



REPUBLIC OF ZAMBIA

REPORT

OF THE

**PARLIAMENTARY SELECT COMMITTEE APPOINTED TO SCRUTINISE THE
PRESIDENTIAL APPOINTMENT OF HON JUSTICE DR MUMBA MALILA, SC, TO
SERVE AS CHIEF JUSTICE AND MR VINCENT BLACKSKIN MALAMBO, SC, TO
SERVE AS A MEMBER OF THE JUDICIAL COMPLAINTS COMMISSION (JCC)**

**APPOINTED ON 26TH NOVEMBER, 2021, DURING THE FIRST SESSION OF THE
THIRTEENTH NATIONAL ASSEMBLY**

PRINTED BY THE NATIONAL ASSEMBLY OF ZAMBIA

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(JCC)**

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PARLIAMENTARY SELECT COMMITTEE APPOINTED TO SCRUTINISE THE PRESIDENTIAL APPOINTMENT OF HON JUSTICE DR MUMBA MALILA, SC, TO SERVE AS CHIEF JUSTICE AND MR VINCENT BLACKSKIN MALAMBO, SC, TO SERVE AS A MEMBER OF THE JUDICIAL COMPLAINTS COMMISSION (JCC)

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

Madam,

The Parliamentary Select Committee was appointed on 26th November, 2021, to scrutinise the Presidential appointment of Hon Justice Dr Mumba Malila, SC, to serve as Chief Justice and Mr Vincent Blackskin Malambo, SC, to serve as a member of the Judicial Complaints Commission (JCC).

The appointment of Hon Justice Dr Mumba Malila to serve as Chief Justice is made pursuant to Article 140 (a) of the Constitution of Zambia, Chapter 1 of the Laws of Zambia, which provides as follows:

*“140. The President shall, on the recommendation of the Judicial Service Commission and subject to ratification by the National Assembly, appoint the—
(a) Chief Justice;”*

The appointment of Mr Vincent Blackskin Malambo, SC, to serve as a member of the Judicial Complaints Commission is made pursuant to Section 20 of the Judicial Code of Conduct Act No. 13 of 1999, which provides as follows:

“20. (1) There is hereby constituted the Judicial Complaints Authority which shall consist of five members who have held or are qualified to hold high judicial office.

(2) The members of the Authority shall be appointed by the President subject to ratification by the National Assembly.”

TERM OF REFERENCE

2. The Term of Reference of the Committee was to scrutinise the Presidential appointment of Hon Justice Dr Mumba Malila, SC, to serve as Chief Justice and Mr Vincent Blackskin Malambo, SC, to serve as a member of the Judicial Complaints Commission (JCC).

MEMBERSHIP

3. The Committee comprised the following Members:

Mr C Andeleki, MP, Chairperson;
Ms M Phiri, MP, Vice-Chairperson;
Mrs C Halwiindi-Phiri, MP;

Mr K Simunji, MP;
Mrs E Munashabantu, MP;
Mr A Kasandwe, MP;
Mr K S Michelo, MP;
Mr G K Chisanga, MP;
Mr I Wamunyima, MP; and
Mr J Murebwa, MP.

MEETINGS OF THE COMMITTEE

4. The Committee held a total of six (6) meetings during the period 30th November, 2021 to 16th December, 2021. At its First Meeting held on Tuesday, 30th November, 2021, the Committee elected, Mr C Andeleki, MP, as Chairperson and Ms M Phiri, MP, as Vice-Chairperson.

PROCEDURE ADOPTED

5. The Chief Justice is the head of the Judiciary and is responsible for the general administration of the Judiciary. The Chief Justice ensures that judges and judicial officers operate independently, is responsible for the conduct of judges and the administration of justice.

The Judicial Complaints Commission is a body established under Article 236 of the Constitution to enforce the code of conduct for judges and judicial officer and ensure that they are accountable to the people for the performance of their functions. In that regard, members of the JCC receive, investigate and hear complaints of misconduct against judges and judicial officers, and make recommendations on the appropriate action to be taken.

In view of the above, both the Chief Justice and members of the Judicial Complaints Commission play a pivotal role in the dispensation and administration of justice in the country. Their offices are, therefore, critical to good governance and the rule of law.

Given the importance of the offices to which the nominees are being appointed, the Committee resolved that only competent persons with the requisite qualifications and experience should serve in the offices. Further, the Committee resolved that the persons should be of unquestionable integrity, diligence, eminence, and sound character and, above all, committed to the promotion of good governance, the rule of law and serving the people of Zambia.

Therefore, the Committee carefully selected the witnesses to assist it in the scrutiny of the nominees. The Committee requested memoranda from the state security agencies, relevant professional bodies and the Appointing Authority. The witnesses also appeared before the Committee to make their oral submissions. Further, the Committee assessed the suitability of the nominees to serve in the various appointments by scrutinising, in detail, their *curricula vitae* and the information submitted to the Committee by the witnesses.

SUBMISSIONS BY STATE SECURITY AGENCIES

ZAMBIA POLICE SERVICE (ZP)

6. The Senior Assistant Commissioner of Police submitted on the personal, educational and professional background of the nominees as stated in their *curricula vitae*. He informed the Committee that ZP had verified the nominees' academic qualifications with the Examinations Council of Zambia and the schools they had attended.

The Senior Assistant Commissioner of Police informed the Committee that a search conducted by its Criminal Records Department had not revealed any criminal or adverse record against the nominees. In that regard, ZP did not have any objection to the nominees' appointment.

ANTI-CORRUPTION COMMISSION (ACC)

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

The Acting Director-General informed the Committee that his submission was based on the ACC's mandate set out in the Anti-Corruption Act No. 3 of 2012. In that regard, the submission did not cover offences committed under any other law. He explained that the ACC used a computerised database called the Case Management System to conduct its searches. He added that the database stored information relating to any investigations that the ACC had handled. This included information on a suspect's details and the nature of the allegation.

The Acting Director-General submitted that a search on the ACC's database did not yield any adverse record against the nominees. In that regard, the ACC supported the appointment of the nominees to serve in the positions they had been appointed to.

DRUG ENFORCEMENT COMMISSION (DEC)

8. The Director-General submitted on the personal, educational and professional background of the nominees as stated in their *curricula vitae*.

The Director-General informed the Committee that DEC searched its database to determine whether a person had contravened the Narcotic Drugs and Psychotropic Substances Act No 35 of 2021 or the Prohibition and Prevention of Money Laundering Act No.44 of 2010. He submitted that a search conducted on the nominees had not yielded any adverse record against them. He added that the nominees were suitably qualified for appointment to serve as Chief Justice and member of the Judicial Complaints Commission, respectively, and in that regard, DEC supported their appointment.

SUBMISSIONS BY PROFESSIONAL BODIES/STAKEHOLDER INSTITUTIONS

FINANCIAL INTELLIGENCE CENTRE (FIC)

9. The Director-General informed the Committee that FIC considered the legal framework that provided for the appointment of the Chief Justice and members of the JCC. Thereafter, she submitted on each of the nominees as set out below.

(i) Hon Justice Dr Mumba Malila, SC

The nominee met the criterion for appointment to the office of Chief Justice of the Republic of Zambia. He had immensely contributed to the growth of Zambia's jurisprudence through his various roles and publications.

In addition, a perusal of the institution's database did not reveal any adverse information that would preclude the nominee from being appointed as Chief Justice. Further, there was no pending suspicious transaction report or criminal record pertaining to the nominee. FIC, therefore, supported his appointment to serve as Chief Justice of the Republic of Zambia.

(ii) Mr Vincent Blackskin Malambo, SC

The nominee met the criterion for appointment to serve as a member of the JCC. A perusal of FIC's database did not reveal any adverse information that would preclude the nominee from being appointed a member of the JCC. Further, there was no pending suspicious transaction report or criminal record pertaining to the nominee. FIC, therefore, supported his appointment to serve as a member of the JCC.

HUMAN RIGHTS COMMISSION (HRC)

10. The Director submitted on the personal, educational and professional background of the nominees as stated in their *curricula vitae*. She further submitted on each of the nominees as set out below.

(i) Hon Justice Dr Mumba Malila, SC

The nominee had an impeccable professional and academic track record, having practised as an advocate for over thirty years. He was an eminent scholar, legal practitioner and a distinguished judge of the Supreme Court. Further, his qualifications and experience would help build the required public confidence in the Judiciary.

