



**REPUBLIC OF ZAMBIA
THE JUDICIARY**

**REMARKS BY THE HON. CHIEF JUSTICE
OF THE REPUBLIC OF ZAMBIA**

DR. MUMBA MALILA, SC

**AT THE SPECIAL VALEDICTORY SESSION
ON THE RETIREMENT OF**

HON. MR. JUSTICE EVANS MWEEMBANI HAMAUNDU

HELD AT THE

SUPREME COURT, LUSAKA

ON 16TH JANUARY 2025

SALUTATIONS

We have assembled in this special session today with mixed emotions to mark an extraordinary moment: the retirement from Judicial office of Mr. Justice Evans Mweembani Hamaundu. The emotions are chiefly sadness and joy. Sadness because we have to bid our professional goodbye to a committed public servant of many years and friend of the Judiciary. Joy because we honor and celebrate the distinguished career of a Judge whose service to the Judiciary and the entire justice system of our great nation has been nothing short of exemplary; we offer Hon. Mr. Justice Hamaundu our sincere congratulations on a job well-done.

It is both an honour and a peculiar challenge for me to speak, in the past tense, about a man who, I hasten to clarify, is very much alive but is simply crossing over into retirement. For those who may be unfamiliar with the legal world, let me assure you that retirement is not a euphemism for anything tragic, though I must admit that the thought of a Supreme Court Bench without Justice Hamaundu does feel like a sort of bereavement.

I am glad that some of Justice Hamaundu's family members are here. Without the love and support of the family, especially that of his lovely wife, Fides, all of Justice Hamaundu's achievements would not have been possible. We are thus delighted that they are fittingly present to witness his departure from the courts and his return to the family. We thank the family for allowing us to borrow Justice Hamaundu from time to time in the last 29 years of his sterling career in the Judiciary.

To you Justice Hamaundu, let me extend the gratitude of the Judiciary, the Supreme Court and its staff, as well as my personal thanks, for the dedication, distinction and sense of duty with which you have served the Judiciary in that last 29 years, eleven of which have been in the highest court.

Allow me to give a synopsis of Justice Hamaundu's legal career. I must be quick to state that there are moments in life when words, no matter how carefully chosen, seem wholly inadequate, and today is one of those moments. How does one sum up the illustrious career of a judge as eminent as Justice Hamaundu in just a few words? It

is a task akin to trying to condense a library of wisdom into a single sentence, or summarising a landmark judgment in a footnote.

Justice Hamaundu's career is not merely a story of years served but a tapestry of profound contributions to the law, to the Judiciary and to society as a whole. It is a career marked by intellectual rigour, unwavering integrity, and a deep understanding of humanity; qualities that cannot be captured in a brief tribute.

As some of you may know, or have heard, Hon. Mr. Justice Evans Mweembani Hamaundu has served as a distinguished Judge of the Supreme Court of Zambia, having been appointed to this esteemed position on 16th January 2014. He holds a Bachelor of Laws (LL.B.) degree from the University of Zambia and was called to the Bar in 1984.

His illustrious legal career began in the Legal Aid Department, where he served as Legal Aid Counsel from 1984 to 1986. He subsequently joined the private sector, serving as Assistant Advocate at Mbaluku Sikazwe and Company, a reputable law firm of those days from 1986 to 1987. Thereafter, he served in the corporate world, holding the position of Legal Counsel and Administration Manager at Maamba

Collieries Limited from 1987 to 1990. Between 1990 and 1994, he was the Group Company Secretary for National Media Corporation Limited, followed by a stint as Company Secretary at Lusaka Water and Sewerage Company Limited from 1995 to 1996.

He began his judicial career in 1996 as a Resident Magistrate in the Judiciary of Zambia. Demonstrating exceptional legal acumen and dedication to justice, he ascended through judicial ranks Deputy Registrar, Registrar of the High Court to the acclaimed Supreme Court bench. [Prior to his elevation, he served with distinction as a Judge of the High Court at the Lusaka.] Justice Hamaundu's extensive experience across various sectors and his contributions to the legal and judicial fields underscore his profound commitment to upholding the rule of law.

Through out his service as a judge of the Supreme Court, Justice Hamaundu remained the epitome of humility, simplicity and friendliness. In the stressful environment in which we work, while many of us carry a near permanent frown on our faces, Justice Hamaundu carried a near permanent smile.

He has an all-round amicable disposition, respectful of colleagues and authorities and harbors no grudge. He is a perfect gentleman in whom you can repose absolute confidence.

Life is indeed full of coincidental moments that remind us of the interconnectedness of time and purpose. For Justice Hamaundu, January 16th has proven to be more than just a date on the calendar. It is a day that fate or good fortune chose to align with some of the significant milestones in his life. On this day some 65 years ago, he was born; a gift to his family, his community, and as it would later turn out, a gift to the legal profession, the Judiciary and the country.

Exactly 54 years after his birth, on the same date, i.e. 16th January 2014 the then Republican President, Mr. Michael Chilufya Sata, appointed him to the Supreme Court, a momentous occasion that marked the culmination of a career built on integrity and dedication to duty. Today, again on the 16th January, we have gathered to witness yet another milestone in his life: his retirement from the bench after years of distinguished service.

I have had the privilege, and it was a real privilege, and benefit of sitting with Justice Hamaundu in the Supreme Court which I joined

some seven months after him (on 1st September 2014 to be exact). We sat together on many panels, dealing with a wide range of issues in civil and criminal matters. Whilst sitting with Justice Hamaundu and my other brothers and sisters in the Court, I have benefited immensely from our discussions.

