



REPORT

OF THE

**PARLIAMENTARY SELECT COMMITTEE APPOINTED TO SCRUTINISE
THE PRESIDENTIAL APPOINTMENT OF HON MADAM JUSTICE
FULGENCY MWENYA CHISANGA TO SERVE AS A JUDGE OF THE
SUPREME COURT, HON MADAM JUSTICE JUDY ZULU MULONGOTI, HON
MR JUSTICE MWILA CHITABO, SC, AND HON MR JUSTICE MATHEW
KASONDE CHISUNKA, TO SERVE AS JUDGES OF THE CONSTITUTIONAL
COURT AND HON MADAM JUSTICE ANESSIE MICHAEL BANDA-BOBO,
HON MADAM JUSTICE NICOLA ANN SHARPE-PHIRI AND MR KELVIN
MUZENGA TO SERVE AS JUDGES OF THE COURT OF APPEAL**

**APPOINTED ON 3RD FEBRUARY, 2021, DURING THE FIFTH SESSION OF THE
TWELFTH NATIONAL ASSEMBLY**

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CHISUNKA, TO SERVE AS JUDGES OF THE CONSTITUTIONAL COURT
AND HON MADAM JUSTICE ANESSIE MICHAEL BANDA-BOBO, HON
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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 Wednesday, 3rd February, 2021, to scrutinise the Presidential appointment of Hon Madam Justice Fulgency Mwenya Chisanga to serve as a judge of the Supreme Court, Hon Madam Justice Judy Zulu Mulongoti, Hon Mr Justice Mwila Chitabo, SC, and Hon Mr Justice Mathew Kasonde Chisunka, to serve as judges of the Constitutional Court and Hon Madam Justice Anessie Michael Banda-Bobo, Hon Madam Justice Nicola Ann Sharpe-Phiri and Mr Kelvin Muzenga to serve as judges of the Court of Appeal.

The appointment of Hon Madam Justice Fulgency Mwenya Chisanga to serve as a judge of the Supreme Court, Hon Madam Justice Judy Zulu Mulongoti, Hon Mr Justice Mwila Chitabo, SC, and Hon Mr Justice Mathew Kasonde Chisunka, to serve as judges of the Constitutional Court and Hon Madam Justice Anessie Michael Banda-Bobo, Hon Madam Justice Nicola Ann Sharpe-Phiri and Mr Kelvin Muzenga to serve as judges of the Court of Appeal 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 Hon Madam Justice Fulgency Mwenya Chisanga to serve as a judge of the Supreme Court, Hon Madam Justice Judy Zulu Mulongoti, Hon Mr Justice Mwila Chitabo, SC, and Hon Mr Justice Mathew Kasonde Chisunka, to serve as judges of the Constitutional Court and Hon Madam Justice Anessie Michael Banda-Bobo, Hon Madam Justice Nicola Ann Sharpe-Phiri and Mr Kelvin Muzenga to serve as judges of the Court of Appeal

MEMBERSHIP

3. The Committee comprised the following Members:

Mr K Simbao, MP, (Chairperson);
Mrs S S Mulyata, MP, (Vice-Chairperson);
Mr S Banda, MP;
Mr G G Zimba, MP;
Mrs M Langa, MP;
Dr C K Kalila, MP;
Mr C Mweetwa, MP;
Mr E Mwila, MP;
Mr J Chishala, MP; and
Mr P Kalobo, MP.

MEETINGS OF THE COMMITTEE

4. The Committee held a total of six (6) meetings during the period 4thFebruary to 1st March, 2021. At its First Meeting held on Thursday, 4thFebruary, 2021, the Committee elected Mr K Simbao, MP, as Chairperson and Mrs S S Mulyata, MP, as Vice-Chairperson.

PROCEDURE ADOPTED

5. The Judiciary plays a critical role in the administration of justice, ensuring good governance and upholding the rule of law. In view of this, the Committee resolved that only competent persons of proven integrity, diligence, eminence, sound character and, above all, committed to the promotion of the rule of law, should be appointed as judges of the Supreme Court, Constitutional Court and Court of Appeal, respectively. Therefore, the Committee carefully selected the witnesses to assist 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 the 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 of Police in charge of Operations submitted on the personal, educational and professional background of the nominees as stated in their *curricula vitae*.

He informed the Committee that investigations conducted by ZP on each of the nominees yielded no adverse report against any of them. In that regard, he submitted that the nominees were suitably qualified to serve as judges of the superior Courts.

The Deputy Inspector-General explained that ZP's database constituted a wide range of criminal records from different security wings such as DEC and the ACC, which it collaborated with. He also stated that ZP relied on its database as it contained verifiable information on any criminal allegations against an individual.

ANTI-CORRUPTION COMMISSION (ACC)

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

The Acting Director-General explained from the outset that the information provided by the ACC related to allegations of corruption in line with its mandate, as provided for under the Anti-Corruption Act No 3 of 2012. She stated that the ACC's database was a computerised system called the Case Management System, which stored information relating to all investigations or cases that it had handled in the past and present. She further explained that the database contained, *inter-alia*, the details of suspects or accused persons, the nature of allegation as well as information on how the matters were concluded. She further explained that the ACC relied only on its database and did not obtain any information from outside. She emphasised that where any adverse information was discovered outside the ACC database, such information was treated as mere speculation.

The Acting Director-General concluded her submission by stating that a search conducted on the ACC's database had not yielded any adverse information against any of the nominees and, therefore, the ACC supported their appointment.

DRUG ENFORCEMENT COMMISSION (DEC)

8. The Commissioner DEC apprised the Committee on the personal, educational and professional background of each nominee as stated in their *curricula vitae*.

The Commissioner informed the Committee that DEC's focus was to ascertain whether the nominees had, at any time, contravened the Narcotic Drugs and Psychotropic Substances Act, Cap. 96 of the Laws of Zambia or the Prohibition and Prevention of Money Laundering Act, No 14 of 2001.

He informed the Committee that a record search conducted by DEC on each of the nominees had not yielded any adverse records against them. The Commissioner further informed the Committee that DEC had collaborated with the Financial Intelligence Centre (FIC) in its investigations, as the two institutions usually worked together.

In conclusion, the Commissioner submitted that the nominees were qualified for appointment and DEC supported their appointment.

SUBMISSIONS BY PROFESSIONAL BODIES/STAKEHOLDER INSTITUTIONS

HUMAN RIGHTS COMMISSION (HRC)

9. The Head of Investigations and Legal Services HRC submitted that it was imperative for persons to be appointed to judicial office to be subjected to a rigorous vetting process that was fair but firm, for purposes of having effective public institutions. He further stated that citizens needed to have confidence in the nominees and that public confidence in the Judiciary could only be secured if judicial officers possessed the requisite qualifications and were persons of high integrity. He further submitted that such persons needed to be capable of upholding judicial independence, autonomy, integrity and impartiality in line with section 3 of the Judicial Code of Conduct Act No. 13 of 1999, which provided as follows:

“A judicial officer shall uphold the integrity, independence and impartiality of the judicature in accordance with the Constitution, this act or any other law.”

The Head of Investigations and Legal Services informed the Committee that pursuant to Article 118 (1) of the Constitution, the Judiciary was accountable to the people, from whom it derived judicial authority. He explained that in determining the suitability of the nominees for appointment, the HRC had recourse to Article 141 (1) of the Constitution, which provided the qualifications for persons aspiring to hold judicial office. Additionally, he stated that appointments to the public service had to consider gender balance and ethnic groupings in line with article 173 (1) (j) of the Constitution.

In view of the foregoing, the Head of Investigations and Legal Services submitted on the suitability of each nominee to hold and discharge the functions of the office of judge as set out below.

(i) Hon Madam Justice Fulgency Mwenya Chisanga

The nominee was a distinguished judge of the superior courts who had risen from the position of High Court judge, in 2010, to the position of Judge President of the Court of Appeal in 2016. With a career stretching over a decade on the Bench, the nominee possessed the requisite qualifications and experience. Additionally, she had been subjected to similar scrutiny when she was appointed as a High Court judge and Judge President of the Court of Appeal. The nominee's current appointment as a Supreme Court judge was a promotion. The fact that the nominee had been promoted several times in the Judiciary was a mark of her dedication to duty.

In that regard, the HRC supported her appointment to serve as a judge of the Supreme Court.

(ii) Hon Madam Justice Judy Zulu-Mulongoti

The nominee possessed a Masters Degree in Human Rights law. Under Article 141 of the Constitution, specialised training or experience in human rights was a prerequisite for one to be appointed as a Constitutional Court judge. She, therefore, possessed the requisite credentials and experience. Further, the nominee's appointment to serve as a judge of the Constitutional Court was a promotion because the Court ranked *pari passu* with the Supreme Court. The promotion was well deserved and the HRC observed that there was no legal impediment to her proposed appointment. Additionally, since the appointment was a promotion and the nominee had been subjected to similar scrutiny in her previous appointments, the HRC had no hesitation in supporting her appointment to serve as a judge of the Constitutional Court.

(iii) Hon Mr Justice Mwila Chitabo SC

The nominee possessed a wealth of experience because before his appointment as a High Court judge, he had worked in private practice, where he had demonstrated experience in various areas of the law, including civil and criminal litigation. In that regard, the nominee had contributed to the development of jurisprudence in Zambia. As a judge of the High Court, the nominee had presided over a number of constitutional matters concerning election petitions and, therefore, had acquired sufficient experience in constitutional law to serve as a judge of the Constitutional Court.

The nominee was a trained arbitrator and high ranking and senior member of the Law Association of Zambia, having been conferred the status of State Counsel in 2012. He had also attended a number of short courses of a human rights and constitutional nature and was currently pursuing a Master of Laws degree in Constitutional and Administrative Law.

In view of the above, the HRC supported the nominee's appointment.

(iv) Hon Mr Justice Mathew Kasonde Chisunka

The nominee had almost four (4) decades of post-admission experience, having served as a legal practitioner in various organisations and as Deputy Chairperson of the Industrial Relations Court, before being appointed as a High Court judge in 2014. Further, the nominee had undertaken studies in human rights and environmental law with the United Nations. In this regard, the HRC had no doubt that the nominee had a good understanding of human rights. The nominee's appointment was a promotion and, as such, the HRC supported his appointment to serve as a judge of the Constitutional Court.

