



# THE JUDICIARY OF ZAMBIA

*Programme*

*for the*

**Ceremonial Opening of the  
Lusaka High Court**

**Criminal Sessions**

**2025**

*at the*

**Supreme Court  
Independence Avenue  
LUSAKA**

**Monday, 6th January, 2025**

**from 10:00 Hours**

**Theme:**

*Exploring and Employing Alternative Dispute Resolution Mechanisms in  
Criminal Cases as a Tool to Counter Delays in the Delivery of Justice*



Hon. Mr. Justice Dr. Mumba Malila, SC.  
**CHIEF JUSTICE OF THE REPUBLIC OF ZAMBIA**

*“Alternative Dispute Resolutions (ADR) has become a useful tool in many jurisdictions to help tackle the issues of backlog in criminal matters. As we are all aware, the concept behind the introduction of ADR methods was to reduce the delays and costs associated with litigation. In my view, the incorporation of these ADR mechanisms in the criminal justice system would be a great milestone towards our achieving a more effective justice system where the law permits. Therefore, for the first time in the history of our institution vis-à-vis the ceremonies to commemorate the opening of our criminal sessions for the year 2025, I will host my counter-part, His Lordship Mr. Justice Alfonse Owiny-Dollo, Chief Justice of the Republic of Uganda who will grace the official opening ceremony and share his country’s experiences in deploying ADR as a mechanism in the criminal justice system.”*



Hon. Mr. Justice Alfonse Owiny-Dollo  
**CHIEF JUSTICE OF THE REPUBLIC OF UGANDA**

*“It is with alacrity that I accepted the call from my brother, the Hon. Chief Justice of Zambia, to grace the official opening ceremony of the High Court Criminal Sessions 2025 in Lusaka, Zambia on 6th January, 2025. It is our firm belief that as judiciaries in Africa, and in particular for Zambia and Uganda, our core mandate converges at one common point, and that is to provide efficient and effective administration of justice. A pivotal component in achieving this noble task is through knowledge sharing and sharpening one another. We in Uganda cannot claim mastery in Alternative Dispute Resolutions (ADR), but through wide consultation and tapping into the rich African human relational history, we have come to better understand how we can use ADR to improve our justice delivery mechanisms. This invitation by my brother is testament of our resolve towards achieving UBUNTU.”*



Hon. Mr. Justice Charles Zulu  
**JUDGE-IN-CHARGE, LUSAKA HIGH COURT**

*“In our quest for a more efficient and effective resolution to the many challenges that we are faced with in the criminal justice system in Zambia and particularly at High Court level, The Judiciary of Uganda stands as a scintillating beacon which provides an admirable paragon of best practices for the implementation of plea bargains. It is, therefore, my profound honour as both session Judge and Judge-in-Charge, Lusaka, to host Chief Justices from two Jurisdictions on the continent of Africa namely Zambia and Uganda. This milestone is poised to birth new beginnings and bilateral ties for both judiciaries on a path towards amicably and speedy resolution of matters in our criminal justice system to the benefit of our citizens.”*

**ORDER OF PARADE**  
**INSPECTION OF THE GUARD OF HONOUR BY THE SESSION**  
**JUDGE – SUPREME COURT BUILDING MAIN ENTRANCE, 6TH**  
**JANUARY, 2025**

**09:30 Hours**

Guard of Honour takes position at the Supreme Court Building.

**09:40 Hours**

Arrival of:

- Invited Guests
- Senior Defence and Security Officers
- The President of the Law Association of Zambia
- The Director Legal Aid Board
- Senior Government Officials
- Chief Administrator, Judiciary
- Director of Public Prosecutions
- Learned Solicitor General

**09:45 Hours**

Arrival of:

- Invited Honourable Judges of the Superior Courts both serving and retired
- The President of the Constitutional Court
- Retired Hon. Deputy Chief Justices
- Retired Hon. Chief Justices
- Cabinet Ministers

**09:55 Hours**

Arrival of:

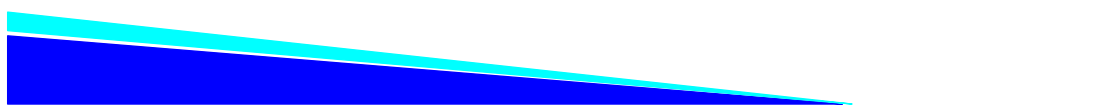
- His Lordship, The Hon. Deputy Chief Justice
- His Lordship the Hon. Chief Justice of Zambia and the Guest of Honour, His Lordship the Chief Justice of the Republic of Uganda

