



## **REPORT**

### **OF THE**

**PARLIAMENTARY SELECT COMMITTEE APPOINTED TO SCRUTINISE  
THE PRESIDENTIAL APPOINTMENT OF MR CHARLES KAFUNDA, MR  
JOSHUA BANDA, MRS DORCAS MUNKOMBWE-MALAMA, MRS  
TWAAMBO SHALWINDI MUSONDA, MR DANIEL MUSONDA, MR JOHN  
HARRISON MBUZI, MR WILLIE SINYANGWE, MRS MWAACA CHIGALI  
MIKALILE, MR LAMECK MWALE, MRS ALICE MIPUNGA NTAMBO  
SITALI AND MRS MARRIAM MUTEBI BAH – MATANDALA TO SERVE  
AS HIGH COURT JUDGES**

**APPOINTED ON 2<sup>ND</sup> FEBRUARY, 2021, DURING THE FIFTH SESSION OF  
THE TWELFTH NATIONAL ASSEMBLY**

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The Honourable Mr Speaker  
National Assembly  
Parliament Buildings  
P O Box 31299  
**LUSAKA**

Sir,

The Parliamentary Select Committee was appointed on Tuesday, 2<sup>nd</sup> February, 2021, to scrutinise the Presidential appointment of Mr Charles Kafunda, Mr Joshua Banda, Mrs Dorcas Munkombwe-Malama, Mrs Twaambo Shalwindi Musonda, Mr Daniel Musonda, Mr John Harrison Mbuluzi, Mr Willie Sinyangwe, Mrs Mwaaka Chigali Mikalile, Mr Lameck Mwale, Mrs Alice Mipunga Ntambo Sitali and Mrs Marriam Mutebi Bah - Matandala to serve as High Court Judges.

The appointment of Mr Charles Kafunda, Mr Joshua Banda, Mrs Dorcas Munkombwe-Malama, Mrs Twaambo Shalwindi Musonda, Mr Daniel Musonda, Mr John Harrison Mbuluzi, Mr Willie Sinyangwe, Mrs Mwaaka Chigali Mikalile, Mr Lameck Mwale, Mrs Alice Mipunga Ntambo Sitali and Mrs Marriam Mutebi Bah - Matandala to serve as High Court Judges is made pursuant to Article 140 of the Constitution of Zambia, Cap. 1 of the Laws of Zambia, which states as follows:

*“The President shall, on the recommendation of the Judicial Service Commission and subject to ratification by the National Assembly, appoint the –*

- (a) Chief Justice;*
- (b) Deputy Chief Justice;*
- (c) President of the Constitutional Court;*
- (d) Deputy President of the Constitutional Court and*
- (e) other judges.”*

**TERM OF REFERENCE**

2. The term of reference of the Committee was to scrutinise the Presidential appointment of Mr Charles Kafunda, Mr Joshua Banda, Mrs Dorcas Munkombwe-Malama, Mrs Twaambo Shalwindi Musonda, Mr Daniel Musonda, Mr John Harrison Mbuluzi, Mr Willie Sinyangwe, Mrs Mwaaka Chigali Mikalile, Mr Lameck Mwale, Mrs Alice Mipunga Ntambo Sitali and Mrs Marriam Mutebi Bah -Matandala to serve as High Court Judges.

## **MEMBERSHIP**

3. The Committee comprised the following Members:

Ms G Katuta, MP (Chairperson);  
Prof G Lungwangwa, MP (Vice-Chairperson);  
Mr P Phiri, MP;  
Mr D Mumba, MP;  
Ms C C Kasanda, MP;  
Mrs P G M Jere, MP;  
Mr G Chisanga, MP;  
Mr D Chisopa, MP;  
Ms M Miti, MP; and  
Mr S O Mutaba, MP.

## **MEETINGS OF YOUR COMMITTEE**

4. The Committee held a total of eight (8) meetings in the period 3<sup>rd</sup> to 25<sup>th</sup> February, 2021. At its first meeting held on Wednesday, 3<sup>rd</sup> February, 2021, your Committee elected Ms G Katuka MP, as Chairperson and Prof G Lungwangwa, MP, as Vice-Chairperson.

## **PROCEDURE ADOPTED**

5. The Judiciary plays an essential role in the administration of justice, upholding the rule of law as well as good governance of the country. In view of the foregoing, the Committee resolved that only competent persons with unquestionable integrity, diligence, eminence, sound character and, above all, committed to the promotion of the rule of law should be appointed as High Court judges. As such, the Committee carefully selected the witnesses to help it scrutinise the suitability of the nominees.

The Committee requested memoranda from relevant State security agencies, professional bodies and other stakeholders and the Appointing Authority. The witnesses also appeared before your Committee to make their oral submissions. Further, the Committee interviewed the nominees and carefully scrutinised their *curricula vitae*.

## **SUBMISSIONS BY STATE SECURITY AGENCIES**

### **ZAMBIA POLICE SERVICE (ZP)**

6. The Deputy Inspector-General in charge of administration of ZP submitted on the personal, educational and professional background of the nominees as stated in their *curricula vitae*. He informed the Committee that ZP had not found any criminal or adverse record against the nominees. In that regard, ZP found the nominees suitably qualified to serve as High Court judges.

## **ANTI-CORRUPTION COMMISSION (ACC)**

7. The Acting Director-General of the ACC submitted on the personal, educational and professional backgrounds of the nominees as contained in their *curricula vitae*.

The Acting Director-General informed the Committee that the information provided by the ACC related only to allegations of corruption in line with the mandate of the institution under the Anti-Corruption Act No. 3 of 2012. She explained that the ACC had a computerised database called the Case Management System, which stored information relating to all investigations or cases that the ACC was handling or had handled in the past and present. She submitted that the information on the database contained, *inter alia*, details of suspects or accused persons, the nature of the allegation and the outcome or conclusion of the matter.

The Committee was informed that a search conducted on its database revealed that in 2012, the ACC had received a complaint against Mr Charles Kafunda alleging abuse of authority of office and corruption when he was Deputy Registrar of the High Court. The allegation was that, through the Sheriff's Office, he had facilitated the disposal of items, and had derived a benefit from the disposal by acquiring the items. The Acting Director-General, however, submitted that the allegations were unsubstantiated and the case was closed in 2015.

In conclusion, the Acting Director-General informed the Committee that there were no adverse reports on the nominees, and in that regard, there was nothing that precluded them from being ratified to serve as High Court judges.

## **DRUG ENFORCEMENT COMMISSION (DEC)**

8. The Commissioner of DEC submitted on the professional qualifications, experience and personal data of the nominees as stated in their *curricula vitae*.

The Commissioner submitted that in line with DEC's mandate, its focus was to find out if any of the nominees had at any time contravened the Narcotic Drugs and Psychotropic Substances Act, Cap. 96 of the laws of Zambia and the Prohibition and Prevention of Money Laundering Act No. 14, as amended by Act No. 44 of 2010.

He stated that a search conducted on its database did not yield any adverse record, which would have suggested that any of the nominees might have used illicit drugs, engaged in drug trafficking or money laundering activities. In view of this and the professional backgrounds of the nominees, DEC had no objection to the nominees serving as High Court judges.

## **SUBMISSIONS BY PROFESSIONAL BODIES/STAKEHOLDER INSTITUTIONS**

### **HUMAN RIGHTS COMMISSION (HRC)**

9. The Director of the HRC informed the Committee that a functioning democracy was anchored on the three key arms of government, namely the Executive,

the Legislature and the Judiciary, which provided appropriate checks and balances. In addition, the need for checks and balances enhanced respect for human rights, good governance, the rule of law among other values. Therefore, in order to have effective public institutions, people appointed to occupy judicial office should be subjected to a rigorous vetting process that was fair but firm. She further stated that citizens needed to have confidence in the nominees for them to have confidence in the institutions. She emphasised that without the confidence of the citizens, such institutions may not serve much in society. She added that related to public confidence in the judiciary was the notion of judicial independence that had generated considerable debate throughout the world, in recent times, and Zambia was no exception.

The Director added that public confidence in the Judiciary would only be secured if judicial officers possessed the requisite qualifications and were men and women of high integrity. Further, that such persons should be capable of exercising judicial independence and autonomy, judicial integrity, and impartiality, which were fundamental pillars in any functioning democracy and consistent with section 3 of the Judicial (Code of Conduct) Act No. 13 of 1999. The Director, however, informed the Committee that Article 118 (1) of the Constitution underscored the promotion of accountability in the judiciary as judicial authority was derived from the people. Therefore, judicial independence or autonomy did not entail that judges were not accountable to the public.

With regard to the importance of human rights to democracy, the Director quoted the former Chief Justice of Zambia, Madam Justice Lombe Chibesakunda, who once observed as follows:

*“Indeed, a central element of modern democracy is the protection of the constitution, statutes, and common law human rights. Without protection and promotion of rights, we cannot have democracy. Take human rights out of democracy, democracy loses its soul. It becomes an empty shell.”*

The Director submitted, in that regard, that it was the task of a judge to protect and uphold human rights. Therefore, rights and freedoms would only have true meaning if judges discharged their duties professionally and without any interference, particularly from the Executive arm of Government. The Director added that the HRC expected people who sought high judicial office to be persons who were able to render remedies that promoted and protected human rights premised on the rule of law, constitutionalism, accountability, transparency and integrity.

The Director submitted that Article 141 (1) of the Constitution provided the requisite qualifications for one to occupy the office of judge. She, however, explained that in assessing any appointment to the position of judge in the Republic of Zambia, integrity was one of the fundamental considerations. She added that arising from that, a person seeking judicial office should be one whose character was beyond reproach. In view of this, it was important that all relevant information regarding a person’s integrity was brought before the Committee to ensure a fair but firm assessment of the nominee. In this regard, once the HRC received the list of nominees, it constituted a committee to conduct due diligence on them and also consulted other stakeholders.

The Director further noted that appointments to the public service should take into account gender balance and ethnic groupings in line with Article 173 (1) (j) of the Constitution.

In view of the foregoing, each of the nominees' suitability to hold and discharge the functions of the office of judge of the High Court was considered as set out below.

**(i) Mr Charles Kafunda**

The nominee had been in the Judiciary long enough to understand it from both the function of adjudication and managing the judicial system. In addition, his experience as an administrator in the judiciary placed him in a position to understand and provide solutions to the bottlenecks that acted as a barrier to delivering justice for all. The HRC had particularly worked with the nominee in addressing and curing maladministration of justice such as delayed trials, judgments and appeals.

The nominee had demonstrated that independence of the judiciary was different from accountability and that there was a requirement for the judiciary to be accountable in its dispensation of justice. In that regard, the HRC supported his nomination.

**(ii) Mr Joshua Banda**

The nominee had adjudicated over various civil and criminal matters as a magistrate. In addition, he had held various judicial positions, including those of an administrative nature.

The nominee possessed demonstrable capacity in consultancy work, which had exposed him to different fields and subjects. This had, consequently, increased his breadth of knowledge on various issues. The various positions held by the nominee under the Judiciary demonstrated the nominee's competences and capacity for appointment as judge of the High Court. In that regard, the HRC supported his appointment.

**(iii) Mrs Dorcas Munkombwe - Malama**

The nominee had practised law and held various positions in different areas of law practice since her admission to the Bar. She had demonstrated experience in the realm of human rights, having served longest under the National Legal Aid Clinic for Women, an association established in 1990 as a project under the Women's Rights Committee (WRC) of the Law Association of Zambia. The Clinic aimed at, among others, enhancing women's rights and access to justice. The nominee would, therefore, contribute to the promotion and protection of human rights and, in particular, women's rights, in addition to her other competences.

The HRC supported the nominee's appointment to serve as judge of the High Court. Additionally, from a gender perspective, as per Article 173 (1) (j) of the Constitution, the nominee's appointment was commendable.

**(iv) Mrs Twaambo Shalwindi Musonda**

The nominee had an admirable track record in the Judiciary where she had served in various capacities. With her vast experience, which had a leaning towards the promotion and protection of children's rights, and her interest in forensics, which was critical in the administration of criminal justice, the HRC did not doubt her ability to discharge the functions of judge of the High Court. The nominee's *curriculum vitae* demonstrated that she was always eager to learn, especially with regard to emerging areas of the law such as environmental law, which had increasingly become a topical issue in recent times. Therefore, her expertise would assist the work of the Judiciary and that the HRC supported her appointment.

**(v) Mr Daniel Musonda**

The nominee had, since his admission to the Bar, served in various adjudicatory positions in the Judiciary. Prior to his elevation from the position of Senior Resident Magistrate, he had no pending civil or criminal matters. This was a commendable professional attribute which needed to be encouraged in view of the need to ensure the efficient and expeditious dispensation of justice by the Judiciary in line with Article 118 (2) of the Constitution.

The nominee had attended various development trainings in gender-based violence and human rights both locally and internationally. In the premises, the HRC had no reservation in supporting the appointment of the nominee to serve as a judge of the High Court.

**(vi) Mr John Harrison Mbuji**

The nominee was a distinguished magistrate who had presided over criminal and civil matters as a sitting magistrate since 2006. He had risen through the ranks over the years, up to the position of Registrar of the High Court. Additionally, he had attained the necessary professional qualifications that included studies in child rights protection and human rights. In that regard, the HRC believed that the nominee would make valuable contribution to the Judiciary as a judge of the High Court. The HRC, therefore, supported his appointment.

**(vii) Mr Willie Sinyangwe**

The nominee, with a track record of a career spanning over twenty-eight (28) years, had held various positions in the Judiciary. The HRC had interacted with the nominee as Chairperson of the Communication, Co-ordination and Cooperation Initiative (CCCI) under the Judiciary, which, through his supervision, had contributed to access to justice and the promotion of human rights.

In that regard, the HRC supported the nominee's appointment to serve as a judge of the High Court.

**(viii) Mrs Mwaaka Chigali Mikalile**

The nominee had risen in the ranks of the Judiciary, which provided her with the necessary experience and exposure to handle a wide range of cases. Further, a perusal of some of her judgments had revealed that she dealt with cases expeditiously. In addition, the HRC had observed that the nominee had consistently delivered reasoned judgments, including her judgment in the recent case of *the People v Laura Miti and 5 others*, on the right to assembly and association.

Further, the nominee had earned her respect amongst her peers and judges of the High Court. Therefore, her appointment to serve as a High Court judge was well deserved and had the support of the HRC.

**(ix) Mr Lameck Mwale**

The nominee had experience in various adjudicatory and administrative positions in the Judiciary, where he had risen through the ranks. That was a clear demonstration of his competence and capacity and made him a suitable candidate for consideration as a judge of the High Court. In addition, the nominee's affiliation with other associations demonstrated his commitment to duty and the enhancement of the functions of the Judiciary.

In view of the foregoing, the HRC supported the nominee's appointment as a judge of the High Court.

**(x) Mrs Alice Mipunga Ntambo Sitali**

The nominee had demonstrated experience both as defence counsel and a state advocate. Her experience would enhance the dispensation of justice in the Judiciary. Additionally, the nominee had undertaken post-graduate training, which added to her unique diversity of competence and skills. This made her a suitable candidate for consideration to serve as a judge of the High Court.

Her appointment would also help ensure the appointments complied with the gender requirement under Article 173 (1) (j) of the Constitution.

The HRC, thus, supported her appointment to serve as a judge of the High Court of Zambia.

**(xi) Mrs Marriam Mutebi Bah-Matandala**

The nominee had experience in several fields of the law, namely criminal, civil and administrative law. Further, with the High Court being divided into various specialised divisions, the nominee would add tremendous value to criminal justice in the country. In addition, the nominee's collaboration with the Judiciary in dealing with the backlog of cases through cause listing, better preparedness of cases, and reducing charges, where appropriate, had sharpened her case management skills, which was an important aspect of the justice system.

The HRC, therefore, supported the nominee's appointment to serve as a judge of the High Court.

### **FINANCIAL INTELLIGENCE CENTRE (FIC)**

**10.** The Director Legal and Policy FIC submitted that it had considered the legal provisions relating to the appointment of High Court judges and conducted a background check on the nominees on its database. She added that FIC's position on the appointments was based on Article 140 of the Constitution, which empowered the Republican President to appoint judges on the recommendation of the Judicial Service Commission. It was further based on Article 141 (1) (d), which provided the qualifications for appointment as a High Court judge.

She informed the Committee that a scrutiny of the nominees' *curricula vitae* revealed that all the nominees had the requisite qualifications to be appointed to serve as judges of the High Court.

The Director Legal and Policy further informed the Committee that pursuant to Article 133 of the Constitution, the establishment and composition of judges was to be prescribed. In that regard, section 5 of the Superior Courts (Number of Judges) Act No. 9 of 2016 provided for sixty (60) judges of the High Court. In view of the foregoing, the Director Legal and Policy hoped that the appointment of the nominees had taken into consideration the prescribed number of judges in the High Court.

The Director Legal and Policy proceeded to submit based on FIC's database and its findings on each of the nominees as set out below.

#### **(i) Mr Charles Kafunda**

The nominee was a director in two (2) companies namely Nachamu Enterprises Limited and Pantheon Plant and Supply Limited. Nachamu Enterprises Limited was incorporated in August 2010 while Pantheon Plant and Supply was incorporated in July 2011.

FIC had not found any adverse information in relation to the companies associated with the nominee or any pending suspicious transaction reports or criminal records pertaining to the nominee.

#### **(ii) Mr Joshua Banda**

The nominee was a shareholder in two (2) companies, namely, Tierra Feliz Investments Limited and Healing Wings Ministries Limited. Feliz Investments Limited was incorporated in October 2014 while Healing Wings Ministries Limited was incorporated in May 2009.

FIC had not found any adverse information in relation to the companies associated with the nominee or any pending suspicious transaction reports or criminal records pertaining to the nominee.

**(iii) Mrs Dorcas Munkombwe - Malama**

The nominee was not a shareholder in any company. In addition, there were no pending suspicious transaction reports or criminal records pertaining to the nominee.

**(iv) Mrs Twaambo Shalwindi Musonda**

The nominee was not a shareholder in any company. In addition, there were no pending suspicious transaction reports or criminal records pertaining to the nominee

**(v) Mr Daniel Musonda**

The nominee was not a shareholder in any company. In addition, there were no pending suspicious transaction reports or criminal records pertaining to the nominee.

**(vi) Mr John Harrison Mbuji**

The nominee was a shareholder in a company called Bankom Enterprises Limited that was incorporated in January 2008. FIC had not found any adverse information in relation to the company associated with the nominee or any pending suspicious transaction reports or criminal records pertaining to the nominee.

**(vii) Mr Willie Sinyangwe**

The nominee was a shareholder in a company called Witesi Limited. The company was incorporated in March 2010 and its nature of business was general trading.

FIC had not found any adverse information in relation to the company associated with the nominee or any pending suspicious transaction reports or criminal records pertaining to the nominee.

**(viii) Mrs Mwaaka Chigali Mikalile**

The nominee was a minority shareholder in a company called Pros on Cash Trading. She held 100 shares in the company, which was involved in the business of money lending. In 2014, FIC referred a matter relating to Pros on Cash Trading engaging in the money lending business without the requisite licence to the Drug Enforcement Commission (DEC) Anti – Money Laundering Investigations Unit for further investigations.

Apart from the adverse report relating to the company to which the nominee was associated, FIC had no further pending suspicious transaction reports or criminal records pertaining to her.

Upon seeking clarity from DEC on the report by FIC pertaining to the nominee, DEC confirmed that FIC had referred a matter relating to Pros on Cash Trading, an entity to which Mrs Mwaaka Chigali Mikalile was a minority shareholder, to the Anti-Money Laundering Investigations Unit of DEC for further investigations. The allegation was that the entity was engaged in a money lending business without the requisite licence.

Upon receipt of the report, DEC instituted investigations on the operations of Pros on Cash Trading. The investigations revealed that the company was registered in 2012 as a money lender under Certificate No. 2012/CRMP/ML/0057 and that it was operating under Section 4 of the Money Lenders Act, Cap. 398 of the Laws of Zambia. Further, at the material time, the company was operating under a renewed licence granted by the Subordinate Court of the First Class for the Lusaka District. In view of this, Pros and Cash Lending Company was cleared by the DEC and the investigations closed.

**(ix) Mr Lameck Mwale**

The nominee was not a shareholder in any company nor were there any pending suspicious transaction reports or criminal records pertaining to the nominee.

**(x) Mrs Alice Mipunga Ntambo Sitali**

The nominee was a director and shareholder in Ntamwali General Dealers Limited and Illmatic Limited. The companies were incorporated in September and October 2009, respectively.

FIC had not found any adverse information in relation to the companies associated with the nominee or any pending suspicious transaction reports or criminal records pertaining to the nominee.

**(xi) Mrs Marriam Mutebi Bah - Matandala**

The nominee was not a shareholder in any company. In addition, there were no pending suspicious transaction reports or criminal records pertaining to the nominee.

In conclusion, the Director Legal and Policy submitted that there were no adverse reports established against the nominees that would preclude them from serving as judges of the High Court.