(v) Hon Madam Justice Anessie Michael Banda-Bobo

The nominee had been a judge of the High Court since her appointment in 2010. She had discharged her duties with diligence and, therefore, deserved to be promoted to the higher position of judge of the Court of Appeal.

Further, from her *curriculum vitae*, it was evident that the nominee possessed the requisite professional qualifications and had vast experience in adjudicating both criminal and civil matters. Her elevation to the Court of Appeal would not only ensure gender balance, but also add the necessary expertise from her previous roles. In that regard, the HRC supported her appointment.

(vi) Hon Madam Justice Nicola Ann Sharpe–Phiri

The nominee was the Head of the Family and Children’s Division of the High Court, which dealt with the most vulnerable and marginalised sections of society. In that regard, she had been part of the process of drafting progressive laws relating to marriage and children.

The nominee was the Chairperson of the Small Claims Court and had been pivotal in the quick dispensation of justice in that Court. Additionally, the nominee had demonstrated her commitment and dedication to duty by using her personal resources and working extended hours in order to ensure a timely dispensation of justice. In view of the foregoing, the HRC supported her appointment.

(vii) Mr Kelvin Muzenga

The nominee had worked in the public service as a legal practitioner for close to fifteen (15) years. He had spent most of his years in practice at the Legal Aid Board where he rose through the ranks to Director and Chief Executive Officer of the Board. His career progression was a clear indication of his dedication to duty.

The nominee had made a huge contribution not only to the growth of Zambia’s jurisprudence, but also to the growth of legal education as he had taught at numerous law training institutions. The HRC had interacted closely with the nominee, who was always eager to contribute to the protection and promotion of human rights. In that regard, the HRC supported his appointment.

In his concluding remarks, the Head of Investigations and Legal Services submitted that the HRC had not encountered any adverse information on the nominees during its vetting process. He added that, as an institution, the HRC focused on human rights violations and that it did not come across any such information with regard to any of the nominees.

FINANCIAL INTELLIGENCE CENTRE (FIC)

10. The Director Legal and Policy FIC submitted that the institution had considered the legal provisions relating to the appointment of Supreme Court, Constitutional Court and Court of Appeal judges and had, accordingly, conducted a background check on the nominees on its database. She further stated that FIC's position on the appointments was based on Articles 140 and 141 of the Constitution. She added that she was confident that the appointments were made with strict adherence to the number of judges of the Supreme Court, Constitutional Court and Court of Appeal, as prescribed by law.

The Director Legal and Policy submitted on each of the nominees as set out below.

(i) Hon Madam Justice Fulgency Mwenya Chisanga

A search conducted on FIC's database revealed that there was no adverse information pertaining to the nominee that would preclude her from being duly appointed to serve as a Supreme Court Judge. Additionally, there were no pending suspicious transaction reports or criminal records pertaining to the nominee.

(ii) Hon Madam Justice Judy Zulu-Mulongoti

The nominee was not a shareholder in any company. However, FIC had received information of a suspicious transaction report (STR) relating to the nominee's personal account in 2019. An analysis of the STR was undertaken, but there was insufficient information for FIC to draw any conclusions. In that regard, it was retained in FIC's database as an unverified case. Apart from the STR, FIC had no criminal records pertaining to the nominee.

(iii) Hon Mr Justice Mwila Chitabo, SC

The nominee was a director and shareholder in a transportation and storage company called Zamson Transportation Limited, which was incorporated in January, 2008. There were no pending suspicious transaction reports or criminal records pertaining to the nominee. Therefore, FIC did not have any adverse information that could preclude the nominee from being duly appointed to serve as a Constitutional Court Judge.

(iv) Hon Mr Justice Mathew Kasonde Chisunka

The nominee was a shareholder in Makeni Leisure Resort Limited, a company in the hospitality industry. Further, there were no pending suspicious transaction reports or criminal records pertaining to the nominee. Therefore, FIC did not find any adverse information pertaining to the nominee that could preclude him from being duly appointed to serve as a Constitutional Court judge.

(v) Hon Madam Justice Annessie Banda-Bobo

According to FIC's records, the nominee did not own shares in any company. Further, there were no pending suspicious transaction reports or criminal records pertaining to the nominee. In that regard, FIC did not have any adverse information pertaining to the nominee that could preclude her from being duly appointed to serve as a Court of Appeal judge.

(vi) Hon Madam Justice Nicola Ann Sharpe-Phiri

The nominee was a director of five (5) companies namely, Dulatite Properties Limited, Technical Construction and Fabrication Zambia Limited, Tubulah Millenium Ventures Limited, Quest Financial Services Limited and Baby City Limited.

There were no pending suspicious transaction reports or criminal records pertaining to the nominee. In that regard, FIC had no adverse information pertaining to the nominee that could preclude her from being duly appointed to serve as a Court of Appeal Judge.

(vii) Mr Kelvin Muzenga

The nominee did not own shares in any company. Further, there were no pending suspicious transaction reports or criminal records pertaining to the nominee. In that regard, there was no adverse information that could preclude him from being duly appointed to serve as a Court of Appeal judge.

THE NON-GOVERNMENTAL GENDER ORGANISATIONS' COORDINATING COUNCIL (NGOCC)

11. The Programmes Manager NGOCC submitted that NGOCC's recommendations on the suitability of the nominees was based on information it had gathered through its member organisations that worked in the legal fraternity and had worked closely with the nominees. She added that NGOCC had analysed the nominees' *curricula vitae* in order to evaluate their experience and qualifications.

She further submitted that NGOCC recognised the efforts that the Government was making to achieve gender equality in public offices through the increased appointment of deserving women to decision-making positions. She explained that, that was a positive score, although more deliberate efforts had to be made in order to fully realise the equal participation of women and men in positions of decision-making.

The Committee was informed that NGOCC was delighted to note that the Executive had begun to comply with Article 259 of the Constitution with regard to gender representation. She further submitted that statistics indicated that female representation of judges stood at thirty-one percent in the Supreme Court, fifty-six percent in the Constitutional Court and fifty-six percent in the High Court.

Thereafter, the Programmes Manager submitted on four of the nominees as set out below.

(i) Hon Madam Justice Fulgency Mwenya Chisanga

The nominee had worked in private practice in various law firms before forming her own firm. She had also served as a Senior Advocate at the National Legal Aid Clinic for Women and, in that regard, contributed to advancing women and children's access to justice through her *pro-bono* work. She, therefore, had vast experience from serving in various portfolios.

The nominee had served as a judge of the High Court and was currently serving as Judge President of the Court of Appeal. Her contribution to the legal fraternity made her to be appointed as a Judge of the Southern African Development Community Administrative Tribunal, which was a demonstration of her leadership qualities. NGOCC was, therefore, confident that the nominee understood the plight of the Zambian women and the challenges which they faced in

seeking justice before the courts of law. Accordingly, NGOCC supported her appointment to serve as a judge of the Supreme Court.

(ii) Hon Madam Justice Judy Zulu-Mulongoti

The nominee previously worked as Deputy Chief State Advocate in the Civil Litigation Department of the Attorney-General's Chambers and as Principal Legal Counsel under the Legal Aid Board. In that regard, she had experience in both civil and criminal litigation. In addition, she had served as a judge of the High Court and the Industrial Relations Court and was, currently, serving as a judge of the Court of Appeal. In view of this, the nominee had vast experience and understanding of the judicial system in Zambia.

NGOCC was, thus, confident that the nominee understood the plight of Zambian women and the challenges that they faced in seeking justice before the courts of law. It, therefore, supported her appointment to serve as a Judge of the Constitutional Court.

(iii) Hon Madam Justice Anessie Michael Banda-Bobo

The nominee had the requisite experience which she acquired from her service in different capacities at the Ministry of Commerce, Trade and Industry. Her experience at PACRA, where she worked as Registrar and Chief Executive Officer before her appointment as a judge of the High Court, also added to her credentials.

The nominee had reasonable experience within the Judiciary having served as a High Court judge and, currently, serving as Acting Judge-in-Charge of the Family and Children's Division. NGOCC, therefore, supported her appointment to serve as a judge of the Court of Appeal.

(iv) Hon Madam Justice Nicola Ann Sharpe-Phiri

The nominee had extensive legal experience, having served in various capacities in the legal fraternity. She was a serving High Court judge and currently the Judge-in-Charge of the Family and Children's Division of the Lusaka High Court.

NGOCC was, therefore, confident that the nominee understood the challenges that the women and children faced in seeking justice before the courts and accordingly, supported her appointment to serve as a judge of the Court of Appeal.

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

12. The Executive Director SACCORD submitted that the organisation referred to the constitutional provisions on the qualifications for appointment as a superior court judge. Accordingly, he submitted on the personal, academic and professional background of each nominee as set out below.

(i) Hon Madam Justice Fulgency Mwenya Chisanga

After scrutinising the nominee's *curriculum vitae* as well as undertaking its own research, SACCORD noted that the nominee was qualified to serve as a Supreme Court Judge.

The nominee had a clear professional track record. In addition, the fact that she was female bridged the gap of having more men appointed in key governance and decision-making positions. Further, there were no adverse reports against the nominee that would suggest that she lacked integrity. In that regard, SACCORD had no objection to the appointment of the nominee to serve as a Supreme Court judge.

(ii) Hon Madam Justice Judy Zulu-Mulongoti

After scrutinising the nominee's *curriculum vitae* and undertaking its own research, SACCORD noted that, given her track record, the nominee was qualified to serve as a Constitutional Court judge. In addition, the nominee was a person of integrity who had practised and appeared before various courts as a lawyer. SACCORD, therefore, had no objection to her appointment to serve as a Constitutional Court judge.

(iii) Hon Mr Justice Mwila Chitabo, SC

SACCORD noted, from the nominee's *curriculum vitae*, that he was qualified to serve as a Constitutional Court judge. Further, the nominee had a clear professional track record as he had practised and appeared before various courts as a lawyer. Additionally, the nominee had amassed vast experience working in the Judiciary as a High Court judge. He was also a person of high integrity.

SACCORD, therefore, had no objection to the appointment of the nominee to serve as a Constitutional Court judge.

(iv) Hon Mr Justice Mathew Kasonde Chisunka

After scrutinising the nominee's background, as contained in his *curriculum vitae*, SACCORD found that the nominee was suitably qualified to serve as a Constitutional Court judge. Additionally, the nominee had amassed the necessary experience through his work as a lawyer and as a High Court judge. Further, SACCORD had not found any information which suggested that the nominee lacked integrity. In that regard, SACCORD had no objection to the appointment of the nominee to serve as a Constitutional Court Judge.