**10:00 Hours**

Inspection of the Guard of Honour commences

**10:30 Hours**

Court Session commences (Court Room 1)

- Goal delivery by the Zambia Correctional Service Superintendent
  - Taking of Plea
  - Court Adjourns
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**ORDER OF PROGRAMME**  
**OFFICIAL OPENING CEREMONY FOR THE HIGH COURT**  
**CRIMINAL SESSIONS 2025 – MARQUEE LOCATED IN THE**  
**SUPREME COURT GROUNDS CAR PARK, MONDAY. 6TH**  
**JANAURY, 2025**

**10:45 Hours**

Arrival of:

- Invited Guests
- Senior Defence and Security Officers
- The President of the Law Association of Zambia
- The Director Legal Aid Board
- Senior Government Officials
- Chief Administrator, Judiciary
- Director of Public Prosecutions
- Learned Solicitor General

**10:50 Hours**

Arrival of:

- Invited Honourable Judges of the Superior Courts both serving and retired
- The President of the Constitutional Court
- Retired Hon. Deputy Chief Justices
- Retired Hon. Chief Justices
- Cabinet Ministers

**10:55 Hours**

Arrival of:

- The Session Judge
- His Lordship, The Hon. Deputy Chief Justice
- His Lordship the Hon. Chief Justice of Zambia and the Guest of Honour, His Lordship the Chief Justice of the Republic of Uganda

**11:00 Hours**

The Ceremony commences

## ORDER OF EVENTS

- Director of Ceremony** : Deputy Director Corporate Communications, Mrs Kalumba V.C. Slavin
- National Anthem** : Brass Band
- Prayer** : Judiciary Chaplain
- Entertainment** : Judiciary Choir
- Speeches** : The Session Judge and Judge-in-Charge, Lusaka High Court, Hon. Mr. Justice Charles Zulu
- : His Lordship the Hon. Chief Justice of the Republic of Zambia, Hon. Mr. Justice Dr. Mumba Malila, SC
- Entertainment** : Judiciary Choir
- : The Hon. Deputy Chief Justice, Mr. Michael Musonda, SC to call upon the Guest of Honour to give his speech
- Official Opening Speech**
- : The Guest of Honour, His Lordship the Hon. Chief Justice of the Republic of Uganda, Hon. Mr. Justice Alfonse Owiny-Dollo
- : Vote of Thanks
- National Anthem** : Brass Band

### 12:00 Hours

Departure of The Hon. Chief Justice of the Republic of Zambia and the Guest of Honour, The Hon. Chief Justice of the Republic of Uganda

Departure of:

- His Lordship the Hon. Deputy Chief Justice
- Cabinet Ministers
- Retired Hon. Chief Justices
- Retired Hon. Deputy Chief Justice
- The President of the Constitutional Court
- The Hon. Judges of the Superior Courts both serving and retired
- The Solicitor General
- The Director of Public Prosecutions
- The Chief Administrator
- The Director Legal Aid Board
- The President of the Law Association of Zambia

# ALTERNATIVE DISPUTE RESOLUTION IN CRIMINAL JUSTICE DISPENSATION

## What is Alternative Dispute Resolution?

- *Alternative Dispute Resolution (ADR) generally refers to any means of settling disputes outside the traditional court room setup. It includes, negotiations, conciliation, mediation and arbitration.*
- *In criminal cases, the legal framework for ADR is governed by the Plea Negotiations and Agreements Act No. 20 of 2010 (hereinafter “the Act”), under the avenue of plea negotiation/bargaining.*

## What is Plea negotiation/bargaining?

- *This refers to any negotiation between an accused person or the accused person's legal representative and a public prosecutor in relation to an accused person pleading guilty to a lesser offence than the offence charged or to one of multiple charges in return for any concession or benefit, subject to the approval of the court (section 2 of the Act).*

## Who are key players in the plea negotiation/bargaining process?

- *The key players in the process are the public prosecutor and the accused person and or the accused person's legal representative (sections 4 & 6 of the Act).*
- *The court is the final authority to the plea negotiation/bargaining process.*

## What factors are considered in plea negotiations/bargaining?

- *Interests of the victim, complainant and the community.*
- *Nature and circumstances of the case surrounding the commission of the offence.*
- *The criminal record of the accused, if any.*
- *Loss/damages suffered by the victim or complainant resulting from the offence.*