The nominee was capable of performing the duties of Chief Justice as seen from the quality of judgements he had delivered in the Supreme Court and the expedience with which he had delivered them. Further, as an author who had demonstrated boldness and fearlessness in his writings, which included criticising the Judiciary, it was hoped that he would be able to promote the development of jurisprudence in Zambia. As a recipient of the Human Rights Commission award in recognition of his immense contribution to the cause of human rights both in Zambia and, abroad, the nominee would ensure that judicial authority was exercised in a just manner, thereby promoting accountability. In that regard, he was qualified for appointment as Chief Justice.

The HRC had no adverse report against the nominee and, therefore, supported his appointment.

(ii) Mr Vincent Blackskin Malambo, SC

The nominee possessed the requisite academic and professional qualifications to serve as a member of the JCC. He possessed vast experience as a legal practitioner, mediator and lecturer who had taught Professional Ethics and Conduct at the Zambia Institute of Advanced Legal Education (ZIALE). The nominee's good understanding of professional ethics and conduct would add value to the JCC.

The HRC did not have any adverse report against the nominee and, therefore, supported his appointment.

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

11. The Executive-Director submitted on the personal, educational and professional background of the nominees as stated in their *curricula vitae*. He further submitted on each of the nominees as set out below.

(i) Hon Justice Dr Mumba Malila, SC

The nominee was eligible to hold the position of Chief Justice because he had a clear track record within the judicial system.

(ii) Mr Vincent Blackskin Malambo, SC

The nominee was eligible to be a member of the JCC. The nominee possessed a clear track record as a legal practitioner and had vast knowledge in professional ethics and conduct, considering having lectured the course at ZIALE.

SACCORD had not come across any adverse information against the nominees during its investigations and, therefore, recommended the ratification of their appointments.

FOUNDATION FOR DEMOCRATIC PROCESS (FODEP)

12. The Executive Director submitted on the personal, educational and professional background of the nominees as stated in their *curricula vitae*. He submitted on each nominee as set out below.

(i) Hon Justice Dr Mumba Malila, SC

The nominee was a highly accomplished legal practitioner and his appointment would raise public confidence in the Judiciary. The nominee possessed vast experience in the legal fraternity, having served twice as Attorney-General. Additionally, the nominee was currently serving as a judge of the Supreme Court. The nominee's appointment was, therefore, well deserved.

FODEP supported the appointment of the nominee as Chief Justice because he would add value to the Judiciary.

(ii) Mr Vincent Blackskin Malambo, SC

The nominee had vast experience and expertise, which he had acquired during his thirty-three (33) years of law practice. Further, that the nominee was a member of the Legal Practitioners Committee (LPC) of the Law Association of Zambia (LAZ), a body that was responsible for checking the conduct of legal practitioners.

The nominee also served as Special Assistant to the President for Political and Legal Affairs and also served as Minister of Legal Affairs. In that regard, he was suitably qualified for appointment as a member of the JCC.

In that vein, FODEP had no objection to the nominee's appointment.

JUDICIAL COMPLAINTS COMMISSION (JCC)

13. A Member of the JCC informed the Committee that the mandate of the JCC was to provide judicial oversight. The Member of the JCC then submitted on the personal, educational and professional background of the nominee for the position of Chief Justice as set out in his *Curriculum vitae*. She then submitted on the nominee as set out below.

Hon Justice Dr Mumba Malila, SC

The nominee had twice served as Attorney-General from, 2006 to 2009 and from 2011 to 2014. The nominee was appointed as a judge of the Supreme Court of Zambia in July, 2014. While in the Supreme Court, he had demonstrated that he was an impeccable judge with a good track record. He had also acquired vast experience in the administration of justice. The JCC was, therefore, confident that the nominee would assist in ensuring that matters were disposed of without any unreasonable delays.

The Member submitted that the JCC had no adverse record against the nominee because no complaint had been lodged against him. Therefore, the JCC supported his appointment to serve as Chief Justice.

LAW ASSOCIATION OF ZAMBIA (LAZ)

14. The President of LAZ stated that the Council of LAZ, with the help of State Counsel, had deliberated on the suitability of the nominees, and had resolved to support them because they qualified for appointment to their respective positions. He, thereafter, submitted on each of the nominees as set out below.

(i) Hon Justice Dr Mumba Malila, SC

LAZ was cognisant of the constitutional provision on the appointment of the Chief Justice. LAZ was of the view that a person who occupied the office of Chief Justice should not only have integrity and a track record of delivering judgments, but also be a good administrator. The nominee was a person of integrity, had a track record of delivering judgments and was also a good administrator.

In addition, the nominee was a respected human rights lawyer, who had provided *pro bono* services for the indigent facing criminal charges in Zambia. He was also an experienced jurist who had written extensively on judicial independence and Zambia's jurisprudence. Being a critic of the Judiciary, LAZ expected the nominee to improve the administration of justice by addressing the challenges he had observed. The nominee had also mastered the art of writing judgments, which would assist him diligently discharge the functions of Chief Justice.

The nominee had also twice served as Attorney-General of the Republic Zambia and ex-officio member of the Zambian Cabinet. During his tenure as Attorney-General, the nominee served as a member of various public institutions. The nominee also served on some human rights bodies and was once the Honorary Secretary of LAZ.

LAZ was, thus, confident that based on his qualifications, experience, character and demeanour the nominee would effectively discharge the functions of Chief Justice. LAZ, therefore, fully supported his appointment.

(ii) Mr Vincent Blackskin Malambo, SC

The JCC required men and women of candour, integrity, courage and sobriety to ensure that the institution was not viewed as weak in the execution of its mandate. The nominee possessed and exhibited the said values. The nominee was a very senior legal practitioner who qualified to be appointed as a judge of any of the superior courts and, therefore, was suitable for appointment to serve as a member of the JCC.

THE ZAMBIA QUALIFICATIONS AUTHORITY (ZAQA)

15. The Chief Executive Officer submitted that ZAQA was established to develop and implement a national qualifications framework and institute measures to ensure that standards and registered qualifications were internationally comparable. She added that, as part of its mandate, ZAQA was responsible for independently validating and evaluating all qualifications for recognition in Zambia.

She further submitted that the process of validating and evaluating qualifications included the following three stages:

- (a) establishing the accreditation status or recognition of the awarding body that conferred the qualification. This stage sought to affirm that the awarding body, be it local or foreign, had the legal mandate or delegated authority from central government or from a government agency to award nationally recognised and quality assured qualifications;
- (b) confirmation from the awarding body that the qualification was, indeed, genuinely awarded to the holder of the qualification; and
- (c) establishing the level, on the Zambia Qualifications Framework (ZQF), at which a particular qualification should be recognised, considering set standards of competence for each level of qualification. She added that the Zambia Qualifications Framework was a single integrated system which comprised three coordinated qualifications sub-frameworks for –
 - (i) general education;
 - (ii) trades and occupations; and
 - (iii) higher education.

The Chief Executive Officer submitted that having considered the legal provisions relating to the nominees' appointments, ZAQA subjected the qualifications of the nominees to the evaluation and validation process. She stated that the results were as set out below.

(i) Hon Justice Dr Mumba Malila, SC

The nominee's qualifications were authentic and awarded to him by credible institutions.

(ii) Mr Vincent Blackskin Malambo, SC

The nominee's qualifications were authentic and awarded to him by credible institutions.

The Chief Executive Officer concluded her submission by stating that ZAQA was satisfied with the nominees' qualifications and in that regard, they were suitable for appointment to their respective positions.

JUDICIAL SERVICE COMMISSION (JSC)

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

He stated that at national level, the nominee had blended legal practice and academia as he had served with distinction, in various public and private sector positions. The Chairperson informed the Committee that the nominee had an impeccable record as an astute adjudicator and

administrator. He had demonstrated impartiality, good leadership, interpersonal skills, competence, integrity and professionalism.

The Chairperson explained that the nominee possessed the appropriate qualifications and experience to occupy the office of Chief Justice of the Republic of Zambia.

The Chairperson informed the Committee that the Judiciary was faced with a number of challenges such as understaffing, missing of files, delayed judgments and lack of proper infrastructure, especially at Local Court level. In that regard, the JSC was confident that, with the nominee's background, especially as former Attorney-General, he possessed sufficient experience to head the Judiciary. Further, his work culture had accorded him the ability to galvanise his colleagues and garner their support in performing various tasks assigned to him.

In conclusion, the Chairperson submitted that the JSC had no reservations in recommending the ratification of the nominee as he satisfied the legal requirements for appointment as Chief Justice.

SUBMISSIONS BY THE NOMINEES

(i) Hon Justice Dr Mumba Malila, SC

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

He informed the Committee that he had twice served as Attorney-General and that part of his responsibility as Attorney-General involved supervising lawyers under the Ministry of Justice. In view of that, he had gained administrative experience. He added that his experience as Assistant Dean Post-Graduate and Research at the University of Zambia had also enabled him to acquire administrative experience.

