

The Adjudicator Judiciary Newsletter





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Editorial Team

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- Hon. Mr. Justice Charles Zulu
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- Mr. Sangwani Nyimbiri
- Mrs. Kalumba Chisambisha-Slavin
- Ms. Chishala Nkalamo
- Mr. Champemba Chileshe

Contributors

- Mr. Sangwani Nyimbiri
- Ms. Patricia Sipatisiwe Tembo
- Ms. Annie Sakala





This first issue of *The Adjudicator* for the year 2025 brings you yet another edition filled with articles of transformation, resilience, and innovation within the Judiciary of Zambia.

This issue captures the solemnity and significance of the country-wide Ceremonial Opening of the 2025 Criminal Sessions of the High Court, a tradition that underscores the Judiciary's commitment to justice. The Lusaka session was particularly momentous, graced by the Hon. Chief Justice of Uganda, Hon. Alfonse Chigamoy Owiny-Dollo as Guest of Honour, with a special focus on Alternative Dispute Resolution (ADR)—a mechanism reshaping the justice system by promoting efficiency and amicable settlements.

In an inspiring feature, we spotlight a member of staff whose journey embodies perseverance: a former cleaner who has now been admitted as an Advocate of the High Court. This extraordinary story reminds us that the Judiciary remains a space of opportunity for those who dare to dream.

Our commitment to demystifying the Judiciary and being a part of the community was further reflected in our participation in Uniform Day, a nationwide initiative showcasing the role of uniformed professionals, fostering unity, and strengthening public confidence in the justice system. Another milestone we highlight is the first step in the live broadcast of court proceedings, marking a shift towards greater judicial transparency and public accessibility

We also turn our focus to Risk Management, a crucial pillar in maintaining institutional integrity and resilience, as well as a feature on cancer awareness, underscoring the need for proactive health measures.

This edition also pays tribute to the distinguished service of Justice Evans Hamaundu who retired from the Supreme Court bench in January. Finally, we introduce a Poetry Corner, celebrating the creativity within the Judiciary and providing a space where words meet justice in profound and reflective ways.

As always, *The Adjudicator* remains your window into the heart of the Judiciary—informing, inspiring, and evolving with every story told.

Happy Reading!

Hon. Mr. Justice Kelvin Muzenga

Chairperson - Advisory Committee on Public Relations and Information



Advisory Committee on Public Relations and Information





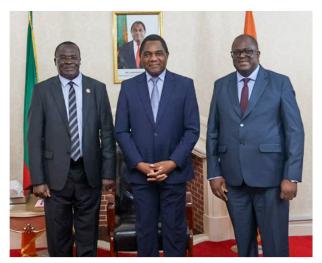
Judiciary Opens 2025 High Court with Focus on ADR



Each year, the Judiciary of Zambia marks the ceremonial opening of the High Court criminal sessions across the country, a key event in the judicial calendar that sets the tone for the year ahead. On January 6th, 2025, the Lusaka High Court held its opening ceremony at the Supreme Court grounds, under the theme "Exploring and Employing Alternative Dispute Resolution Mechanisms in Criminal Cases as a Tool to Counter Delays in the Delivery of Justice." This event heralded a progressive shift towards addressing long-standing challenges in the criminal justice system.

Delivering his keynote speech, His Lordship the Hon. Chief Justice Dr. Mumba Malila, SC, described Alternative Dispute Resolution (ADR) as a transformative opportunity for a system that often leaves victims seeking closure and offenders struggling to reintegrate into society. He emphasised that ADR fosters dialogue and reconciliation, addressing the emotional and social needs of those impacted by crime while promoting a more human-centred approach to justice. The Chief Justice urged justice system leaders to champion ADR through legislative reforms, targeted training, and a shift in mindset, ensuring justice not only delivers outcomes but also promotes healing.

The guest of honour, His Lordship Hon. Mr. Justice Alfonse Owiny-Dollo, Chief Justice of Uganda and Chairperson of the African Chief Justices' ADR Forum, commended Zambia's commitment to advancing ADR. He highlighted how restorative justice, a key component of ADR, resonates with African values of unity and reconciliation. Drawing from Uganda's experience, he explained how ADR fosters community healing by repairing harm and rebuilding trust. He noted that ADR is not a replacement for justice but an enhancement, going beyond punishment to restore relationships and strengthen societal bonds.



