonomy of the Judiciary as prescribed in the Constitution.

Once more, we welcome you your excellency together with your delegation to the Judiciary and in particular the Supreme Court golden jubilee celebrations.

It is now my singular honour and privilege to call upon you Mr. President to deliver your keynote address.

Thank you.