(v) Hon Madam Justice Anessie Michael Banda-Bobo

The nominee possessed the requisite qualifications and experience to serve as a Court of Appeal Judge. In addition, the nominee was hardworking and a woman of integrity, who would advance the ideals of gender equality. Further, SACCORD did not find anything that suggested that the nominee had no integrity. Therefore, SACCORD had no objection to the appointment of the nominee to serve as a Court of Appeal judge.

(vi) Hon Madam Justice Nicola Ann Sharpe-Phiri

After scrutinising her background information, SACCORD was satisfied that the nominee had a proven track record and was, therefore, qualified to serve as a Court of Appeal judge. Additionally, the nominee was a hardworking family woman who would advance the ideals of gender equality. Further, SACCORD did not find anything that suggested that the nominee lacked integrity. SACCORD was, therefore, satisfied that she possessed the right qualifications for appointment as a Court of Appeal judge.

(vii) Mr Kelvin Muzenga

The nominee had the requisite qualifications to serve as a Court of Appeal judge. The nominee had appeared before various courts as a lawyer, thereby, amassing the experience necessary for appointment as a Court of Appeal Judge. He further had a clear track record of being a hard worker and was a person of integrity.

In conclusion, the Executive Director submitted that SACCORD had no reservations recommending the ratification of the nominees to serve in the various capacities they had been appointed to. He added that SACCORD believed that the combination of male and female judges would help the Judiciary in the administration of justice in Zambia. He, therefore, recommended the ratification of the nominees to serve as Supreme Court, Constitutional Court, and Court of Appeal Judges, respectively.

TRANSPARENCY INTERNATIONAL ZAMBIA (TIZ)

13. The Advocacy, Policy and Research Specialist TIZ emphasised the importance of judicial independence and the role that the Judiciary played in the dispensation of justice. He submitted that, as a result of that, it was important that competent, ethical and accountable persons occupied the position of judge.

The Advocacy, Policy and Research Specialist further submitted that, in line with its standard procedure, TIZ had assessed the nominees based on set out criteria. He submitted on the nominees as follows:

(i) Hon Madam Justice Fulgency Mwenya Chisanga

According to Article 141 of the Constitution, a person was qualified for appointment as a Supreme Court judge if that person met the following criteria:

- (a) was of proven integrity;
- (b) had been a legal practitioner for, at least, fifteen (15) years; and
- (c) had the expertise that was stipulated for the position in an Act of Parliament.

Proven integrity meant that a person needed to be free from any corrupt dealings in the past. However, due to limited time, TIZ was unable to assess the nominee on the first requirement and, thus, focused on the second and third requirements.

The nominee was a legal practitioner, with twenty-six (26) years of experience. In terms of relevant expertise, the nominee was appointed as a judge of the High Court in 2010. She was then appointed judge of the Court of Appeal in 2016. In 2017, the nominee was appointed as a judge of the Southern African Development Community Administrative Tribunal.

In that regard, the nominee possessed all the requisite qualifications to serve as a Judge of the Supreme Court.

With regard to the nominees to serve as Constitutional Court judges, the Advocacy, Policy and Research Specialist referred to Article 141 (1) (b) of the Constitution. He pointed out the following four (4) key requirements for one to be appointed as a Constitutional Court judge:

- (a) proven integrity;
- (b) should have been a legal practitioner for, at least, fifteen (15) years,
- (c) should have specialised training or experience in Human Rights or Constitutional Law; and
- (d) should possess the expertise which was required for the position as provided for in an Act of Parliament.

Proven integrity meant that one had to be free of any corrupt dealings. Further, specialised training in Human Rights or Constitution Law entailed that one had to have authored a paper in the relevant fields of study. However, due to time constraints, TIZ was unable to assess the nominees on the first requirement and, thus, focused on the other requirements.

(ii) Hon Madam Justice Judy Zulu-Mulongoti

The nominee was a qualified legal practitioner with twenty-three (23) years at the Bar. She possessed a Master of Laws degree in Human Rights from the University of Waikato. In that regard, she had specialised training in Human Rights. She, however, did not have any specialised training in Constitutional Law.

Regarding relevant expertise, the nominee had served as a judge of the Industrial Relations Court, High Court and the Court of Appeal. The nominee was, therefore, qualified to serve as a judge of the Constitutional Court.

(iii) Hon Mr Justice Mwila Chitabo, SC

The nominee was a qualified legal practitioner with thirty-two (32) years of experience. He was, currently, pursuing a Masters degree in Constitutional and Administrative law at the University of Lusaka.

With regard to relevant expertise, the nominee was appointed as a judge of the High Court in 2014. He was, therefore, not qualified to serve as a judge of the Constitutional Court, due to his lack of or limited specialised training in Human Rights or Constitutional law, which were legal requirements for the position.

(iv) Hon Mr Justice Mathew Kasonde Chisunka

The nominee was a qualified legal practitioner with thirty-seven (37) years' experience. The nominee had a Master's degree in International Business Law from the University of Wales. He also possessed a Certificate in Human Rights Law. In that regard, he did not possess any specialised training in Constitutional or Human Rights law as required by the law.

In terms of relevant expertise, the nominee was appointed as a judge of the Industrial Relations Court in 2014. Since then, he had been serving as a judge in the Industrial Relations Court Division of the High Court. The nominee, therefore, did not qualify to serve as a judge of the Constitutional Court, due to his lack of or limited specialised training in Human Rights or Constitution law, which were legal requirements for the position.

The Advocacy, Policy and Research Specialist submitted that Article 141 of the Constitution provided the following requirements for a person to qualify for appointment as a judge of the Court of Appeal:

- (a) proven integrity;
- (b) must have been a legal practitioner for, at least, twelve (12) years; and
- (c) relevant expertise.

Due to insufficient time, TIZ was unable to prove the integrity of the nominees. It, therefore, focused on the other requirements.

(v) Hon Madam Justice Anessie Micheal Banda-Bobo

The nominee was admitted to the Bar seventeen (17) years ago. She possessed a Master's degree in International Business Law from the University of London. She was appointed as a judge of the High Court in 2010 and was, currently, the Acting Judge-in-Charge of the Family and Children's Division of the High Court. The nominee was, thus, qualified to serve as a judge of the Court of Appeal.

(vi) Hon Madam Justice Nicola Ann Sharpe-Phiri

The nominee was a legal practitioner with twenty-nine (29) years of experience. She was appointed as a judge of the High Court in 2011. In 2017, she was appointed as Judge-in-Charge of the Family and Children's Division of the High Court. She was, therefore, qualified to serve as a judge of the Court of Appeal.

(vii) Kelvin Muzenga

The nominee was a legal practitioner with fourteen (14) years' experience. He had served in various positions at the Legal Aid Board and was, currently, the Director and Chief Executive Officer of the Board. The nominee was not qualified to serve as a judge of the Court of Appeal, due to his lack of experience. Rather, the nominee should have first been appointed to serve as a High Court Judge to enable him gain some experience and skill at the Bench.

The Advocacy, Policy and Research Specialist submitted that while it was not peculiar for a practitioner to be appointed from outside the Bench directly to the Court of Appeal, Supreme Court or Constitutional Court, it was pertinent for a nominee to first gain experience and expertise in the drafting of judgments as a High Court judge before ascending to a higher court. He, therefore, recommended that the law be amended to provide for persons to first serve in the High Court before they can be elevated to the senior courts.

The Advocacy, Policy and Research Specialist concluded his submission by stating that all the nominees were legal practitioners with more than ten (10) years' experience at the Bar. In that regard, they met the Constitutional requirement pertaining to the number of years at the Bar required for appointment. However, some nominees lacked the relevant specialised training or experience, which resulted in TIZ's failure to recommend them for appointment to their respective positions.

THE JUDICIAL SERVICE COMMISSION (JSC)

14. The Chairperson JSC submitted on the personal, academic and professional background of the nominees as contained in their *curricula vitae*. He then submitted on each nominee as set out below.

(i) Hon Madam Justice Fulgency Mwenya Chisanga

The nominee was, currently, the Judge President of the Court of Appeal. She had an impeccable record as an astute adjudicator and administrator, having risen from the position of High Court judge. Additionally, as the inaugural Judge President of the Court of Appeal, the nominee had managed the Court very well and ensured that it functioned efficiently.

The nominee's decisions, both at the High Court and the Court of Appeal had formed part of the judicial precedents, Further, she had immense experience in handling all types of cases. Given her experience from private practice and her 10-year experience as High Court and Court of Appeal judge, the nominee was most suitably qualified to hold the higher rank and dignity of judge of the Supreme Court of Zambia.

(ii) Hon Madam Justice Judy Zulu-Mulongoti

The nominee began her legal career at the Ministry of Justice in the Attorney General's Chambers, where she rose through the ranks from the position of State Advocate to Deputy Chief State Advocate. The nominee was appointed as a judge of the Industrial Relations Court and later a High Court judge. Due to her hard work, she was elevated to the Court of Appeal where she was currently.

The nominee had extensive experience in litigation as well as adjudication. Additionally, during her career, she had demonstrated her impartiality, competence, integrity and professionalism. Further she had a Master of Laws Degree comprising four courses (papers), among them, International Human Rights Law, thereby satisfying the requirements under Article 141(1) (b)

and (2) of the Constitution. In that regard, the nominee was suitably qualified and experienced to hold the office of Constitutional Court judge.

(iii) Hon Mr Justice Mwila Chitabo, SC

The nominee was currently pursuing a Master of Laws Degree in Constitutional and Administrative Law at the University of Lusaka. The nominee had practised and adjudicated on cases from all branches of the law, including cases arising out of the Constitution, both as a legal practitioner and a judge. Additionally, he was a qualified mediator and arbitrator.

As a senior member of the Bench and the Bar, the nominee had contributed to Zambia's jurisprudence as a good number of cases he had argued or adjudicated upon had been reported in the Zambia Law Reports and were referred to during litigation.

The nominee had exhibited high levels of professionalism, impartiality, competence and integrity in his work as a Judge of the High Court. He, therefore, met the requirements under Article 141(1) (b) and (2) of the Constitution. In that regard, he was suitable to serve as a Judge of the Constitutional Court.