**THE SOUTHERN AFRICAN CENTRE FOR THE CONSTRUCTIVE RESOLUTION OF DISPUTES (SACCORD)**

**11.** The Executive Director SACCORD informed the Committee that SACCORD had considered the legal provisions relating to the appointment of Judges of the High Court. He further submitted that SACCORD had also considered the qualifications and professional experiences of the nominees. In that regard he referred the Committee to Article 141 of the Constitution of Zambia which provided as follows:

*“141. (1) A person qualifies for appointment as a judge if that person is of proven integrity and has been a legal practitioner, in the case of the—*

- (a) Supreme Court, for at least fifteen years;*
  - (b) Constitutional Court, for at least fifteen years and has specialised training or experience in human rights or constitutional law;*
  - (c) Court of Appeal, for at least twelve years; or*
  - (d) High Court, for at least ten years.*
- (2) A person appointed as judge to a specialised court shall have the relevant expertise, as prescribed.”*

**(i) Mr Charles Kafunda**

The Executive Director submitted on the educational, professional and personal background of the nominee as stated in his *curriculum vitae*.

The Executive Director informed the Committee that SACCORD had noted that the nominee had a clear track record of vast work experience as he had served in different capacities in the Judiciary. He also stated that a background search conducted suggested that the nominee was a person of proven integrity.

The Executive Director, therefore, informed the Committee that SACCORD supported the appointment of the nominee as a judge of the High Court.

**(ii) Mrs Dorcas Munkombwe - Malama**

The Executive Director submitted on the educational, professional and personal background of the nominee as stated in her *curriculum vitae*.

The Executive Director informed the Committee that the nominee was a family person. He added that, as a woman, her appointment was necessary for the advancement of gender equality. He stated that the nominee had a clear track record of employment in the legal field. He also stated that a background search conducted on the nominee indicated that she was a person of proven integrity.

The Executive Director informed the Committee that the nominee possessed the necessary qualifications to serve as a judge of the High Court as she had practised law for more than ten (10) years.

The Executive Director, therefore, informed the Committee that SACCORD supported the appointment of the nominee as a judge of the High Court.

**(iii) Mr Joshua Banda**

The Executive Director submitted on the educational, professional and personal background of the nominee as stated in his *curriculum vitae*.

He informed the Committee that the nominee was a family person who had a clear track record of immense work experience in the Judiciary. He was, therefore, suitable to serve as a judge of the High Court. He also stated that the nominee possessed the relevant qualifications for appointment, in that he had practised law for more than ten (10) years.

The Executive Director, therefore, informed the Committee that SACCORD supported the appointment of the nominee as a judge of the High Court.

**(iv) Mrs Twaambo Shalwindi Musonda**

The Executive Director submitted on the educational, professional and personal background of the nominee as stated in her *curriculum vitae*.

The Executive Director informed the Committee that the nominee was a family person. He added that, as a woman, her appointment would be important in upholding gender equality in key positions. He stated that she had a clear track record of working in the legal field with many years of experience in the Judiciary. He further stated that, having practised law for more than ten (10) years, the nominee possessed the necessary qualifications for appointment as a judge of the High Court.

The Executive Director submitted that, in view of the foregoing, the nominee was suitable for appointment and, consequently, SACCORD supported her appointment as a judge of the High Court.

**(v) Mr Daniel Musonda**

The Chairperson submitted on the educational, professional and personal background of the nominee as stated in his *curriculum vitae*.

He informed the Committee that the nominee was a family person. He also stated that the nominee had a clear track record of work in the legal field and had worked at the Judiciary for many years. He informed the Committee that the nominee possessed the necessary qualifications for appointment as he had practised law for more than ten (10) years. Further, the Executive Director informed the Committee that a background search conducted on the nominee did not yield anything that suggested that he did not have personal integrity.

The Executive Director, therefore, informed the Committee that SACCORD supported the appointment of the nominee as a judge of the High Court.

**(vi) Mr John Harrison Mbuji**

The Executive Director submitted on the educational, professional and personal background of the nominee as stated in his *curriculum vitae*.

He further stated that the nominee was a family man and a person of proven integrity. He pointed out that the nominee had a traceable track record of work in the legal field and worked at the Judiciary for many years. He added that the nominee had practised law for more than ten (10) years and was, therefore, suitable for appointment as a judge of the High Court.

In view of the foregoing, the Executive Director informed the Committee that SACCORD supported the nominee's appointment.

**(vii) Mr Willie Sinyangwe**

The Executive Director submitted on the educational, professional and personal background of the nominee as stated in his *curriculum vitae*.

The Executive Director further informed the Committee that the nominee had a traceable track record of work in the legal field and had worked at the Judiciary for many years. He noted that the nominee had practised law for more than ten (10) years.

He also informed the Committee that the nominee was a family man and that a search conducted proved that he was a person of integrity.

In view of the foregoing, the Executive Director submitted that the nominee was suitable for appointment as a judge of the High Court and SACCORD supported his appointment.

**(viii) Mrs Mwaaka Chigali Mikalile**

The Executive Director submitted on the educational, professional and personal background of the nominee as stated in her *curriculum vitae*.

He further stated that the nominee had a traceable track record of work in the legal field and had served in the Judiciary for many years. He also noted that the nominee had practised law for more than ten (10) years. He further observed that the nominee was a family person and a woman whose appointment would be important in upholding gender equality in key positions.

The Executive Director, therefore, informed the Committee that the nominee was suitable for appointment as a judge of the High Court and that SACCORD supported her appointment.

**(ix) Mr Lameck Mwale**

The Chairperson submitted on the educational, professional and personal background of the nominee as stated in his *curriculum vitae*.

The Executive Director informed the Committee that the nominee had a traceable track record of work in the legal field and had served in various positions in the Judiciary for many years. He also observed that the nominee had practised law for more than ten (10) years. He further stated that the nominee was a family man and that a background search conducted on him proved that he was a person of integrity. The Executive Director, therefore, stated that the nominee was suitable for appointment as a judge of the High Court and SACCORD supported his appointment.

**(x) Ms Alice Mipunga Ntambo Sitali**

The Chairperson submitted on the educational, professional and personal background of the nominee as stated in her *curriculum vitae*.

He further stated that the nominee had a traceable track record of work in the legal field and had served in the public service for many years. He also noted that the nominee had and practised law for more than ten (10) years. He further observed that the nominee was a family person and a woman whose appointment would be important in upholding gender equality in key positions.

The Executive Director, therefore, informed the Committee that the nominee was suitable for appointment as a judge of the High Court and that SACCORD supported her appointment.

**(xi) Mrs Marriam Mutebi Bah – Matandala**

The Chairperson submitted on the educational, professional and personal background of the nominee as stated in her *curriculum vitae*.

He further stated that the nominee had a traceable track record of work in the legal field and had served in the public service for many years. He also noted that the nominee had and practised law for more than ten (10) years. He further observed that the nominee was a family person and a woman whose appointment would be important in upholding gender equality in key positions.

The Executive Director, therefore, informed the Committee that the nominee was suitable for appointment as a judge of the High Court and that SACCORD supported her appointment.

Finally, the Executive Director informed the Committee that SACCORD did not have any basis for not recommending any of the nominees, and that SACCORD supported the appointment of all the nominees to serve as judges of the High Court.

**THE NON-GOVERNMENTAL GENDER ORGANISATIONS' COORDINATING COUNCIL**

**12.** The Programmes Manager of the NGOCC observed that the participation of women in decision-making had remained low over the past fifty (50) years of Zambia's Independence. Several factors contributed to disadvantaging women over the years, which included the partial domestication of some international, continental and regional instruments on gender equality. She, however, submitted that, in accordance with Article 259 of the Constitution of Zambia, the NGOCC had recognised Government's efforts in achieving gender equality through its increased appointments of deserving women to positions of decision-making in public offices.

She further submitted that statistics indicated that the representation of female judges in the Supreme Court stood at thirty-one (31) percent, in the High Court at fifty-six (56) percent and in the Constitutional Court at fifty-six (56) percent. Therefore, as an institution dedicated to the advocacy of gender-balanced representation, it was in constant consultations with the Government and its agencies to ensure that policies that promote gender equality were formulated and implemented.

The Programmes Manager explained that the NGOCC's recommendations in relation to the nominees were based on the information gathered through its member organisations working in the legal fraternity that had closely worked with the nominees. In addition, that a scrutiny of the nominees' *curricula vitae* was conducted and the findings were as set out below.

**(i) Mrs Dorcas Munkombwe-Malama**

The nominee had the requisite qualifications for the position. In particular, having served in various portfolios, the nominee had acquired vast legal experience. The nominee had worked with women-focused entities such as the National Legal Aid

Clinic for Women and, thus, understood the challenges faced by Zambian women in seeking justice before the courts of law.

In view of the foregoing, NGOCC supported the appointment of the nominee to serve as a High Court judge.

**(ii) Mrs Twaambo Shalwindi Musonda**

The nominee had the requisite qualifications for the position of High Court judge. Additionally, the nominee had acquired immense legal experience and understanding of the judicial system in Zambia. This was as a result of her serving in both private and public offices, and the judiciary as a magistrate, and as a Research Assistant at the High Court.

The nominee equally understood the situation of Zambian women and the challenges that they faced in seeking justice before the courts of law.

In view of the foregoing, NGOCC supported the appointment of the nominee to serve as a High Court judge.

**(iii) Mrs Mwaaka Chigali Mikalile**

The nominee had the requisite qualifications and experience for appointment as High Court judge. Having served in various portfolios, the nominee understood the situation and challenges faced by Zambian women in seeking justice before the courts of law.

In view of the foregoing, NGOCC supported the appointment of the nominee as a High Court judge.

**(iv) Mrs Alice Mipunga Ntambo Sitali**

The nominee had the requisite qualifications and experience for appointment as a High Court judge. Having served in various portfolios, the nominee understood the situation and challenges faced by Zambian women in seeking justice before the courts of law.

In view of the foregoing, NGOCC supported the appointment of the nominee as a High Court judge.

**(v) Mrs Marriam Mutebi Bah - Matandala**

The nominee had the requisite qualifications having had at least fifteen (15) years of practical work experience in the legal profession with a balanced exposure to both public and private sector environments.

NGOCC, therefore, supported the appointment of the nominee as a High Court judge.

## **TRANSPARENCY INTERNATIONAL ZAMBIA (TIZ)**

**13.** The Executive Director TIZ began his submission by emphasising the importance of judicial independence and the key role that the Judiciary plays in the dispensation of justice. The Executive Director then submitted that as a result of the foregoing, it was important that competent, ethical and accountable persons occupied the position of judge.

The Executive Director further submitted that in line with its standard procedure, TIZ conducted an assessment of the nominees and made recommendations accordingly. The Executive Director submitted that TIZ assessed the nominees using the following criteria:

### **1.1. International Standards**

The Executive Director submitted that TIZ had recourse to the Bingham Centre for the Rule of Law (2015) and the Commonwealth Latimer House Principles. TIZ informed the Committee that the Latimer House Principles recognised that in order to uphold the rule of law and dispense justice, the Judiciary ought to be independent, impartial, honest and competent. It was further submitted that the Latimer Principles required that judges should be appointed on the basis of clearly defined criteria and by a publicly declared process, in order to ensure transparency. In that regard, the Executive Director submitted that the public needed to be informed of the characteristics that qualify persons for judicial office and the procedures that were followed when an individual applied for, or was considered for appointment.

### **1.2. Constitutional Requirements**

The Executive Director submitted that the qualifications for appointment of High Court judges was provided for under Article 141 (1) (d) of the Constitution.

### **1.3. Academic and Professional Qualification**

The Executive Director submitted that TIZ also examined whether the nominees possessed the requisite theoretical and practical knowledge necessary for performing judicial functions. In that regard, he submitted that TIZ evaluated the nominees' practical knowledge.

### **1.4. Competence**

The Executive Director submitted that competence was established based on the skills one possessed in order to perform the judicial function. The nominees, therefore, needed to possess the requisite knowledge, expertise, practise and skills necessary to efficiently apply legal knowledge in resolving court cases. He further submitted that persons to be appointed as judges were also required to have self-control, a sense for cooperation with colleagues and cultured behaviour.

#### **1.4. Worthiness**

The Executive Director stated that worthiness referred to ethics and the manner in which a person to be appointed as judge ought to conduct himself or herself. In that regard, he submitted that a nominee for appointment as judge ought to possess qualities such as honesty, conscientiousness, equity, dignity, persistence and exemplarity.

In line with the above criteria, the Executive Director submitted on the suitability of each nominee as set out below.

##### **(i) Mr Charles Kafunda**

The nominee was a qualified legal practitioner, with more than sixteen (16) years experience in the legal fraternity. However, TIZ was unable to ascertain the nominee's competence to perform judicial functions as his *curriculum vitae* did not sufficiently set out his achievements or skills. Nonetheless, it was TIZ's view that the nominee was worthy of appointment as he possessed the requisite ethical qualities of honesty, dignity and exemplarity.

TIZ was, therefore, of the view that the nominee was suitable for appointment to serve as a judge of the High Court as he met all the necessary criteria, as evidenced by his *curriculum vitae*.

##### **(ii) Mr Joshua Banda**

The nominee was a qualified legal practitioner, with more than fifteen (15) years experience in the legal fraternity. He also possessed the relevant experience in legal research and was competent to execute judicial functions based on his *curriculum vitae*. The nominee was worthy of appointment as he possessed the requisite ethical qualities of, *inter alia*, honesty, conscientiousness and dignity.

The nominee was suitable for appointment to serve as a judge of the High Court as he met all the necessary criteria.

##### **(iii) Mrs Dorcas Munkombwe Malama**

The nominee was a qualified legal practitioner, with more than eighteen (18) years experience in the legal fraternity. He possessed the relevant experience in legal research and was competent to execute judicial functions. However, her *curriculum vitae* did not provide adequate information regarding her achievements. Nonetheless, the nominee possessed a high level of decision-making skills, while maintaining a professional and calm demeanour.

The nominee was suitable for appointment to serve as a judge of the High Court as she met all the necessary criteria, as evidenced by her *curriculum vitae*.

##### **(iv) Mrs Twaambo Shalwindi Musonda**

The nominee was a qualified legal practitioner, with more than fourteen (14) years experience in the legal fraternity. She also possessed the relevant experience as

illustrated by her progression within the ranks of the Subordinate Courts structure. The nominee was competent to perform judicial functions as her *curriculum vitae* had demonstrated her strong dedication, application of skills and competence to handle complicated matters. Lastly, the nominee's achievements illustrated that she possessed a high level of decision-making skills, while maintaining a professional and calm demeanour.

The nominee was suitable for appointment to serve as a judge of the High Court as she met all the necessary criteria, as evidenced by her *curriculum vitae*.

**(v) Mr Daniel Musonda**

The nominee was a qualified legal practitioner, with more than fourteen (14) years experience in the legal fraternity. He was competent to perform judicial functions as his *curriculum vitae* demonstrated that he possessed a deep understanding of criminal and civil procedure and was, therefore, prepared for a position leading to major responsibilities. The nominee's achievements also illustrated that he possessed knowledge in interpreting technical terms and procedures, was of sound, unbiased judgment and was a person of high integrity.

The nominee was, therefore, suitable for appointment to serve as a judge of the High Court as he met all the necessary criteria, as evidenced by his *curriculum vitae*.

**(vi) Mr John Harrison Mbuji**

The nominee was a qualified legal practitioner, with more than fourteen (14) years experience in the legal fraternity. He was competent to perform judicial functions as his *curriculum vitae* demonstrated that he possessed the relevant qualities to efficiently apply legal knowledge in resolving court matters. Additionally, his career progression within the Subordinate Court had demonstrated his ability to handle court cases. Further, the nominee was ethical, respectful and a person of high integrity.

The nominee was suitable for appointment to serve as a judge of the High Court as he met all the necessary criteria, as evidenced by his *curriculum vitae*.

**(vii) Mr Willie Sinyangwe**

The nominee was a qualified legal practitioner, with more than twenty (20) years experience in the legal fraternity. He also possessed the relevant experience as illustrated by his career progression. The nominee was competent to perform judicial functions as his *curriculum vitae* demonstrated that he possessed a deep understanding of criminal and civil procedure and was prepared for a position leading to major responsibilities. The nominee's career progression also demonstrated his ability to handle court cases. Additionally, his achievements illustrated that he possessed a high level of decision-making skills, while maintaining a professional and calm demeanour. Further, the nominee was ethical, respectful and a person of high integrity.

The nominee was, therefore suitable for appointment to serve as a judge of the High Court as he met all the necessary criteria, as evidenced by his *curriculum vitae*.

**(viii) Mrs Mwaaka Chigali Mikalile**

The nominee was a qualified legal practitioner with more than twelve (12) years experience in the legal fraternity. She possessed the relevant experience and expertise, having risen through the ranks within the Subordinate Court structure. The nominee was competent to perform judicial functions as her *curriculum vitae* demonstrated that she was dedicated and could handle complicated matters. Additionally, she had vast experience, was ethical, respectful and a person of high integrity.

The nominee was, thus, suitable for appointment to serve as a judge of the High Court as she met all the necessary criteria, as evidenced by her *curriculum vitae*.

**(ix) Mr Lameck Mwale**

The nominee was a qualified legal practitioner, with more than fifteen (15) years experience in the legal fraternity. The nominee was a member of four (4) legal professional bodies and possessed the relevant experience and expertise, having risen through the ranks within the Subordinate Court structure. He was competent to perform judicial functions as his *curriculum vitae* demonstrated that he possessed the skills to efficiently and operationally apply legal knowledge in resolving court matters. In addition, the nominee had vast experience, was ethical, respectful and a person of high integrity.

The Executive Director, therefore, submitted that the nominee was suitable for appointment to serve as a judge of the High Court as he met all the necessary criteria, as evidenced by his *curriculum vitae*.

**(x) Mrs Marriam Mutebi Bah - Matandala**

The nominee was a qualified legal practitioner, with more than fourteen (14) years experience in the legal fraternity. She was competent to perform judicial functions as her *curriculum vitae* demonstrated that she had developed litigation skills, had shown the ability to adhere to strict deadlines and could work both independently or as part of a team. The nominee was worthy of appointment as she possessed strong and effective analytical skills, was an excellent legal drafter and was able to work in a legal institution. Additionally, the nominee had vast experience, was ethical, respectful and a person of high integrity.

The nominee was, thus, suitable for appointment to serve as a judge of the High Court as she met all the necessary criteria, as evidenced by her *curriculum vitae*.

**JUDICIAL SERVICE COMMISSION (JSC)**

**14.** The Chairperson of the JSC submitted that the JSC was mindful of the obligation of Article 259 of the Constitution and, therefore, it strived to achieve a national character of the higher bench by ensuring that the appointments reflected gender balance and regional representation.

On the aspect of gender representation, he explained that, currently, the bench had fifty-three (53) percent female judges and forty-seven (47) percent male judges. He

further explained that, in terms of regional balancing, the Commission had not complied with the constitutional requirement. He added that only the Copperbelt province did not have representation on the higher Bench. He was, however, hopeful that, in future, the Constitutional requirement of regional representation would lose its significance because of inter-marriages.

In addition, he explained that currently the Judiciary had differently abled judges on the Bench and that the JSC had no policy to discriminate against such candidates. Further, that all candidates were subjected to a rigorous process without discrimination.

The Chairperson explained that before inviting any candidate for interviews, the Commission consulted all the investigative agencies and other stakeholders such as the Law Association of Zambia. The Commission received written reports from all the investigative agencies containing their findings. Therefore, only those who had no adverse report were considered. In this regard, there were no active cases against the nominees known to the JSC.

The Chairperson, subsequently, submitted on each of the nominees as set out below.

**(i) Mr Charles Kafunda**

The nominee was an experienced adjudicator and administrator. In addition, he was mature and had delivered in his various roles.

In that regard, he was suitable to hold the high office of judge of the High Court.

**(ii) Mr Joshua Banda**

As an adjudicator and supervisor, the nominee had demonstrated his integrity, good interpersonal relations, competence and impartiality. Further, the nominee was eager to learn and improve his capabilities as demonstrated by the number of short courses he had attended and how he navigated his career from the teaching profession to law. Additionally, the nominee had conducted a lot of cases in his adjudicative career and, therefore, could not have difficulties settling in the High Court.

The JSC, therefore, supported the ratification of the nominee in the position of High Court judge.

**(iii) Mrs Dorcas Munkombwe-Malama**

Before joining the Judiciary, the nominee served as an Advocate in several organisations where she acquired management, litigation and conflict resolution competences that she brought to the Judiciary. In addition, she had exhibited high levels of maturity, professionalism and impartiality. She was further was an effective supervisor.

In this regard, the nominee was suitable for appointment to the revered position of High Court judge.

**(iv) Mrs Twaambo Shalwindi Musonda**

The nominee had acquitted herself well in the various capacities she had served in the Judiciary and had exhibited high integrity, competence, impartiality, maturity, good supervisory skills and had the relevant adjudicative experience, having handled several cases at Subordinate Court and High Court levels.

In that regard, the nominee was suitably qualified for appointment to the position of judge of the High Court.

**(v) Mr Daniel Musonda**

The nominee had shown high levels of discipline in the Judiciary as a result of his background in the police. In addition, he was mature, impartial, of high integrity, competent and professional. He was also a virtuous supervisor and had a pleasant personality.

Having been an adjudicator for several cases, including handling high profile cases for some years in the Subordinate Court Bench and at High Court level as District Registrar, the nominee was suitably qualified to occupy the high office of judge of the High Court.

**(vi) Mr John Harrison Mbuzi**

The nominee was an impeccable judicial officer as he had conducted himself well in his roles as administrator and adjudicator over the years. In addition, he was highly disciplined, impartial, reliable, mature and professional, of high integrity, competent and possessed the requisite legal experience.