The nominee submitted that having served in different portfolios locally, regionally and internationally, he had acquired the necessary exposure that would aid him in carrying out the functions of Chief Justice, if ratified. In terms of his ability to manage both administrative and adjudicative responsibility, he informed the Committee that at the Supreme Court, the Chief Justice's work load was less than that of other judges. In that regard, the Chief Justice had time to attend to administrative matters. As a result, the administrative component of his office would not be affected. He added that he was eager to improve as an individual to enhance his capacity to multi-task.

The nominee submitted that the biggest challenge facing the Judiciary was the lack of public confidence in it. In view of this, he would strive to redeem the Judiciary's image, especially with regard to the work culture and attitude among adjudicators. Further, the nominee stated, that if ratified, he would introduce reforms to ensure the prompt delivery of judgments, and realign or restructure the courts. He would also strengthen the integrity committee and closely supervise the courts in accordance with the functions of the office of Chief Justice.

(ii) Mr Vincent Blackskin Malambo, SC

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

He informed the Committee that he had over thirty-three (33) years experience in the legal profession. He submitted that he was once a politician and had served as Minister of Legal Affairs. He explained that he had been a resource person for many judicial colloquies during which he covered topics on judicial ethics and had served on the Legal Practitioners Committee of LAZ for three terms.

The nominee informed the Committee that he was aware that one of the causes of delayed justice delivery by the courts was due to loss of court records. He explained that, that was mainly attributed to files being kept in the registry and not by the judges. In that regard, the nominee stated that it was imperative that the JSC took administrative action to ensure that erring officers were held accountable for losing court records.

The nominee also informed the Committee that he had noted that the procedure for the appointment of judges posed a challenge on the improvement of the judicial system in Zambia. He, therefore, proposed that the appointing authority needed to adopt a more rigorous process of selection, whereby appointments were made on merit.

The nominee submitted that he was aware that the independence of the Judiciary was a challenge and, therefore, if ratified, he would ensure that judges operated independently. He, however, pointed out that he would not permit the JCC to be used as an appellate court of judicial decisions. He added that the only time that the JCC would review judicial decisions would be when it was evident that the decisions were influenced by external factors. The nominee concluded his submission by stating that although he may not be sufficiently qualified to be Chairperson, he was of the view that he was sufficiently qualified to be a member of the JCC.

SUBMISSION BY THE APPOINTING AUTHORITY

19. The Acting Minister of Justice appeared before the Committee on behalf of the Appointing Authority and submitted on the nominees' educational and professional qualifications. He highlighted the individual achievements of each nominee with regard to their respective careers. He stated that the nominees had long, unbroken service records and had attained international recognition. Therefore, he was confident that the nominees would not misconduct themselves, if ratified. The Hon Minister further informed the Committee that based on the *curriculum vitae* of the nominees, they possessed the requisite experience and that the Appointing Authority was satisfied that they were suitable to serve in the positions they had been appointed to.

The Hon Minister submitted on each nominee as set out below.

(i) Hon Justice Dr Mumba Malila, SC

The nominee was born on 16th April, 1964. He held a Bachelor of Laws (LLB) degree from the University of Zambia and was admitted to the Zambian Bar in 1989. The nominee also possessed various post-graduate qualifications including a Master of Laws (LLM) degree from the University of Cambridge in England and a Doctorate of Laws degree from the University of Pretoria. He also held a Diploma in International Commercial Arbitration from the Chartered Institute of Arbitration in London and a Post-graduate certificate in Human Rights from the Rene Casin Institute of Human Rights, Strasbourg, France.

During his thirty-two (32) year legal career, the nominee served in various positions in the legal profession of Zambia. He served as a lecturer and tutor at the University of Zambia Law School and served in various positions, which included Board Secretary of the Zambia Law Journal and Legal Advisor to the University of Zambia Administration from 1991 to 1993.

The nominee served as the Chairperson of the Human Rights Commission of Zambia from 2004 to 2006 and was conferred with the rank and dignity of State Counsel in December, 2006. Thereafter, he was appointed twice as Attorney-General, and served as an *ex-officio* member of the Zambian Cabinet under three (3) former Presidents. During his tenure as Attorney-General, he served as a Chairperson and member of various other public bodies and institutions.

With regard to the nominee's legal practice, he had practised as a legal practitioner under the law firm Christopher Russell Cook & Co and was the founder and Managing Partner of the law firm, Phoenix Partners, which was later renamed Mumba Malila & Partners.

The nominee served as Commissioner of the African Commission on Human and Peoples' Rights and further served as the Vice-Chairperson of the Commission from October, 2006 to November, 2011. In October, 2020, the nominee was appointed as a member of the United Nations Working Group on Arbitrary Detention. The nominee was also a Supreme Court judge, a position he has held from 2014 to date and was the current Chairperson of the Chief Justice's Advisory

Committee on Court Operations. Further, the nominee had authored various publications on various legal topics.

The nominee was, therefore, highly qualified, experienced and suitable for appointment as Chief Justice of the Republic of Zambia and the Government fully supported his appointment.

(ii) Mr Vincent Blackskin Malambo, SC

The nominee was born in 1959. He held a Bachelor of Laws Degree from the University of Zambia obtained in 1983 and a Legal Practitioners Qualifying Postgraduate Certificate, obtained in 1984.

During his thirty-seven (37) year legal career, the nominee had served in different capacities both in the public and private sector. He had, among others, served as Assistant Counsel at Namukamba Chambers from 1984 to 1986, before joining Mhango & Company as a Managing Partner. During his tenure at Mhango & Company, the nominee garnered experience in various fields of law, including company foundations, legal, business and fiscal advice, debt swaps and litigation.

The nominee also served as Special Assistant to the President for Political and Legal Affairs from 1992 to 1995. Thereafter, he was appointed Minister of Legal Affairs (now Minister of Justice), a position he held from 1996 to 2001. During that time, the nominee was extensively involved in a number of legislative, policy and regulatory developments. Additionally, the nominee rendered a number of opinions to lead banks, non-governmental organisations and various law firms, on a referral basis. He also continued to litigate many lawyer-referred cases in the superior courts. The nominee had served as a member and chairperson of various public and private bodies and was currently the principal partner at Malambo and Company.

During the course of his illustrious career, the nominee contributed to the development of law in Zambia and was conferred with the honour and dignity of State Counsel in October, 2002.

The nominee was, therefore, highly qualified, experienced and suitable for appointment as a member of the JCC and the Government fully supported his appointment.

OBSERVATIONS AND RECOMMENDATIONS

20. The Committee observes that all the State Security agencies did not find any adverse records against the nominees. Additionally, all the witnesses that appeared before the Committee submitted that the nominees possessed the requisite qualifications and experience and were eminently qualified to serve in the positions to which they had been appointed. In that regard, they supported their appointments.

The Committee notes that Article 259 (1) (b) of the Constitution requires that, in making appointments to public offices, unless it is not practicable to do so, fifty percent of each gender should be appointed. The Committee observes that both the nominees presented for ratification are male. Therefore, this constitutional requirement has not been adhered to. In that regard, the Committee urges the Appointing Authority to take this into consideration when making appointments in the future.

The Committee further observes that the practice by the Executive of publicly announcing appointments before they have been ratified by the House has the potential to prejudice the ratification process and should be discouraged.

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

(i) Hon Justice Dr Mumba Malila, SC

The Committee notes that the nominee has had a stellar career as an academician, a legal practitioner, both in private and public practice, and as a judge. While in academia, the nominee served as Acting Dean of the University of Zambia Law School and as Assistant Dean Post-Graduate and Research. He has practised as a legal practitioner for over thirty (30) years, and as a judge of the Supreme Court since 2014. He has further served twice as Attorney-General, where he was the Chief Legal advisor to the Government and an *ex-officio* member of Cabinet. As Attorney-General, he was also the head of the Zambian Bar. In 2006, the nominee was conferred with the rank and dignity of State Counsel. The nominee served as the Chairperson of the Human Rights Commission of Zambia from 2004 to 2006. He was a Commissioner of the African Commission on Human and Peoples' Rights from 2005 to 2011, where he rose to the position of Vice-Chairperson of the Commission. While in the Judiciary, he served as Chairperson of the Editorial Board of the Zambia Law Reports and Chairperson of the Committee on the Operationalisation of the Constitutional Court and Court of Appeal. He is currently the Chairperson of the Committee on Court Operations. The Committee observes that the nominee has also published books and scholarly articles on various subjects, including on the independence of the Judiciary. The nominee is, therefore, suitably qualified and experienced to serve as Chief Justice.