(iv) Hon Mr Justice Mathew Kasonde Chisunka

The nominee had a Master of Laws Degree in International Business Law. He also had a Certificate in Human Rights and Environmental Law obtained from the United Nations Institute for Training and Research (UNITAR). Additionally, he had attended numerous short courses and workshops in arbitration, banking and central banking among others.

The nominee was appointed as a judge of the Industrial Relations Court, which was, subsequently, made a division of the High Court following the 2016 amendment to the Constitution. The nominee had, therefore, gained vast experience in labour, criminal, industrial relations and dispute resolution matters.

Further, the nominee had demonstrated impartiality, good leadership and interpersonal skills, competence, high integrity and professionalism. Additionally, he satisfied the requirements under Article 141(1) (b) and (2) of the Constitution and was, therefore, suitable for appointment to the office of judge of the Constitutional Court.

(v) Hon Madam Justice Anessie Michael Banda-Bobo

The nominee began her career as a Legal Officer in the Ministry of Commerce, Trade and Industry Department of Commercial Unit, now known as the Patents and Companies Registration Agency (PACRA). She rose through the ranks to the position of Registrar and Chief Executive Officer of PACRA.

The nominee was appointed as a High Court judge in 2010 and had acted as Judge-in-Charge of the High Court (General List) and the Family and Children's Division, on various occasions. Further, she had exhibited high professional standards, integrity, and impartiality in her conduct

as a High Court judge. The nominee was currently a Committee Member of the Zambia Association of Women Judges (ZAWJ) and the Editorial Board of the Council of Law Reporting. She was, thus, suitably qualified and experienced to be on the Court of Appeal Bench and she had satisfied the requirements under Article 141(1) (c) of the Constitution.

(vi) Hon Madam Justice Nicola Ann Sharpe-Phiri

The nominee possessed a number of certificates and diplomas in Mediation, Arbitration and Business courses. She had worked in private practice as a lawyer for over ten (10) years until she became a Commissioner of the Small Claims Court at Lusaka.

The nominee was appointed Judge-in-charge of the newly created Family and Children's Court Division of the High Court at Lusaka, a position she currently held. She was also the Chairperson of the Small Claims Court and, as such, was in charge of its operations. She was also the Vice-President of the Zambia Association of Women Judges (ZAWJ).

As a Judge of the High Court, the nominee had adjudicated on a number of cases that had created judicial precedents. Additionally, she was an impeccable adjudicator and supervisor. Further, she was of high integrity, impartial and resolute in her duties. The JSC had no hesitation in stating that the nominee satisfied the requirements of Article 141(1) (c) of the Constitution to serve as a judge of the Court of Appeal.

(vii) Mr Kelvin Muzenga

The nominee held a Bachelor of Laws Degree obtained from the University of Zambia and a Post-Graduate Diploma in Legislative Drafting obtained from ZIALE. The nominee had also obtained a number of certificates in short professional courses.

The nominee had spent his entire legal career at the Legal Aid Board, rising through the ranks to his current position of Director. In that regard, he had acquired sufficient experience in civil and criminal litigation as well as managerial competence.

The nominee was a person of sobriety and impartiality, who had immensely contributed to the development of judicial precedents through the cases that he had handled. In that regard, he satisfied the requirements of Article 141(1) (c) of the Constitution to be appointed to serve as a Judge of the Court of Appeal.

In conclusion, the Chairperson submitted that all the nominees were Zambian nationals with appropriate qualifications and extensive legal experience. He pointed out that the nominees were suitable to occupy the public office of judges of the Supreme Court, Constitutional Court and Court of Appeal, respectively. In that regard, the JSC had no reservations in recommending them for ratification.

THE JUDICIAL COMPLAINTS COMMISSION (JCC)

15. The Chairperson JCC informed the Committee that the information reflected in its records only related to the mandate of the JCC, which was to provide an oversight over the conduct of Judicial Officers. In that regard, the Chairperson submitted on each of the nominees as set out below.

(i) Hon Madam Justice Fulgency Mwenya Chisanga

The JCC had no adverse record against the nominee. The JCC, therefore, had no objection to her appointment to serve as a judge of the Supreme Court.

(ii) Hon Madam Justice Judy Zulu-Mulongoti

The JCC did not have any adverse record against the nominee and, thus, supported her appointment to serve as a judge of the Constitutional Court.

(iii) Hon Mr Justice Mwila Chitabo

The JCC had no adverse record against the nominee and, therefore, supported his appointment to serve as a judge of the Constitutional Court.

(iv) Hon Mr Justice Mathew Kasonde Chisunka

The JCC did not have any adverse record against the nominee and, therefore, supported his appointment to serve as a judge of the Constitutional Court.

(v) Hon Madam Justice Anessie Micheal Banda-Bobo

The JCC had no adverse record against the nominee and, therefore, supported her appointment to serve as a judge of the Court of Appeal.

(vi) Hon Madam Justice Nicola Ann Sharpe-Phiri

The JCC had no adverse record against the nominee and, as such, had no objection to her appointment to serve as a Court of Appeal judge.

In conclusion, the Chairperson submitted that the JCC was satisfied that all the nominees were qualified for appointment to their respective positions because they had vast experience gained from practising law for many years. He reiterated that the JCC had not received any complaint against any of the nominees. In that regard, they were all suitable for appointment.

THE LAW ASSOCIATION OF ZAMBIA (LAZ)

16. The President of LAZ submitted that LAZ Council members, 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 members of the Bench and the Bar, who qualified to be appointed as Judges of the Supreme Court, Constitutional Court and Court of Appeal, respectively. He added that LAZ was not aware of any adverse report against any of the nominees.

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.

He ended his submission by stating that the nominees possessed all the requisite requirements for appointment to the superior courts, and that LAZ supported their appointment.

SUBMISSION BY THE NOMINEES

(i) Hon Madam Justice Fulgency Mwenya Chisanga

17. The nominee informed the Committee about her personal, academic and professional background as contained in her *curriculum vitae*. She submitted that she had worked in private practice from 1994 to 2010, under a number of law firms. She explained that, in 2001, she formed her own law firm which she ran until her appointment as a judge in 2010. She further informed the Committee that she had been the head of the Court of Appeal from the time it was established in 2016. She added that the Court had recorded some success because no complaints had been raised against it. She further informed the Committee that she was a member of the editorial board of the Council of Law Reporting, which selected judgments from the High Court and Supreme Court for inclusion in the Zambia Law Reports. She submitted that her experience attained over the years would be beneficial to the Supreme Court. She added that, if ratified, she would play a supervisory role because her decisions would have an influence on those of the other courts.

Regarding her ability to act impartially, as a Presidential appointee, the nominee submitted that although she pledged allegiance to the President when being sworn in, she was also took an oath to protect the Constitution. She explained that her oath to the Constitution was superior to her oath to the President, and that that was the yardstick she used when handling cases. She added that her track record demonstrated that she handled her cases with impartiality.

On the financial autonomy of the Judiciary, the nominee submitted that although it was a challenge for the Judiciary to rely on the Executive for its financial needs, she was of the view that that did not compromise the independence of the Judiciary. This was because she was not aware of any adverse reports to that effect. She, however, added that financial autonomy of the Judiciary would help enhance public confidence in the Judiciary.

On the relevance of the Constitutional Court, the nominee informed the Committee that the Judiciary had undertaken a study tour to South Africa and Rwanda to understand the operations of those countries' court systems. The highest court in South Africa was the Supreme Court of Appeal where all matters relating to the Constitution were heard. With regard to Rwanda, the High Court had a division which specifically handled constitutional matters. Thereafter, the

matters went on appeal to the Supreme Court. She informed the Committee that, in her view, the Constitutional Court in Zambia had a narrow scope because it did not attend to any other matters. She submitted that that resulted in the underutilisation of the human resource at that Court.

(ii) Hon Madam Justice Judy Zulu-Mulungoti

18. The nominee submitted on her personal, academic and professional background as contained in her *curriculum vitae*.

She further submitted that she had spent most of her years as a legal practitioner as a State Advocate in the Civil Litigation department in the Attorney General's Chambers, where she rose through the ranks until her appointment as Deputy Chief State Advocate in 2006. She explained that she served in that position until her appointment as a judge of the Industrial Relations Court in 2008. The nominee then stated that she was elevated to the position of High Court judge in 2010 and served in that position until 2016 when she was appointed to serve as a Judge of the Court of Appeal. The nominee further informed the Committee that she had undertaken various training courses both locally and internationally and that she had served as the Deputy Secretary of the Mung'omba Constitution Review Commission. She added that she had also served on various boards and that she was one of the first members to serve on the Lands Tribunal. She added that her postgraduate qualification in human rights law and work as a State Advocate had availed her vast experience which would be beneficial to the Constitutional Court.

With regard to the relevance of the Constitutional Court, the nominee stated that the Court was necessary in the structure of the judicial system in Zambia as it was established as a result of the wishes of the people. She further pointed out that with regard to resources, even if the Court had to be abolished, the judges who served in that Court would still have to be maintained by being fused into the Supreme Court structure. She further explained that the judges would also have to be retained on the payroll meaning that there would be no resources to be saved.

(iii) Hon Mr Justice Mwila Chitabo, SC

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

He added that as a general practitioner in civil and criminal law, over twenty-six (26) of his cases had been reported in the Zambia Law Reports. In that regard, he had contributed to the development of jurisprudence in Zambia.

Regarding why he had not been considered for appointment as a judge by the late President Levy P Mwanawasa who had worked closely with him, the nominee submitted that the appointment of judges was at the discretion of the Appointing Authority on recommendation by the JSC.

(iv) Hon Mr Justice Mathew Kasonde Chisunka

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

The nominee further submitted that he had gained vast knowledge and experience in commercial matters having worked in private practice and other organisations prior to his appointment as a judge of the Industrial Relations Court. He added that he had served in various committees in the course of his career, which included the Legal Committee of the Committee of Central Bank Governors of the Southern African Development Community (SADC), Committee of experts to review the Public Finance Act and the Working Group on Governance under the Financial Sector Development.

(v) Hon Madam Justice Anessie Micheal Banda-Bobo

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

She then informed the Committee about her vast experience, which included her working in various capacities at PACRA until she was appointed as the Chief Executive Officer. She further informed the Committee that she was appointed as a judge of the High Court on 23rd July, 2010. She added that during the course of her career, as an adjudicator, she had acted as Judge-in-Charge of the General List on various occasions and was, currently, Acting Judge-in-Charge of the Family and Children's Division of the Lusaka High Court. She added that her vast experience over the years would be beneficial to the Court of Appeal because she would utilise it to improve the delivery of justice in the Court.