The President of Zambia, Mr. Hakainde Hichilema (centre), The Chief Justice of Zambia, His Lordship Hon. Mr. Justice Mumba Malila SC. (right), The Chief Justice of Uganda His Lordship Hon. Mr. Justice Alfonse Owiny-Dollo (left)

Addressing persistent challenges of delays and backlogs, Hon. Mr. Justice Charles Zulu, Judge in Charge of the Lusaka High Court, highlighted ADR's potential to expedite case resolutions while maintaining fairness. He clarified that mechanisms like plea bargaining are not about leniency but about fostering accountability and reconciliation, offering a practical way to tackle inefficiencies in the system. He described ADR as both cost-effective and impactful, enabling quicker resolutions and promoting harmony within communities.

In a show of collaboration and support, His Lordship Hon. Chief Justice Dr. Mumba Malila, SC, and his lordship Hon. Mr. Justice Alfonse Owiny-Dollo paid a courtesy call on President Hakainde Hichilema, who pledged his support for integrating ADR into Zambia's legal framework, recognising its potential to transform lives and strengthen communities.

ADR presents practical solutions to some of the most pressing issues in criminal justice, including quicker case resolutions, increased accountability, victim closure, and cost efficiency.



Rising From Cleaner to The Bar



In a world where misfortune is often blamed on circumstances, Munsanje Muunga Thuma's story proves that self-belief and determination can overcome even the most significant challenges. At 33, she has risen from being a cleaner at Sinazongwe Subordinate Court to becoming an advocate of the High Court of Zambia, a journey defined by resilience, ambition, and faith.

When Munsanje joined the Judiciary in 2013, her dream of becoming a lawyer seemed like a distant possibility. Armed with a Grade 12 certificate, earned after supplementing her initial results through General Certificate of Education (GCE), she worked as a cleaner while occasionally interpreting in court. It was during these moments, observing defence lawyers from Legal Aid, that her passion for law was reignited, reminding her of a childhood dream she once thought unattainable.

In 2017, she enrolled in the Bachelor of Laws programme at the Zambia Open University, funding her education through sheer resourcefulness. To supplement her cleaner's salary, she started a small business with K1,000, just enough to buy a (Meda) a term common to most of us.

Over time, she expanded her business, eventually buying a sack of kapenta. The money earned from her business helped cover her university fees. However, as she prepared for her final attempt at the Zambia Institute of Advanced Legal Education (ZIALE), the money she had earned from her business was entirely spent, leaving her with no capital to continue her business.

Her journey was not without its challenges. As a student, she excelled in criminal law, often helping her peers during study group discussions. Yet, some undermined her contributions, dismissing her abilities due to her background as a cleaner. This scepticism only strengthened her resolve. Promoted to Court Clerk, she was transferred to Siamusonde Local Court in Monze District, where she continues to work today. Despite her modest circumstances, Munsanje is optimistic about the future and dreams of one day serving on the bench.



(Ms. Munsanje Muunga Thuma)

The most significant milestone in her journey came on 18th December 2024, when she was called to the Bar. For Munsanje, like all lawyers, this day is more than just a career achievement, it is a defining moment, more important than a birthday, marking the culmination of years of hard work and sacrifice.

Munsanje encourages other women to pursue their dreams, regardless of obstacles. She advises against waiting for perfect conditions and urges others to seek legitimate ways to fund their goals, whether through entrepreneurship or other means. She emphasises the importance of determination, faith, and mentorship, reminding others to push forward and not remain limited by their circumstances.



Judiciary Back in Uniform Day!

For the first time in history, members of the Judiciary of Zambia traded their traditional professional attire for school uniforms as they joined the nation in celebrating Back in Uniform Day on 31st January 2025. The event, honoring the transformative power of education, saw judges, magistrates, and court staff reliving their school days in a nostalgic and lighthearted way.

Even the Registrar, renowned for wearing a suit and tie year-round donned a school uniform, while the Honorable Judges set aside their adjudicator robes. The highlight was Hon. Lady Justice Bubile Shonga, dressed as a Mary Queen's pupil, introducing the then Acting Chief Justice, His Lordship Hon. Mr. Justice Michael Musonda, SC, as the representative

from the District Education Board Secretary (DEBS) during the photo session at the Supreme Court.