(ii) Mr Vincent Blackskin Malambo, SC

The Committee observes that the nominee is a seasoned legal practitioner with thirty-seven (37) years post-admission experience. The Committee notes that the nominee has served in both public and private institutions. He served as Special Assistant to the President for Political and Legal Affairs from 1992 to 1995 and later Minister of Legal Affairs from 1996 to 2001. In 2002, the nominee was conferred with the rank and dignity of State Counsel. The Committee further notes that the nominee previously lectured Professional Ethics and Conduct at ZIALE and is currently a member of the Legal Practitioners Committee of LAZ, which handled complaints against lawyers.

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

The Committee, after due and thorough consideration, analysis and evaluation of the written and oral submissions presented to it by the witnesses and the interview with the nominees, is of the considered view that both nominees are eminently qualified and possess the requisite competences to serve in the positions to which they have been appointed.

The Committee, therefore, recommends that the House ratifies the Presidential appointment of Hon Justice Dr Mumba Malila, SC to serve as Chief Justice and Mr Vincent Blackskin Malambo, SC, to serve as a member of the JCC.

CONCLUSION

21. The Committee wishes to express its gratitude to all stakeholders who appeared before it and tendered both oral and written submissions. The Committee also appreciates your guidance, Madam Speaker, and the services rendered by the Office of the Clerk of the National Assembly during its deliberations.

We have the honour to be, Madam, the Parliamentary Select Committee appointed to scrutinise the Presidential appointment of Hon Justice Dr Mumba Malila, SC, to serve as Chief Justice and Mr Vincent Blackskin Malambo, SC, to serve as a member of the Judicial Complaints Commission.

Mr C Andeleki, MP
(**Chairperson**)

Ms M Phiri, MP
(**Vice-Chairperson**)

Mrs C Halwiindi-Phiri, MP
(**Member**)

Mr K Simunji, MP
(**Member**)

Mrs E Munashabantu, MP
(**Member**)

Mr A Kasandwe, MP
(**Member**)

Mr K S Michelo, MP
(**Member**)

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

Mr I Wamunyima, MP
(**Member**)

Mr J Mulebwa, MP
(**Member**)

APPENDIX I – OFFICERS OF THE NATIONAL ASSEMBLY

Mrs Doris N Kapumba, Parliamentary Legal Counsel

Mr Joseph N Sianyabo, Deputy Parliamentary Legal Counsel

Mr Dominic Mwinamo, Senior Legal Officer

Ms Mambwe Kaoma, Legal Officer

Mrs Salome C Sakala, Legal Officer

Ms Christabel Mtonga, Administrative Assistant II

Mr Lovemore C Kabwata, Legal Assistant

Mrs Naomi N Chiluba, Legal Assistant

APPENDIX II – THE WITNESSES

ZAMBIA POLICE (ZP)

Mr M Yuyi, Senior Assistant Commissioner
Ms D Tembo, Inspector

ANTI-CORRUPTION COMMISSION (ACC)

Mr S Muchula, Acting Director - General

DRUG ENFORCEMENT COMMISSION (DEC)

Dr M Simwai, Director-General
Ms T Katongo, Head Research, Information and Planning
Ms N Noondo, Chief Investigations Officer

FINANCIAL INTELLIGENCE CENTRE (FIC)

Ms M Chirwa, Director- General

HUMAN RIGHTS COMMISSION (HRC)

Ms F Chibwasha, Director
Mr J Mulemwa, Legal Counsel

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

Mr B Chembe, Executive Director
Mr A Muyunda, Programs Manager

FOUNDATION FOR DEMOCRATIC PROCESS (FODEP)

Mr G Chibmembe, Executive Director

JUDICIAL COMPLAINTS COMMISSION (JCC)

Mrs I M Kunda, Member
Mr A D M Mumba, Member
Mr N Makeleta, Secretary

LAW ASSOCIATION OF ZAMBIA (LAZ)

Mr A J Shonga Jnr, SC, President
Mr S L Chisulo, SC, Member
Mr M Ndalameta, Council Member

ZAMBIA QUALIFICATION AUTHORITY (ZAQA)

Mrs M M A Chiyaba, Chief Executive Officer
Mrs M Ngoma, Director Corporate Services
Mr M Hamalabbi, Director Technical Services

JUDICIAL SERVICE COMMISSION (JSC)

Mr M L Mukande, SC, Chairperson
Mr D C Mukalicha, Member
Mr P Chisha, Secretary
Mr R K Kaoma, Deputy Secretary

APPOINTING AUTHORITY

Hon F M Tayali, MP, Acting Minister of Justice
Mrs M K Bwalya, Permanent Secretary – Legal

APPENDIX III – THE NOMINEES

Hon Justice Dr Mumba Malila, SC
Mr Vincent B Malambo, SC

APPENDIX IV – CURRICULA VITAE OF THE NOMINEES

CURRICULUM VITAE

Personal details

Name : Mumba Malila, SC
Date of Birth : 16 April 1964
Place of Birth : Lusaka, Zambia
Nationality : Zambian.
Marital Status : Widowed, father of 4, aged respectively, 25, 22, 15 and 12
Languages : Fluent in English and several Zambian languages. Passive knowledge of French
Computer skills : Able to use computers with facility
Contact details : Email address mumbamalila1@outlook.com, Tel +260 211 250990 (office) / +260977772638 (mobile)

ACADEMIC AND PROFESSIONAL QUALIFICATIONS

1987 : Bachelor of Laws degree (LLB) with Merit, University of Zambia
1989 : Master of Law degree (LLM) - University of Cambridge, England (UK) (with emphasis in Commercial Law and the Law of Civil Liberties).
2019 : Master of Laws degree (LLM International Business Law) - University of Cumbria England (UK)
2017 : Doctor of Laws (LLD Human Rights) University of Pretoria, South Africa
2021 : Diploma in International Commercial Arbitration (DipICarb) – Chartered Institute of Arbitrators (London, UK)
1991 : Certificate in International Human Rights - International Institute of Human Rights, Strasbourg, France
1989 : Certificate of admission to the Zambian Bar as an Advocate of the High Court for Zambia (Solicitor and Barrister) (17th November 1989)
1988 : Legal Practitioners' Qualifying Certificate, Law Practice Institute of the Council of Legal Education
2003 : Certificate of admission to membership of the Chartered Institute of Arbitrators (UK).
2000 : Mediators' Training Certificate (Judiciary, Lusaka, Zambia)
1995 : Certificate of Competence in Stock Broking (ZIBC, Zambia)
2021 : ADR Centre and Weinstein International Foundation Basic and Advanced Mediation Training Certificate
2021 : United Nations Department of Safety and Security BSAFE Certificate

EMPLOYMENT RECORD

July 2014 to date : Judge of the Supreme Court of Judicature in Zambia

Duties

- Chairperson of the Editorial Board of the Zambia Law Reports (2014-2016)
- Chairperson of the Committee on the operationalisation of the Constitutional Court and the Court of Appeal (2016)
- Chairperson of the Advisory Committee on Court Operations (2016 to date)

November 2011 to June 2014: Attorney General for Zambia, *ex officio* Member of the Cabinet

Duties

- Chief Legal Advisor to the Government
- Leader of the Bar in Zambia
- Chairperson of the Anti – Money Laundering Authority
- Chairperson of the Board of the Council of Advanced Legal Education
- Chairperson of the Legal Practitioner’s Disciplinary Committee
- Member of the Judicial Service Commission
- Member of the Council of Law Reporting
- Member of the Zambia Public Procurement Authority Board
- Member of the Board of the National Council for Construction
- Member of the Board of the Citizens Economic Empowerment Commission
- Competent Authority in the Republic in mutual legal assistance in criminal matters
- Member of the Board of Zambia Railways Limited

January 2010 to November 2011

- (i) Academic member of staff in the Law School at the University of Zambia

Duties

- Lecturer and Tutor in several undergraduate courses
- Assistant Dean (Research)
- Supervisor of several undergraduate dissertations on various law topics
- Member of the Board of the Directorate of Graduate Studies of the University of Zambia
- Member of the Research Board of the University of Zambia
- Member of the Editorial Board of the *Zambia Law Journal*
- Editor of the *Journal of Law and Social Sciences*
- Member of the Graduate Studies Committee of the School of Law
- Member of the Promotions Committee of the School of Law
- Acting Dean, School of Law, 27th September to 9th November 2011
- Acting Dean, School of Law, 14th December 2011 to 19th December 2011

- (ii) Private legal practitioner, founder and Managing Partner in a private law firm *Mumba Malila and Partners*

December 2006 to November 2009 : Attorney General of the Republic of Zambia, *ex officio* member of the Cabinet Responsibilities as [in 3] above

Special experience as Attorney General:

- Was in the frontline in the fight against corruption waged by the Mwanawasa administration; led a team of local and foreign lawyers in legal proceedings in the High Court in London against high profile individuals; concluded high level agreements on

behalf of the Government for the recovery of looted resources. Represented the Republic, in consultation with foreign lawyers, against vulture funds in the London Court of International Arbitration.