Sometimes these discussions get heated. They say that justice is blind, but whoever coined that phrase has clearly never witnessed a heated discussion in a collegiate court; particularly at the apex level. If there is one thing the Supreme Court has proved time and time again, it is that justice may be blind, but it is definitely not silent!

You see, collegiate courts are a peculiar ecosystem. Here, some of the sharpest legal minds convene to interpret the law. When you gather such a distinguished group of jurists as we have in the Supreme Court, each armed with decades of experience, encyclopedic knowledge, and, let's face it, a touch of stubbornness sometimes, sparks are bound to fly.

In fact, heated discussions in collegiate courts are not just expected, they are practically a feature of the system. They are the crucible in which ideas are tested, refined and, occasionally, abandoned. But

within this whirlwind of debate, there is always that one judge, the calm centre of the storm, who has a remarkable way of bringing calm to even the fiercest debates. In our case, that judge has in the last decade often been Justice Hamaundu.

Justice Hamaundu's contributions in case discussion were always measured and of, course, he would say nothing if he did not have to. But each time he had an input in a decision, I have always left the discussion room with the feeling that we had, within our own respective human limitations, done our very best to deal with the appeals that came before us with fairness and justice.

Justice Hamaundu is particularly great at procedural law. It is, however, as a criminal law enthusiast in the Supreme Court that Justice Hamaundu's work has been enormously influential. His judgments reflect a profound understanding and in-depth knowledge of the development and principles of criminal justice in our jurisdiction. Criminal law is an area of the law that confronts the core questions of justice in a society, questions of accountability, the balance between individual rights and societal protection and the proper exercise of authority. Justice Hamaundu not only understood

these questions well, but embraced their complexity with a clarity of thought and unwavering commitment to fairness.

While this was equally true of the judge in other areas of the Court's jurisdiction, it is in the realm of criminal law, that his abiding concern has principally been, ensuring that every party, whether represented or unrepresented, had the fullest opportunity to present their case, and that they did so on the firm footing of procedural fairness. Justice Hamaundu brought humanity and impartiality to every proceeding, guaranteeing that the scales of justice were never tipped by bias or imbalance.

His legacy of fairness and an unwavering commitment to the principles of justice that form the bedrock of our legal system, will inspire and guide this Court and the broader legal profession for generations to come.

More importantly, perhaps, Justice Hamaundu understood that the role of a Judge in this Court is to approach every matter with an even temperament, an open mind, and a steadfast dedication to justice. That approach quickly earned Justice Hamaundu universal respect

across professional and ideological divides as a just, insightful, and highly respected trial and appellate Judge.

In addition to Judge Hamaundu's ability to deal with a wide range of appeals, what he possessed was an overriding desire to treat all those who came before the apex court with the greatest courtesy and patience. That was not always easy during busy and challenging session sittings, but Justice Hamaundu managed to achieve it much to my envy and admiration.

In my lessons as an appellate court advocate, I was taught to look out for the most friendly looking judge on the panel and maintain more eye contact with that judge than the others so that you do not get derailed easily. Judge Hamaundu was no doubt that judge on panels where he sat. He normally carried with him a permanent friendly look.

As you may know, some enthusiasts have defined retirement as either the action of ceasing work completely or being in self-imposed seclusion. I am not sure which one of these will prove appropriate for Justice Hamaundu, but we shall see. If we go with the first definition, "the action of ceasing work completely," I suppose Justice

Hamaundu could spend his days perfecting the fine art of hunting. As some of us know, Justice Hamaundu is an avid hunter.

I envy the idea of seclusion. The idea of retreating into solitude does have its allure. Picture this; a quiet farm land, a library brimming with books and no pressing deadlines to deliver some important judgment looming over you. That's the definition of pure bliss.

In all seriousness, to you Justice Hamaundu, with all the wealth of experience about you and the energy that you still exude, retirement, should be less about stepping away from work and more about stepping into a new phase of life. Yes, although it is a chance to reflect on the incredible journey you have been privileged to undertake, a journey that has been shaped by the wisdom and the camaraderie of colleagues, the challenges of the law, and the immense responsibility of dispensing justice, it is also a chance to continue to help this country in its governance and development quest by assuming a guidance consultative or advisory and in any case less stressful role.

As we celebrate the extraordinary career of Hon. Justice Hamaundu, I feel compelled to reveal one glaring weakness; a shortcoming that has, for years, been hiding in plain sight.

Yes colleagues, I am speaking about technology. Or, more specifically, Justice Hamaundu's aversion to it. I have heard that it is his Achilles heel, and it has stared us in the face almost every day. The IT revolution might have swept across the world, transforming how we live and work, but somehow, it completely missed him. Emails? No. WhatsApp? Absolutely not!

To give you a sense of how deep this resistance ran, let me share this: while the rest of us were busy learning to navigate WhatsApp messages and calls, Justice Hamaundu was still steadfastly wielding his trustworthy fountain pen. But the story does not end there. Like every great plot twist, there came a turning point. It was not long ago that Justice Hamaundu, reluctantly and under great duress, joined the Judges' WhatsApp group which he had evaded for a very long time. We can only imagine the shockwaves this must have sent through his household.

And so, Justice Hamaundu, we must ask; What finally broke your resolve? Was it the promise of instant updates? Or was it simply the inevitability of peer pressure from your colleagues? Whatever it was, we applaud you for this late, but heroic, leap into the 21st century.

As you retire, we hope that you will finally embrace the wonders of technology perhaps even send us a few more WhatsApp messages, or dare I say, a selfie or two. But if not, rest assured that your legacy will continue to shine, not because of any device or gadget, but because of the extraordinary career you have built.

Congratulations, Justice Hamaundu, on a remarkable career and a well-deserved retirement. May this next chapter bring you joy and deserved rest.

Thank you.