In that regard, the JSC supported his appointment to serve as a judge of the High Court.

**(vii) Mr Willie Sinyangwe**

The nominee had worked for a number of years in the service of the Judiciary as an adjudicator and administrator with loyalty, integrity, impartiality and professionalism. As a very mature and refined administrator, he was identified to occupy the office of Sheriff of Zambia. During his years as an adjudicator, the nominee had occasion to deal with high profile cases which he handled competently and professionally.

In this regard, with his vast legal experience, the nominee was suitably qualified to occupy the office of High Court judge.

**(viii) Mrs Mwaaka Chigali-Mikalile**

The nominee had handled a lot of cases, including high profile ones with impartiality and professionalism. Further, she was mature, understood boundaries when it came to social relations and had demonstrated her good supervisory skills on and off the bench. Additionally, the nominee was competent and had the relevant legal and work

experience that made her suitably qualified to occupy the position of judge of the High Court.

**(ix) Mr Lameck Mwale**

The nominee understood both the adjudication and litigation sides of legal practice. As a judicial officer, the nominee had acquitted himself well in his duties and this had seen him rise through the judicial ranks. In addition, in his adjudicative function, the nominee had had the privilege of handling all types of cases, including high profile ones which he had handled professionally and impartially.

The nominee had demonstrated strong leadership qualities and maturity. His personality, integrity and legal experience made him fit to occupy the position of judge of the High Court.

**(x) Mrs Alice Mipunga Ntambo Sitali**

The nominee had held various portfolios in the Judiciary which had enabled her gain knowledge and experience in understanding the adjudication process and judgment writing. In addition, she had acquired the analytical skill needed to arrive at an impartial decision.

Prior to serving in the Judiciary, the nominee had worked in the Legal Aid Department where she had acquired vast experience in both criminal and civil cases as both defence and prosecuting counsel.

In that regard, the Chairperson submitted that he was confident that the nominee possessed the relevant legal qualifications, experience, competence, integrity, professionalism and maturity to serve as a judge of the High Court.

**(xi) Mrs Marriam Mutebi Bah-Matandala**

Having spent her career in the Government as a State Advocate, the nominee had experience in both civil and criminal litigation and had had good exposure in all areas of law relevant to the discharge of duties of Judge of the High Court. Further, the nominee had also been an effective supervisor. In addition, she was professional, competent, of integrity and mature.

In that regard, JSC had no reservation in submitting that the nominee was suitable for appointment to the rank and dignity of judge of the High Court.

In conclusion, the Chairperson submitted that all the nominees had extensive and relevant legal experience, to serve as puisne judges of the High Court of Zambia in accordance with Article 141(1) (d) of the Constitution of Zambia. In that regard, he recommended their ratification, severally and collectively.

**JUDICIAL COMPLAINTS COMMISSION (JCC)**

**15.** The Chairperson of the JCC submitted on each of the nominees as set out below.

**(i) Mr Charles Kafunda**

The JCC had no adverse report against the nominee.

The nominee possessed the requisite qualifications for appointment as a judge of the High Court and, therefore, the JCC had no objection to the nominee's appointment.

**(ii) Mr Joshua Banda**

The JCC had one adverse report against the nominee in its records. This concerned a complaint lodged by Bonaventure Chimbini and Ruth Chewe Kalaba, arising from consolidated case numbers 2016/HN/399 and 2017/HN/053. The complaint related to an inordinate delay, of over four (4) years, by the nominee, in rendering a ruling. The investigations into the matter revealed that the ruling delayed partly because the nominee had misplaced the record. In this regard, the JCC found the loss of the record on the part of the nominee indicative of dereliction of duty, as he had not safeguarded the record that was in his custody.

The Chairperson informed the Committee that as a remedial measure, it wrote to the Chief Justice over the matter and it received assurance that internal remedial steps had been taken by the Judiciary. In this regard, he submitted that based on that assurance, the JCC supported the nominee's appointment as a judge of the High Court.

**(iii) Mrs Dorcas Munkombwe Malama**

The JCC had no adverse report against the nominee. Additionally, the nominee had the requisite experience for appointment as a judge of the High Court and, therefore, the JCC supported her appointment.

**(iv) Mrs Twaambo Shalwindi Musonda**

The JCC had no adverse report against the nominee. Additionally, the nominee had the requisite experience for appointment as a judge of the High Court and, therefore, the JCC supported her appointment.

**(v) Mr Daniel Musonda**

The JCC had no adverse report against the nominee. Additionally, the nominee had the requisite experience for appointment as a judge of the High Court and, therefore, the JCC supported his appointment.

**(vi) Mr John Harrison Mbuji**

The JCC had no adverse report against the nominee. Additionally, the nominee had the requisite experience for appointment as a judge of the High Court and, therefore, the JCC supported his appointment.

**(vii) Mr Willie Sinyangwe**

The JCC had one adverse report against the nominee, arising from a complaint by Mercy Kunda relating to case number 2008/SC/052. The complainant had asserted that the nominee had an interest in the matter, was biased and had discriminated against her, contrary to the provisions of the Judicial (Code of Conduct) Act.

After investigating the matter, the JCC found that the allegations against the nominee were proven and recommended his removal as a Magistrate by the Judicial Service Commission.

The JCC received assurance from the JSC that following its internal proceedings, there was no basis for the removal of the nominee from the bench. Consequently, the JCC supported the nominee's appointment as a judge of the High Court.

**(viii) Mrs Mwaaka Chigali Mikalile**

The JCC had one adverse report against the nominee arising from a complaint lodged by Josephine Muwani, relating to a delay of proceedings. The matter had stalled for over ten (10) years before the nominee transferred it to the High Court at the 1<sup>st</sup> Defendant's instance.

Having found that the delay was inordinate, the JCC wrote to the Chief Justice as a remedial step. In response, the Judiciary assured the JCC that it had taken internal remedial steps. The JSC had assured the JCC that there was an improvement in the nominee's performance. Based on that assurance, the JCC supported the nominee's appointment as a judge of the High Court.

**(ix) Mr Lameck Mwale**

The JCC had no adverse report against the nominee. Additionally, the nominee had the requisite experience for appointment as a judge of the High Court and, therefore, the JCC supported his appointment.

**LAW ASSOCIATION OF ZAMBIA (LAZ)**

**16.** The President LAZ submitted that members of the Council of LAZ, with the help of State Counsel had scrutinised the suitability of all the nominees. The President pointed out that the scrutiny had revealed that the nominees were very senior legal practitioners who qualified to be appointed to serve as High Court judges.

The President implored the Committee to emphasise and remind all the nominees that during their performance of judicial functions, they should be guided by the principles provided under Article 118 of the Constitution of Zambia, which provide as follows:

*"118. (1) ...*

*(2) In exercising judicial authority, the courts shall be guided by the following principles:*

*(a) justice shall be done to all, without discrimination;*

*(b) justice shall not be delayed;*

- (c) adequate compensation shall be awarded, where payable;
- (d) alternative forms of dispute resolution, including traditional dispute resolution mechanisms, shall be promoted, subject to clause (3);
- (e) justice shall be administered without undue regard to procedural technicalities; and
- (f) the values and principles of this Constitution shall be protected and promoted."

In that regard, the President submitted that LAZ supported the appointment of all the nominees to serve as High Court judges because there was no adverse report against any of them.

## **SUBMISSIONS BY THE NOMINEES**

### **(i) Mr Charles Kafunda**

**17.** The nominee informed the Committee about his personal, academic and professional background as contained in his *curriculum vitae*.

He further informed the Committee of his vast experience as an adjudicator. He stated that after being admitted to the Zambian Bar, he was appointed as the magistrate in charge at Choma District. He further stated that he rose through the ranks of the Subordinate Court until he was appointed as Deputy Director of the Subordinate Courts and Deputy Registrar of the High Court in 2011.

The nominee further informed the Committee that in 2012, he was appointed as Deputy Director at the Lusaka High Court. The Committee learnt that the nominee steadily ascended through the ranks of the High Court until he was appointed to his current position as Chief Registrar of the Judiciary and Director of Court Operations. He explained that his current responsibilities were administrative and entailed supervision of Registrars and enforcement of discipline, in order to ensure that the Judiciary operated smoothly. In this regard, he believed that he was a seasoned adjudicator. He further submitted that he was a peer educator and that he would, therefore, use the skill to assist others in various respects.

The nominee explained that, as a judge, it was important for one to be open and willing to take constructive criticism. He added that, as the supervisor of subordinate courts, the High Court had the duty to correct any misconceptions about the Judiciary by allowing parties to complain, be heard and ensure that they were not punished for complaining.

The nominee submitted that one of the issues that surrounded access to justice was case management. He added that he had overseen the launching of various courts, even in places with no proper infrastructure, in his quest to ensure that all Zambians had access to justice. In that regard, he submitted that he would ensure that matters were concluded on time so as to avert backlogs and that he would be available to serve in any part of Zambia where his services would be required.

**(ii) Mr Joshua Banda**

**18.** The nominee informed the Committee about his personal, academic and professional background as contained in his *curriculum vitae*.

He submitted on his vast experience as an adjudicator. The nominee further submitted that after being admitted to the Zambian Bar, he was appointed as Resident Magistrate in 2006. He stated that he rose through the ranks of the Subordinate Court until he was appointed as Chief Resident Magistrate in 2011. In that regard, the nominee informed the Committee that, as an adjudicator who had presided over civil and criminal cases since 2006, he possessed sufficient experience. He added that if ratified, he would continue to be impartial, as he had been throughout his career as an adjudicator. He explained that the principle of impartiality ensured that a judicial officer treated litigants fairly regardless of their status in life. He further pointed out that he was a very tolerant person and, as a result, managed to handle emotionally charged litigants.

The Committee was informed that, if ratified, the nominee would ensure that access to justice for the indigent would be enhanced through the initiative of stationing a lawyer and paralegal desk at the court by the Judiciary. He also said that he believed that justice should never be sold to the highest bidder and that adjudicators should not succumb to corruption.

**(iii) Mrs Dorcas Munkombwe - Malama**

**19.** The nominee informed the Committee about her personal, academic and professional background as contained in her *curriculum vitae*.

She submitted on her vast experience as an advocate having served in various institutions and portfolios. She informed the Committee that she had worked as an advocate at the National Legal Aid Clinic for Women, an Advocate and Registrar at the Luanshya Municipal Council, Legal Counsel at the Copperbelt University and Legal Counsel for Access Bank (Zambia) Limited.

The nominee informed the Committee that she joined the Judiciary in 2013 when she was appointed as a Senior Research Advocate in the Supreme Court of Zambia. She added that from 2013 to 2016 she worked as Senior Research Advocate in the Constitutional Court of Zambia and that she was currently serving as Registrar of the Constitutional Court. In that regard, the nominee explained that she had sufficient experience that she had acquired during her nineteen (19) years of practise as an advocate. She explained that having worked as legal counsel, she had learnt how to manage tempers. She further added that, as a legal practitioner, she was trained to be impartial and not to attach herself to any of her client's cases and that those attributes would assist her in the execution of her judicial functions.

The Committee was further informed that the nominee had also acquired additional skills in her interaction with a number of judges such as skills on case management and progression, which she would utilise to her advantage. Additionally, she had learnt skills that would assist her in disposing of matters expeditiously. As such, she

had learnt the art of drafting judgments, which would assist her in rendering *ex tempore* judgments so as to reduce the burden of drafting lengthy judgments.

In conclusion, she stated that she understood that, as a judge, her duty would be to render a service to the people.

**(iv) Mrs Twaambo Shalwindi Musonda**

**20.** The nominee submitted on her personal, educational and professional background as stated in her *curriculum vitae*.

She further submitted that having worked in both public and private practice, she believed she had acquired sufficient experience, particularly, in the aspect of drafting judgments and determining matters. She added that the role of judge would come with its advantages, such as support staff, which she did not have in her previous roles. This would assist her in the determination of matters and the delivery of judgments.

She further stated that the Constitution compelled her to be accountable to the Zambian people on whose behalf the Judiciary dispensed justice.

The nominee pointed out that, as a judge, her role would be to work and deliver judgments impartially on behalf of the Zambian people. She explained that she was well versed with the tenets of the Judiciary as provided in the Judicial (Code of Conduct) Act. This helped her maintain independence and impartiality in the dispensation of justice. In addition, she would be expected to exhibit the highest level of integrity as a judge on and off the bench.

In conclusion, she stated that she would not allow political interference or any other form of inducement to affect the delivery and outcome of judgments and that this could be seen from the manner she had adjudicated as a Magistrate.

**(v) Mr Daniel Musonda**

**21.** The nominee informed the Committee about his personal, academic and professional background as contained in his *curriculum vitae*.

He submitted that he began his professional career as a Cadet Assistant Superintendent in the Zambia Police Service in 1996. He further submitted that he rose through the ranks of the Zambia Police Service until he was promoted to the rank of Chief Superintendent of Police and also served as Senior Legal Officer, between 2004 and 2006.

The nominee submitted that in 2007, he was appointed as Resident Magistrate at the Mansa Subordinate Court, where he served for two (2) years. He added that he progressed through the ranks of the Subordinate Courts in various jurisdictions, until he was appointed to his current position of Principal Resident Magistrate at the Kabwe Subordinate Court and District Registrar of the Kabwe High Court.

He further informed the Committee that since he joined the Judiciary, he had been privileged to attend a number of training programmes which enhanced his capabilities as an adjudicator. These included training in child witnesses and an induction course for magistrates. He stated that he was a dedicated person, who enjoyed the work that he did. He added that he was God-fearing and compassionate. He submitted that although he was an approachable person, he was not outgoing which would assist him execute his judicial functions in an impartial manner. This was because this trait would assist him avoid situations which could compromise his integrity. He submitted that he had served as an adjudicator for fourteen (14) years, with diligence and that he was committed, compassionate, and impartial and that, if ratified, he would dispense justice with mercy.

**(vi) Mr John Harrison Mbuzi**

**22.** The nominee informed the Committee about his personal, academic and professional background as contained in his *curriculum vitae*.

He further informed the Committee that between 2004 and 2006 he had served as an Officer Cadet and Legal Officer in the Zambia Army, with his main responsibility being to render legal opinions to the Army Command.

He explained that after he left the Army, he was appointed as a Magistrate Class II at the Luanshya Subordinate Court. The nominee submitted that he ascended the ranks of the Subordinate Court until his appointment as Chief Resident Magistrate of the Ndola Subordinate Court, the position he currently held. He submitted that he had gained a wealth of experience. He stated that, as an adjudicator, he was guided by the Constitution and the Judicial (Code of Conduct) Act in the discharge of his duties. He added that he possessed good case management skills and a strong belief in God, which would help him uphold his integrity.

The nominee pointed out that, if ratified, he would ensure that he attended to matters referred to the High Court for sentencing without requesting them to be typed, as per procedure in criminal matters. He explained that, in some instances, what delayed matters was the requirement to have all matters being referred from the Magistrate's Court to the High Court typewritten. With regard to civil matters, he stated that he would allocate time in the morning before sessions began to dispose of any interlocutory applications.

**(vii) Mr Willie Sinyangwe**

**23.** The nominee informed the Committee about his personal, academic and professional background as contained in his *curriculum vitae*.

He further submitted on his vast experience as an adjudicator. The nominee submitted that upon completion of his secondary school, he joined the Judiciary and it had been responsible for building his educational career till he was admitted to the Zambian Bar. He further submitted that he rose through the ranks of the Subordinate Court until he was appointed as Registrar of the High Court. In that regard, the nominee informed the Committee that he possessed reasonably sufficient experience as an

adjudicator who had presided over civil, criminal and interlocutory matters in Chambers, respectively.

The nominee informed the Committee that he would continue to be impartial, as he had been throughout his career as an adjudicator. He pointed out that the principles of fairness, diligence and firmness had been taught to him from school as a lawyer and through practice as an adjudicator. He further stated that throughout his practice as a lawyer and an adjudicator, he had mastered how to be impartial when deciding on matters and to exhibit the highest level of impartiality without fear or favour.

He submitted that he was alive to the fact that people who sought the Court's intervention either in criminal or civil cases had no luxury of time by their side, but required rulings and judgments delivered with urgency. He added that that was an art he had mastered while serving in his previous and current appointments. He further submitted that from his record as Registrar, he had delivered rulings on interlocutory matters without any adjournments, unless the issues went outside points of law. He added that he had managed to decide on matters while handling administrative issues at the same time. Therefore, he was confident that he would deliver rulings and judgments quicker as he would no longer be attending to the administrative side of work as a result of the assistance of the support staff that came with the appointment.

The nominee finally submitted to the Committee that in his thirty (30) years as an adjudicator, he had served in different positions with diligence and dignity. He submitted that the Judiciary was his home as it was responsible for his higher education qualifications and he felt he owed it to the institution and the people of Zambia to serve them. He added that he had never been charged for any offence in his entire career and would ensure to maintain that high level of discipline when ratified.

**(viii) Mrs Mwaaka Chigali Mikalile**

**24.** The nominee informed the Committee about her personal, academic and professional background as contained in her *curriculum vitae*.

She submitted on her vast experience as an advocate having served in various institutions and portfolios. She informed the Committee that she joined the Judiciary as a Magistrate Class II and rose to the position of Principal Resident Magistrate in 2014. In addition, she served as the District Registrar at the High Court, which exposed her to adjudication of civil matters relating to interlocutory applications. The Committee was further informed that the nominee was the Chairperson of the Child Justice Forum that considered the interest of children who came into conflict with the law. She added that the Forum had assisted in improving the juvenile child justice system in the country and that it composed of the Zambia Police, Zambia Correctional Service, National Prosecution Authority, Social Welfare and international organisations such as the United Nations Children's Fund (UNICEF), among others. Additionally, she had participated in the Diversion Plot Project in Kabwe, Lusaka and Ndola, which handled matters of channelling children from the court system at inception and integrating them into society. She noted that with such programmes, the traffic of children appearing before courts had reduced.

The nominee pointed out that she was a member of the Zambia Association of Women Judges and the Magistrates Association that accorded her an opportunity to attend symposiums where women judges spoke of matters affecting the Judiciary and solutions in various jurisdictions. The Committee was further informed that the nominee had handled one hundred and fifty (150) cases in a year, thus, bringing the total number of cases she adjudicated on to over two thousand (2, 000). She explained that currently, she had a total of thirty (30) cases pending disposal. She added that the emergence of the Covid-19 pandemic had affected her work leading to some delays. She submitted that the statistics released at the Subordinate Court placed her at the top for being the highest in disposing of cases in criminal matters at sixty-five (65) percent and at fifty-three (53) percent in civil matters. She informed the Committee that the second highest magistrate stood at fifty-two (52) percent and forty-nine (49) percent, respectively.

The nominee concluded by stating that she was hardworking, passionate about her job and that she had served thirteen (13) years at the lower Bench, seven of which were also served at the High Court as Registrar. She added that her exposure had prepared her for the life of a judge and that she was ready to serve on the higher bench.

The nominee informed the Committee that, as a judge, people's lives would be in her hands. Therefore, it would be her responsibility to dispense justice efficiently and free from any interference. She added that justice should not only be done but it must be seen to be done. In that regard, it was important for the public to have confidence in the justice system regardless of status.

On delayed judgments, the nominee explained that it was never her habit to delay cases in her thirteen (13) years as a magistrate. She added that if there was any delay, it was because of delays arising from other players such as lawyers or litigants absenting themselves. Additionally, she apprised the Committee of the operationalisation of Statutory Instrument No. 58 of 2020, which mandated judges to ensure that judgments were delivered within prescribed timelines. She stated that that was a positive development that would eliminate *laissez faire* attitudes from role players. In that regard, she intended to apply her work ethics at the High Court. She informed the Committee that she believed that one should never leave work for the next day and where any was left, it was because it was beyond her control.

The nominee further submitted that she would work extra hard and diligently, as the expectations were high at the higher Bench. With regard to political interference, she stated that she had never experienced any, but, if she did, she would undertake to reject it and escalate the interference to the judge-in-charge or the Chief Justice. She explained that she would also avoid interfacing with the litigants.

Finally, the nominee addressed the Committee on an allegation that was levelled against a company where she was a shareholder. The nominee submitted that she was not an active participant in the running of Pros on Cash Trading Company, as her work was demanding. She added that the matter was brought to her attention and she made efforts to find out what the issue was regarding the company. She explained that the issue involved an individual who had guaranteed the title to the property as collateral on behalf of another individual who obtained a loan from the company. Further, that failure to offset the loan resulted in the potential seizure of the property,

which resulted in the complaint against the company. She informed the Committee that as her name was on record as being a shareholder, she had to undertake to ensure that the company annually renewed its licence to avoid her career being jeopardised. In this regard, she added that she believed the investigative wings were competent to ensure that there was no illegality with regard to the company.

**(ix) Mr Lameck Mwale**

**25.** The nominee submitted on his personal, educational and professional background as stated in his *curriculum vitae*.

He added that before joining the lower Bench in 2010, he had worked in private practice. He explained that he played an administrative role in his capacity as Chief Resident Magistrate in Western Province between 2016 and 2019. He stated that when he was transferred to Western Province, the court system was unsatisfactory in terms of access to justice. He added that the court sittings were usually scheduled for 11:00 hours and all stakeholders were complacent. He stated that with his arrival, he enhanced justice delivery and court began at 09:00 hours. He added that he installed discipline among officers in the Judiciary. He further submitted that this resulted in management of the Judiciary recognising his skills and moving him to Lusaka, to stir the busiest subordinate court in the country.