- Represented the state in various difficult constitutional challenges in courts of law such as the presidential election petition, an action challenging the rights and privileges of the Republican Vice President as Acting President following the death of a President; the compulsory acquisition of ZAMTEL, etc.
- Navigated through untested waters in regard to constitutional provisions on the death of a sitting President and managed to provide legal advice that saw a smooth transition of power’.
- Together with a team of foreign lawyers, managed to forestall brewing litigation over mining concessions, Development Agreements and taxation policy for the mining industry in Zambia.

November 2005 to November 2011 : Commissioner: African Commission on Human and Peoples’ Rights.¹

Duties

- Vice Chairperson (November 2009- November 2011) (by election of the Commissioners)
- Member of the Committee for the Protection of the Rights of People Living with HIV and Aids in Africa (May 2010-November 2011) (by resolution of the Commission).
- Special Rapporteur on Prisons and Conditions of Detention in Africa (November 2005 – November 2009) (by resolution of the Commission).
- Chairperson of the Working Group on Extractive Industries and Human Rights Violations in Africa (November 2009-November 2011) (by resolution of the Commission).
- Member of the Working Group on the Death Penalty in African (November 2009- November 2011) (by resolution of the Commission).
- Member of the Working Group on Indigenous Peoples and Populations in African (May 2007-Nov 2011) (by resolution of the Commission).

May 2002 to November 2006

- (i) Academic member of staff in the School of Law at the University of Zambia

Duties

- Lecturer and Tutor in several undergraduate courses
- Supervisor of many students in their research projects and dissertations.
- Member, Editorial Board of the *Zambia Law Journal* (2004 - 2006)
- Member of various University and School of Law committees
- Coordinator, Directed Research
- Vice Chairperson of the Students’ Board of Discipline (2002-2003)
- Assistant Dean, Post Graduate (2005-2006)
- Chairperson of the Students’ Board of Discipline (2003-2006)

- (ii) Private legal practitioner and Managing Partner at *Mumba Malila and Partners*

¹The Commission is a premier human rights body on the African continent established as one of the organs of the African Union. It is composed of eleven “eminent African personalities elected by the Assembly of Heads of State of the African Union ‘from personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples’ rights’” (Article 31 of the African Charter on Human and Peoples’ Rights). Commissioners serve on a part-time basis).

February 1996 to 2006

Founded and practiced as a private legal practitioner under the name and style of *Phoenix Partners*, and later renamed *Mumba Malila and Partners*, a law firm duly recognised by the Law Association of Zambia.

September 1995 to January 1996

Legal Counsel/Company Secretary of the Emerging Market Investments group of companies. In that capacity served as Legal Counsel and Company Secretary for Emerging Market Investments Limited, Emerging Market Leasing Limited, Emerging Market Fund Management Limited and Emerging Market Securities Limited

January 1993 to September 1995

Manager Legal Services, Meridien Financial Services Limited. In that capacity acted as Legal Counsel for the Meridien and Chibote Group of companies.

October 1989 to January 1993

- (i) Member of the academic staff in the School of Law University of Zambia
 - Lecturer and Tutor for undergraduate students
 - Legal Advisor to the University of Zambia Administration (1991-1993)
 - Lecturer in public international law for post graduate diploma in international law students
 - Supervised various student obligatory essays and dissertations
 - Board Secretary of the *Zambia Law Journal* (1990-1991)
 - Vice Chairperson of the University Senior Staff Tribunal (1992)
 - Business Associate Editor of the *Zambia Law Journal* (1992-1993)
 - Chairperson of the Electoral Committee of the Lecturers and Researchers Union of the University of Zambia (1991-1993)
 - Chairperson of the Constitution Review Committee of the University of Zambia Senior Staff Association (1992-1993)
 - Coordinator, Moot Court Programme (1989- 1993) (Successfully coordinated the 2nd Southern African Moot Court Competition hosted by the University of Zambia which brought together twenty-four Southern and East African universities)
- (ii) Part-time legal practitioner with Messrs Christopher Russell Cook and Company(1989-1993)

Other public service and professional appointments

- Member of the United Nations Working Group on Arbitrary Detention (October 2020 to date) (Appointed by the UN Human Rights Council following a competitive election)
- Chairperson of the Human Rights Commission of Zambia (2004-2006)(Presidential appointment with National Assembly ratification)
- Member of the Judicial Service Commission as a Law Association of Zambia representative (2003-2005) (Presidential appointment)
- Member of the Law Development Commission (2002-2006) (Ministerial appointment)
- Hon. Secretary of the Law Association of Zambia (2002 – 2004) (Membership election)
- Council member of the SADC Lawyers’ Association (2002 – 2005) (LAZ Executive Council nomination)
- Vice President of the Human Rights Association of Zambia (2002 – 2004) (Membership election)
- Member of the Legal Practitioners’ Disciplinary Committee (1999-2006) (Ministerial appointment)
- Member of the Law Association of Zambia Council (1997-2002) (Membership election)
- Member of the Synod Bishop Advisory Committee of the United Church of Zambia (2001-2005)(Church Minister’s appointment)
- Acting Company Secretary of the Lusaka Stock Exchange (1999) (Shareholders’ appointment)
- Company Secretary of Zambia Ceramics Limited (1996-1999) (Directors’ appointment)
- Member of the Editorial Board, *Lagos Journal of Human Rights* (2006-date) (Faculty appointment)
- Board Member of Women and Law in Southern Africa (2006-2007) (Members’ invitation)
- Board Member of Sam Medical Products Limited (2004-2008) (shareholders’ appointment)
- Honorary lecturer in Commercial Transactions at the Zambia Institute of Advanced Legal Education(1993-1994) (by invitation of the Council)
- Assessor in Company Law and Procedure at the Zambia Institute of Advanced Legal Education (2002-2005) (by invitation of the Council)
- Honorary Lecturer in Company Law and Procedure at the Law Practice Institute of the Council of Legal Education (2005-2006)(by invitation of the Council)
- Editor, *Zango Journal of Contemporary Issues*, a University of Zambia publication (2012 to 2014) (peer appointment)
- Chairperson of the Board of Trustees of the United Church of Zambia (2016 to present) (Synod Bishop’s appointment)

Research work and publications : Thesis, articles, books and monographs

Thesis and dissertations

- ‘International Construction Disputes in the COVID-19 Era: Reflection Points for Arbitral Tribunals’ a dissertation submitted to the Chartered Institute of Arbitrators in partial fulfilment for the award of the Diploma in International Commercial Arbitration, June 2021
- ‘The Pitfalls of Judicial Support for International Commercial Arbitration: Rethinking the UNCITRAL Model Law on International Commercial Arbitration’, A dissertation submitted to the University of Cumbria in partial fulfilment for the award of the LLM degree in International Business Law in March 2019
- ‘The Place of Duties in International Human Rights Law: Perspectives from the African

Human Rights Protection System,' A thesis submitted to the Centre for Human Rights at the University of Pretoria in partial fulfilment of the award of an LLB degree in Human Rights in April 2016

- 'Investment Law and Transnational Corporations in Zambia', an obligatory essay submitted to the University of Zambia Law School in partial fulfilment of the requirements for the award of the LLB degree in April 1987