(vi) Hon Madam Justice Nicola Ann Sharpe-Phiri

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

Thereafter, the nominee submitted on her vast experience as an advocate and adjudicator. She informed the Committee that she had worked in private practice as an advocate for nineteen (19) years and had been served as a High Court judge for ten (10) years. She added that she was currently in charge of the Family and Children's Division in the High Court of Zambia. Additionally, she informed the Committee that she, currently, had no pending cases.

She further informed the Committee that she was, currently, the Vice-President of the Zambia Women Association of Judges (ZWAJ) and that she was also an assessor and member of the Board of Examiners at ZIALE. The nominee informed the Committee that she was also the Chairperson of the Small Claims Court. In that regard, she submitted that she was confident that, if ratified, her immense experience as an advocate and adjudicator would enable her contribute positively to the dispensation of justice in the Court of Appeal.

(vii) Mr Kelvin Muzenga

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

The nominee apprised the Committee about his vast experience having worked for the Legal Aid Board for the past seventeen (17) years. The nominee explained that he rose through the ranks and, in 2014, was appointed as the Director and Chief Executive Officer of the Legal Aid Board, the position he held currently. The Committee learnt that the nominee had also worked as a lecturer at various institutions of higher learning in Zambia.

The nominee informed the Committee that his desire to help the indigent had always been his motivating factor to work for the Government, in particular, the Legal Aid Board, which explained why he had worked there for most of his career.

With regard to his experience in relation with the work of the Court of Appeal, the nominee submitted that he had requisite experience to serve as a Judge of the Court of Appeal because he had appeared before the superior appellate courts on numerous occasions. He pointed out that as a result of that experience, he was equal to the task. He further informed the Committee that he would perform his work with impartiality and would be guided by the law in the dispensation of justice regardless of the station of a litigant.

SUBMISSION BY THE APPOINTING AUTHORITY

24. 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 Supreme Court, Constitutional Court and Court of Appeal in accordance with Article 140 of the Constitution. He further submitted that the qualifications for appointment as a judge of the superior courts were encapsulated in Article 141.

The Hon Minister explained that in selecting the nominees, the JSC and the Appointing Authority had considered constitutional requirements, particularly the provision on gender balance. He submitted that the nominees were highly qualified, as most of them were already serving judges who had the requisite number of years on the Bench.

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

(i) Hon Madam Justice Fulgency Mwenya Chisanga

The nominee was born on 3rd December, 1968. She held a Bachelor of Laws Degree from the University of Zambia and a Legal Practitioners Qualifying Postgraduate Certificate from ZIALE, having been admitted to the Bar in 1993.

The nominee had worked in private practice for several years before being appointed to the

Bench as a judge of the High Court. In 2016, the nominee was appointed as the first Judge President of the Court of Appeal, a position that she held currently. In 2017, the nominee was appointed as a Judge of the Southern African Development Community Administrative Tribunal (SADCAT). She further served as a member of the Editorial Board of the Council of Law Reporting.

The nominee was, therefore, highly qualified, experienced and suitable for appointment as a judge of the Supreme Court and the Government fully supported her appointment.

(ii) Hon Madam Justice Judy Zulu-Mulongoti

The nominee was born on 15th October, 1970. She held a Masters of Laws Degree from the University of Waikato, a Bachelor of Laws Degree from the University of Zambia, and a Legal Practitioners Qualifying Postgraduate Certificate obtained from ZIALE in 1995.

The nominee had, between 1995 and 2008, served as a State Advocate in the Civil Litigation Department in the Attorney-General's Chambers. She rose through the ranks until she was appointed Deputy Chief State Advocate in 2006. Further, from 2010 to 2016, the nominee served as a High Court judge before being appointed a judge of the Court of Appeal in 2016.

The nominee was, thus, highly qualified, experienced and suitable for appointment as a judge of the Constitutional Court and the Government fully supported her appointment.

(iii) Hon Mr Justice Mwila Chitabo, SC

The nominee was born on 25th March, 1956. He held a Bachelor of Laws Degree from the University of Zambia and was, currently, pursuing a Master of Laws Degree in Constitutional and Administrative Law at the University of Lusaka.

The nominee had practised law for over four (4) decades, after being admitted to the Bar in 1982. In 2012, he was conferred the rank and dignity of State Counsel. The nominee had worked in private practice until his appointment as a High Court judge.

The nominee was, in that regard, highly qualified, experienced and suitable for appointment as a judge of the Constitutional Court and the Government fully supported his appointment.

(iv) Hon Mr Justice Mathew Kasonde Chishinka

The nominee was born on 8th December, 1958. He held a Bachelor of Laws Degree from the University of Zambia and a Master of Laws Degree from the University of Wales. He was admitted to the Bar in 1983.

During his thirty-seven (37) year legal career, the nominee had served in different capacities both in the private and public sector. He had, among others, worked as a Legal Officer for the Tanzania Zambia Railways (TAZARA), Personal Assistant to the Governor of the Bank of Zambia and as Director of Legal Services at the Bank of Zambia. In the course of his career, the

nominee had also served in various local and international public finance committees.

The nominee was appointed in the Judiciary as a judge in the Industrial Relations Court, and was later appointed to the Industrial Relations Division of the High Court, the position he held to date.

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

(v) Hon Madam Justice Anessie Michael Banda-Bobo

The nominee was born on 15th December, 1962. She held various qualifications, including a Bachelor of Laws Degree from the University of Zambia and a Master of Laws Degree from the Queen Mary and Westfield College, University of London. The nominee also possessed an Advanced Diploma in Legislative Drafting obtained from ZIALE and a Certificate of Arbitration from the Chartered Institute of Arbitrators.

During her thirty-seven (37) year legal career, the nominee had served in various positions in the Ministry of Commerce, Trade and Industry. She was later transferred to PACRA where she steadily progressed until her appointment as Registrar and Chief Executive Officer.

The nominee was appointed as a judge of the High Court in 2010, where she served as Acting Judge-in-Charge of the General List of the High Court on numerous occasions.

The nominee was, thus, highly qualified, experienced and suitable for appointment as a judge of the Court of Appeal and the Government fully supported her appointment.

(vi) Hon Madam Justice Nicola Ann Sharpe-Phiri

The nominee was born on 27th August, 1969. She held various qualifications, including a Bachelor of Laws Degree from the University of Zambia, a Certificate in Trial Advocacy from the University of Natal South Africa, a Certificate of Award on International and Domestic Arbitration (U.S.A) and a Diploma in International Arbitration Law. The nominee was, currently, pursuing a Master of Laws programme in Human Rights Conflict & Justice at SOAS, University of London.

In her twenty-nine (29) year legal career, the nominee had spent nineteen (19) years in private practice having worked in a number of law firms, including Mopani Chambers and Sharpe and Howard Legal Practitioners. The nominee was appointed as a judge of the High Court in 2011 and had served a number of roles since her appointment.

In 2017, the nominee was appointed as Judge-in-Charge of the Family and Children's Court at the Lusaka High Court, a position she held to date. She was also a member of various professional associations in the legal fraternity.

The nominee was, therefore, highly qualified, experienced and suitable for appointment as a

judge of the Court of Appeal and the Government fully supported her appointment.

(vii) Mr Kelvin Muzenga

The nominee was born on 30th December, 1977. He held a Bachelor of Laws Degree from the University of Zambia and a Postgraduate Diploma in Legislative Drafting obtained from ZIALE. The nominee had also attended various workshops and seminars where he obtained several certificates.

During his seventeen (17) year long legal career, the nominee had mostly worked in the Legal Aid Board where he rose through the ranks to his current position of Director and Chief Executive Officer of the Board. Additionally, the nominee had worked as a lecturer at various institutions of higher learning in Zambia.

The nominee was, in that regard, highly qualified, experienced and suitable for appointment as a judge of the Court of Appeal and the Government fully supported his appointment.

The Hon Minister of Justice informed the Committee that there was no training institution for Judges in Zambia or within the Commonwealth. As such, would-be judges were selected from among the eminent members of the legal profession. In that regard, the Hon Minister explained that persons who were appointed to serve as Judges learnt how to adjudicate from practical experience. He added that the longer they remained on the Bench, the better they performed their work.

He further explained that there was no set hierarchy of appointment of Judges to the superior courts as long as a person met the constitutional requirements. In that regard, the Committee was informed that the JSC was not precluded from selecting a person from outside the Judiciary to serve as a Judge, as long as he or she was suitably qualified.

With regard to the issue of regional balancing, the Hon Minister stated that although the Appointing Authority had not interrogated that Constitutional requirement at length, a perusal of the list of nominees demonstrated that the selection process was representative. He assured the Committee that, in future appointments, the issue would be prioritised.

In his concluding remarks, the Hon Minister informed the Committee that it was important to increase the number of judges in the Judiciary in order to ensure adequate dispensation of Justice. He stated that once the nominees for appointment to the High Court, Court of Appeal, Constitutional Court and Supreme Courts were ratified, the establishment would have a total of one hundred and five (105) judges, which would be beneficial to the country. He, therefore, urged the Committee to ratify the nominees in their respective appointments.

OBSERVATIONS AND RECOMMENDATIONS

25. 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 there are currently ten (10) Supreme Court judges, six (6) Constitutional Court judges and twelve (12) Court of Appeal judges. The Committee notes that once the seven (7) nominees are ratified, there will be eighteen (18) females and seventeen (17) males in these Courts. In that regard, the Committee commends the Appointing Authority for ensuring gender parity in the appointment of judges.

The Committee observes that the constitutional requirement for regional diversity and youth representation has, to a large extent, not been complied with. The Committee, therefore, urges the Government to, in future appointments, take into account regional balancing, youth representation and, if possible, the representation of persons with disabilities.

The Committee notes that the appointments were made largely from within the Judiciary with only one nominee being appointed from outside. It also notes the concern raised by one of the stakeholders that it was pertinent for a nominee to first gain experience and expertise in the drafting of judgments as a High Court judge before ascending to a higher court. The Committee also notes the recommendation advanced by the stakeholder that the law should be amended to reflect the requirement for nominees to first serve in the High Court before elevation to the other superior courts.