In his remarks, the Acting Chief Justice reflected on the significance of education, emphasizing that everyone in attendance once walked the path of a pupil. He highlighted the importance of discipline, hard work, and responsibility in shaping one's future and encouraged current pupils to cherish their school years, as the foundation they build today will determine their success.

To mark the occasion, members of the Advisory Committee on Public Relations and Communications shared their school experiences, favorite subjects, and words of wisdom for today's learners.

Lusaka



Hon. Lady Justice Mrs. Bridget Chilombo Maka, Judge in Charge of Commercial Court (with neck-tie), with some honourable commercial court judges.





His Lordship the Deputy Chief Justice Hon. Mr. Michael Musonda SC., with various judiciary members of staff





Chipata





Livingstone



Luanshya



Ndola



Solwezi







Hon. Lady Justice Bubile Lung-Shonga

1. Which school(s) did you go to?

"Northmead Primary School and St. Mary's Secondary School in Lusaka."

2. Who was your favorite teacher, and what was your favorite subject?

"This question will get me in trouble. I will say every single one of them, with fond memories of Mr. And Mrs T Sakala, Mr. Sakala Science, Mrs Machona and Sr. Sepeti. My favorite subject was Math."

3. How would you describe your school experience?

"Awesome! I loved Debate and JETS and my friends, the Honeys."

4. What did you aspire to be when you were in school?

"I kept switching between Medicine, Music, Law and Accountancy. In the end the Law prevailed."

5. What were you known for during your school days?

"Dancing and being Head Girl. I participated in a number of variety shows. I really believe in all work and no play makes mwana a dull mwana."

6. Any advice for today's learners?

"Work smartly; play responsibly; pray regularly and earnestly."



Hon. Mr. Justice Kelvin Muzenga

1. Which school(s) did you go to?

"Grades 1-4 Swani Primary school, Choma, 4-7 Maamba Mine School, Maamba, 8-9 Libuyu Basic School, Livingstone, 10-12 Linda Secondary School, Livingstone."

2. Who was your favourite teacher, and what was your favourite subject?

"Mrs. Alisinda, Food and Nutrition"

3. How would you describe your school experience? "It was amazing"

4. What did you aspire to be when you were in school? "I wanted to be a Teacher."

5. What were you known for during your school days?

"I was the president of the Anti-drug Club and a committed member of the Club"

6. Any advice for today's learners?

"They should concentrate and be serious with School. They can achieve a lot in life and they can be who they want to be."



Creating A Risk-Compliant Judiciary

A Call For Collective Action



By Annie Sakala

The Judiciary of Zambia stands as a pillar of justice and transparency, upholding the rule of law as enshrined in Article 118 of the Constitution. Recognizing the critical role of effective risk management in achieving its mandate, the Judiciary has taken a significant step forward by enhancing its risk management systems. This commitment aligns with Section 11(1)(a) of the Public Financial Management Act (PFMA), which mandates Controlling Officers to establish robust mechanisms to safeguard public resources.

The Judiciary of Zambia is entrusted with upholding justice, maintaining the rule of law, and ensuring fair and equitable treatment for all. As custodians of these critical responsibilities, it is imperative that we operate in an environment that is not only efficient but also resilient to potential risks. Achieving this requires embedding a culture of risk compliance across all levels of the institution.

Risk management is not merely an administrative function; it is a cornerstone of strategic planning and operational excellence. By proactively identifying, assessing, and mitigating risks, we safeguard the Judiciary's ability to deliver on its mandate effectively and sustainably.

Why Risk Compliance Matters?

A risk-compliant work environment ensures that the Judiciary can anticipate and address challenges before they escalate into crises. This approach minimizes disruptions, protects our institutional reputation, and enhances public trust. In today's dynamic and complex landscape, risks can arise from various quarters—technological vulnerabilities, resource constraints, legal uncertainties, or unforeseen external events. Ignoring these risks is not an option.

1. Enhance Decision-Making: Sound risk management provides a

framework for making informed and strategic decisions.

- **2. Strengthen Resilience:** Proactive risk mitigation ensures that the Judiciary can adapt to changes and recover swiftly from setbacks.
- **3. Promote Accountability:** A culture of risk awareness fosters transparency and responsibility at all levels of the institution.