Articles

- 'How reasonable is the reasonable relationship rule in provocation cases?' (1987) *Legality*
- 'The use of emergency powers in Zambia: A comment on the revocation of trading licences and seizure of property in 1988', (1988/89) *Legality*
- 'The law of commerce and investment in Zambia: past, present and future' in (1991) 4 *Journal of South Africa Law*
- 'The sleep of reason: A case comment on the *Simataa and Simataa v Attorney General* case' (1991) *Zambia Law Journal*
- 'Mocking the successful litigant: legally sanctioned denials of the fruits of judgments in Zambia (2005) 37 *Zambia Law Journal*, pp 25-51
- 'Recent Legislation (2005) 37 *Zambia Law Journal*
- 'The Role of lawyers in promoting public integrity regimes in Zambia'(2005)*Transparency International Zambia Journal*
- 'Judicial limitation of freedom of expression in Zambia' (2006) 38 *Zambia Law Journal*, pp 109-127
- 'Recent Legislation' (2006) 38 *Zambia Law Journal*, pp 193-203
- 'The independence of the judiciary through the eyes of the African Commission on Human and Peoples' Rights'"<www.icj.org/dwn/database/Malila-SC-JusicialIndepenencethroughtheeyesoftheACHPR.pdf> 2010
- 'The sleep of reason: misunderstanding economic, social and cultural rights in Zambia', (2010) *Zambia Law Journal*, pp. 106-169
- 'Recent Legislation', (2010) 41 *Zambia Law Journal*, pp. 170-209
- 'Promising siblings: the relationship between the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights', (2011) 17(2) *East African Journal of Peace and Human Rights*
- 'Daunting prospects: accessing the African Court through the African Commission (2011) 31 (2-6) *Human Rights Law Journal*
- 'The Zambian Judiciary on trial: politicisation of the judiciary or judicialisation of politics' (2011) 42 *Zambia Law Journal*, pp 63- 170
- 'The dearth of the rights of HIV positive employees in Zambia: a case comment on the case of *Stanley Kangaibe v Attorney General*' (2012) 12 (2) *African Human Rights Law Journal*
- 'The shifting paradigms in the fight against corruption in Zambia'(2012) 43 *Zambia Law Journal*, pp.1-56
- 'The elusive search for a new Zambian constitution fifty years on' (2013) 3 *Zanzibar Yearbook of Law Year Book*, pp. 98-126
- 'Righting the wrongs: Justice Clever Mule Musumali's legacy of judicial activism revisited' in *International Journal of Research and Innovation in Social Science* (2020)
- 'Skirting the Justice System through Presidential Clemency: Some Reflections on Recent Developments' in *African Journal of International and Comparative Law* (2021) issue 3

Books authored

- *Commercial Law in Zambia: Essential Texts*, (UNZA Press, Lusaka, 2005) ISBN 9982-03-035-3 (198 pages)
- *Commercial Law in Zambia: Cases and Materials* (UNZA Press, Lusaka, 2006) ISBN 9982-03-039-6 (545 pages)
- *Imperfect Ruminations Rooted in Hope* (Mumba Malila, Lusaka, 2016)
- *The Contours of a Developing Jurisprudence of the Zambian Supreme Court* (Mumba Malila, Lusaka 2015)
- *The Eye Witness and the Criminal* (in progress)

Co-authored works

Books

- M.P. Mvunga, M. Malila and S.P. Ng'ambi, *Mvunga, Malila and N'gambi on Contracts* (UNZA Press, 2010) ISBN 978-9982-22-059-0
- Mumba Malila and Chanda Chungu, *An Introduction to the Law of Business Associations in Zambia* (expected publication by Juta Publishers in March 2019)
- Mumba Malila and Chanda Chungu, *Fundamentals of Company Law in Zambia* (expected publication by Juta publishers in October 2021)

Chapters in books

- 'Defacto Racial Discrimination in Zambia' in C. Heyns, J Van Der Westhuizen and T. Mayimele-Hashatse (eds.) *Discrimination and the Law in Post-Apartheid South Africa*, (Pretoria, University of Pretoria, 1994) pp 115-119
- 'The Legal Aspects of Zambia's Transition to Multi-party Democracy' in J Oloka-Onyango, K Kibwana & CP Maina (eds) *Law and the Struggle for Democracy in East Africa* (Nairobi, Claripress, 1996), ISBN 9966-9602-1-X (chapter 24, pp 477- 486
- 'Individuals Duties in the African Human Rights Protection System Challenges and Prospects' in Stephan Parmentier, Hans Werdmölder and Michaël Merrigan (eds.) 2016 *Between Rights and Responsibilities: A Fundamental Debate* (Intersentia Publishers, Antwerp September 2016)
- 'The Independence of the Judiciary through the eyes of the African Commission on Human and Peoples' Rights' (forthcoming in the book entitled *The Independence of the Judiciary in Africa*, by the International Commission of Jurists (Kenya Chapter)

Major consultancies undertaken

- 1991 Undertook a consultancy project with the PTA Secretariat to compile a report on the trade and investment laws of Zimbabwe, 1993.
- 1992 Provided the legal input on the consultancy on Zambia Media Privatisation Study undertaken by Coopers & Lybrand on behalf of the Ministry of Information and Broadcasting.
- 1992 Part of a team of experts commissioned by the Frederick Ebert Stiftung to undertake a Review of Business Laws of Southern Africa and prepared a report for the Small Enterprise Advisory Council Working Group.
- 1999 Part of the Media Law Reform Team constituted under the auspices of the Ministry of Information and Broadcasting Services to review legislation with a view to identifying laws that impinge on press freedom in Zambia.

- 2002 Part of a team of four lawyers that examined all legislation in Zambia with a view to identifying Acts that required amendment to accommodate alternative dispute resolution and submitted a report to USAID.
- 2004 Part of a two man team that was commissioned by the Oasis Forum to review the Basic Minimum Documents (BMD) with a view to identifying provisions which were either contradictory or inherently inconsistent with the objectives of the document; recommending amendments and producing a technical report aimed at strengthening it and to consider the justiciability of the bill of rights and related rights issues; to examine international and regional human rights instruments with a view to recommending the most suitable ways of harmonising the provisions relating to gender and children's rights, fundamental rights and freedoms, Legislature, Executive, Judiciary, Constitutional offices, public financial accountability, Accountability Commissions and local government in the proposed Constitution of Zambia and to prepare a layman's draft of sections of the Constitution, which dealt with the Legislature, the Executive, Judiciary and Constitutional Offices.
- 2010 Commissioned together with Prof. Calson Anyangwe and Prof. Philip Iya and Commissioner Sylvie Kayitesi of the African Commission on Human and Peoples' Rights to prepare a document on the question of the Death Penalty in Africa as a campaign tool towards the abolition of capital punishment and produced a comprehensive report on the Situation of the Death Penalty in Africa – Towards Abolition.
- 2011 Lead consultant in the consultancy entitled 'A training programme in conflict resolution in international waters' undertaken with four others under the auspices of Water Board. Consultancy dealt with the legal regime in water management and conflict resolution in Zambia.
- 2016 Led a team of judges and other judiciary staff in preparing the layman's draft of the Constitutional Court Act, the Constitutional Court Rules, the Court of Appeal Act and the Court of Appeal Rules.

Selected short courses attended

- Registered Representatives Stock Brokers Representatives Training, Zambia Insurance Business College, Lusaka, 18 -29 September 1995
- Legal Issues in Privatisation, 7th – 10th May 1996, Lusaka, Zambia
- Zambian Court Annexed Mediation Training Programme, Lusaka, Zambia 17th – 21st April 2000.
- The Role of National Human Rights Institution in Human Rights Protection, 6-8 April, 2005, Nairobi, Kenya
- Strengthening the Implementation of Human Rights Treaty Body Recommendation at National Level, 9th -13th 2005, Geneva, Switzerland
- Strengthening the Implementation of Human Rights Treaty Body Recommendations at National Level, Nairobi, Kenya 22nd – 24th February 2006
- Implementation of Concluding Observations at National Level, Lusaka, Zambia 14th -16th August, 2006
- Indigenous and Tribal Peoples Issues: Rights and Good Practices, Turin, Italy, 25th -29th September, 2006.
- Training Programme for Law Enforcement Officials on the Prohibition and Prevention of Torture, 5-7 September 2008, Monrovia, Liberia

Selected seminars and conference papers presented

- 'Human Rights in Zambia: fact or fiction': paper presented to the Queen's College Series of Seminars in December 1988, Cambridge, England