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

(i) Hon Madam Justice Fulgency Mwenya Chisanga

The Committee notes that the nominee has served as an adjudicator for over ten (10) years and that she was the first Judge President of the Court of Appeal, a position that she still holds. The Committee further notes that the nominee has overseen the operations of the Court of Appeal successfully, with no complaints. Further, the nominee has contributed to the development of jurisprudence as her judgments have been reported in the Zambia Law Reports.

The Committee further observes that given her experience from private practice and her 10-year experience as a High Court and Court of Appeal Judge, the nominee is suitably qualified to hold the higher rank and dignity of judge of the Supreme Court.

(ii) Hon Madam Justice Judy Zulu-Mulongoti

The Committee notes that the nominee acquired vast experience as a State Advocate at the Ministry of Justice in the Attorney General's Chambers, where she rose through the ranks to the position of Deputy Chief State Advocate. The Committee further notes that the nominee has extensive experience as an adjudicator, having progressed from the Industrial Relations Court to the High Court. Further, due to the nominee's hard work, she earned herself an elevation to the Court of Appeal where she is currently serving as a Judge.

The Committee observes that the nominee holds a Master of Laws degree in Human Rights from the University of Waikato. In this regard, she has specialised training in Human Rights and therefore, she is suitably qualified and experienced to hold the higher office of Constitutional Court Judge.

(iii) Hon Mr Justice Mwila Chitabo, SC

The Committee notes that the nominee is a seasoned advocate and adjudicator. The Committee further notes that the nominee is a high ranking member of the legal profession, who has been conferred the rank and dignity of State Counsel. Additionally, the nominee has contributed to Zambia's jurisprudence, with a good number of cases he argued or adjudicated upon being reported in the Zambia Law Reports.

The Committee, however, notes the concern by one stakeholder that the nominee has no specialised training in either human rights or constitutional law. The Committee observes that the nominee has practised and adjudicated upon cases from all branches of the law, including cases arising out of the Constitution, both as a legal practitioner and a Judge. It further observes that the nominee is currently pursuing a Masters degree in Constitutional and Administrative Law at the University of Lusaka. He, therefore, meets the requirements under Article 141(1) (b) and (2) of the Constitution and is suitable to serve as a Judge of the Constitutional Court.

(iv) Hon Mr Justice Mathew Kasonde Chisunka

The Committee notes the nominee's vast professional experience prior to his appointment as a judge of the Industrial Relations Court. It also notes his vast experience in labour, criminal, industrial relations and dispute resolution matters.

The Committee also notes the concern raised by one stakeholder that the nominee has no specialised training in either human rights or constitutional law. The Committee, however, observes that the nominee has a Certificate in Human Rights and Environmental Law from the United Nations Institute for Training and Research (UNITAR), which satisfies the requirements of Article 141(1) (b) and (2) of the Constitution. He is, therefore, suitable for appointment to the higher office of judge of the Constitutional Court.

(v) Hon Madam Justice Anessie Michael Banda-Bobo

The Committee notes that the nominee has over twenty (20) years post-admission experience, in addition to being an adjudicator for over ten (10) years. The Committee also notes the nominee's dedication to work and the positions of responsibility she has held during the course of her career as a High Court judge.

The nominee is, therefore, suitably qualified and experienced to be on the Court of Appeal Bench and has satisfied the requirements of Article 141(1) (c) of the Constitution.

(vi) Hon Madam Justice Nicola Ann Sharpe-Phiri

The Committee observes that the nominee has almost thirty (30) years post-admission experience, with ten (10) years adjudication experience. The Committee notes that the nominee is the Judge-in-Charge of the newly created Family and Children's Court Division of the High Court at Lusaka. She is also the Chairperson of the Small Claims Court.

The Committee observes from the submissions of the stakeholders that the nominee is an impeccable adjudicator, who is impartial and resolute in her duties. It further observes that the nominee satisfies the requirements of Article 141(1) (c) of the Constitution to serve as a judge of the Court of Appeal.

(vi) Mr Kelvin Muzenga

The Committee notes that the nominee has spent his entire legal career at the Legal Aid Board, rising through the ranks to his current position of Director and Chief Executive Officer.

The Committee notes the concern by one stakeholder that the nominee, coming from outside the Judiciary, does not possess any experience as an adjudicator. The Committee, however, observes that the nominee is a seasoned legal practitioner, with over fifteen (15) years post-qualification experience. It further observes that the nominee has acquired sufficient experience in civil and criminal litigation to competently execute the duties of a judge of the Court of Appeal. In that regard, the Committee is satisfied that the nominee meets the requirements of Article 141(1) (c) of the Constitution, to be appointed to serve as a Judge of the Court of Appeal.

The Committee, after due and thorough 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 judges of the Supreme Court, Constitutional Court and Court of Appeal, respectively.

The Committee, therefore, recommends that the House ratifies the Presidential appointment of Hon Madam Justice Fulgency Mwenya Chisanga to serve as a judge of the Supreme Court, Hon Madam Justice Judy Zulu-Mulongoti, Hon Mr Justice Mwila Chitabo, SC, and Hon Mr Justice Mathew Kasonde Chisunka, to serve as judges of the Constitutional Court and Hon Madam Justice Anessie Michael Banda-Bobo, Hon Madam Justice Nicola Ann Sharpe-Phiri and Mr Kelvin Muzenga to serve as judges of the Court of Appeal.

CONCLUSION

26. 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, Mr Speaker, and the services rendered by the Office of the Clerk of the National Assembly during its deliberations.

We have the honour to be, Sir, the Parliamentary Select Committee appointed to scrutinise the Presidential appointment of Hon Madam Justice Fulgency Mwenya Chisanga to serve as a judge of the Supreme Court, Hon Madam Justice Judy Zulu-Mulongoti, Hon Mr Justice Mwila Chitabo, SC, and Hon Mr Justice Mathew Kasonde Chisunka, to serve as judges of the Constitutional Court and Hon Madam Justice Anessie Michael Banda-Bobo, Hon Madam Justice Nicola Ann Sharpe-Phiri and Mr Kelvin Muzenga to serve as judges of the Court of Appeal.

Mr K Simbao, Daka, MP
(Chairperson)

Mrs S S Mulyata, MP
(Vice-Chairperson)

Mr G G Zimba, MP
(Member)

Mrs M Langa, MP
(Member)

Mr C Mweetwa, MP
(Member)

Mr P Kalobo, MP
(Member)

Mr J Chishala, MP
(Member)

Dr C Kalila, MP
(Member)

Mr S Banda, MP
(Member)

Mr E Mwila, 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
Mrs S C Sakala, Legal Officer
Ms M Kaoma, Legal Officer
Ms C Mtonga, Personal Secretary II
Mr L C Kabwata, Legal Assistant
Mrs N N Chiluba, Legal Assistant

APPENDIX II – THE WITNESSES

ZAMBIA POLICE (ZP)

Mr. R Mweene, Deputy Inspector-General (Administration);
Mr S M Tembo, Senior Assistant Commissioner; and
Ms C Kunda, IT Personnel.

ANTI-CORRUPTION COMMISSION (ACC)

Mrs R N Khuzwayo, Acting Director-General

DRUG ENFORCEMENT COMMISSION (DEC)

Dr M Simwayi, Commissioner;
Mrs P Besa, Senior Assistant Commissioner; and
Mr N Mubita, IT Personnel.

HUMAN RIGHTS COMMISSION (HRC)

Mr K Banda, Head of Investigations and Legal Services

FINANCIAL INTELLIGENCE CENTRE (FIC)

Mrs L Tembo, Acting Director-General;
Ms C Kalemba, Director Legal and Policy; and
Mr S Sinkala, Acting Director Monitoring and Analysis.

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

Mr B Chembe, Executive Director

NON-GOVERNMENTAL GENDER ORGANISATIONS' COORDINATING COUNCIL

Ms M N Kajimana, Programmes Manager; and
Ms Mendai Imasiku, Institution Support and Development Coordinator.

TRANSPARENCY INTERNATIONAL ZAMBIA

Mr B Chizonde, Advocacy, Policy and Research Specialist

JUDICIAL SERVICE COMMISSION

Hon Mr Justice M M S W Ngulube (Chief Justice Emeritus), Chairperson;
Hon Mr Justice B Bwalya (Rtd), Vice-Chairperson;
Hon Mr Justice M Musonda, SC, Deputy Chief Justice, Member;
Mr C Kafunda, Secretary;
Mrs T S Musonda, Deputy Secretary;
Mr P Chisha, Deputy Secretary; and
Mr R K Kaoma, Deputy Secretary.

JUDICIAL COMPLAINTS COMMISSION

Mr W B Nyirenda, SC, Chairperson; and
Mr N Makeleta, Secretary.

LAW ASSOCIATION OF ZAMBIA

Mr A J Shonga, SC, President; and
Mr M Ndalameta, Council Member.

APPOINTING AUTHORITY

Hon G Lubinda, MP, Minister of Justice

APPENDIX III – THE NOMINEES

Hon Madam Justice Fulgency Mwenya Chisanga
Hon Madam Justice Judy Zulu-Mulongoti
Hon Mr Justice Mwila Chitabo, SC
Hon Mr Justice Mathew Kasonde Chisunka
Hon Madam Justice Anessie Michael Banda-Bobo
Hon Madam Justice Nicola Ann Sharpe-Phiri
Mr Kelvin Muzenga

APPENDIX IV – CURRICULA VITAE OF THE NOMINEES

CURRICULUM VITAE

PERSONAL DETAILS

Full Names : Fulgency Mwenya Chisanga
Date of Birth : 3rd December, 1968
Marital Status : Married
Nationality : Zambian
Gender : Female
Qualifications : LLB, University of Zambia
Profession: Admitted to the Bar in December 1993, Advocate of the High Court of Zambia.
Achievement: Best student of the year at Law Practice Institute in 1993, and received an Award
Contact Details: Plot No 691, Ferngrove, Lusaka West
C/o Court of Appeal
P O Box 34009
LUSAKA

Cell Phone: +260 971 021422
Email: fulgency.chisanga@gmail.com

WORK EXPERIENCE

Jan, 1994 – March, 2010 : Employed by Messrs. Ellis and Company Messrs

1994 – 1997 : Messrs Muleza and Company

The practice of law at Messrs. Ellis and Company was varied. I represented clients in cases founded on contract, tort, family law, probate, intestate succession, company law, criminal law and other matters. I equally rendered opinions.