A Shared Responsibility

Building a risk-compliant work environment is not the responsibility of one individual or department; it is a collective endeavor. Every employee of the Judiciary, has a role to play. Risk management is most effective when it is ingrained in our institutional culture, reflected in our policies, processes, and behaviors.

Here Are Some Ways We Can All Contribute:

Stay Informed: Familiarize yourself with the Judiciary's risk management policies and procedures.

Be Vigilant: Identify potential risks in your area of work and report them promptly.

Collaborate: Share insights and solutions with colleagues to address shared challenges.

Embrace Training: Participate in capacity-building initiatives to enhance your understanding of risk management.

A Call to Action

As we move forward, let us remember that risk compliance is not about eliminating all risks; it is about managing them intelligently. It is about creating a Judiciary that is not only reactive but also proactive, capable of navigating uncertainties while staying true to its mission.

I encourage every member of the Judiciary to take ownership of this process. Let us work together to build a robust and risk-resilient institution that stands as a pillar of justice and integrity in Zambia.

Together, we can ensure that the Judiciary of Zambia continues to serve with excellence, transparency, and accountability. Let us rise to the challenge and make risk compliance a shared priority for the benefit of all.



Judges, Cameras and Justice: A Majestic First Walk into The Spotlight



By Mr. Sangwani Nyimbiri

Not too long ago, it would have been unthinkable to have running cameras during proceedings in our courtrooms. Perhaps even outlandish. Despite a digital revolution that has given the public access to new spaces, the revolution has often been stopped cold at the steps of the courtroom. But wait a minute. What about the live broadcast of the valedictory session of the Late President Levy Patrick Mwanawasa or the broadcast of special sessions to mark the retirement of the Deputy Chief Justice Hon. Mr. Marvin Mwanamwambwa and more recently Hon. Mr. Justice Evans Hamaundu. Well, it can be argued that these were not court proceedings proper but sessions outside the normal court business.

On the morning of 10th December, 2024, the Judiciary of Zambia dived into the abyss, as it were. The camera, once shunned, was received into the courtroom with open arms to witness what goes on there.

On that historic morning, the faces in Court Room 1 in the Supreme Court building brimmed with anticipation. For the first time, the world's gaze, courtesy of inquisitive cameras and livestreams, was squarely fixed on the Judiciary.

As the heavy oak doors swung open, the judges entered, glorious

in their robes, gliding with the kind of poise that seemed to say: "Cameras or not, we have done this a thousand times before." Completely unfazed. Not a single blink. Not even a raised brow. They sashayed to their seats as though the cameras were just part of the furniture, a silent nod to centuries of judicial tradition meeting the 21st century.

When the judgment was being delivered, the cameras zoomed in, capturing every furrow of the brow and every deliberate pause. Legal jargon flowed like a symphony, beautiful to the initiated but utterly mystifying to one without a law degree. Words like "per incuriam," and "res judicata" filled the air, leaving some viewers twiddling their dictionaries and others quietly googling the terms in real time.

The Deputy Judge President, His Lordship Hon. Mr. Justice Arnold Shilimi, read the judgment of the Court with the calmness of someone who had spent years mastering their craft.

Perhaps a brief background is necessary. Judiciaries across the globe are often seen as defenders of tradition, but not without good cause. The judiciary's role as the guardian of justice depends on principles of fairness, impartiality and procedural integrity.



These values are deeply rooted in history. Yet, as societies evolve and technology advances, so too must the judiciary in order to remain relevant, effective and accessible. One such evolution is the introduction of live broadcasts in courtrooms.

The question of broadcasting court proceedings live has been a thorny one, but not only in Zambia. In 1965, the United States Supreme Court was faced with a question of broadcasting trials. That court held that filming trials violated due process. Chief Justice Earl Warren had this to say:

"[The] television camera, like other technological innovations, is not entitled to pervade the lives of everyone in disregard of constitutionally protected rights."

Three decades later, Justice David Souter, sitting in the same Court, said it more brutally:

"I think the case (against cameras) is so strong that I can tell you that the day you see a camera coming into our courtroom, it's going to roll over my dead body."