The Committee was informed that in 2016, he was accorded an opportunity to serve as District Registrar at the High Court and consequently, he was confident that the appointment was not misplaced as he had the necessary experience and skill required to discharge the functions of judge.

On the issue of delayed judgments in most courts, the nominee stated that there had been complaints concerning delayed judgments, but that this issue was being addressed with the introduction of Statutory Instrument No. 58 of 2020, an amendment to the High Court Rules, where timelines were prescribed within which judges were expected to deliver judgments. In that regard, he undertook to ensure that he implemented and enhanced judicial delivery of judgments within the prescribed timelines. He explained that judges were not beyond reproach if they went against the rules because complaints against judges could be lodged with the JCC.

On the indigent accessing justice, the nominee stated that the court was empowered by the Legal Aid Act to direct such individuals to the Legal Aid Board for representation. He added that this was a practice he was administering in his current position. He explained that access to justice should not be for Lusaka residents only, but for everyone across the country. In that regard, he was ready to render his services wherever they were required.

**(x) Mrs Alice Mipunga Ntambo Sitali**

**26.** The nominee informed the Committee about her personal, academic and professional background as contained in her *curriculum vitae*.

She submitted that she was suitable to serve as judge of the High Court because of her fifteen (15) years experience in the public sector under the Judiciary and the National

Prosecutions Authority. The nominee stated that she worked independently and impartially and was currently rendering a service to the nation. In that regard, she had acquired the necessary legal skill making her competent to serve as a judge of the High Court.

The nominee further informed the Committee that she would be diligent in the discharge of her functions as judge and would comply with the guidelines contained in the statutory instrument which provided a benchmark that judges were expected to follow in the delivery of judgments. However, she informed the Committee that the rules introduced applied to civil matters and not criminal matters. Nonetheless, she stated that it would be important for a judge to apply the prescribed timelines when handling criminal matters also. She explained that matters should be concluded in the shortest possible time depending on the nature of the case and the evidence availed. To this effect, it was cardinal for judges to diarise their cases and ensure they put extra hours in their work. Further, she submitted that where a judge engaged in proper research, delivery of judgments would not be a problem. She added that delay in delivering judgments resulted in loss of records, parties relocating or death of litigants.

**(xi) Mrs Marriam Mutebi Bah – Matandala**

27. The nominee informed the Committee about her personal, academic and professional background as contained in her *curriculum vitae*.

With regard to political interference and the impartial dispensation of justice regardless of a litigants status, the nominee submitted that, as a judge, her role would be to work and deliver judgments impartially on behalf of the Zambian people in accordance with the Judiciary’s mandate. She added that even in her current appointments, she was faced with circumstances that came with a lot of political pressure and that it was her role to exhibit the highest level of integrity and firmness for her not to succumb. She added that she would continue on that path if ratified by Parliament.

As regards managing tempers when dealing with litigants, the nominee informed the Committee that having worked as a prosecutor, she had learned how to manage tempers even when people would say hurtful things to her. She added that it was sometimes impossible to avoid getting attached to cases, especially when it involved women and children who were legally disadvantaged. However, the nominee submitted that if a matter came before her that made her feel she would be too attached to be fair and just, she would recuse herself from the matter as it would be the right thing to do.

**SUBMISSION BY THE APPOINTING AUTHORITY**

28. The Minister of Justice appeared on behalf of the Appointing Authority and submitted that the nominees were appointed by the President, on the recommendation of the Judicial Service Commission to serve as judges of the High Court of Zambia in accordance with Article 140 of the Constitution.

He further submitted that the qualifications for appointment as a Judge were encapsulated in Article 141 of the Constitution.

The Hon Minister explained that the number of High Court judges was provided for under the Superior Courts (Number of Judges) Act No. 9 of 2016. He stated that by law, the number of High Courts Judges was sixty (60). The Hon Minister added that as at 2020, the establishment had forty-five (45) High Court Judges, with twenty-four (24) females and twenty-one (21) males. He stated that if the nominees were ratified, the number of judges would inevitably increase.

The Hon Minister submitted that the High Court had performed very well in 2019 in terms of the disposal of cases as compared to previous years, owing to the increase in the number of Judges. He explained that the motivation for Government to increase the number of Judges was, therefore, in order to ensure that cases were disposed of expeditiously.

The Hon Minister then submitted on the nominees' educational and professional qualifications. He also highlighted the individual achievements of each nominee with regard to their respective legal careers as set out below.

**(i) Mr Charles Kafunda**

The nominee was born on 29<sup>th</sup> August, 1976. He holds a Bachelor of Laws Degree from the University of Zambia and a Legal Practitioners Qualifying Postgraduate Certificate and a Postgraduate Diploma in Legislative Drafting from the Zambia Institute of Advanced Legal Education.

During his twenty-one-year long legal career, he worked for Women in Law and Development in Africa as a Research Assistant from 2000 to 2001. From 2001 to 2002, he served as a Legal Clerk for W. Sithole Mwenda and Company, and was further attached to Sharpe and Howard Legal Practitioners as a Learner Legal Practitioner. He was later appointed in the Judiciary as a Magistrate class II in 2003. In 2004, he was admitted to the Zambian Bar and later appointed Resident Magistrate at Chikwa Court. In 2005, the nominee was transferred to Choma District as Magistrate in-charge. From 2006 to 2015, he rose through the ranks from Senior Resident Magistrate for Choma, Acting Principal Resident Magistrate for Lusaka Province to Chief Resident Magistrate for Lusaka Province. He further served as Deputy Director of the Subordinate Court and Deputy Registrar of the High Court. The nominee later served as Deputy Director–Lusaka High Court, Deputy Director–Commercial Courts, Acting Chief Registrar of the Judiciary, Director of Court Operations and Acting Secretary of the Judicial Service Commission.

In his twenty-one-year legal career, the nominee demonstrated great attributes and undertook courses and workshops. These included the Jurisprudence of Equality workshop for Magistrates, the Role of the Judiciary in Combating Money Laundering, the Juvenile Justice training for Magistrates, a workshop on Combating Corruption in the Judiciary at UNECA, Addis Ababa, Ethiopia. He also trained in judicial Administration and Case Management at the royal Institute for Public Administration (RIPA) in London.

He was admitted as an associate member of the Chartered Institute of Arbitrators in 2014 and 2015 respectively.

The nominee is highly qualified, experienced and suitable for appointment as a judge of the High Court of Zambia and the Government fully supports his appointment.

**(ii) Mr Joshua Banda**

The nominee was born on 3<sup>rd</sup> November, 1974. He holds a Bachelor of Laws Degree from the University of Zambia, a Legal Practitioners Qualifying Postgraduate Certificate from Zambia Institute of Advanced Legal Education, a Master's Degree in Intellectual Property, a diploma in Secondary Teaching and a basic School Teaching Certificate.

During his fifteen year long legal career, he served as a Learner Legal Practitioner at MNB Legal Practitioners from 2005 to 2006. From 2006 to 2009, he served as an Associate Consultant (Legal) at the National Institute of Public Administration. From 2006 to date, the nominee has served as a Magistrate at the Judiciary of Zambia, rising through the ranks to Magistrate in-charge at Kabwe Subordinate Court in Central Province, Chief Resident Magistrate at the Magistrate Court Complex in Lusaka, Registrar/Deputy Director Court Operation at Ndola High Court, Registrar/Deputy Director Court Operations-High Court Industrial Relations Division.

In the course of his career, the nominee demonstrated great attributes and undertook several responsibilities such as serving as a Consultant and National Coordinator in Zambia for the World Intellectual Property Organisation (WIPO). He also attended several workshops, seminars, meetings and short courses that included the Interpol and US Department of Justice Training Seminar on Intellectual Property Crimes (Operation Tonse), Computer Forensics for Intellectual Property and other white-collar crimes. He further attended workshops on the Practical Approaches to Intellectual Property Utilisation and Protection in Africa, Practical Intellectual Property Portfolio Management, Introduction to Domestic Arbitration. In addition, he trained as a Mediator-Zambia Court Annexed Mediation and attended the WIPO – ARIPO conference in Intellectual Property (IP) and Innovation in Africa.

The nominee is highly qualified, immensely experienced and suitable for appointment as a judge of the High Court of Zambia and the Government fully supports his appointment.

**(iii) Mrs Dorcas Munkombwe-Malama**

The nominee was born on 24<sup>th</sup> October, 1975. She holds a Bachelor of Laws Degree from the University of Zambia, a Legal Practitioners Qualifying Postgraduate Certificate from the Zambia Institute of Advanced Legal Education, a Certificate in Mediation and a certificate from the Chartered Institute of Administrators.

During her nineteen-year-long legal career, the nominee served as an Advocate at the National Legal Aid Clinic for Women from 2001 to 2005, as Senior Legal Officer heading the Copperbelt Regional Office of the National Legal Aid Clinic for Women of the Law Association of Zambia in Ndola from 2005 to 2010, as Council Advocate

and Council Registrar of the Luanshya Municipal Council in Luanshya in 2010. From 2011 to 2012, she served as Legal Counsel at the Copperbelt University in Kitwe and from 2012 to 2013 as Legal Counsel for Access Bank (Zambia) Limited. From 2013 to 2016, the nominee worked as Senior Research Advocate in the Supreme Court of Zambia and from 2016 to 2017 as Senior Research Advocate in the Constitutional Court of Zambia. In 2018, she was appointed as Acting Registrar of the Constitutional Court. She is currently serving as Registrar of the Constitutional Court of Zambia.

The nominee is highly qualified, experienced and suitable for appointment as a judge of the High Court of Zambia and the Government fully supports her appointment.

**(iv) Mrs Twaambo Shalwindi - Musonda**

The nominee was born on 1<sup>st</sup> September, 1980. She holds a Bachelor of Laws Degree from the University of Zambia, a Legal Practitioners Qualifying Postgraduate Certificate from Zambia Institute of Advanced Legal Education and a Master of Laws in Environmental Law from the University of Lusaka (UNILUS).

During her fifteen-year-long legal career, the nominee served as a Research Assistant at Muzyamba and Company in Livingstone in 2002. From 2002 to 2003 she was an intern, at the Legal Resource Foundation in Livingstone. In 2004, she was a Research Assistant, Development Service Initiative (Project under Zambia Police Service Headquarters) in Lusaka. From 2005 to 2006, the nominee served as a Learner Legal Practitioner at Christopher Russel Cook and Company and Solly Patel Hamir and Lawrence in Lusaka. From 2006 to date, she rose through the ranks from Magistrate Class II at Lusaka Subordinate Court to Resident Magistrate at Lusaka Subordinate Court, Resident Magistrate at Chipata Subordinate Court, Principal Resident Magistrate at Chipata Subordinate Court and Registrar and Deputy Director Subordinate Court at Judiciary Headquarters.

In the course of her career, the nominee attended workshops and seminars such as the Judicial Officer and the Child Witness Workshop in Lusaka, Building Partnership with the Judiciary in the Fight Against Corruption in Lusaka, the United States Department of Justice-Women's Justice empowerment Initiative, Gender Based Violence Training for Magistrates, the U.S Department of Justice Cybercrime Legislation Workshop for Eastern and Southern Africa in Dar-es-Salaam, Tanzania, the Judicial Training Course in civil Law for African Cadres in Cairo, Egypt, and the 21<sup>st</sup> Annual Family Law Conference in Cape Town, South Africa.

The nominee is a member of the Zambia Association of women Judges (ZAWJ), the Magistrates and Judges Association of Zambia (MAJAZ) and the Asset Recovery Inter-Agency Network of southern Africa (ARINSA).

The nominee is highly qualified, experienced and suitable for appointment as a judge of the High Court of Zambia and the Government fully supports her appointment.

**(v) Mr Daniel Musonda**

The nominee was born on 17<sup>th</sup> January, 1971. He holds a Bachelor of Laws Degree from the University of Zambia, a Legal Practitioners Qualifying Postgraduate Certificate from the Zambia Institute of Advanced Legal Education and a Bachelor of Arts Degree with Education. He attended a Police Training course at Cairo Police Academy in Egypt, an Executive course in Defence Management at the University of Witwatersrand, Johannesburg, South Africa, and a Human Rights Training course at the Danish Institute of Human Rights in Copenhagen, Denmark.

During his fifteen-year-long legal career, the nominee served the Zambia Police Service as Cadet Assistant Superintendent and was appointed Assistant Superintendent in the same year. In 1999, he was promoted to Superintendent. From 1997 to 2000, he served as officer-in-charge at Chilenje Police Station. In 2007, he was appointed Resident Magistrate at the Mansa Subordinate Court and rose through the ranks to Resident Magistrate in-charge of Luanshya Subordinate Court, Advocate for Court Martial held at Ndola, Senior Resident Magistrate at Kitwe Subordinate Court, Principal Resident Magistrate at Kabwe Subordinate Court, member of the Adhoc Local Government Elections Tribunal and District Registrar for the Kabwe High Court, a position he has held from 2016 to date.

In the course of his career, he undertook various courses and training workshops to enhance his capacities as an adjudicator. These included a Child Witness workshop, Induction course for Magistrates, training on Gender Based Violence at ILEA in Botswana and Gender Based Violence workshop organised by the Legal Aid Clinic for Women.

The nominee is highly qualified, experienced and suitable for appointment as a judge of the High Court of Zambia and the Government fully supports his appointment.

**(vi) Mr John Harrison Mbuzi**

The nominee was born on 12 December, 1980. He holds a Bachelor of Laws Degree from the University of Zambia, a Legal Practitioners Qualifying Postgraduate Certificate from the Zambia Institute of Advanced Legal Education, a Certificate in Child Witness Research, a Certificate in Human Rights from the Danish Institute of Human Rights, a Leadership Diploma and Certificate from Word of Faith Bible Institute of Kabwe and a Certificate in Organisational Management from RIPA International, London in the United Kingdom.

During his fifteen-year-long legal career, Mr Mbuzi served as an Intern at the Legal Resource Foundation in Livingstone from 2003 to 2004. In 2006, he served as Officer Cadet and Legal Officer at the Zambia Army Headquarters, 'A' Branch. He was then appointed as a Magistrate Class 2 for Luanshya Subordinate Court from 2007 to 2009, and rose through the ranks to Senior Resident Magistrate, Principal Resident Magistrate for Mansa and Kabwe Subordinate Courts and eventually Chief Resident Magistrate for Ndola Subordinate Court, a position he holds to date.

The nominee also served as Chairperson for School Mission for Christ at the University of Zambia Campus, a Deacon at Winners' Chapel and Assistant Pastor, a position he holds to date.

The nominee is highly qualified, experienced and suitable for appointment as a judge of the High Court of Zambia and the Government fully supports his appointment.

**(vii) Mr Willie Sinyangwe**

The nominee was born on 6<sup>th</sup> May, 1958. He holds a Bachelor of Laws Degree from the University of Zambia, a Legal Practitioners Qualifying Postgraduate Certificate from the Zambia Institute of Advanced Legal Education and a Magistrate Diploma from the National Institute of Public Administration.

During his twenty-eight-year long legal career, the nominee served as Magistrate Class III in the Judiciary in 1991 and rose through the ranks to Magistrate Class II, Magistrate Class I, Senior Resident Magistrate, Principal Resident Magistrate, Chief Resident Magistrate, Registrar at Kitwe High Court and eventually to Acting Sheriff of Zambia, a position he holds to date.

In the course of his career, the nominee attended various training workshops in Gender and Gender Based Violence and the Law, Access to Justice and Human Rights, Violence Against Women; Justice, Jurisprudence, Access and Accountability in Zambia, and Enhancing Judicial Standards in the Magistrate Courts.

The nominee is highly qualified, experienced and suitable for appointment as a judge of the High Court of Zambia and the Government fully supports his appointment.

**(viii) Mrs Mwaaka Chigali Mikalile**

The nominee was born on 21<sup>st</sup> April, 1981. She holds a Bachelor of Laws Degree from the University of Zambia, a Legal Practitioners Qualifying Postgraduate Certificate from the Zambia Institute of Advanced Legal Education and she is currently undertaking a Masters in Law Programme in Commercial and Corporate Law at the University of Lusaka.

During her fifteen-year long legal career, the nominee served at Ellis and Company from 2006 to 2007 and in 2005, she moved to Mumba Malila & Partners as Assistant Legal Officer. In 2007, the nominee was appointed as Magistrate Class II and rose through ranks to Resident Magistrate, Senior Resident Magistrate and eventually to Principal Resident Magistrate at the Magistrate Court Complex in Lusaka, a position she holds to date.

In the course of her career, the nominee undertook research and wrote project papers in a Critical Analysis of the African Court on Human and People's Rights, Obligatory Essay for the award of her Bachelor of Laws, Financial Technology and its Regulation in Zambia and Commercial and Corporate Law (yet to be concluded).

The nominee is highly qualified, experienced and suitable for appointment as a judge of the High Court of Zambia and the Government fully supports her appointment.

**(ix) Mr Lameck Mwale**

The nominee was born on 31<sup>st</sup> March, 1980. He holds a Bachelor of Laws Degree from the University of Zambia and a Legal Practitioners Qualifying Postgraduate Certificate from Zambia Institute of Advanced Legal Education.

During his thirteen-year-long legal career, he served as a Learner Legal Practitioner/Associate Advocate at Theotis, Chalwe & Mataka Legal Practitioners from 2007 to 2009. In 2010, he served as an Associate Advocate at Permanent Chambers. In 2011, the nominee served as a part-time lecturer of Business Law as well as Criminal Law at the University of Zambia. From 2011 to 2016, he served as Resident Magistrate in Kabwe rising through the ranks to Principal Resident Magistrate, District Registrar in Mongu and eventually Chief Resident Magistrate and District Registrar Lusaka, a position he holds to date.

In the course of his career, the nominee was nominated as a member of the Judicial Service Commission, a member of the Commonwealth Magistrates and Judges Associate, full member of the Magistrate and Judges Association of Zambia and Full member of the Law Association of Zambia. In 2006, he researched on the “Critical Analysis of Provisions Relating to Compulsory Third Party Insurance under Part VII of the Road Traffic Act No, 11 of 2002 as an Obligatory Essay.

The nominee is highly qualified, experienced and suitable for appointment as a judge of the High Court of Zambia and the Government fully supports his appointment.

**(x) Mrs Alice Ntambo Sitali**

The nominee Ntambo Sitali holds a Bachelor of Laws Degree from the University of Zambia and a Legal Practitioners Qualifying Postgraduate Certificate from the Zambia Institute of Advanced Legal Education.

During her sixteen-year-long legal career, the nominee worked for the Ministry of Justice as a Legal Aid Counsel under the Department of Legal Aid from 2005 to 2008. She rose through the ranks to Assistant Senior Legal Aid Counsel from 2008 to 2011, Senior Legal Aid Counsel from 2011 to 2012 and Principal Legal aid Counsel from 2012 to 2013. She further served in the Judiciary as Senior Research Advocate from 2013 to 2016. From 2016 to date, the nominee has been serving as Deputy Chief State Advocate at the National Prosecution Authority.

In the course of her career, the nominee obtained additional professional qualifications which include a Certificate in Public Sector Leadership at Capacity Trust sponsored by the Danish Ministry of Foreign Affairs Danida Fellowship Programme, a Certificate in Law and Justice at the Danish Institute for Human Rights, Arbitration, CI Arb’s Module 1 and 2 Training Programme at the Chartered Institute of Arbitrators, Prosecutor Placement Programme sponsored by the Asset Recovery Inter-Agency Network in Southern Africa (UNODC), Pretoria and Port Elizabeth and the Prosecuting Money Laundering Cases and Financial Investigations at the United Nations Office on Drugs and Crime. From 2011 to 2013, the nominee exercised additional responsibilities as Task Manager under the Access to Justice Program funded by the Danish Government and the European Union.

The nominee is highly qualified, experienced and suitable for appointment as a judge of the High Court of Zambia and Government fully supports her appointment.

**(xi) Mrs Marriam Bah-Matandala**

The nominee was born on 31<sup>st</sup> December, 1980. She holds a Bachelor of Laws Degree from the University of Zambia, a Legal Practitioners Qualifying Postgraduate Certificate from the Zambia Institute of Advanced Legal Education, an advanced Diploma in Legislative Drafting and a Master's Degree in Business Administration International MBA (I) from the Edith Cowan University, Australia, and a Certificate in Anti-Corruption and Curbing Corruption from Cowi, Denmark.

During her fifteen-year-long legal career, the nominee served as an Assistant Learner Legal Practitioner to the Legal Counsel at the Zambia Revenue Authority Head Office from 2002 to 2004. In 2005, she was appointed as a Learner Legal Practitioner in the Ministry of Justice. She later worked as a State Advocate in Civil Litigation and Prerogative of Mercy, Administrator-General and Official Receiver's Office and the Office of the Director of Public Prosecutions. The nominee is currently serving at the National Prosecutions Authority as Deputy Chief State Advocate for Lusaka Province.

The nominee is highly qualified, experienced and suitable for appointment as a judge of the High Court of Zambia and the Government fully supports her appointment.

The Hon Minister concluded his submission on the nominees by stating that all the nominees possessed the requisite experience and that the Appointing Authority was satisfied that they were suitable to serve as High Court judges. He added that all but two of the nominees were youths and were Zambian citizens who had performed well professionally. The Hon Minister further stated that most of the nominees had served as magistrates and that that accorded them a wealth of experience on the Bench.