I was admitted to Partnership with Messrs. Ellis and Company in 1997.

2001 : Formed own Law Firm: Messrs F. M. Chisanga & Associates

I practiced law in the said firm until 2010 when I joined the Bench. My practice of law was general and varied, and included conveyancing. I also undertook pro bono work to represent women and children under the auspices of

- National Legal Clinic for Women and Children during my practice.
- March, 2010 : Appointed as a puisne Judge of the High Court of Zambia
- On the High Court Bench, I heard and determined many matters. These included matters premised on the Constitution and administrative law, election petitions, causes of action premised on contractual obligations, claims based on the law of tort, as well as land matters. I heard and determined divorce matters, as well as applications for property adjustment and maintenance on appeal. I presided over, and determined claims pertaining to probate, and intestate succession. I attended to more than 10 criminal sessions, in addition to sentencing sessions and criminal appeals. I equally heard and determined appeals from lower courts.
- 11th May, 2016 : Appointed Judge President of the Court of Appeal
- I currently head the Court of Appeal which was created 2016. The court hears and determines appeals from the High Court and other tribunals as by law provided. The decisions of the court are appealable to the Supreme Court only with leave of the court.
- 9th May, 2017 : Appointed Judge of the Southern African Development Community Administrative Tribunal (SADCAT)
- The SADCAT hears and determines applications from aggrieved members of staff of the Southern African Development Community (SADC) and its institutions. I was first appointed for a two-year term, and the appointment was renewed for another two years, which comes to an end on 9th May, 2021.

ADDITIONAL RESPONSIBILITIES

- Appointed member of the Editorial Board of the Council of Law Reporting in 2012
- The Editorial Board considers judgments submitted by the Supreme Court and Judges of the High Court for selection. The judgments selected by the Board are then published in the Zambia Law Reports.

HOBBIES

Reading

REFEREES

Hon Justice Mr Ernest Linesi Sakala
Subdivision 12, Farm No. 34A, Waterfalls
P O Box 50067

LUSAKA

+260 211 840968

0977791361

Email: sakael@gmail.com

Hon Deputy Justice Mr Marvin Sitwala Mwanamwambwa
S/D 'R' of Farm No 196(A)

Mungwi road

LUSAKA WEST

0977445995

Email:sitmarv18@gmail.com

CURRICULUM VITAE

PERSONAL DETAILS

Name : Judy Zulu Mulongoti
Date of Birth : 10th October, 1970
Nationality : Zambian
Email : jezedem@yahoo.com
Address : Court of Appeal Zambia
Dedan Kimathi Road
Lusaka
Cell no. : +260 977515530

ACADEMIC QUALIFICATIONS

1994 : Bachelors of Laws (LLB.) – University of Zambia, Lusaka
1995 : Successfully completed the Legal Practitioners’ Qualifying Examination, Law Practice Institute, Lusaka
1999 : Diploma in New Zealand Legal Studies – University of Waikota
- The course studied included Protection of Human Rights, Competition Law, Civil Procedure and Contemporary Issues in Corporate Law
2000 : Masters of Laws Degree (LLM) – University of Waikota, New Zealand
- The LLM consisted of four papers in International Human Rights Law, Advanced International Environmental Law, Advanced Dispute Resolution and a one paper dissertation on Domestic Violence against Women

WORK EXPERIENCE

June, 2016 to date : Court of Appeal Judge – Judiciary of Zambia, Lusaka

Duties

Hearing and determining all civil and criminal appeals from judgments of the High Court and quasi judicial bodies except the Local Government Elections Tribunal, the Tax Appeals Tribunal and all matters which are a preserve of the Constitutional Court

Dec, 2010 to May, 2016 : High Court Judge – Judiciary of Zambia, Kitwe/Lusaka

Duties

Hearing and determining cases in the High Court for Zambia which has unlimited and original jurisdiction to hear and determine any civil or criminal proceedings under any law and such jurisdiction and powers as have been conferred on it by the Constitution or any other law. Matters handled involved Judicial Review, Election Petitions, Employment Disputes,

Commercial Disputes, Criminal Matters, Defamation Cases, Family and Divorce Petitions and various other subjects of the law.

Jan, 2008 to Nov, 2010 : Industrial Relations Court Judge, Judiciary of Zambia, Lusaka

Duties

Hearing and determining complaints involving industrial and labour matters. The court had exclusive jurisdiction in such matters and was not bound by the rules of evidence, making it easily accessible to all.

April, 2006 to Jan, 2008 : Deputy Chief State Advocate – Civil Litigation – Attorney General’s Chambers

Duties

Undertaking civil litigation on behalf of the government in both the High and Supreme Courts of Zambia which involved cases in judicial review, elections petitions, land matters, false imprisonment claims against the police and other diverse subjects of the law. Supervising state advocates in the department in a professional matters, rendering legal opinions and advice to government through various ministries and departments, drafting pleadings. I was also involved in Administrative matters of the department.

March, 2003 to March, 2005 : Principal State Advocate – Civil Litigation – Attorney General’s Chambers

Duties

Undertaking civil litigation on behalf of the government in both the High and Supreme Courts of Zambia. Supervising State Advocates in the department in professional matters, rendering legal opinions and advice to government through various ministries and departments and drafting pleadings.

Jan, 2001 to Feb, 2003 : Principal Legal Aid Counsel – Legal Aid Board – Ministry of Justice

Duties

Providing legal aid to the indigent in both criminal and civil matters in the High and Supreme Courts. This mainly involved defending such people in court.

June, 1997 to Dec, 2000 : Assistant Senior State Advocate – Attorney General Chambers

Duties

Undertaking civil and criminal litigation on behalf of the government in the High Court of Zambia. Rendering legal opinions and advice to government through various ministries and

departments, drafting pleading and making periodical reports to the Solicitor General on matters under my conduct

Dec, 1995 to May, 1997 : State Advocate – Civil Litigation, Attorney General’s Chambers

Duties

Undertaking civil and criminal litigation on behalf of the government in the High Court of Zambia. Rendering legal opinions and advice to government through various ministries and departments, drafting pleadings and making periodical reports to the Solicitor General on matters under my conduct.

ACCOMPLISHMENTS

- Awarded Scholarship by New Zealand Government
- Member of the Lands Tribunal 1998
- Deputy Secretary Mung’omba Constitution Review Commission
- Board Member – National Road Fund Agency
- Member – Tourism Credit Facility Development Committee
- Researcher – USAID to develop Matrices on Policies Legislations and International Instruments for Monitoring Implementation of HIV/AIDS National Policy in Zambia
- Researcher – Administrative Committee into the Mphamba Chieftaincy Succession Wrangles

RECENT CERTIFICATIONS

- Arbitration - Introduction to Domestic Arbitration Certificate
- Mediation – Edwards Mediation Academy (USA)

OTHER

- Attended various international and local meetings as a representative of the Attorney General as a representative of the Attorney General
- Attended various training as a judge and as a state advocate
- Some of my judgments as High Court and Court of Appeal Judge can be found in the Zambia Law Reports

REFERENCES

Hon Madam Justice A M Sitali
Judge of the Constitutional Court of Zambia
NHA Building
LUSAKA

Mr Sam Chisulo, SC (Former Solicitor General)
Partner – Sam Chisulo & Company
Chindo Road
Woodlands
LUSAKA

Hon Mrs Justice F M Chisanga
Judge President – Court of Appeal
Dedan Kimathi Road
LUSAKA

CURRICULUM VITAE

PERSONAL DATA

Name : Mwila Chitabo, SC
NRC No. : 133205/41/1
Nationality : Zambian
Date of Birth : 25th March, 1956
Place of Birth : Mulilansolo Mission
Chief : Mubanga
District : Chinsali
Religion : Catholic
Marital Status : Married
Occupation : High Court Judge
Employer : Judiciary for Zambia
Residential Address : House No. 100462 Foxdale, Lusaka
Postal Address : High Court for Zambia; P.O. Box 50067, Lusaka
Contact Numbers : +260 211-253287/ 0966-825282
Email Address : chitabomwila@gmail.com

ACADEMIC QUALIFICATIONS

1969 : Grade VII: Ilondola Mission-Division One
1974 : Form V: Isoka Secondary School-Cambridge
1979 : Bachelor of Laws Degree; LLB, University of Zambia
- - Pursuing Master of Laws Degree in Constitutional and
Administrative Law; LLMCAL18213431, University of Lusaka
(Currently at the stage of defending thesis).

PROFESSIONAL QUALIFICATIONS

11th March 2014 : Appointed as Judge of the High Court for Zambia on
10th July, 2012 : Appointed State Counsel
28th April, 1982 : Admitted as an Advocate of the High Court and Supreme Court for
Zambia
1st February, 1991 : Notary Public: By Instrument of appointment by the Chief Justice

WORK EXPERIENCE

- General Practitioner in Civil and Criminal Law Conveyance with a long period of experience in Courts with a trail of over 26 cases that have been reported in the Zambia Law Reports. As such, I have contributed to the development of our jurisprudence in Zambia
- Practiced law initially in the law firm of Messrs Mwanawasa & Company-1982 to 1988
- Thereafter I practiced on my own account in the Firm of Messrs Chitabo Chiinga Associates from 1988-2014 when I was appointed High Court Judge in January, 2014

- As Judge, I have presided over a number of Constitutional litigation suits of Local, Parliamentary and Presidential petitions

ALLIED PROFESSIONAL AFFILIATIONS

- Member of Zambia Institute of Arbitrators (Mediator and Arbitrator) MCI Arb
- Was a member of the Law Association of Zambia (LAZ) until I ascended to the Bar in 2014
- Was a member of the International Bar Association (IBA)

SOME SHORT-TERM TRAINING

- ILO and Judiciary training session in Kabwe in respect of Employees and Unions Rights: November 2020 (uncertified)
- Regional Conferences in Sandton , Johannesburg on Rights of the Under-privileged Classes and Minority Groups to include HIV-AIDS patients, Transgender Persons, Prisoners etc
- Holder of Certificate of participation on Successful negotiations (The Key to Privatisation: October 1995

EXTRA CURRICULAR

- Active in Small Christian Community Church activities
- Social Chess
- Holder of Confederation Africaine De Football Certificate (High Level Administration) CAF December, 1995

SOCIAL INTER-COURSE

- Immediate past President of Ndola Club Limited and immediate Past President of the Ndola Flying Club; Honorary life member of Ndola BCEL Club; Ex Deputy Director General of the BCEL Zambian Legion
- Football Administrator and Past Vice Chairman of Forest Rangers
- Served on Football Association of Zambia (FAZ Committees of Constitutional Review Committee and Players Transfers Welfare)
- Served Lifebuoy/Strikers Football Club in various capacities and finally as Chairman when the sponsors withdrew sponsorship and the team merged with Forest Ranger (1986-1977)

REFEREES

Mr. Marvin SitwalaMwanamwambwaRtd - DCJ of Zambia.