- 'The State of Emergency in Zambia: for how long?': paper presented to the University of Zambia Law Association, Lusaka Zambia in December 1989
- 'The Law of Commerce and Investment in Zambia: past, present and future': paper presented at the Symposium entitled *Law and Economic Reconstruction, Eastern Europe and Southern Africa* held at Rand Afrikaans University, Johannesburg, South Africa August 1990.
- 'The Sleep of the Just: Zambia's commitment to international human rights instruments': paper presented at the University of Zambia Human Rights Seminar, Lusaka Zambia, in September 1991.
- 'The Death Penalty in Zambia - A call for its abolition': paper presented at the United Nations Association Seminar held at Mulungushi International Conference Centre, Lusaka, Zambia in April 1992.
- 'The Punishment for Homicide in Zambia: Is it appropriate?': paper presented at the Law Development Commission Seminar at the Andrews Motel, Lusaka, Zambia in June 1992.
- 'Defacto Racial Discrimination in Zambia': paper presented at International Conference on *Defacto Racial Discrimination in Post-Apartheid South Africa* held in Pretoria, South Africa, in October 1992.
- 'The Legal Aspects to Zambia's Transition to Multiparty Politics': paper presented at the International Conference on "Multiparty Democracy in Eastern and Central Africa" held in Dar-es-Salaam, Tanzania, in November 1993.
- 'Legal Constraints in the fight against Corruption': paper presented at the Transparency International Seminar held at the Garden House Hotel, Lusaka, Zambia, in 2002.
- 'The Role of the Human Rights Commission in the promotion and protection of human rights in Zambia': paper presented at the fourth Zambia Police Senior Commanders' Human Rights Seminar held in Siavonga, Zambia, November, 2004.
- 'Competition Law and Human Rights: friends or foes?': paper presented at the SADC Lawyers Association Conference in Windhoek, Namibia, June 2005.
- 'The African Human Rights Protection System': Lectures delivered at the Katholik University in Leuven, Belgium, August 2006.
- 'A Critical Analysis of Pre-Trial Procedures and the Right to Ensure Effective Human Rights Protection During Trial': paper presented to a Human Rights Monitoring Training workshop organised by Zimbabwe Lawyers for Human Rights in conjunction with the SADC Lawyers Association, Lusaka, Zambia 27-28 July 2007.
- 'The African Commission on Human and Peoples' Rights as a Tool for Advocating for Human Rights': paper presented at the Franciscans International Leadership Training Seminar in Southern Africa, 15-22 September 2007, Lusaka, Zambia.
- 'The State Proceedings Act: maximising the benefits without causing injustice': paper presented at the 3rd State Advocates Workshop, Livingstone, Zambia, 23-29 September, 2007.
- 'The National Constitutional Conference Act No. 19 of 2007: a giant step in the right direction?': paper presented to the Zambia Institute of Chartered Accountants Workshop on 12th October 2007, Lusaka, Zambia.
- 'Consent Judgments Against the State: isolating the dangers': paper presented at the State Advocates Annual Workshop held in Livingstone, Zambia, September 2008.
- 'An Overview of the African Human Rights Protection System': paper presented at a conference on the communications procedure of the African Commission on Human and Peoples' Rights in Dakar, Senegal, April 2009.
- 'The State of African Prisons from the Perspective of the African Commission on Human and Peoples' Rights': paper presented at the Round table Discussion on Penal Reform in Africa on the theme *Key Challenges and Good Practices: A Pan-African View*, held on 20th -21st July 2009 in Kampala, Uganda.
- 'The Role and Responsibility of African Regional Mechanisms and the International

- Community in Securing Justice and Reconciliation During Political Transition’: paper presented at the seminar organised by the Centre for the Study of Violence and Reconciliation entitled *Negotiating Transition: The Limitation of the South African Model for the Rest of Africa*, held in Cape Town, South Africa August 31, 2009.
- ‘The Jurisprudence of the African Commission on Human and Peoples’ Rights on the Independence of the Judiciary’: paper presented on a Symposium on the Independence of the Judiciary in Lesotho, 3-5 March 2010 Maseru, Lesotho.
 - ‘Arguments for and Against the Death Penalty in Africa’: paper presented at the Regional Conference on the Death Penalty in Africa (West and North Africa) organised by the African Commission on Human and Peoples’ Rights, held in Cotonou, Benin between 12th and 15th April 2010.
 - ‘The Independence of the Judiciary through the eyes of the African Commission on Human and Peoples’ Rights’: a paper presented at a Workshop on Judicial Independence organised by the International Commission of Jurists for Judges in Lesotho in, Maseru, Lesotho July, 2010.
 - ‘An Overview of the African Commission on Human and Peoples’ Rights: The complementary relationship with the African Court’: paper presented at a symposium on Working towards an Effective African Court organised by the Coalition for an Effective Court on Human and Peoples’ Rights at Victoria Hotel, Blantyre, Malawi, 25-26 October 2010.
 - The Jurisprudence of the African Commission on Human and Peoples’ Rights: relevance to the African Court?’: paper presented at a Colloquium of principal African judicial and quasi – judicial human rights institutions in Arusha, Tanzania, October 2010.
 - ‘The Relationship Between the African Commission on Human and Peoples’ Rights and the African Court on Human and Peoples’ Rights’: paper presented at the Continental Conference on promotion of the African Court held in Lilongwe, Malawi, 9-11 March 2011.
 - ‘The Criteria for Selection of Judgments for Publication in the Zambia Law Reports’: paper presented at the annual Judicial Conference held in Livingstone between 16-18 December 2015.
 - ‘Customary Law in the Context of the Amended Zambian Constitution from the point of view of the Bill of Rights’: paper presented at the Annual Judicial Conference 14-18 November 2016.
 - ‘Understanding the Legal Practitioners’ Scale Fees: from the deep pocket to the fat account’ - A paper presented to the Law Association of Zambia Annual Law Conference held between 5-7 April 2018.
 - ‘The Role of the Company Secretary: a tale of two worlds’ – A paper presented to the Law Association of Zambia Annual Law Conference held between 5-7 April 2018.
 - ‘Interlocutory applications’ Presentation made at the induction of newly appointed High Court Judges (17 – 21 June, 2019) at Sandy’s Creation, Lusaka.
 - ‘Developments in appellate advocacy: An appellate judge’s perspective’ A paper presented at the Commonwealth Law Conference, Livingstone, Zambia, April 2019.
 - Appreciating the role of the court in corporate insolvency proceedings with specific reference to business rescue proceedings under the Corporate Insolvency Act’ Paper presented at the Annual judicial Conference under the theme Enhancing capacities for improving access to justice held at Avani Victoria Falls Resort, Livingstone 17 – 19 December, 2019.

Participation at selected international forums other than presentation of papers

- One of the two Zambian student representatives selected to participate in the 29th Philip C Jessup International Law Moot Court Competition held in Washington DC from the

- 16th to the 23rd April 1988
- One of the two Zambian student representatives selected to participate in the Central and Southern Africa International Law Moot Court Competition held in Gaborone, Botswana in 1987 as student representative from the University of Zambia. Zambia won the first prize
 - Delegate to the Paul Reuters International Law Seminar at Geneva, Switzerland from the 3rd June to the 21st June 1991. During the period had occasion to attend the private sessions of the International Law Commission
 - Attended the series of lectures in Human Rights at the International Institute for Human Rights at Strasbourg, France from 1st July to 30th July 1991
 - Attended internship with the United Nations Human Rights Commission at Geneva, Switzerland for two weeks from 1st August 1991
 - Attended a workshop on Legal Issues in Privatisation organised by the Centre for Financial Engineering in Development and the Zambia Privatisation Agency in May 1996.
 - Participated in the meeting of Eminent African Jurists on HIV and AIDS in the 21st Century held in Johannesburg, South Africa between 10 – 12 December 2009
 - Participated at the Conference on Ombudsman, Cultural Dialogue and Human Rights in a Changing Society held in Cairo, Egypt on 17th and 18th December 2009
 - Participated at the Conference on Remedies for Human Rights Violations by Corporations held in Geneva, Switzerland, 26-27 September, 2010
 - Attended and participated in the 36th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th and 50th Ordinary Sessions of the African Commission on Human and Peoples' Rights held in various African countries including Senegal, The Gambia, Ghana, Nigeria, Swaziland and Congo Brazzaville.
 - Participated in the meeting on sexuality and human rights in Dakar, Senegal, 15-17 March 2012
 - Participated in the World Congress on Justice, Governance and Law for Environmental Sustainability held in Rio de Janeiro, Brazil 17-20 June 2012
 - Participated in the 3rd Congress of Constitutional Jurisdictions of Africa in Libreville, Gabon, 7-10 May 2015
 - Participated in the 16th International Conference of Chief Justices of the World (World Judiciary Summit) 7-13 October 2015, Lucknow, India

Adjudication/ quasi- adjudicative experience

- Been a Judge of the Supreme Court since July 1, 2014
- Previously served as chairperson and member of various disciplinary bodies which are quasi-adjudicatory in nature, including the University of Zambia Senior Staff Tribunal (member), University of Zambia Students' Disciplinary Board (chairperson), the Judicial Service Commission's Disciplinary Committee (member), the Legal Practitioners' Disciplinary Committee (member for six years and Chairperson for five years) and the Zambia Law Development Commission's Disciplinary Committee (member)
- Appointed and served as an Arbitrator in many disputes within Zambia.
- Adjudicated together with other Commissioners of the African Commission on Human and Peoples' Rights in various human rights cases brought before the Commission against AU Member States, heard parties witnesses and delivered rulings

Selected international human rights assignments performed

- (a) Missions to member states of the African Union

- As Commissioner responsible for promotional activities in Kenya, Malawi, Mozambique, Tanzania and Uganda, conducted promotional missions to Uganda (2007), Malawi (2008), Tanzania (2008), and Mozambique (2010) and met government officials and civil society leaders at very high levels and compiled mission reports
- As Special Rapporteur on Prisons and Conditions of Detention in Africa between 2005 and 2009, inspected selected prisons in Uganda, Malawi, Tanzania, Swaziland, Liberia and Mozambique
- As member of the Working Group on Indigenous Peoples and Populations in Africa, visited the pygmies of the forests of the Republic of Congo and the Bushmen of rural Namibia.
- As Vice Chairperson led a delegation of the African Commission on Human and Peoples' Rights to the Inter-American Commission on Human Rights in Washington D.C in April 2008 on a study tour of the inter-American human rights system.