Despite concurring with the majority of the Supreme Court Judges in Estes v. Texas , Justice John Harlan cautioned that judiciaries may need to accept that courts may not hold off this aversion of cameras in the courtroom for too long. He observed that:

"[The] day may come when television will have become so

commonplace an affair in the daily life of the average person as to dissipate all reasonable likelihood that its use in courtrooms may disparage the judicial process."

That day, at least for the Judiciary of Zambia, came on 10th December, 2024.

It can be argued that this was the first step in sending out a message regarding how the judiciary's commitment to tradition should not come at the expense of transparency in justice delivery. Introducing live broadcasts in courts may not amount to abandoning tradition but simply adapting it to meet the needs of contemporary society. By embracing this evolution thoughtfully and responsibly, judiciaries can enhance transparency, accessibility, and public trust while safeguarding the integrity of justice.

As many judiciaries worldwide have demonstrated, it is possible to honour tradition while embracing innovation. The question is not whether live broadcasting belongs in the courts but how it can be implemented in a way that upholds the values of justice and fairness. After all, we should all agree that the judiciary's job is not just to deliver justice but to make it accessible to all.

In embracing live broadcasts, 'Judges, Cameras, and Justice: A Majestic First Walk into the Spotlight' highlights a transformative step towards ensuring that the pursuit of justice remains accessible to the public.

Estes v. Texas, 381 U.S. 532, 585 (1965) Tony Mauro, Roll the Cameras (or Soutersaurus Rex), LEGAL TIMES, Apr. 8, 1996, at page 9 Estes v. Texas, 381 U.S. 532, 585 (1965)







Justice Hamaundu Retires After Delivering Final Acquittal

On 16th January 2025, Hon. Mr. Justice Evans Mweembani Hamaundu marked an extraordinary day in his life and career. Not only did he retire as a Supreme Court Judge, a role he was appointed to on the very same date in 2014, but he also delivered his final judgment, acquitting Davies Chishala of murder, a fitting conclusion to a judicial journey that spanned decades.

To honour his retirement, a special court session was held, with a full bench of the Supreme Court led by His Lordship the Hon. Chief Justice Dr. Mumba Malila, SC, and His Lordship the Hon. Deputy Chief Justice Mr. Justice Michael Musonda, SC, in attendance. Judges, both serving and retired, members of the Bar, family, and friends gathered to celebrate his contributions to the Judiciary.

His Lordship, the Hon. Chief Justice, commended Justice Hamaundu for his humility, intellectual rigour, and consistent optimism in the high-pressure environment of the Supreme Court. He remarked that even in the most challenging circumstances, Justice Hamaundu maintained a near-permanent smile, which brought warmth to the bench.

The Learned Attorney General Mulilo Kabesha, SC, lauded Justice Hamaundu's exceptional legal acumen, integrity, and impartiality, emphasising that his service on the Supreme Court exemplified the highest ideals of the judiciary. Similarly, the Law Association of Zambia (LAZ) President, Mr. Lungisani Zulu, expressed profound gratitude for Justice Hamaundu's contributions, describing him as an asset not only to the Supreme Court but also to the nation at large.

Reflecting on his career, Justice Hamaundu shared his sense of fulfilment, recalling how his initial aspiration to join the School of Natural Sciences at the University of Zambia shifted to studying law. He explained that his passion for the field blossomed during his time at what is now the Zambia Institute of Advanced Legal Education (ZIALE), where he fully embraced the intricacies of legal practice. Justice Hamaundu said from his early days as a magistrate, he found immense satisfaction in adjudication, realising that resolving disputes and delivering justice was his true calling.

Justice Hamaundu described all the cases he worked on as memorable, noting that each was unique, some intimidating, others high-profile, and many demanding creative and critical thought.

Prior to his appointment as a Supreme Court Judge on 16th January 2014, Justice Hamaundu had a distinguished career in the legal profession. He graduated with a Bachelor of Laws degree from the University of Zambia in 1983 and was admitted to the Bar in 1984.

He began his career as Legal Aid Counsel before transitioning to private practice and corporate legal roles. In 1996, he joined the Judiciary of Zambia as a Resident Magistrate, later serving as Principal Resident Magistrate, Deputy Registrar of the High Court, and Deputy Chairman of the Industrial Relations Court. In 2003, he was appointed as a High Court Judge, serving with distinction until his elevation to the Supreme Court in 2014.