The Hon Minister further informed the Committee that the Appointing Authority was satisfied with the qualifications and experience of all the nominees and had no hesitation in presenting them for ratification by the National Assembly. He further explained that since there was training for judges in the Commonwealth, they generally became better adjudicators with time.

Lastly, the Hon Minister stated that the Ministry of Justice had engaged the Judicial Service Commission on the possibility of appointing more persons who were not necessarily from the public service, as the current nominees were all from the public service.

With regard to the number of judges required to ensure that cases were disposed of in a timely manner, the Hon Minister of Justice stated that sixty (60) would be an adequate number. He further explained that the need to increase the number of adjudicators had arisen from the increase in litigation due to more commercial activity, enlightenment among the people and an increase in population.

## **OBSERVATIONS AND RECOMMENDATIONS**

**29.** The Committee notes that Article 259 of the Constitution requires a person making an appointment to a public office to, where possible, ensure representation of the youth and persons with disabilities and fifty percent of each gender. With regard to gender representation, the Committee observes that, currently, in the superior courts, the complement of female judges at the bench stands at fifty-three percent. The Committee further observes that of the eleven (11) nominees, six (6) are male and five (5) are female. The Committee, therefore, notes that since there are, currently, more female than male judges, this appointment is intended to address that imbalance.

The Committee observes that the appointment has, to a large extent, not complied with the Constitutional requirement for regional diversity. However, due to inter-marriages, it is hopeful that, in future, the Constitutional requirement of regional representation will lose its significance.

The Committee notes that the appointments were of persons who were academically and professionally qualified, with experience from both the public sector and private sector. Further, the nominees were career oriented in different fields of interest. In this regard, the Committee wishes to commend the Appointing Authority because a combination of practitioners with various expertise will ensure the Bench has a varied blend of experience.

The Committee made the following specific observations regarding each of the nominees:

### **(i) Mr Charles Kafunda**

The Committee observes that the nominee's rise in rank from the Subordinate Court to Chief Registrar of the Judiciary and Director of Court Operations resulted in his becoming an experienced adjudicator and administrator. This makes him well placed to serve as a judge as he understands the functionality and operations of the justice system.

Additionally, the Committee observes that the majority of witnesses that appeared before it supported the nominee's appointment. They described him as an exemplary person with the requisite ethical qualities of honesty, integrity and dignity.

A witness apprised the Committee of an allegation of abuse of authority of office and corruption against the nominee when he was Deputy Registrar of the High Court. However, the witness explained that the allegation was unsubstantiated and the case accordingly closed.

The Committee, is, therefore, satisfied that the nominee possesses the requisite qualifications and experience and is suitable for appointment as a judge of the High Court.

**(ii) Mr Joshua Banda**

The Committee observes that the nominee is a qualified legal practitioner, with more than fifteen (15) years experience in the legal fraternity. In addition, the nominee held various judicial positions, including magistrate-in-charge at Kabwe Subordinate Court and Chief Resident Magistrate at the Magistrate Court Complex in Lusaka. The Committee notes that these roles accorded the nominee an opportunity to manage administrative issues. The Committee further observes that the nominee is eager to learn and improve his capabilities as demonstrated by the number of short courses he has attended and his career progression from the teaching profession to the legal profession.

A witness informed the Committee of a complaint lodged against the nominee, arising from consolidated case numbers 2016/HN/399 and 2017/HN/053. The complaint related to an inordinate delay by the nominee in rendering a ruling in the matter. Investigations revealed that the ruling had delayed partly because the nominee had misplaced the record. Nonetheless, the Committee notes that remedial measures were undertaken and there had since been an improvement recorded in the performance of the nominee.

The Committee further observes that all the witnesses supported the nominee's appointment.

In this regard, the Committee is satisfied that the nominee is suitable for appointment as a judge of the High Court.

**(iii) Mrs Dorcas Munkombwe - Malama**

The Committee observes that during her eighteen (18) year long career in the legal profession, the nominee held various positions in both the private and the public sector, with her last appointment being Registrar of the Constitutional Court. Additionally, the Committee notes that the nominee possesses the necessary management, litigation and conflict resolutions competences and shows high professionalism, impartiality and integrity.

The Committee further observes that all the witnesses supported the nominee's appointment.

The Committee is, in this regard, satisfied that the nominee has the requisite competence, experience and disposition for appointment as a judge of the High Court.

**(iv) Mrs Twaambo Shalwindi Musonda**

The Committee observes that the nominee has worked mostly in the public sector with her last appointment being Registrar and Deputy Director of Operations - Subordinate Courts. The Committee further notes that the nominee has vast experience in adjudication, possesses commendable decision-making skills and has a calm disposition.

The Committee also observes that all the witnesses supported the nominee's appointment as a judge of the High Court.

In this regard, the Committee is, satisfied that the nominee has the requisite competence, experience and disposition for appointment as a judge of the High Court.

**(v) Mr Daniel Musonda**

The Committee observes that the nominee took to the Judiciary high levels of discipline acquired from his police background. The Committee notes that the nominee possesses an understanding of criminal and civil procedure.

Additionally, the Committee notes that all the witnesses supported the appointment of the nominee to serve as a judge of the High Court.

The Committee is, therefore, confident that the nominee possesses the necessary competence, skills, and experience to serve as a High Court judge.

**(vi) Mr John Harrison Mbuji**

The Committee observes that the nominee rose through the ranks, in the Judiciary, to his current position of Chief Resident Magistrate at the Ndola Subordinate Court. In this regard, the Committee notes that the nominee possesses the relevant qualifications and competences to efficiently function at the higher Bench.

Additionally, the Committee notes that all the witnesses supported the appointment of the nominee to serve as a judge of the High Court.

The Committee, therefore, notes, with satisfaction, that the nominee possesses the appropriate qualifications, skills and experience to serve as a High Court judge.

**(vii) Mr Willie Sinyangwe**

The Committee observes that the nominee has been educated and groomed by the Judiciary in his twenty-eight (28) year long legal career. In this regard, it notes the nominee's loyalty to the Judiciary, which is a commendable attribute. The Committee further observes that the nominee is mature and has a calm disposition.

The Committee further observes that a complaint was lodged against the nominee with regard to a matter under cause number 2008/SC/052. The allegation was that the nominee had an interest in the matter contrary to the Judicial (Code of Conduct) Act. The Committee notes that the investigations conducted revealed that there was no basis for the removal of the nominee from the lower Bench.

Further, the Committee notes that all the witnesses supported the appointment of the nominee to serve as a judge of the High Court.

In this regard, the Committee is satisfied that the nominee possesses the requisite qualifications and experience and is suitable for appointment as a judge of the High Court.

**(viii) Mrs Mwaaka Chigali Mikalile**

The Committee observes that during her fifteen (15) year career, the nominee had worked in both private and public practice. In addition, she possessed various qualifications and was currently pursuing a Master of Laws programme in Commercial and Corporate Law at the University of Lusaka. The Committee notes that the nominee is dedicated and hardworking as evidenced by the statistics of her output at the lower Bench.

The Committee notes that investigations were once instituted against a company in which the nominee is a minority shareholder. The allegation was that the company had been dealing in the money lending business without the requisite licence thereby abrogating the provisions of section 7 of the Prohibition and Prevention of Money Laundering Act No. 14 of 2001. The Committee further notes that the findings of the investigation proved that the said company was legally registered and operating under Certificate Number 2012/CRMP/ML/0057 and that it was operating under Section 4 of the Money Lenders Act, Cap. 398 of the Laws of Zambia.

Additionally, the Committee notes that all the witnesses supported the appointment of the nominee to serve as a judge of the High Court.

In this regard, the Committee is satisfied that the nominee possesses the requisite qualifications, competences and skills, and is eminently qualified and experienced for appointment as a judge of the High Court of Zambia.

**(ix) Mr Lameck Mwale**

The Committee observes that the nominee has worked in various capacities in his thirteen (13) year long legal career. Further, the Committee observes that the nominee worked in academia as a part-time lecturer of business law and criminal law at the University of Zambia, before joining the Judiciary. The Committee notes that the nominee exhibits strong leadership skills and has the requisite qualifications to discharge the functions of the office of judge of the High Court.

The Committee also notes that all witnesses that appeared before it supported the nominee's appointment to serve as a judge of the High Court.

The Committee is, therefore, confident that the nominee possesses the requisite competence, experience and disposition for appointment as a judge of the High Court.

**(x) Mrs Alice Mipunga Ntambo Sitali**

The Committee observes that the nominee has fifteen (15) years at the Zambian Bar and has worked in various portfolios in the public sector. The Committee further observes that the nominee is, currently, the Deputy Chief State Advocate at the National Prosecutions Authority. The Committee notes that the nominee possesses additional professional qualifications, which include a Certificate in Public Sector Leadership and a Certificate in Law and Justice, which will be beneficial in her duties as a judge. Additionally, the Committee observes that the nominee has a calm disposition and is a firm believer in justice, which is a vital attribute of a judge.

The Committee further observes that that all the witnesses supported the nominee's appointment.

The Committee is, therefore, satisfied that the nominee has the requisite competence, experience and disposition for appointment as a judge of the High Court.

**(xi) Mrs Marriam Mutebi Bah - Matandala**

The Committee observes that the nominee possesses a number of qualifications including an advanced Diploma in Legislative Drafting and a Masters in Business Administration International MBA (I) from the Edith Cowan University, Australia.

The Committee further observes that during her fifteen (15) year long career, she worked in various portfolios. Currently, she is the Deputy Chief State Advocate for Lusaka Province at the National Prosecutions Authority. The Committee notes that the nominee is competent and experienced and that all witnesses supported her appointment as a judge of the High Court.

The Committee is, therefore, satisfied that the nominee possesses the requisite competence, experience and disposition for appointment as a judge of the High Court.

The Committee after due and through consideration, analysis and evaluation of the written and oral submissions presented to it by the witnesses and the interviews with the nominees, is of the view that all the nominees are suitably qualified and possess the requisite competences to serve as High Court judges.

The Committee, therefore, recommends that the House ratifies the Presidential appointment of Mr Charles Kafunda, Mr Joshua Banda, Mrs Dorcas Munkombwe-Malama, Mrs Twaambo Shalwindi Musonda, Mr Daniel Musonda, Mr John Harrison Mbuji, Mr Willie Sinyangwe, Mrs Mwaaka Chigali Mikalile, Mr Lameck Mwale, Mrs Alice Mipunga Ntambo Sitali and Mrs Marriam Mutebi Bah - Matandala to serve as High Court judges.

## **CONCLUSION**

**30.** The Members of the Committee wish to place on record their gratitude to you, Mr Speaker, for appointing them to serve on the Select Committee. The Committee is also thankful for the services and advice rendered to it by the Office of the Clerk of the National Assembly during its deliberations.

The Committee further wishes to thank the State security and investigative agencies, professional bodies and other stakeholder institutions for their oral and written submissions which assisted your Committee in making an informed recommendation to the House.

We have the honour to be, Sir, the Parliamentary Select Committee appointed to scrutinise the Presidential appointment of Mr Charles Kafunda, Mr Joshua Banda, Mrs Dorcas Munkombwe-Malama, Mrs Twaambo Shalwindi Musonda, Mr Daniel Musonda, Mr John Harrison Mbuji, Mr Willie Sinyangwe, Mrs Mwaaka Chigali

Mikalile, Mr Lameck Mwale, Mrs Alice Mipunga Ntambo Sitali and Mrs Marriam Mutebi Bah - Matandala to serve as High Court judges.

Ms G Katuta, MP  
**(Chairperson)**

Prof G Lungwangwa, MP  
**(Vice-Chairperson)**

Mr P Phiri, MP  
**(Member)**

Mr D Mumba, MP  
**(Member)**

Ms C C Kasanda, MP  
**(Member)**

Mrs P G M Jere, MP  
**(Member)**

Mr G Chisanga, MP  
**(Member)**

Mr D Chisopa, MP  
**(Member)**

Ms M Miti, MP  
**(Member)**

Mr S O Mutaba, MP  
**(Member)**

## **APPENDIX I – OFFICERS OF THE NATIONAL ASSEMBLY**

Mrs D N Kapumba, Parliamentary Legal Counsel  
Mr J N Sianyabo, Deputy Parliamentary Legal Counsel  
Mr D Mwinamo, Senior Legal Officer  
Ms M Kaoma, Legal Officer  
Mrs S C Sakala, Legal Officer  
Ms C Mtonga, Personal Secretary II  
Mrs N N Chiluba, Legal Assistant  
Mr L Kabwata, Legal Assistant

## **APPENDIX II – THE WITNESSES**

### **ZAMBIA POLICE (ZP)**

Mr R Mweene, Deputy Inspector General of Police (Administration)  
Mr S M Tembo, Senior Assistant Commissioner of Police  
Ms J Mundia, Inspector

### **ANTI-CORRUPTION COMMISSION (ACC)**

Mrs R Khuzwayo, Acting Director-General

### **DRUG ENFORCEMENT COMMISSION (DEC)**

Dr M Simwayi, Commissioner  
Ms A Mbahwe, Senior Assistant Commissioner- Operations  
Mr S Silomba, Assistant Commissioner- Research and Planning  
Mr R Chulu, Chief Investigations Officer- Planning

### **HUMAN RIGHTS COMMISSION (HRC)**

Ms F Chiwasha, Director  
Mr K Banda, Head Investigations and Legal Services Department  
Mr S Mulumbi, Parliamentary Liaison Officer

### **FINANCIAL INTELLIGENCE CENTRE (FIC)**

Ms L B Tembo, Director Legal and Policy  
Mrs C Kalemba, Manager, Legal and Policy  
Mr S Sinkala, Acting Director Monitoring and Analysis

### **SOUTHERN AFRICAN CENTRE FOR THE CONSTRUCTIVE RESOLUTION OF DISPUTES (SACCORD)**

Mr B Cheembe, Executive Director

### **THE NON-GOVERNMENTAL GENDER ORGANISATIONS COORDINATING COUNCIL**

Ms M N Kajimana, Programmes Manager  
Ms F Rufunsa, Finance and Administration Manager  
Ms mendai Imasiku, Institution Support and Development Coordinator

### **TRANSPARENCY INTERNATIONAL ZAMBIA**

Mr M Nyambe, Executive Director;  
Mr C Nachibinga, Programme Lead-Democratic Governance;  
Mr B Chizonde, Advocacy Policy and research specialist.

## **JUDICIAL SERVICE COMMISSION (JSC)**

Hon Justice M S W Ngulube (Rtd), Chairperson  
Hon Justice B Bwalya (Rtd), Deputy Chairperson  
Mr L Kalaluka, SC, Member  
Mr R Kaoma, Deputy Secretary

## **JUDICIAL COMPLAINTS COMMISSION**

Mr W Nyrienda, SC, Chairperson  
Mr N Makeleta, Secretary

## **LAW ASSOCIATION OF ZAMBIA (LAZ)**

Mr A J Shonga, SC, President  
Mr M Ndameta, Council Member

## **APPOINTING AUTHORITY**

Hon G Lubinda, Minister of Justice

### **APPENDIX III – THE NOMINEES**

Mr Charles Kafunda  
Mr Joshua Banda  
Mrs Dorcus Munkombwe-Malama  
Mrs Twaambo Shalwindi Musonda  
Mr Daniel Musonda  
Mr John Harrison Mbuzi  
Mr Willie Sinyangwe  
Mrs Mwaaka Chigali Mikalile  
Mr Lameck Mwale  
Mrs Alice Mipunga Ntambo Sitali  
Mrs Marriam Mutebi Bah - Matandala

## APPENDIX IV – CURRICULA VITAE OF THE NOMINEES

### CURRICULUM VITAE

#### PERSONAL DETAILS

Name : Charles Kafunda  
Sex : Male  
Nationality : Zambian  
Year of Birth : 29<sup>th</sup> August, 1976  
Marital Status : Married  
Religion : Christian  
Address : P O Box 50067  
LUSAKA  
Cell : 0955 920092/0977 766186  
Email : kafundacharles@yahoo.com

#### ACADEMIC QUALIFICATIONS

1983 to 1990 : Lusaka Boys Primary School  
1991 to 1995 : Munali Boys Secondary School  
1997 to 1999 : School of Humanities and Social Sciences,  
University of Zambia  
  
1999 to 2002 : Bachelor of Laws (LL.B), University of Zambia,  
School of Law  
Jan, 2003 to Nov, 2003 : Legal Practitioners' Qualifying Exam  
Certificate, Zambia Institute of Advanced Legal  
Education (ZIALE)

#### WORK EXPERIENCE

2000 to 2001 : Research Assistant, Women in Law and  
Development in Africa  
2001 to 2002 : Legal Clerk, W. Sithole Mwenda & Company  
January, 2003 : Appointed Magistrate Class II  
Jan, 2003 to Nov, 2003 : Learner Legal Practitioner, Sharpe & Howard  
Practitioners  
Nov, 2003 to Aug, 2003 : Magistrate Class II, Chikwa Subordinate Court,  
Lusaka  
September, 2004 : Admitted to the Bar and appointed Resident  
Magistrate  
February, 2005 : Magistrate in Charge, Choma District  
December, 2006 : Senior Magistrate, Choma District  
August, 2007 : Acting Principal Resident Magistrate, Lusaka  
Province  
October, 2008 : Chief Resident Magistrate, Lusaka Province

**Responsibilities**

Supervising Magistrates' Courts operations in Lusaka Province in addition to adjudication work at the New Magistrates' Court Complex.

January, 2011 : Deputy Director, Subordinate Courts and Deputy Registrar of the High Court

**Responsibilities**

Supervising all the Subordinate Courts in the Country and adjudicating on High Court matters as Deputy Registrar.

January, 2012 : Deputy Director, Lusaka High Court

**Responsibilities**

Coordinating the administration of Lusaka High Court and also to coordinate the administration of Kabwe, Livingstone and Mongu High Courts. Continued as Deputy Registrar of the High Court to adjudicate on High Court matters

March, 2015 : Deputy Director, Commercial Courts

**Responsibilities**

Coordinating the operations of the Commercial Courts at Lusaka and Kitwe and also to coordinate the operations of the Small Claims Court in Lusaka, Kitwe and Ndola.

May, 2015 : Acting Chief Registrar of the Judiciary and Director of Court Operations

**Responsibilities**

Coordinating the operations of all the Courts in the Zambian Judiciary. This entails the supervision of the Registrars who head the various court units in the Judiciary to ensure smooth day to day operations and the enforcement of discipline.

May, 2015 : Acting Secretary of the Judicial Service Commission

**Responsibilities**

To coordinate the operations of the Judicial Service Commission. This entails the supervision of the Judicial Service Commission Staff, managing provision of logistics for the operation of the Commission, preparation of Commission meetings and liaisoning between the Judiciary and Judicial Service Commission

**OTHER RESPONSIBILITIES**

2007 to 2009 : Represented the Judiciary as a delegate to the National Constitutional Conference which was tasked to come up with Zambia's new Constitution

2009 to 2010 : Represented the Judiciary on the Committee of Experts to draft the Gender Based Violence Bill which is now Law

- 2012 : Director of the Zambia Justice Information System. This is a project spearheading the computerisation of the Judiciary and introduction of modern court processes such as Real Time Court Reporting, among others.
- 2012 to 2015 : Task Manager – Access to Justice Project for the Judiciary. This was a project aimed at coordinating the operations of key justice institutions and was sponsored by the EU and GIZ

### **PROFESSIONAL MEMBERSHIP**

- 2014 : Associate Member – Chartered Institute of Arbitrators  
 2015 : Member of the Chartered Institute of Arbitrators

### **SHORT COURSES/WORKSHOPS**

- December, 2004 : Jurisprudence of equality workshop for Magistrates  
 June, 2005 : Role of Judiciary in combating money laundering  
 September, 2005 : Juvenile Justice training for Magistrates  
 November, 2007 : Workshop on combating corruption in the Judiciary at UNECA, Addis Ababa, Ethiopia  
 June, 2008 : Trained in Judicial Administration and case management at Royal Institute for Public Administration (RIPA), London. Obtained two certificates

### **SKILLS AND ATTRIBUTES**

- Computer literate with a reasonable processing speed for word applications and good knowledge of the use of the internet for research
- Strong interpersonal and organisational skills.
- Highly experienced in system management and adjudication. My expertise is derived from practical experience as a Magistrate, Administration and Registrar in the High Court
- My experience suits me for administrative, adjudicative and litigation roles in complex and contentious legal questions

### **REFEREES**

Mr Frederick Mudenda  
 Dean  
 University of Zambia - School of Law  
 P O Box 3237  
 LUSAKA  
 +260 978 951027

Mr Justice Hamaundu  
Supreme Court Judge  
Supreme Court of Zambia  
P O Box 50067  
**LUSAKA**  
+260976 667109

## CURRICULUM VITAE

### PERSONAL DETAILS

Name : Joshua Banda  
Date of birth : 3<sup>rd</sup> November, 1974  
Nationality : Zambian  
Religion : Christian  
Marital status : Married  
Residential Address : House No. 9 off Buluwe Road Woodlands  
Postal Address : Lusaka High Court, P. O. Box 50067  
Mobile: : +260 974476252, +26096 7521971  
Email : [ndipyolajosh22@yahoo.com](mailto:ndipyolajosh22@yahoo.com)  
[Joshua.banda@judiciaryzambia.com](mailto:Joshua.banda@judiciaryzambia.com)

### ACADEMIC QUALIFICATIONS

1989 to 1993 : Full School Certificate - Kafue Boys Secondary School  
1998 : GCE – Lotus GCE Centre  
1995 to 1996 : Basic School Teaching Certificate, Livingstone  
Teachers Training College  
199 to 2002 : Diploma in Secondary Teaching (Specialised in  
Mathematics) - National Inservice Teachers College  
NISTCOL (Distance Learning)  
2000 to 2004 : Bachelor of Laws Degree (LLB) - University of Zambia  
2005 to 2006 : Zambia Institute of Legal Practitioners Advanced Legal  
Education Certificate (ZIALE) (of admission to practice  
as an advocate in the courts of Zambia)  
2013 to 2014 : Masters Degree in Intellectual Property (sponsored by  
World Intellectual Property Organisation and Africa  
Regional Intellectual Property Organisation), Africa  
University (AU)

### WORK EXPERIENCE

1997 to 1999 : Basic School Teacher – Arthur Wina Basic School,  
Lusaka

#### Duties included

- Teaching junior secondary school classes, in mathematics and religious education
- Coordinating junior secondary school including supervision of the staff in the section

Oct, 2005 to Oct, 2006: Learner Legal Practitioner at LAW FIRM – MNB Legal Practitioners

#### Duties included:

- Writing legal opinions on various legal matters i.e commercial and contractual issues, constitutional,

criminal and taxation matters. Matrimonial and land disputes and several other aspects relating to legal issues

- Attending to civil and criminal chamber applications before Magistrates in the Subordinate Courts, Deputy Registrars and Judges in the High Court
- Executing conveyance in relation to transactions of sale of property and drawing or formulating commercial and contractual agreements

Jan, 2006 to Feb, 2009: Associate consultant (legal) National Institute of Public Administration (NIPA)

Duties

- Lecturing in various law courses, in particular, business Law, law of contract, commercial law and investment and international trade and the law of taxation
- Setting examination questions in business and commercial law, and contract law
- Marking examination scripts for business law and law of contracts students
- Formulation of modules in commercial and business law related courses for Certificate in Law and Diploma in Law programmes.