(b) Human rights Communications handled and decisions handed down

Was Commissioner Rapporteur responsible for drafting and presenting Rulings in the following Communications heard and determined by the African Commission on Human and Peoples' Rights:

- Communication No. 307 / 2005 :Obert Chinahamo v Republic of Zimbabwe
- Communication No. 308 / 2005:Michael Mujuru v Republic of Zimbabwe
- Communication No. 301 / 2006: IHRDA v Republic of Ethiopia
- Communication No. 315 / 2006: Price v Republic of South Africa
- Communication No. 317 / 2006: IHRDA v Republic of Kenya
- Communication No. 319 / 2006: Interights v Republic of Botswana
- Communication No. 322 / 2006: Centre for Minority Rights v Republic of Kenya
- Communication No. 328 / 2006: Cabinda v Republic of Angola
- Communication No. 331 / 2006: Kamanako Association v Republic of Ghana
- Communication No. 357 / 2006: Urban M'kandawire v Republic of Malawi
- Communication No.335 / 2007: Dabalorivhuwa Patriotic Front v Republic of South Africa
- Communication No. 375/2009: Priscilla Njeri Echaria v Republic of Kenya
- Communication No. 385 / 2010: ICJ Kenya v Republic of Kenya

Selected local human rights assignments performed/ achievements

- As Chairperson of the Human Rights Commission of Zambia spearheaded the most aggressive expansion program for the Commission which saw the opening of provincial offices on the Copperbelt Province, Northern Province, Western Province, Eastern Province and Southern Province
- Visited prisons and places of detention in virtually all parts of Zambia and submitted reports with recommendations on how to redress the shortcomings identified.
- Re-established the Commission's visibility as a human rights watchdog institution and regained donor confidence in the activities of the Commission
- Ensured that all outstanding Annual Reports of the Commission were prepared and submitted to the President
- Engaged Government to allow the Commission to operate within the Paris Principles and was successful during my tenure in getting the Commission to attain accreditation status 'A' which is the highest status possible granted by the International Coordinating

- Committee of National Institutions for the Promotion and Protection of Human Rights Was instrumental in administratively establishing a Children’s Ombudsman within the Human Rights Commission to focus on the rights and welfare of children

Membership of professional bodies and honorary societies

Previous

- Member of the Law Association of Zambia(Member of the Executive Council between 1997 and 2004)
- Member of the SADC Lawyer’s Association (Council Member between 2002 and 2006)
- Member of the American Society of International Law
- Member of the International Bar Association
- Member of the Pan African Lawyers’ Union

Present

- Member of the Chartered Institute of Arbitrators on the verge of fellowship admission
- Member of the Zambia Association of Arbitrators
- Honorary member of the Lions Club of Fairview

Prizes, scholarships, attainments and professional recognition

- State Counsel (equivalent to Queen’s Counsel) (honour and dignity conferred by the President of the Republic of Zambia on 8th December 2006)
- Winner of the Kwamena Bentsi-Enchill Memorial Prize for the best third year student at the University of Zambia in 1986
- Winner of the Law Association of Zambia Prize for the best student in Jurisprudence at the University of Zambia in 1987
- Cambridge / Livingstone - ODA Scholar, 1988/89
- Fellow of the Cambridge Commonwealth Society
- Scholar, Katholieke University, Lueven, Belgium for staff exchange to Flemish Universities 2005-2007
- Transparency International Zambia Recognition Award (2011)
- Human Rights Commission of Zambia Human Rights Award (2019)
- Notary Public

Outdoor activities/hobbies

Love table tennis, golf, meeting people, jogging, riding and watching soccer

Referees

1. Mr. Kanti K. Patel
Senior Partner
Christopher Russell Cook & Co.
P O Box 34091
LUSAKA

Tel : +260-1- 229366
Fax: +260 211 225713

2. Hon. Mr Justice Albert Mark Wood
Judge of the Supreme Court
PO Box 50067
LUSAKA
Tel: +260 211 251330

CURRICULUM VITAE

PERSONAL DETAILS

Name of Staff	Vincent Malambo, SC
Profession	Lawyer
NRC No.	168812/74/1
Date of Birth	1959
Years with the Firm/Entity	Over 33 years
Years of relevant experience	Over 33 years
Nationality	Zambia
Membership in Professional Societies:	International Bar Association Advocate of the High Court for Zambia

KEY QUALIFICATIONS

Vincent Malambo has over 33 years experience in the legal profession. Currently, he is Senior Partner of Malambo & Company. He has extensive experience in company foundations, legal, business and fiscal advice and general interest representation.

Vincent Malambo's practice experience commenced with Namukamba Chambers where he worked as Assistant Counsel from 1984 to 1986. In 1986 he joined Mhango & Company as its Managing Partner where he embarked on an active career in the following special fields.

- Company foundations;
- Legal, Business and fiscal advice;
- Debt Swaps;
- Creation of Debentures, Charges and other Securities;
- Company contracts, share transfers and takeovers;
- Land Conveyancing, Mortgages and Contracts;
- Corporate litigation; and
- General legal counselling and interest representation.

His initial exposure was in general legal practice and interest representation. Over the years, he has been involved in the litigation of some of the leading cases in various aspects of the laws of Zambia. He has rendered opinions to lead Banks, Non Governmental Organisations and other Zambian and non-Zambian law firms on a referral basis. He continues to litigate many lawyer-referred cases in both the High Court and Supreme Court of Zambia.

His contribution to the development of the law in Zambia was recognised when in October 2002, he was conferred with the honour and dignity of State Counsel of Zambia (an honour equivalent to that of Queens Counsel (QC) in the United Kingdom).

He has represented and continues to act for major International Banks and International Debt Advisors based in Switzerland and the USA.

Vincent Malambo is a member of the International Bar Association and its Section on Business Law.

Prior, to returning to private practice, Vincent served as Special Assistant to the President for Political & Legal affairs and later as a Member of Parliament. He served as Minister of Legal Affairs for the Government of the Republic of Zambia. During this time, he was extensively

involved in a number of legislation, policy and regulatory developments for the public sector. A number of pieces of legislation drafted during his tenure and superintendence include policy and regulatory framework that support a liberalised economy, autonomous institutions and provide for minimum participation by Government.

Vincent was admitted as a Notary Public on the 13th January 1995 during which year he also served as a Member of the Electoral Commission of the Movement for Multiparty Democracy. He also served as Chairman of the Rating Valuation Tribunal having been appointed to that position by the President on the 6th December 1995. He is a member of the Chartered Institute of Arbitrators (London) and trained as Mediator for Court annexed Mediation in 1996.

EDUCATION AND PROFESSIONAL BACKGROUND

1983 : Bachelor of Laws (LLB), University of Zambia

Employment Record

Currently : Principal Partner, Malambo & Company

1996 – 2001 : Minister of Legal Affairs, Government of the Republic of Zambia

1992 – 1995 : Special Assistant to the President for Political & Legal affairs
Government of the Republic of Zambia

1986-1991 : Managing partner, Mhango & Company

1984 – 1986 : Assistant Counsel, Namukamba Chambers

Other activities/ Board Membership

Presently

- Board Chair – Southern African Institute for Policy and Research (SAIPAR)
- Board Chair – Colunga Estates Limited
- Board Member – Southern Valley University

Previously

- Board Chair – Zambia Energy Corporation Limited
- Vice Board Chair – Zambia Revenue Authority
- President of the Chingola Rotary Club
- Honorary Lecturer- Professional Ethics and Conduct – Zambia Institute of Advanced Legal Education
- Chairman – ZICA- Disciplinary Committee
- Board Chair- Proflight Zambia
- Board Member – First Alliance Bank (Z) Limited