The Judiciary of Zambia extends its heartfelt appreciation to Justice Hamaundu for his invaluable contributions to the institution and Zambian jurisprudence and wishes him a fulfilling retirement as he embarks on this new chapter of his life.





Wellness Corner!

Welcome to this edition of the Wellness Corner, where we focus on health and well-being topics that matter to you. Taking care of our health is essential for both personal and professional well-being. In this issue, we highlight an important topic cancer awareness, shedding light on early detection, prevention, and support.



Cancer: Zambia's Silent Epidemic with Alarming Mortality Rates

By Dr. George Pupwe

Cancer is among Zambia's most pressing public health challenges, claiming thousands of lives annually. The 2022 Annual Report from the Cancer Diseases Hospital (CDH) recorded about 15,000 cases, with 10,000 fatalities, a staggering 70% mortality rate—highlighting the urgent need for stronger interventions.

Dr George Pupwe, head consultant in clinical and radiation oncology at CDH, described the burden as alarmingly high, noting that cancer affects all demographics, from young to old, rich to poor. Paediatric cancers are particularly concerning, with nephroblastoma and retinoblastoma accounting for the highest proportion at 19%.

Dr Pupwe cited lifestyle choices and environmental exposure as major contributors to rising cases. Tobacco use, alcohol consumption, poor diets, inactivity, and harmful chemicals increase risk, while genetic predisposition plays a role in 5–10% of cases.

Cervical, breast, and prostate cancers remain the most prevalent. In 2022, CDH recorded 886 cervical cancer cases, 294 breast cancer cases, and 197 prostate cancer cases. However, many cases go undiagnosed, with only 3,000 out of an estimated 15,000 patients receiving treatment. The fate of the remaining 12,000 remains largely unknown.

Late diagnosis is a major challenge, with most patients seeking care only at advanced stages. Dr Pupwe emphasised that early detection improves survival rates, yet many delay treatment, often opting for traditional healers or religious interventions.

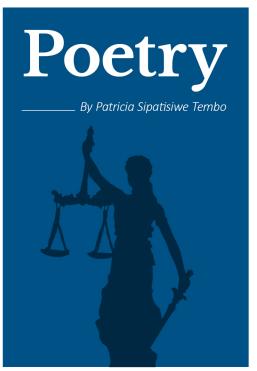
The Government has expanded cervical cancer screening to all clinics and level-one hospitals, but stigma and cultural beliefs hinder early detection, particularly in rural areas. Efforts are underway to integrate breast cancer screening into cervical cancer clinics, though prostate cancer screening remains limited due to reluctance among men.

For paediatric cancers, a national eye screening programme is being implemented for retinoblastoma, and the HPV vaccination programme is being rolled out to protect young girls from cervical cancer.

Despite these efforts, Zambia still faces a high cancer burden. Dr Pupwe stressed that increased public awareness, early detection, and improved oncology services are key to reducing cancer-related deaths.







Beneath The Robe

"The adjudicator's stride; a tragic grace.

Embodying a vessel of justice in sacred space.

Yet unveil the robe and flesh appears;

Called to uphold the law amid internal fears, But in their plight ought to conceal silent tears.

This complexity channels a delicate art;

A blend of duty and camouflaged heart.

With courage, the wheels of justice they must spin;

For though mortal with doubt and conflict within, Justice in the end must always win.

The Adjudicator presides as accused takes plea.

To be impartial, they swore, but to what degree? Liberties and limitations; these they must reconcile, While their integrity is tested for it also stands trial.

Without fear nor favor, for that is the vow.

Obligated to apply the law-maintain precedence;

Or perhaps depart therefrom and advance jurisprudence?

Come what may, transgression is never without consequence.

Amidst conflicting morals, they must ascertain legality.

And sometimes in spectacular fashion determine eligibility.

On final decree, their name is cast in ink; Stamped with seal of Honor; therein lies the link.

Thus, let none escape justice, though man and virtue enmesh;

For beneath the robe is more than just flesh; There lies a duty eternal - immortal justice to unleash."



The Judiciary of Zambia

P.O. Box 50067, Lusaka Tel: +260 211 251 330 / 251 961 / 252 016 www.judiciaryzambia.com