July 2006 to date : Magistrate, Judiciary of Zambia

My core business has been to adjudicate over civil and criminal cases:

- Civil cases include but not limited to; contractual disputes, matrimonial and family dispute, land disputes
- Criminal cases include but not limited to: fraud cases, money laundering matters, corruption and bribery cases, abuse of authority of office cases, human trafficking and drug trafficking cases in intellectual property

Feb, 2009 to 2011 : Magistrate in charge - Kabwe Subordinate Court (Central Province)

- In addition to adjudicatory work I supervised all Magistrates and Support Staff in both, the Local and Subordinate Courts in Central Province of Zambia

March 2011 to 2015 : Chief Resident Magistrate – Magistrate Court Complex, Lusaka, Province

- In addition to adjudicatory work I supervised all Magistrates and support staff in the Subordinate Courts in Lusaka Province of Zambia.

March, 2015 to April, 2020: Registrar/Deputy Director Court Operations – Ndola High Court

- Administratively, in charge of court operations for Ndola region, Northern, Luapula and Muchinga Provinces
- Adjudicatory work; attending to chamber applications in civil matters i.e assessment of damages, property settlements, and various interlocutory applications.

May, 2020 to date : Registrar /Deputy Director Court Operations - High Court Industrial Relations Division

### **OTHER RESPONSIBILITIES**

March, 2017 to Sept, 2017: Consultant/ National Coordinator for World Intellectual Property Organisation (WIPO)

- Was engaged to revise and review the National Intellectual Property Policy for Zambia in collaboration with International Consultant, Prof. Ogada from Kenya and Zambia’s Ministry of Commerce Trade and Industry and the Patent and Companies Registration Agency (PACRA)
- The revised IP policy has since been adopted by Cabinet

### **WORKSHOPS/SEMINARS/MEETINGS/SHORT COURSE ATTENDED**

19 – 22 March 2012 – Lusaka, Zambia

- INTERPOL and US Department of Justice Training Seminar on Intellectual Property Crimes (Operation Tonse) facilitated by INTERPOL & US Department of Justice.

June 18 – 22, 2012, Accra Ghana

- Certificate of training; Computer Forensics for Intellectual Property and other White-Collar Crimes facilitated by United States Department of Justice, Office of Overseas Professional Department, Assistance and Training.

March 19 – 21, 2013, Dar-es-salam, Tanzania

- Workshop on the Practical Approaches to Intellectual Property Utilization and protection in Africa facilitated by US Department of Commerce, Commercial Law Department Program (CLDP) and US Department of Justice, Computer Crime and Intellectual Property (was part of a panel of adjudicators from

various countries discussing the role of the Courts in the enforcement of Intellectual Property Rights).

November 26<sup>th</sup>, 2013, Harare, Zimbabwe – (Certificate of Attendance)

- Workshop on Practical Intellectual Property Portfolio Management conducted by 3eyes imperial.

March, 23 – 25, 2015, Lusaka, Zambia – Certificate of Attendance

- Introduction to Domestic Arbitration, facilitated by Chartered Institute of Arbitrators (CI Arb) Zambian Branch.

September, 19 – 23, 2016 Ndola Zambia – Trained as mediator

- Zambia Court Annexed Mediation facilitated by Chartered Institute of Arbitrators (**CI Arb**) Zambian Branch and **USAID**.

December, 8 – 9, 2016, Harare, Zimbabwe

- WIPO – ARIPO Conference: Intellectual Property (IP) and Innovation in Africa

## **INTERESTS**

- Writing
- Reading
- Excursion

## **HOBBIES**

- Traveling
- Listening to Music
- Playing Chess
- Watching Soccer and Athletics
- Marathon and Social Soccer

## **AMBITIONS**

Doing a number of professional courses related to business and commercial law, that is; intellectual property, stock market and securities, corporate Finance, commercial transaction .

## **REFEREES**

Prof. Mpanzi Sinjela  
Vice Chancellor  
UNICAF – Zambia  
**LUSAKA**  
+260978555550

The Hon. Mrs. E. Sunkutu  
Judge in Charge  
Ndola High Court  
**Ndola**

+260977775606

Dr. G. Mandeo  
Africa University  
**Mutare**  
**Zimbabwe**  
0263773616483

## CURRICULUM VITAE

### PERSONAL DETAILS

Name : Dorcas Munkombwe - Malama (Mrs.)  
Nationality : Zambian  
N.R.C. No. : 635521/11/1  
Date of Birth : 24<sup>th</sup> October, 1975  
Contact : 0977889961

### ACADEMIC QUALIFICATIONS

2000 to 2002 : Certificate of admission to practice as an Advocate of the High Court for Zambia - Zambia Institute of Advanced Legal Education (ZIALE)  
1995 to 2000 : Bachelor of Laws Degree with Credit (LLB) - University of Zambia, Great East Road Campus, School of Law  
1989 to 1993 : Grade 12 School Certificate with Distinction - Kasisi Girls Mission Secondary School, Lusaka  
1982 to 1988 : Primary School Certificate with Distinction - Ellendale Primary School, Lusaka

### OTHER QUALIFICATIONS

2006 : Certificate to Practice as Mediator - Zambia Center for Dispute Resolution Limited  
2005 : Passed the entry examination of the Chartered Institute of Arbitrators - Zambia Center for Dispute Resolution Limited

### WORK EXPERIENCE

Dec, 2001 to Dec, 2005 : Worked as an Advocate at the National Legal and Clinic for Women

#### Main duties included:

- Attending to and taking instructions from clients
- Attending to Court cases in various Courts of Law (Litigation)
- Legal drafting of various Documents
- Conveyancing
- Community Outreach (i.e. conducting legal education workshops in schools various communities, conducting legal education talks through community radio programmes.)

Jan, 2005 to April, 2010 : Senior Legal Officer heading the Copperbelt Regional Office of the National Legal Aid Clinic for Women of the Law Association of Zambia, Ndola

**Duties included:**

- Attending to and taking instructions from clients
- Attending to court cases in various courts of law (Litigation)
- Legal drafting of various Legal Documents
- Conveyancing
- Community outreach (i.e. conducting legal education workshops in schools, various communities; and conducting legal education talks through community radio programmes)
- Administrative duties

May, 2010 to Nov, 2010 : Council Advocate and Council Registrar at Luanshya Municipal Council, Luanshya

**Duties included:**

- Litigation
- Conveyancing
- Legal drafting
- Providing legal counsel to both the Council and Management
- Management of the Deeds Registry
- Preparation of Title Deeds and other land related legal documents.

March, 2011 to Nov 2012 : Employed as Legal Counsel at the Copperbelt University, Kitwe

**Duties included:**

- Litigation
- Management of all legal and potential legal disputes
- Conveyancing
- Legal drafting
- Providing legal counsel to both the University Council and University Management

Dec 2012 to Feb 2013 : Legal Counsel for ACCESS Bank (Zambia,) Limited

**Duties included:**

- Litigation
- Management of all legal and potential legal disputes
- Conveyancing
- Legal drafting
- Providing legal counsel to both the Management and Board of the Bank

April, 2013 to May, 2016 : Senior Research Advocate in the Supreme Court of Zambia Judiciary of Zambia

**Duties included:**

- Conducting legal research on behalf of the Hon. Judge of the Supreme Court on various legal matters
- Preparing legal opinions for the Hon. Judge on cases before the Judge

- Sitting in and taking notes of court proceedings during court hearings

May, 2016 to Dec, 2017 : Senior Research Advocate in the Constitutional Court of Zambia, Judiciary of Zambia

**Duties included:**

- Conducting legal research on behalf of the Hon. Judge of the Constitutional Court on various legal matters
- Preparing legal opinions for the Hon. Judge on cases before the Judge
- Preparing draft presentation papers on behalf of the Hon. Judge as assigned from time to time
- Sitting in and taking notes of court proceedings during court hearings and chamber matters
- Assisting the Hon. Judge with any other duties relating to the running of her chambers as assigned from time to time.

Jan 2018 to July, 2018 : Acting Registrar of the Constitutional Court

**Main Duties included:**

- Adjudication of all matters that fall under the jurisdiction of the Registrar of the Constitutional Court
- Management of and overseeing the day to day operations of the Registry of the Constitutional Court including management of court records
- Preparation of periodic case flow management reports/returns
- Attending to administrative matters falling under the jurisdiction of the Registrar of the Constitutional Court
- Exercising overall supervisory role over all support staff of the Constitutional Court

**Concurrent duties included:**

- Serving as Senior Research Advocate for the Hon. President of the Constitutional Court of Zambia.

**CURRENT EMPLOYMENT**

August 2018 to date : Serving as Registrar of the Constitutional Court of Zambia

**Main duties include**

- Adjudication of all matters that fall under the jurisdiction of the Registrar of the Constitutional Court
- Management of and overseeing the day to day operations of the Registry of the Constitutional Court including management of court records
- Preparation of periodic case flow management reports/ returns
- Attending to administrative matters falling under the jurisdiction of the Registrar of the Constitutional Court
- Exercising overall supervisory role over all support staff of the Constitutional Court

## **REFEREES**

1. Hon. Lady Justice Hilda Chibomba  
President of the Constitutional Court of Zambia.  
**LUSAKA**  
**Contact No: Available on request**
  
2. Hon. Mr. Justice Munalula Lisimba (Rtd)  
Retired Judge of the Supreme Court of Zambia  
**LUSAKA**  
Contact No: Available on request
  
3. Mrs. Annie Chanda (Former Director, National legal Aid Clinic For Women)  
The University of Zambia, School of Law  
Great East Road Campus  
**LUSAKA**  
Contact No: 0977 417686
  
4. Mr. Golden K. Kalima  
The Copperbelt University  
**KITWE**  
Contact No: 0212 227307 OR 0977 434552

## CURRICULUM VITAE

### PERSONAL DETAILS

Name : Twaambo Shalwindi Musonda  
Date of Birth : 1<sup>st</sup> September, 1980  
Nationality : Zambian  
Gender : Female  
Marital Status : Married  
Address : Judiciary Headquarters  
Central Administration  
P O Box 50067  
**LUSAKA**  
Mobile : +2609777475542  
Email : [twambo.shalwindi@judiciaryzambia.com](mailto:twambo.shalwindi@judiciaryzambia.com)  
[kutilele@gmail.com](mailto:kutilele@gmail.com)

### PERSONAL STATEMENT

A highly qualified, organised, detail orientated and dependable professional with fourteen years of experience in the Zambian Judiciary. Well versed in research. Tackles assignments with tenacity and an analytical mindset. Adaptable and conscientious.

Diplomatic and tactful with exceptional interpersonal and decision-making skills while maintaining a professional and calm demeanor. I am confident, reliable, and good at problem solving and critical thinking, having had the opportunity to handle complex cases as an Adjudicator and Administrator under the Judiciary of Zambia.

I look forward to continuing to add value to the Judiciary of Zambia.

### OBJECTIVE

*'To continue adding value to the Judiciary, in whatever capacity, through my experience, research skills and expertise'*

### ACADEMIC AND PROFESSIONAL QUALIFICATIONS

2018 to present : Master of Laws in Environmental Law, University of Lusaka (UNILUS). Completed stages 1, 2 and currently pursuing the final stage of the programme (Dissertation)  
2005 to 2006 : Legal Practitioners Qualifying Postgraduate Certificate, Zambia Institute of Advance Legal Education (ZIALE)  
2000 to 2004 : Bachelor of Laws Degree-The University of Zambia (UNZA)  
1993 to 1997 : Grade 12 O level Certificate, St Mary's Secondary School, Maramba, Livingstone  
Nov, 2020 to present : Challenging Forensic Science: How Science Should Speak to Court, currently enrolled in the Massive Open Online Course offered by the University of

- October 2020 : Luasanne, Switzerland through Coursera  
Certificate- Trade Based Money Laundering, Southern Africa, offered by the United Nations Office on Drugs and Crime (UNDOC) through the Asset Recovery Inter-Agency Network of Southern Africa (ARINSA)
- July, 2019 : Certificate - Children's Human Rights – An Interdisciplinary Introduction, University of Geneva, Switzerland through Coursera

## **WORK EXPERIENCE**

- May 2016 to present : Registrar and Deputy Director- Subordinate Courts, Judiciary Headquarters
- Duties and responsibilities
- Assigned to the Subordinate Courts Directorate for the purpose of coordinating Subordinate Courts Operations
  - Assigned to also act as Registrar of the Family and Children's Division of the High Court from 2017 to 2019, thus successfully performed dual roles as Registrar-Subordinate Courts and Registrar-Family and Children's Division
  - Performance of duties as assigned by the Chief Administrator of the Judiciary
  - Performance of duties as assigned by the Chief Registrar of the Judiciary and Director of Court Operations
  - Attending to Chamber applications before the High Court General List and Family and Children's Division of the High Court
  - Supervision and management of sixty-four (64) Subordinate Courts with over two hundred (200) Magistrates and Subordinate Court support staff in Zambia
  - Effective 27<sup>th</sup> July 2016 was appointed to exercise the functions of Member of Staff of the Judicial Service Commission and have been serving as Deputy Secretary of the Commission from that time to date
  - Coordinate Subordinate Courts access to justice Communication, Coordination and Cooperation Initiative (CCCI) Chapters to ensure effective coordination of all relevant stakeholders in the criminal justice system
  - Monitor performance of Subordinate Courts' Gender Based Violence Fast Track Courts through the CCCI Chapters.

December 2012 to May 2016: Principal Resident Magistrate – Chipata Subordinate Court

**Duties and responsibilities**

- Adjudication of both criminal and civil cases
- Supervision of all Subordinate Court and Local Court staff in the Eastern Province of Zambia
- Appointed Chairperson of the access to justice Communication, Coordination and Cooperation Initiative (CCCI), Chipata Chapter in Eastern Province, with the responsibility of coordinating the access to justice activities of key institutions in the Criminal Justice system. The aim was to encourage the key institutions in the Criminal Justice system to communicate, cooperate and coordinate to enable members of the public access efficient and effective justice
- Appointed District Registrar for the purpose of hearing and determining Chamber applications under the Chipata High Court

Sept, 2009 to Dec, 2012: Senior Resident Magistrate – Chipata Subordinate Court

**Duties and responsibilities:**

- Adjudication of both criminal and civil cases
- Supervision of all Subordinate Court and Local Court staff in Eastern Province in the absence of Principal Resident Magistrate
- Appointed Chairperson of the Child Justice Forum in Eastern Province with the responsibility of ensuring that courts were child friendly and the cases involving children who came into conflict with the law were heard and determined with without delay.

Aug, 2007 to Sept, 2009: Resident Magistrate – Chipata Subordinate Court

**Duties and responsibilities**

- Adjudication of both criminal and civil cases
- Supervision of all Subordinate Court and Local Court staff in Eastern Province in the absence of the Principal Resident Magistrate from August 2007 after my transfer to Chipata, Eastern Province
- Served as Judge Advocate for a Court Martial under the Chipata Gondar Barracks 4ZR

- Nov, 2006 to July, 2007: Resident Magistrate – Lusaka Subordinate Court
- Duties and responsibilities**
- Adjudication of both criminal and civil cases.
- July, 2006 to Nov, 2006: Magistrate Class II – Lusaka Subordinate Court
- Duties and responsibilities**
- Adjudication of both criminal and civil cases.
- 2005 to 2006 : Learner Legal Practitioner, Christopher Russell Cook and Company/Solly Patel Hamir and Lawrence, Lusaka
- Duties and responsibilities**
- Drafting of documents for filling in court.
  - Conducting research over matters before the firm.
- Dec, 2004 : Research Assistant, Development Service Initiative- (Project under Zambia Police Service Headquarters, Lusaka
- Duties and responsibilities**
- Assessment of the effectiveness of the Zambia Police Service Victim Support Unit, in particular police stations assigned in Lusaka, through interviewing police officers under Victim Support Unit and complainants
  - Individuals who had lodged complaints at the Zambia Police Service Victim Support Unit were followed to their homes and interviewed. The focus of the interviews was on the reception given to complainants at the point of making a complaint at the Victim Support Unit, follow ups, if any by the police and whether the victims were counseled by the police, especially where sexual offences were reported.
- Dec, 2002 to Jan, 2003: Intern, Legal Resources Foundation, Livingstone
- Duties and responsibilities**
- Giving legal advice to members of the public
  - Mediation with the aim of helping parties settle their disputes out of court
  - Prison and Police Station visits with the aim of inspecting living conditions of prisoners and suspects. Complaints received from the prisoners and suspects were referred to the relevant authorities for resolution
- July 2002 : Research Assistant, Muzyamba and Company, Livingstone

### **Duties and responsibilities**

- Conducted research mainly in criminal matters that where defended by the law firm
- Assisted in drafting submissions after conducting research.

### **KEY WORKSHOPS ATTENDED**

June 2008 : The Judicial Officer and the Child Witness, Lusaka, Zambia

- Four (4) days intensive workshop.

#### Aim:

- To provide Adjudicators with the essential skills to preside effectively over cases involving child witnesses and to be able to evaluate their evidence effectively.
- *To emphasise the duty of an Adjudicator:*
  - at the start of a *child's testimony* to introduce themselves and the main players in court to the *child witness*, and to explain how things are to be done in developmentally appropriate language.
  - to ensure that the prosecution, defense, and accused if self-represented, use developmentally appropriate language when addressing a child witness.

#### Key topics covered:

- Effects of the accusatorial system on children in the criminal justice process
- Competency of children to testify and necessity for judicial management in cases involving child witnesses.

June 2008 : Building partnership with the Judiciary in the fight against corruption, Lusaka, Zambia

- Two (2) days intensive workshop.

#### Aim:

- To strengthen Judicial Integrity against Corruption
- To provide Adjudicators with essential skills to preside effectively over corruption cases before courts and to be able to evaluate evidence effectively.

#### Key topics Covered:

- Interpretation of the ACC Act No. 42 of 1996 Part II
- Case Management for the Judiciary
- Judicial Code of Conduct
- The role of the DPP in prosecuting corruption cases and electoral malpractices
- The Law on evidence in handling corruption cases

- The Role of the Judiciary in the fight Against Corruption.

Dec, 2009 : United States Department of Justice- Women’s Justice Empowerment Initiative, Gender Based Violence Training for Magistrates, Lusaka, Zambia

- Five (5) days intensive workshop.

Aim:

- To provide Adjudicators with an overview of Gender Based Violence Crime
- To provide Adjudicators with essential skills to effectively preside over gender-based violence cases.

March 2010 : “Justice, Jurisprudence, Access and Accountability in Zambia” Magistrates Training Workshop

- Three (3) days intensive workshop.

Aim:

- To provide Adjudicators with skills to effectively preside over cases involving discrimination or violence against women and children
- To encourage Adjudicator to think outside the box and conduct extension research when determining cases involving discrimination or violence against women and children with the resulting in possible creation of progressive new law.

February, 2011 : U S Department of Justice Cybercrime Legislation Workshop for Eastern and Southern Africa, Dar es Salaam, Tanzania

- Three (3) days intensive workshop.

Aim:

- To fully understand the cybercrime threat and how to combat it in Africa.

Key topics covered:

- Cybercrime trends, including: the increase in crimes involving computers and the internet; the use of computers and the internet by criminals and terrorists to accomplish their criminal activities
- Identifying and gathering electronic evidence from computers-based resources, networks, and the internet
- Discussions on criminal offences relating to computers and the internet, such as illegal access to computer systems, data interference, computer-related fraud, among others
- An overview of procedural laws related to electronic evidence

January 2014 : The Rights of Accused Persons for Law Enforcement Officers- Communication, Coordination, Cooperation Initiative, Chipata Chapter, Chipata, Zambia

- Three (3) days intensive workshop.