## **What is the role of the Court in the plea negotiation/bargaining process?**

- *Ensure an accused was not induced into a plea agreement.*
- *Ensure the accused understands the nature, substance and consequence of the plea agreement.  
Explain to accused his or her rights.*
- *Ensure that acceptance of plea agreement is not against the interest of justice and public interest.*
- *To approve or disapprove a plea negotiation based on what is just in a given case. However, the court is not bound by the plea negotiation agreement. (section 11 of the Act)*

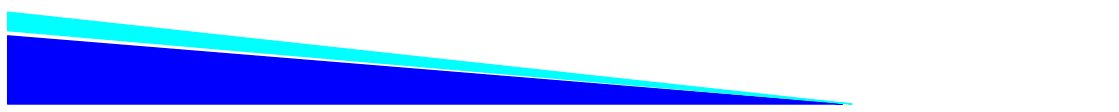
## **When can the Court reject a plea negotiation/bargain agreement?**

- *If acceptance of the agreement would be against the interests of justice & the public;*
- *The offence for which the accused person is charged is not disclosed on the facts; or*
- *There is no confirmation by the accused of the agreement or the admission contained in the agreement (section 12 (1) of the Act).*

## **What happens when the court rejects a plea negotiation/bargain agreement?**

- *The prosecutor and accused are free to re-negotiate a fresh agreement. (section 12(3) of the Act).*
- *Once a plea agreement is rejected, the court will proceed to try the accused on the original charge(s) (section 12(4) of the Act).*

## **What is the effect of accepting a plea negotiation/bargain agreement?**

- *Where the court has accepted a plea agreement, the accused person will be asked to take fresh plea to the agreed charge or offence (section 13 of the Act).*
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## Can an accused person vacate/withdraw from the plea agreement?

- *An accused person can withdraw from the plea agreement at any time but before sentence or to appeal against conviction on based on the agreement on the following grounds:*
  - a) accused was induced to enter the plea agreement;
  - b) the public prosecutor has breached terms of the negotiations;  
and
  - c) the agreement was entered into as a result of misrepresentation or misapprehension of the substance and consequence of the agreement (*section 15 of the Act*).

## What are the benefits of plea negotiation/bargaining?

### 1. Benefit to the Judiciary:

- *Reduction of case backlog.*
- *Improved efficiency in the criminal justice delivery.*
- *Cost saving.*

### 2. Benefits to the State:

- *Improved efficiency in terms of serving time and resources by avoiding prolonged trials. Enhanced conviction rates.*
- *Making case outcomes ascertainable and predictable.*
- *Improved uniformity in case outcomes.*

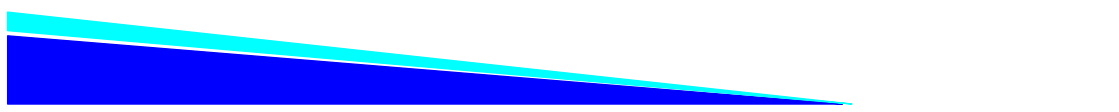
### 3. Benefits to the Correctional Service and the Police:

- *Reduction of prison congestion.*
- *Cost saving.*
- *Encourages cooperation between the accused and the police in gathering evidence or information in exchange for more favourable plea terms.*

#### **4. Benefits to the Accused:**

- *Encourages the accused to own up to his/her criminal responsibility.*
- *Potential reduction of a sentence.*
- *Cost saving where a lawyer is engaged.*
- *Provides quick relief from the anxiety of criminal prosecution.*

#### **5. Benefits to the victim/ complainant:**

- *Protection from re-traumatization when summoned to testify at trial.*
  - *Acceptance of the verdict/outcome of the prosecution process.*
  - *Transparency in criminal justice delivery.*
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## NATIONAL ANTHEM

Stand and sing of Zambia, proud and free,  
Land of work and joy in unity,  
Victors in the struggle for the right,  
We've won freedom's fight.  
All one, strong and free.

Africa is our own motherland,  
Fashioned with and blessed by God's good hand,  
Let us all hear people join as one,  
Brothers under the sun.  
All one, strong and free.

One land and one nation is our cry,  
Dignity and peace 'neath Zambia's sky,  
Like our noble eagle in its flight,  
Zambia, praise to thee.  
All one, strong and free.

Praise be to God.  
Praise be, praise be, praise be, praise be  
Bless our nation,  
Zambia, Zambia, Zambia.Zambia  
Free men we stand  
Under the flag of our land.  
Zambia, praise to thee!  
All one, strong and free.



**THE JUDICIARY OF ZAMBIA**

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