Aim:

- To provide participants with an overview of the rights of accused person that are aimed at guaranteeing him or her a fair trial
- To provide an opportunity for participants to share best practices on enhancing access to justice for accused persons through a multisectoral perspective.

March 2014 : The Judicial Training Course in Civil Law for African Cadres, Cairo, Egypt

- Ten (10) days course.

Aim:

- To introduce participants to the Egyptian Legal system which is considered as a civil law system based upon a well-established system of codified laws. An overview of the legal system was given

Key topics covered:

- An overview of the Family Court founded in 2004 whose aim is to provide psychological peace and comfort for the children caught in the middle of disputes relating to tutelage, divorce, alimony, and custody. The court also aims to sustain amicable settlements for family problems through specialised and professional guidance agencies
- Arbitration, which has established itself as a prominent method for resolving business, commercial and investment disputes. A new Arbitration Law No.27 of 1994 was enacted which governs both domestic and international arbitration.

March 2018: 21<sup>st</sup> Annual Family Law Conference, Cape Town, South Africa

- Two (2) days intensive workshop.

Aim:

To strengthen the capacity of Judicial Officers by providing knowledge aimed at keeping them abreast with current developments in family and child justice practice and in law.

Key topics covered:

- The Hague Convention on Abduction
- Alternative Dispute Resolution in Family Law

## **KEY SKILLS AND ATTRIBUTES**

- Excellent Communication skills
- Presentation skills
- Judgment
- Perseverance
- Analytical skills
- Research skills

- People skills
- Creativity

### **INTERESTS**

- Reading, listening to music
- Networking
- Cooking
- Travelling
- Drawing

### **MEMBERSHIP TO PROFESSIONAL BODIES**

- Zambia Association of Women Judges (ZAWJ)
- Magistrates and Judges Association of Zambia (MAJAZ)
- Asset Recovery Inter-Agency Network of Southern Africa (ARINSA)

### **REFEREES**

Judge Chalwe Mchenga  
Court of Appeal  
P O Box 50067  
Lusaka  
**ZAMBIA**  
Cell: +260977934262

Judge Sharon Newa  
Lusaka High Court  
P O Box 50067  
Lusaka  
**ZAMBIA**  
Cell: +260977797986

Judge Matthew Zulu  
Lusaka High Court  
P O Box 50067  
Lusaka  
**ZAMBIA**  
Cell: +260977964000

## CURRICULUM VITAE

### PERSONAL INFORMATION

Name : Daniel Musonda  
Date of Birth : 17<sup>th</sup> January 1971  
Marital Status : Married  
Children : Four (4)  
House Number : 56 corner of Munkoyo and Iwanganga streets High Ridge, Kabwe  
Cell :  
Email: [musodaniel0630@gmail.com](mailto:musodaniel0630@gmail.com)

Kabwe Subordinate Court, Box 80326, Kabwe  
0979626149/0969495675/0955211645

### ACADEMIC QUALIFICATIONS

4<sup>th</sup> April, 2005 to 2006 : Zambia Institute of Advanced Legal Education (ZIALE)  
24<sup>th</sup> Nov, 2006 : Admitted to the Bar as an Advocate of the High Court of Zambia  
11<sup>th</sup> to 15<sup>th</sup> June, 2007 : Attended one-week Human Rights training Course at Danish Institute of Human Rights in Copenhagen, Denmark.  
2000 to 2003 : Attended University of Zambia School of Law and awarded Bachelor of Laws Degree with credit  
17<sup>th</sup> to 21<sup>st</sup> July, 2000 : Attended Executive course in Defence Management by University of Witwatersrand at Lusaka  
18<sup>th</sup> April to 14<sup>th</sup> May, 1998 : Attended Police Training course at Cairo Police Academy, Egypt  
1992 to 1996 : Attended University of Zambia School of Education and awarded Bachelor of Arts with Education Degree with Merit  
1986 to 1990 : Attended both Junior and Senior Secondary School at the Kamwala Secondary School. Awarded School Certificate "O" Level and Junior Secondary School Leaving Certificate  
1980 to 1986 : Attended Primary School at Chipata Primary School at Lusaka

### WORK EXPERIENCE

6<sup>th</sup> September, 2016 : Appointed District Registrar: Kabwe High Court  
22<sup>nd</sup> July, 2016 : Appointed member of the Adhoc Local Government Elections Tribunals  
4<sup>th</sup> January 2016 to date : Appointed Principal Resident Magistrate, Kabwe Subordinate Court:

## Responsibilities

Responsible for supervising court operations in the Province at the Subordinate and Local Court levels.

- District Registrar for Kabwe High Court
- Attending to chamber applications and assessment of damages.
- Ensuring the smooth operations of all court operations in the Province including general administration, reporting to the Judge in charge and Registrar Subordinate Courts at Lusaka.

22 <sup>nd</sup> February, 2012 to 3 <sup>rd</sup> January, 2016 Kitwe	:	Senior Resident Magistrate, Subordinate Court During this time I handled a good number of cases including some high profile ones. At the time of being moved to Kabwe I had no pending case either civil or criminal.
2012	:	Appointed Judge – Advocate for Court Martial held at Ndola
17 <sup>th</sup> July, 2009 to 17 <sup>th</sup> February, 2012	:	Resident Magistrate in charge – Luanshya Subordinate Court.
6 <sup>th</sup> September, 2007 to 17 <sup>th</sup> July, 2009	:	Appointed Resident Magistrate – Mansa Subordinate Court
2004 to 6 <sup>th</sup> September, 2007	:	Senior Legal Officer – Zambia Police Service Headquarters

Promoted to the rank of Chief Superintendent of Police

- Assistant to Director Legal Zambia Police Service.
- Assigned to represent the Police at Regional Police meetings under the Southern Africa – Regional Police Chief's Organization – (SARPCCO).
- Appointed Team leader of a group of Police Officers tasked with the duty to come up with a Human rights training manual for all Police Training School /Colleges under the auspices of an NGO (HURID) an organization involved in Human rights advocacy managed by Mr. Palan Mulonda (as he then was) now Judge of the Constitutional Court.

1997 – 2000	:	Appointed officer in charge of Chilenje Police Station – Lusaka
30 <sup>th</sup> December, 1999	:	Promoted to the rank of Superintendent.

As officer in charge I started an initiative whereby persons parking their motor vehicles overnight at the Police Station had to pay a fee per night resulting into the enactment of Police Amendment Act No. 14 of 1999 that legalized the initiative.

- The above initiative earned me the first promotion in the Police from the rank of Assistant Superintendent to Superintendent.
- As officer in charge I was privileged to be appointed a member of police tribunals convened to try police officers.

12<sup>th</sup> February, 1996 : Appointed Assistant Superintendent of Police

12<sup>th</sup> February, 1996 : Attested in the Zambia Police Service as direct entry Cadet Assistant Superintendent

### **TRAINING SUMMARY**

Since joining the Judiciary, I have been privileged to attend a number of training workshops to enhance my capabilities as an adjudicator. These include training in child witness, induction course for magistrates among others. The latest being the one held to induct members of the Local Government Elections tribunals held at Livingstone. Attended training on Gender Based Violence at ILEA in Botswana in 2019. Attended Gender Based Violence workshop organised by Legal Aid Clinic for Women in October 2019.

### **INTERESTS**

Going to church, watching soccer, spending time with family and gardening.

### **REFERENCES**

1. Mrs. A. Chulu  
Registrar Chamber Applications  
Lusaka High Court  
P.O. Box 50067  
**LUSAKA**
2. Mr. Paul Gladson Katupisha  
Katolo and Associates  
0977772629, 0977796858  
**LUSAKA**
3. Bishop C. Lumbama  
Grace Ministries Mission International  
0977114388  
**MANSA**

## **CURRICULUM VITAE**

### **PERSONAL DETAILS**

Name : John Harrison Mbuzi  
Sex : Male  
Date of Birth : 12<sup>th</sup> December, 1980  
Nationality : Zambian  
NRC : 205156/71/1  
Marital Status : Married  
Tribe : Senga

### **ACADEMIC QUALIFICATIONS**

1994 to 1998 : O'level Certificate - Namwianga Christian Secondary School, Kalomo  
1986 to 1993 : Grade Seven Primary Certificate – Chifunda Primary School, Chama  
2000 to 2005 : Bachelor of Laws (LLB) – University of Zambia, Lusaka  
2006 to 2007 : Legal Practitioners' Qualifying Certificate – Zambia Institute of Advanced Legal Education (ZIALE)

### **PROFESSIONAL QUALIFICATIONS**

2008 : Certificate - Institute for Child Witness Research and Training  
2010 : Certificate - Danish Institute of Human Rights, Copenhagen, Denmark  
2012 : Leadership Certificate and Diploma - Word of Faith Bible Institute, Kabwe  
2015 : Certificate - Gender Based Violence Training, Lusaka  
2015 : Certificate - Organisational Management - RIPA International, London, United Kingdom  
2017 : Certificate – Gender Based Violence Case Management - For Fast Track Courts, Ndola  
2019 : Certificate – Judicial Case Management and Ethics - Civil Service College, London, UK

### **WORK EXPERIENCE**

2016 to date : Chief Resident Magistrate – Ndola Subordinate Court, Copperbelt Province

### **Key Responsibilities**

- Hearing of Criminal and Civil Cases
- Supervision of Magistrates and Staff in Ndola Region, Copperbelt Province
- District Registrar responsible for hearing of Interlocutory applications in civil cases in the Ndola High Court

2011 to 2016 : Principal Resident Magistrate - Kabwe Subordinate Court, Central Province

### **Key Responsibilities**

- Hearing of Criminal and Civil Cases
- Supervision of Magistrates and Staff in Central Province
- District Registrar responsible for hearing of Interlocutory applications in Civil cases in the Kabwe High Court
- Chairperson Coordination, Communication and Corporation Initiative
- Chairperson, Child Justice Forum

2010- 2011 : Principal Resident Magistrate, Mansa Subordinate Court, Luapula Province

### **Key Responsibilities**

- Hearing of Criminal and Civil Cases
- Supervision of Magistrates and Staff in Luapula Province
- Chairperson Coordination, Communication and Corporation Initiative
- Chairperson, Child Justice Forum

2009 to 2010 : Senior Resident - Magistrate Mansa Subordinate court, Luapula Province

-Head of the Judiciary in Luapula Province

2007-2009 : Resident Magistrate - Luanshya Subordinate Court,

- Head of Station responsible for supervising Magistrates and Staff

- Chairperson for Child Justice Forum

2006-2007 : Magistrate Class 2 - Luanshya Subordinate Court

2004 to 2006 : Officer Cadet/Legal Officer - Zambia Army Headquarters, 'A' Branch, Arakan Barracks, Lusaka

- Responsible for rendering Legal opinions to Army Command

2003-2004 Intern - Legal Resources Foundation, Livingstone

- Responsible for research

### **ADDITIONAL RESPONSIBILITIES**

2013 to date : Assistant Pastor - Winners' Chapel

2010 to 2013 : Deacon - Winners' Chapel

2004 to 2005 : Chairman – School Mission for Christ, UNZA Campus Fellowship

2004 to 2005 : Students Representative - Vet Hostels - UNZA

**REFEREES**

Judge Chalwe Mchenga  
Court of Appeal  
Judiciary of Zambia  
Cell:0977-934262

Judge Chilombo Maka-Phiri  
Kitwe High Court  
Judiciary of Zambia  
Kitwe  
Cell:0977-711886

## **CURRICULUM VITAE**

### **PERSONAL DETAILS**

Name : Willie Sinyangwe  
Date of Birth : 6<sup>th</sup> May, 1958  
NRC No. : 136891/31/1  
Nationality : Zambian  
Marital Status : Married  
Sex : Male  
Cell : +260 9559211980/09659211980  
Address : House No. 4, Plot 936/b/3/A  
Makeni, Lusaka  
Email : [williesinyangwe@gmail.com](mailto:williesinyangwe@gmail.com)

### **PERSONAL OBJECTIVE**

To provide effective and efficient administration of justice, accessible to all and sundry.

### **PROFILE SUMMARY**

- Organised and ready for a position leading to major responsibilities;
- Knowledge in interpreting highly technical terms and procedures;
- Deep understanding of criminal and civil procedures;
- Sound and unbiased judgement;
- Sound case management;
- High sense of integrity;
- Ethical; and
- Respectful to all.

### **ACADEMIC AND PROFESSIONAL QUALIFICATIONS**

Dec, 2013 : Computer Applications - Chodort Training Centre, Choma  
July, 2008 : The Judicial Officer and the Child Witness – Institute for Child Witness Research and Training, Ndola  
Sept, 2007 : Legal Practitioners’ Qualifying Certificate – Zambia Institute of Advanced Legal Education (ZIALE), Lusaka  
June, 2005 : Bachelor of Laws – The University of Zambia, Lusaka  
August, 1993 : Magistrates Diploma, National Institute of Public Administration (NIPA), Lusaka  
1977 : Cambridge GCE O level Certificate - Nchelenge Secondary School  
1974 : Junior High School Certificate – Nchelenge Secondary School

## WORK EXPERIENCE

Current position : Acting Sheriff of Zambia

### **Responsibilities**

- Ensuring execution of court orders throughout the country
- Supervision of all execution officers and other support staff
- Providing legal guidance to execution officers
- Attending all manner of client's complaints and resolving them

Mar, 2020 to Sept, 2020 : Registrar – Kitwe High Court

### **Responsibilities**

- Hearing and determining High Court chamber matters
- Supervising the Assistant Registrar and registry staff
- Ensuring that appeal cases are processed and cause listed for hearing by the High Court
- General administration of the High Court

April, 2016 to Feb, 2020 : District Registrar – Livingstone High Court

### **Responsibilities**

- Hearing and determining High Court chamber matter
- Supervising the Assistant Registrar and registry staff
- Ensuring that appeal cases are processed and cause listed for hearing by the High Court

Nov, 2014 : Chief Resident Magistrate, Judiciary of the Republic of Zambia, Livingstone, Southern Province

### **Responsibilities**

- Administering the province by ensuring that Local Courts, Subordinate Courts and the High Court run smoothly
- Sub warrant holder
- Assigning duties to other Magistrates
- Hearing and determining criminal and civil cases by rendering judgments
- Hearing and determining High Court chamber matters

- Sept, 2012 to Nov, 2014 : Principal Resident Magistrate – Choma  
Subordinate Court
- Responsibilities**
- Overseeing other Magistrates
  - Assigning duties to other Magistrates
  - Hearing and determining criminal and civil matters
  - Supervising the Clerk of Court and all staff
- Dec, 2011 to Sept, 2012 : Senior Resident Magistrate – Choma  
Subordinate Court
- Responsibilities**
- Overseeing other Magistrates and all staff
  - Assigning duties to other Magistrates
  - Hearing and determining criminal and civil matters
- Dec, 2008 to Dec, 2011 : Resident Magistrate – Choma Subordinate Court
- Responsibilities**
- Overseeing other Magistrates and all staff
  - Assigning duties to other Magistrates
  - Hearing and determining criminal and civil matters
- Nov, 2001 to Dec, 2007 : Magistrate Class I – Magistrates Court in  
Chingola
- Responsibilities**
- Adjudicating on criminal and civil matters
  - Assigning work to other Magistrates
  - Supervising Clerk of Court and all staff
- Oct, 1997 to 1991 : Magistrate Class II
- Responsibilities**  
Adjudicating on criminal and civil matters
- Sept, 1991 to 1993 : Executive Officer
- Responsibilities**
- Training at National Institute of Public Administration
- 1989 to 1991 : Library Assistant

### **Responsibilities**

- Lending out books and receiving returned ones
- Preparing new books and labelling them
- Performing any other duties assigned to me by my superiors

1982 to 1988 : Audit Assistant - Oxygen Limited, Ndola

### **Responsibilities**

- Internal audit assignments assigned to me by the Auditor

1979 to 1982 : Bank Clerk – Zambia National Commercial Bank, Ndola

## **CAREER ACHIEVEMENTS**

- 12<sup>th</sup> to 16<sup>th</sup> March, 2001 – Attended and successfully completed a course on the theme “Enhancing judicial standards in the Magistrates Court
- 14<sup>th</sup> December, 2007 – Certificate of admission to practice as an advocate
- 12<sup>th</sup> to 17<sup>th</sup> September, 2012 – Attended the “Access to justice and human rights workshop conducted by National Institute of Public Administration (NIPA)
- 4<sup>th</sup> to 5<sup>th</sup> December, 2014 – Attended and completed training in gender and gender based violence and the law

## **TRAININGS**

4<sup>th</sup> to 5<sup>th</sup> Dec, 2014 : Gender and Gender Based Violence and the Law  
17<sup>th</sup> September, 2012 : Access to Justice and Human Rights  
8<sup>th</sup> to 12<sup>th</sup> November, 2010 : Violence against women  
24<sup>th</sup> to 26<sup>th</sup> March, 2010 : Justice, Jurisprudence, Access and Accountability in Zambia  
12<sup>th</sup> to 16<sup>th</sup> March, 2001 : Enhancing Judicial Standards in the Magistrates Courts

## **SKILLS AND ATTRIBUTES**

- Keen to aid in the smooth delivery of fair justice
- Good and effective inter cultural communication skills
- Fair and honourable
- Ability to deliver before or upon deadline
- Sound judgment
- Critical reasoning
- Eloquent
- Team player

## **LANGUAGES SPOKEN/UNDERSTOOD**

- English
- Bemba
- Nyanja
- Tonga
- Lungu

## **REFEREES**

Hon Mr Justice Mukulu Wamutiyo  
Livingstone High Court  
P O Box 60110  
**LIVINGSTONE**

Hon Dr Mr Justice Mumba Malila  
Supreme Court of Zambia  
P O Box 50067  
**LUSAKA**

Hon Madam Justice G C Chawatama  
Lusaka High Court  
P O Box 50067  
**LUSAKA**

## **CURRICULUM VITAE**

### **PERSONAL DETAILS**

Name : Mwaaka Chigali Mikalile  
Date of Birth : 21<sup>st</sup> April, 1981  
Place of Birth : Lusaka, Zambia  
Sex : Female  
Marital Status : Married  
NRC No. : 732185/11/1

### **ACADEMIC QUALIFICATIONS**

2017 to date : LL.M Programme – Commercial and Corporate Law,  
University of Lusaka  
2008 : Legal Practitioners; Post Graduate Certificate, Zambia  
Institute of Advanced Legal Education (ZIALE)  
2001 to 2005 : Bachelor of Laws (LL.B), University of Zambia,  
Lusaka  
1998 : GCE O' Levels (Examinations Council of Zambia),  
Kabulonga Girls Secondary School, Lusaka  
1995 : Grade 9 Certificate (Examinations Council of Zambia),  
Kabulonga Girls Secondary School, Lusaka  
1993 : Division One Grade Seven Certificate, Chelstone  
Primary School, Lusaka

### **WORK EXPERIENCE**

Aug, 2007 to date : Magistrate Court Complex, Lusaka, Zambia  
2007 to 2008 : Magistrate Class II  
2008 to 2011 : Resident Magistrate  
2012 to 2014 : Senior Resident Magistrate  
2014 to date : Principal Resident Magistrate  
May, 2005 to Nov, 2005 : Assistant Legal Officer, Mumba Malila &  
Partners, Lusaka, Zambia  
May, 2006 to April, 2007 : Learner Legal Practitioner, Ellis & Company  
Dec, 1998 to 1999 : Cashier/Receptionist – Graphics Africa Ltd,  
Lusaka, Zambia

### **CAPABILITY STATEMENT**

- Strong analytical skills
- Strong writing skills
- Self-motivated and goal oriented
- Able to work with minimum supervision
- High levels of integrity
- Able to learn quickly

## **RESEARCH AND PROJECT EXPERIENCE/PAPER**

- A Critical Analysis of the African Court on Human Rights and People's Rights: Is it the solution to the problems faced by the African Commission on Human and People's Rights?

-Obligatory Essay for the award of my Bachelor of Laws degree (2005)

- Financial Technology and regulations in Zambia  
Research paper (yet to be concluded) for my Masters Degree in Commercial and Corporate Law

## **REFERENCES**

The Chief Registrar  
Judiciary Headquarters  
P O Box 50067  
Lusaka  
**ZAMBIA**  
Tel: +260 211 255104

Judge Mumba Malila, SC  
Judge of the Supreme Court of Zambia  
**LUSAKA**

Cell: +260 977772638

## CURRICULUM VITAE

### PERSONAL INFORMATION

Name : Lameck Mwale  
Sex : Male  
Date of Birth : 31<sup>st</sup> March 1980  
Nationality : Zambian  
NRC No. 221172/32/1  
Passport No. ZN268264  
SADC Driving Licence No. 410285/1/2, Class B  
Physical Address : Plot 11687, Chamba Valley, Lusaka  
Lusaka  
Religion : Christian  
Marital Status : Married  
Email : mwalelameck@yahoo.co.uk  
Cell : +260977 630 220/+260966 630 220  
Postal Address : Lusaka Magistrates' Court Complex, P.O. Box  
30202, Lusaka

### ACADEMIC QUALIFICATIONS

1986 to 1992 : Primary School Certificate - Kamitondo Primary  
School, Kitwe  
1993 to 1997 : School Certificate, - Mukuba Secondary School,  
Kitwe  
2000 : General Certificate of Education (GCE) -  
Samfya Secondary, School, Samfya  
2003 to 2006 : Bachelor of Laws Degree (LL.B) - University of  
Zambia, (UNZA) School of Law, Lusaka  
June 2007 to Dec, 2008 : Legal Practitioners Qualifying Certificate with  
one distinction in Probate and Succession -  
Zambia Institute of Advanced Legal Education  
(ZIALE), Lusaka

### WORK EXPERIENCE

March 2019 to date : Chief Resident Magistrate/ District Registrar -  
Judiciary of the Republic of Zambia, Lusaka

### Responsibilities

- In charge of day to day operations of Lusaka Subordinate Court as well as all Subordinate Courts within Lusaka Province and ensuring that all courts operate within the guidelines set by the Judiciary of the Republic of Zambia
- Coordinates effectively administration of court operations in the province in order to facilitate the operations of the courts
- Undertakes hearing and timely disposal of cases as District Registrar at the High Court
- Allocates cases and all related work to all Magistrates under my charge

- Coordinates timely production and compilation of provincial court returns in order to facilitate development of appropriate interventions
- Manages timely development of individual and provincial work plans in order to monitor and evaluate performance
- Undertakes efficiently the hearing and disposal of cases in order to ensure delivery of justice
- Supervises effectively the human, financial resources and court operations in the province in order to facilitate smooth running of the courts
- Performance of any other duty connected with or incidental to the office of Chief Resident Magistrate.

August 2016 March 2019 : Principal Resident Magistrate/ District Registrar Judiciary of the Republic of Zambia, Mongu

### **Responsibilities**

- In charge of day to day operations of Mongu Subordinate Court and all Subordinate Courts within Western Province as well as the Mongu High Court District Registry
- Hearing and efficient disposal of cases as District Registrar at the High Court District Registry
- Undertaking efficiently the hearing and disposal of cases in order to ensure delivery of justice
- Supervising timely production and compilation of provincial court returns in order to facilitate development of appropriate interventions
- Supervising effectively the human, financial resources and court operations in the province in order to facilitate smooth running of the courts
- Managing timely development of individual and provincial work plans in order to monitor and evaluate performance
- Allocating cases and all related work to all Magistrates under my charge
- Performance of any other duty connected with or incidental to the office of Subordinate Court as Principal Resident Magistrate.

Nov 2011 to Aug 2016 : Senior Resident Magistrate - Judiciary of the Republic of Zambia, Lusaka

### **Responsibilities**

- Undertaking efficiently the hearing and disposal of cases in order to ensure delivery of justice
- Supervising timely production and compilation of provincial court returns in order to facilitate development of appropriate interventions
- Supervising effectively the human, financial resources and court operations in the province in order to facilitate smooth running of the courts
- Managing timely development of individual and provincial work plans in order to monitor and evaluate performance
- Performance of any other duty connected with or incidental to the office of Subordinate Court as Senior Resident Magistrate

11<sup>th</sup> June 2010 to Nov 2011 : Resident Magistrate, Judiciary of the Republic of Zambia, Kabwe

**Responsibilities**

- Undertaking timely the hearing and disposal of cases in order to ensure delivery of justice
- Supervising timely production and compilation of court returns in order to facilitate development of appropriate interventions
- Performance of any other duty connected with or incidental to the office of Subordinate Court as Resident Magistrate

Jan, 2011 to Nov, 2011 : Part-time Lecturer of Business Law as well as Criminal Law, (undertaken by students pursuing Diploma in Law program), University of Zambia - Kabwe

**Responsibilities**

- Teaching students of Business Law in class as a way of preparing them for qualification examinations undertaken at the end of the semester
- Teaching students of Criminal Law in class as a way of preparing them for qualification examinations undertaken at the end of the semester
- Examining students through periodical tests within the semester, as well as handing out and marking of assignments
- Preparation of final qualification examination questions, subject to approval by the University of Zambia Senate
- Marking of final qualification examination answer scripts
- Performance of any other tasks connected with or incidental to the foregoing

Jan, 2010 to June, 2010 : Associate Advocate - Permanent Chambers (Law Firm), Lusaka

**Responsibilities**

- Attending to clients' matters, both civil and criminal, in the Subordinate Court, High Court as well as Industrial Relations Court both in Chambers and in Open Court
- Drafting contracts of employment and other related legal documents on behalf of clients
- Attending to property conveyancing matters; i.e. preparation of contracts of sale, deeds of assignment and all other related documents and lodging the same with relevant authorities such as Ministry of Lands or Lusaka City Council
- Preparation and execution of security and other legal documents such as Mortgages, Debentures, Fixed Charges etc
- Attending to applications for registration of intellectual property rights particularly trademarks with Patents and Companies Registration Agency (PACRA)
- Rendering well researched and reasoned legal opinions on various subjects under the supervision of the Managing Partner of the Firm
- Giving legal advice to clients that come to the Firm for consultation

- Attending to incorporation of companies and business names for clients as well as doing company secretarial work for clients
- Performance of all other assigned legal work connected with or incidental to the position of Associate Advocate

Aug, 2007 to Dec, 2009 : Learner Legal Practitioner/Associate Advocate - Theotis, Chalwe & Mataka Legal Practitioners, Lusaka

### **Responsibilities**

- Attending to clients' matters, both civil and criminal, in the Subordinate Court, High Court as well as Industrial Relations Court in Chambers and in open Court
- Drafting contracts of employment and other related legal documents on behalf of clients
- Attending to property conveyancing matters; i.e. preparation of contracts of sale, deeds of assignment and all other related documents and lodging the same with relevant authorities such as Ministry of Lands and Lusaka City Council
- Preparation and execution of legal documents such as Mortgages, Debentures, Fixed Charges and other security documents
- Attending to applications for registration of intellectual property rights particularly trademarks with Patents and Companies Registration Agency (PACRA)
- Rendering well researched and reasoned legal opinions on various subjects under the supervision of the Managing Partner of the Firm
- Giving legal advice to clients that come to the Firm for consultation
- Attending to incorporation of companies and businesses names for clients as well as performance of company secretarial work for clients
- Performance of all other assigned legal work connected with or incidental to the position of Associate Advocate

### **PROFESSIONAL MEMBERSHIPS**

- Full Member of the Law Association of Zambia (LAZ)
- Full Member of the Magistrates and Judges Association of Zambia (MAJAZ)
- Member of the Commonwealth Magistrates and Judges Association (CMJA)
- Nominated Member of the Judicial Service Commission (JSC)

### **COMPUTER LITERACY**

Highly conversant with:

- Microsoft Word
- Excel
- PowerPoint
- Internet

## **INTERESTS AND ACTIVITIES**

- Reading and keeping abreast with current affairs
- Travelling and learning new life skills
- Playing and watching football
- Playing chess

## **LANGUAGES AND OTHER SKILLS**

- Able to write very well-reasoned judgments and rulings as well as analytical and technical reports
- Good communicator with very good command of English language and proficient in local languages namely; Bemba, Nyanja, Kaonde and Silozi
- Team player with great interpersonal skills
- Maintains high level of confidentiality
- Able to manage large workforce
- Able to work with minimum or no supervision
- Able to work under pressure and meet deadlines

## **RESEARCH**

Did a research in 2006 entitled *“Critical Analysis of Provisions Relating to Compulsory Third Party Insurance Under Part VII of The Road Traffic Act No. 11 of 2002”* as an Obligatory Essay in partial fulfillment for the award of the Bachelor of Laws Degree (**LL.B**) in the School of Law, University of Zambia.

## **REFEREES**

1. Hon. Mr. Justice Marvin Mwanamwambwa (Rtd)  
Deputy Chief Justice Emeritus  
**LUSAKA**  
Cell: +260977 445995
2. Hon. Madam Justice G. Chawatama  
High Court Judge In Charge- General List  
**LUSAKA**  
  
Cell: +260971 745357  
+260976093001
3. Mr Willie A Mubanga, SC  
Managing Partner at Messrs Chilupe & Permanent Chambers  
Chairman, Competition and Consumer Protection Tribunal  
**LUSAKA**  
Cell: +260955 861659

## CURRICULUM VITAE

### PERSONAL INFORMATION

Name : Alice Mipunga Ntambo Sitali (Mrs)  
Date of Birth : 16<sup>th</sup> June, 1978  
Gender : Female  
Marital Status : Married  
Nationality : Zambian  
NRC No. : 343159/67/1  
Religion : Christian (Catholic)  
Address : Plot No. H108 Moth Extension  
Malawi Road, Chipata  
Contact Details: 0977-404656/0962-214298  
Email : alicesitali@yahoo.com

### OBJECTIVES

To broaden my professional and academic horizons in order to effectively and efficiently carry out my duties in my place of work.

### PROFESSIONAL AND ACADEMIC QUALIFICATIONS

1991 to 1995 : Grade 12 Certificate (Examinations Council of Zambia) – Fatima Girls Secondary School  
1998 to 2003 : Bachelor of Laws degree (LLB) – University of Zambia (UNZA), Lusaka  
2004 to 2005 : Legal Practitioners Qualifying Certificate – Zambia Institute of Advanced Legal Education (ZIALE)  
2011 : Diploma in Legislative Drafting - ZIALE

### ADDITIONAL PROFESSIONAL QUALIFICATIONS

14<sup>th</sup> April to 21<sup>st</sup> Aug, 2009 : Certificate in Public Sector Leadership – Capacity Trust - Danish Ministry of Foreign Affairs, Danida Fellowship Programme  
28<sup>th</sup> May to 1<sup>st</sup> June, 2012 : Certificate in Law and Justice – Danish Institute for Human Rights  
2012 : CIArb’s module 1 and 2 Training Programme – Chartered Institute of Arbitrators  
Sept to Oct, 2019 : Prosecutor Placement Programme – Asset Recovery Inter-Agency Network in Southern Africa (UNODC), Pretoria Port Elizabeth  
May to Aug, 2020 : Prosecuting Money Laundering Cases and Financial Investigations – United Nations Office on Drugs and Crime

## **WORK EXPERIENCE**

2016 to date : Deputy Chief State Advocate, National Prosecution Authority

### **Description of duties:**

- Undertaking and supervising the timely allocation of criminal cases to subordinate staff and providing logistical support in order to facilitate Court attendance.
- Guiding and directing law enforcement agencies in the conduct of criminal investigations to ensure proper administration of justice.
- Rendering legal opinions to government departments and providing guidance on complaints to members of the public in relation to forfeiture of proceeds of crime.
- Prosecuting criminal cases in order to facilitate the proper dispensation of justice.
- Supervising and undertaking the timely processing of dockets and issuance of summary trial certificates in order to facilitate the delivery of justice.
- Supervising professional and other resources in the province.
- Co-ordination and implementation of policies, plans, programs and projects for the Authority in the province.

March 2013 to May 2016 : Senior Research Advocate - Judiciary

### **Description of duties:**

- Drafting Legal opinions;
- Preparing draft judgments;
- Preparing memoranda for the appeal chamber;
- Analysing records of appeal and summarising evidence on record in preparation for court sittings;
- Conducting research in relation to matters before the Supreme Court;
- Attending Supreme Court sittings;
- Preparation of quarterly reports detailing the work done in the chamber.

2012 to 2013 : Principal Legal Aid Counsel - Legal Aid Board

### **Description of duties:**

- Advising Legal Aid clients in civil and criminal matters;
- Preparing legal opinions for the Deputy Director and Director of Legal Aid Board;
- Attending to litigation in both civil and criminal matters in the Subordinate Court, High Court and Supreme Court;
- Drafting of legal documents;

- Allocating work to and Supervising Senior Legal Aid Counsel, Assistant Senior Legal Aid Counsel, Legal Aid Counsel, Legal Aid Assistants and Learner Legal Practitioners attached to the Legal Aid Board;
- Preparing work plans and end of year reports for the legal department; and
- Attending to any other administrative duties as assigned by the Director or Deputy Director of the Board.

2011 to 2012 : Legal Aid Counsel – Legal Aid Board

**Description of Duties:**

- Advising Legal Aid clients in civil and criminal matters;
- Rendering legal opinions to the Director, Deputy Director and Principal Legal Aid Counsel;
- Attending to litigation in both civil and criminal matters in all courts of law;
- Supervising Legal Aid Counsel, Legal Aid assistants and Learner Legal Practitioners on attachment to the Board;
- Drafting of legal documents; and
- Attending to any other administrative and legal duties as assigned by the Principal Legal Aid Counsel.

2008 to 2011 : Senior Legal Aid Counsel – Legal Aid Board

**Description of Duties:**

- Advising Legal Aid clients in civil and criminal matters;
- Rendering legal opinions to the Director, Deputy Director and Principal Legal Aid Counsel;
- Attending to litigation in both civil and criminal matters in all courts of law;
- Supervising legal Aid Assistants; and
- Drafting of legal documents.

2005 to 2008 : Legal Aid Counsel - Ministry of Justice  
(Department of Legal Aid)

**Description of Duties:**

- Advising Legal Aid clients in civil and criminal matters;
- Rendering legal opinions to the Director, Deputy Director and Principal Legal Aid Counsel;
- Attending to litigation in both civil and criminal matters in all Courts of Law;
- Drafting of legal documents.

2011 to 2013 : Description of additional duties under Legal Aid Board:

I was given an additional responsibility as Task Manager under the Access to Justice Program which was funded by the Danish Government and the European Union. The Access to Justice program was set up to coordinate the activities of the major justice

institutions involved in the dispensation of criminal justice, being the Judiciary, Legal Aid Board, the Directorate of Public Prosecutions, Zambia Police Service and Zambia Prisons Service. The program also incorporated key non-governmental Organisations whose mandate is to look into the welfare of prisoners.

The main aim of the program was to improve communication and encourage corporation among the institutions to aid the speedy delivery of justice. The program also assisted with technical and financial support to the institutions. I was involved in the identification of areas requiring support for the program which included staff training/continuous professional development and procurement of equipment to assist in the performance of staff duties. I was a part of the team that conducted a prison audit aimed at identifying prisoners that had been incarcerated for long periods of time without trial.

### **COMPUTER SKILLS**

Competent in:

- Microsoft office Applications (Word and PowerPoint)
- Internet and Email
- Excel

### **OTHER ATTRIBUTES**

- Hard working
- Analytical
- Self-motivated
- Team player
- Ability to multi-task
- Good communication skills
- Patient
- courteous

### **LANGUAGES**

Fluent in English, Bemba and Nyanja

### **INTERESTS**

Reading, baking and watching movies

### **REFERENCES**

Mr. Justice A.M Wood  
Supreme Court of Zambia  
Central Administration  
Lusaka.  
097-8306099

Judge E M Sikazwe  
High Court of Zambia  
Lusaka.  
0977 – 885472

Mrs Lillian Shawa-Siyunyi, SC  
National Prosecution Authority  
Plot 29B, Independence Avenue  
P.O Box 33970  
Lusaka.  
0211-375600

## **CURRICULUM VITAE**

### **PERSONAL DETAILS**

Name : Matandala-Bah M Marriam  
Date of Birth : 31<sup>st</sup> December, 1980  
Place of Birth : Kitwe, Zambia  
Sex : Female  
Marital Status : Married  
Languages : Fluent in English and Swahili  
Address : P O Box 33970, National Prosecutions Authority  
Lusaka, Zambia  
Cell : +260971195607/ +260967638523 or +260977756520

### **ACADEMIC AND PROFESSIONAL QUALIFICATIONS**

October, 2012 : Diploma in Legislative Drafting - Zambia  
Institute of Advanced Legal Education (ZIALE)  
May, 2009 to 2011 : Master's in Business Administration  
International MBA (I) - Edith Cowan  
University, Perth, Australia  
January, 2010 : Law Association Zambia (LAZ) – Zambia  
Consumer and Competition Commission  
Certificate  
August, 2009 : Anti – Corruption and Curbing Corruption  
Certificate  
2005 to 2006 : Legal Practitioners' Qualification Examination  
Certificate (LPQEC) - Zambia Institute of  
Advanced Legal Education (ZIALE), Lusaka  
Zambia  
2001 to 2004 : Bachelor of Laws (LLB) - University of Zambia  
Lusaka, Zambia  
1998 to 1999 : University of London GCE O'Levels  
1994 to Nov, 1998 : Roma Secondary School, Lusaka, Zambia  
1987 – November 1993 : Division One Grade Seven Certificate - Justin  
Kabwe

### **PROFILE**

I am a qualified, dedicated and experienced Advocate of the High Court and Supreme Court of Zambia. I have at least fifteen years of practical work experience in the Legal field with a balanced exposure to both public and private sector environments. A highly multi-skilled professional qualified in legal drafting, litigation and administration. I have a remarkable advisory skills and experience. Am a highly motivated professional with a high calibre of personal integrity and with an incredible sense of professional purpose, determination, diplomacy, negotiation and articulation.

## **WORK EXPERIENCE**

March, 2005 to Date : Deputy Chief State Advocate for Lusaka Province - National Prosecutions Authority

Worked also in different positions and departments of the Ministry of Justice as follows:

### **Office of the Director of Public Prosecutions/National Prosecution Authority**

- Prosecuting Criminal cases in order to facilitate the proper dispensation of Justice
- Guiding and directing law enforcement agencies in the conduct of criminal investigation in order to ensure proper administration of justice
- Processing timely dockets and issuing of Summary Trial Certificates in order to expedite the delivery of justice
- Rendering effectively legal opinion to government departments and providing legal guidance to members of the general public in relation to criminal law
- Supervising of staff in the Province administratively and criminal prosecution
- Managing the Budgetary Process

### **Administrator General and Official Receiver's Office**

- Administer Estates of deceased persons, mental disability and supervise liquidation in order to protect the interest of beneficiaries
- Sensitising the public on the operations of the department so as to improve society's awareness and knowledge of the department
- Providing legal representation by attending court in order to safeguard the interest of beneficiaries and creditors

### **Civil Litigation and Prerogative of Mercy Department**

- Providing legal representation in order to safeguard the interest of the State by rendering legal opinion to relevant government institutions
- Providing legal representation by attending court in order to safeguard the interest of the government

Dec, 2002 to Aug, 2004: Assistant Legal Learner to the Legal Counsel - Zambia Revenue Authority Head Office, Lusaka, Zambia

### **Responsibilities**

- Giving Legal Advice
- Giving legal Comments and Opinions on tax laws in Zambia
- Filing Cases in the Magistrate's Court and High Court
- Identifying Legal Issues
- Making Submissions
- Drawing legal Documents
- Any other work that was incidental to the Legal Counsel's Office

## **Law Knowledge**

- As a State advocate I have gained experience in prosecuting violent offences such as murder, aggravated assault, aggravated robbery and treason
- Working for Zambia Revenue Authority gave me an opportunity to understand specific laws that impact functional areas in an institution. For example, how to draft terms and conditions for employment contracts for Human Resource Department
- My work as a State Advocate in the directorate of public prosecution has helped me develop skills in litigation as well as adhering to tight deadlines in finishing cases within a given session and to be a self-starter
- My work as a State Advocate has also fostered my ability to work both independently and in a team setting as well as developed my training skills as am constantly giving legal advice to client ministries and other government institutions
- Working for the Ministry of Justice has provided me with the opportunity to experience the dynamics of a development team while working in a professional environment and enhancing my communications skills
- The MBA course has taught me to have good company secretarial and corporate governance and advisory skills
- Commercial conflicts resolution and negotiation skills
- Having a diploma in legislative Drafting has skilled me with the ability to draft various legal documents including regulations and bills for legislation as well as an understanding of the legislative process in Zambia and the commonwealth.

## **Human Resources Policies and Procedures – Labour Law Skills**

- Appreciate compliance matters under Labour and Industrial Relations Act
- Have clear understanding of the Employment Act of Zambia and can articulate various compliance issues there under
- Familiar with ensuring compliance with general Internal Disciplinary procedures

## **Management Competencies**

- Ability to ensure that there is no strategic drift with the organizations strategy therefore delivering business performance
- Able to position the organisation with macro and micro business environment thus delivering a service that is acceptable to its clientele

## **Capability Statement**

- Strong analytical skills
- Excellent legal drafter
- Effective Leadership skills
- Strong writing and reporting skills
- Self-motivated and goal oriented individual
- Able to work with minimum supervision

- Proficiency in Computer operating systems
- Demonstrated ability to work as researcher
- Ability to work in a Legal institutions
- Good Inter-relationship skills

### **EXTERNAL ACTIVITIES**

- Traveling
- Reading
- Writing

### **REFEREES**

The Dean, School of Law  
University of Zambia  
P O Box 32372  
**LUSAKA**  
Tel: +260-290733

Mr George M Kanja, Senior Lecturer – School of Law  
University of Zambia  
P O Box 32379  
**LUSAKA**  
Tel No. +26096439236

Mr. Daniel L. Phiri, Lecturer – AIBT- Lusaka  
(Edith Cowan University)  
Tel: +260 955 838924 Or +260 211 260864

Mrs Thandiwe Daka Oteng  
Permanent Secretary of the Ministry of Justice  
P O Box 50106  
**LUSAKA**  
Tel: 260 967481784

Mrs Fulata Lillian Shawa-Siyuni, SC  
Director of Public Prosecution  
National Prosecution Authority  
P O Box 33970  
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Tel: 260 968650063