C/o Supreme Court of Zambia

P O Box 50067

LUSAKA

Tel Phone: +260 977 445 995

Mr Derek Alinjawa Simwiinga
Commissioner Electoral Commission of Zambia
Election House, Haile Selassie
P.O. Box 50274
LUSAKA
Tel Phone: +260 962849003/ +260 955618247

The Hon Dr Justice Mumba Malila, S.C
Supreme Court of Zambia
P.O. Box 50067
LUSAKA
Tel Phone: +260974 066 477

CURRICULUM VITAE

PERSONAL DETAILS

Name : Mathew Kasonde Chisunka
Date of Birth : 8th December, 1958
Nationality : Zambian
Marital Status : Married (with four (4) children)
Denomination : Christian (Roman Catholic)
Languages : English, Bemba, Lozi, Luvale and Nyanja
Residential Address : Plot No. 401/F401a
St Patricks Road, Bonaventure,
Lusaka
Contact Information : High Court Lusaka (IRD)
P.O. Box 34009
Lusaka

Cell no. +260966 430515
mkc.sunks@gmail.com

EDUCATIONAL BACKGROUND

ACADEMIC QUALIFICATIONS

2000 : Master of Laws (LL.M in International Business Law) degree from
the University of Wales, Aberystwyth
1982 : Bachelor of Laws (LL.B) degree from the University of Zambia,
Lusaka
1977 : GCE “O” Levels, Cambridge School Certificate, St. John’s
Secondary School, Mongu

PROFESSIONAL QUALIFICATIONS

December, 1983 : Admitted to practice law as an Advocate of the High Court for
Zambia
September, 1983 : Postgraduate Certificate of the Council of Legal Education from
Law Practice Institute
2007 : Certificate in Legislative Drafting – Georgetown Law Centre,
Washington, DC

PREVIOUS PROFESSIONAL MEMBERSHIP BOARDS AND COMMITTEES

- Law Association of Zambia
- International Bar Association

CERTIFICATE COURSES, SEMINARS & WORKSHOP PARTICIPATION

1. Introduction to Human Rights and the Environment – UNITAR (Online Course) November, 2018
2. Introduction to Arbitration, Chartered Institute of Arbitrators (CIArb), August 2017, Lusaka-Zambia
3. Legal Aspects of Governance and Reserves Management, World Bank Treasury Reserves Advisory and Management Programme, May 7-11, 2012: Marrakesh, Morocco
4. Governance and oversight of Investment Management RAMP – Africa, World Bank Treasury June 13 – 15 2011 Cape Town, South Africa
5. Strategic Leadership course – Crown Agents, 4 – 5th April 2011, Lusaka
6. SADC Payment System Integration Workshop – CCBG/ South African Reserve Bank, 22 – 24th March 2011 Centurion, South Africa
7. 20 Years of Technical Central Bank Cooperation International Conference – Deutsche Bundesbank, 27 – 29th October 2010 Frankfurt, Germany
8. Global Crisis : Governance Challenges and Ways forward- UNITAR, 19th October – 13th November 2009 (Online course)
9. 10 Years of European Monetary Union – a legal perspective Conference European Central Bank, 29 – 31 January 2009, Frankfurt, Germany
10. International Players in Public Finance and Debt Management - UNITAR, October 20 to November 21, 2008 (Online Course)
11. The Third Global Credit Reporting Conference, Public Policy and Innovative Solutions for Emerging Markets – IFC/World Bank, Banco Centrale Do Brasil 21 – 23 October, 2008, Rio de Janeiro, Brazil.
12. International Legislative Drafting - The Public Law Center, Tulane Law School, USA 22nd June 2007 Georgetown Law Centre, Washington D.C.
13. AML/CFT Legal Workshop on Measures for Financial Intelligence Unit (FIU) officials (AMLL) – The Joint Africa Institute (JAI) partnership of the AfDB, IMF & World Bank 15 – 19 October 2007 Tunis, Tunisia.
14. Fundamentals of Capital Market Development and Regulation. UNITAR, August 15 to September 23, 2005 (Online Course)
15. Capital Market Development and Regulation – Advanced course, UNITAR, October 31 – December 9, 2005
16. Arbitration and Alternative Dispute Resolution- UNITAR, November 1 to December 10, 2005 (Online Course).
17. Prosecution Process – Zambia Institute of Advanced Legal Education (ZIALE) 1st August – 5th September 2003, Lusaka
18. Negotiation of Financial Transactions, UNITAR, 15th September – 27th October 2003 (online course)
19. International Board and Directors Seminar, SIDA/Styreles and Lednings Kompetens, 2003, Gothenberg, SWEDEN
20. Legal and Regulatory Frameworks for Financial Sector Reform-, Macroeconomic & Financial Management Institute of Eastern and Southern Africa (MEFMI) 14th – 15th February, 2002
21. Leadership Program - Toronto International Leadership Centre for Financial Sector Supervision, Cape Town, South Africa 2002

22. Combating Money Laundering – Best Practice for the Financial Sector, Sub-Regional Workshop organised by the Commonwealth Secretariat (PRETORIA) 22nd – 26 July 2002
23. Corporate Governance and Prevention of White-Collar Crime in Africa, workshop organised by Business Systems and Training (BS&T) (LUSAKA) 26-28th February 2002.
24. National Intellectual Property Seminar - WIPO, GRZ, LAZ, Lusaka, June 27 – 29, 2001
25. Negotiations in relation to Debt and Financial Management, organised by United Nations Institute for Training and Research (UNITAR) – Nairobi, Kenya, 1995
26. International trade (on Foreign Trade Management) organised by Societe Generale de Surveillance S.A. (SGS) – Lusaka from 14-18 November 1994.
27. Legal Aspects of Debt Management organised by the United Nations Institute for Training and Research (UNITAR)- Windhoek, Namibia, 1993
28. Foreign Investment Negotiations organised by International Law Institute-(ILI) Washington DC, United States of America, September 1-28, 1988

WORK EXPERIENCE

PERSONAL PROFILE

Has been a lawyer for over 30 years. Received Bachelor of Laws (LLB) degree from the University of Zambia in 1982 and Master of Laws (LLM) in International Business Law from the University of Wales in 2000. Was admitted to the bar as an advocate in December 1983. Practiced law as an associate advocate with MMW & Co, a private legal firm, constituted by Messrs Mung’omba, Mwanakatwe and Willombe. Joined the Bank of Zambia as Legal Officer in 1986 and rose to the position of Bank Secretary overseeing the legal, board and public relations divisions. Retired from the Bank in December 2013 after an illustrious career spanning 27 years.

Has over 25 years post qualification experience as legal advisor in the financial sector at senior management level. Gained vast experience and knowledge in banking, central banking and the financial and investment fields.

Joined the Judiciary as a Judge (Industrial Relations Court) in February 2014 and currently serving as a High Court Judge. Was appointed as Judge-in-Charge of the High Court (Industrial Relations Division) in March 2020. As a Judge, I have gained vast knowledge in labour, criminal, industrial relations matters and dispute resolution. In addition and most recently, underwent and completed a course in Human Rights and Environmental Law obtaining a certificate from the United Nations Institute for Training and Research (UNITAR) in 2018.

Previous responsibilities, Bank Secretary, included the following:

- Advised Management and the Board of Directors on all legal issues concerning the Bank, covering all its functions, including legislative drafting
- Directed the Bank’s representation in litigation, arbitration, and other institutional and legal procedures and proceedings

- Assumed responsibility for the overall management and organisation of the Bank of Zambia legal division and ensuring that negotiations and all Bank agreements are in compliance with its mandate and other relevant law
- Performed secretarial functions connected with the Bank of Zambia Board and its Committees, including Senior Management Committee Meetings
- Oversaw the public relation function to include formulation, monitoring and advising management on public relations strategies to ensure that the Bank's correct image is maintained

February, 2014 : Joined the Judiciary as Judge/Deputy Chairman – Industrial Relations Court

Brief outline of my work history is as given below:

2012 to December 2013	:	Director of Legal Services Bank of Zambia
2007 to 2012	:	Bank Secretary
23 rd November, 1994 to 2007	:	Assistant Bank Secretary
12 th May, 1996 to April 2002	:	Personal Assistant to Governor
June, 1986 to Nov, 1994	:	Legal Officer
Jan, 1984 to June, 1986	:	Advocate
October to Dec, 1983	:	Legal Officer – TAZARA
Sept, 1982 to Sept, 1983	:	Learner Legal Practitioner

Attached to - Legal Aid Department
 - Lands and Deeds Registry
 - Attorney General's Chambers
 - DPP's Chambers

1990 to date

- Currently serving as High Court Judge in the Industrial Relations Division
- Has served the Central Bank (Bank of Zambia) as legal advisor rising to the position of Bank Secretary
- Instrumental in the review and drafting of the Bank of Zambia Act and the Banking and Financial Services Act, and other relevant regulations
- Liased and collaborated with GRZ, External Counsel, and Financial Advisors to successfully implement the 1994 Debt Buy-back Programme successfully
- Instrumental in drafting the Bank of Zambia Pension Trust and Rules and ensuring that the Pension Scheme was duly established
- Participated in and oversaw the successful drafting of the SADC Central Bank Model Law
- Participated in preparatory work for Sovereign Credit Rating for the Republic of Zambia as a member of the Committee of Experts constituted by Cabinet Office
- Instrumental in initiating the reform of existing and development of new legislation/regulations to give effect to Bank of Zambia policies as well as to harmonise the financial sector regulatory framework

- Drafted the Credit Reference Regulations and Guidelines currently in force
- Drafted the draft law on Credit Referencing which has been submitted to Ministry of Finance awaiting enactment
- Participated in the drafting of the Deposit Protection Legislation which has been submitted to Ministry of Finance awaiting enactment
- Drafted the draft Bank of Zambia Act based on the SADC Model Law which has been submitted to Ministry of Finance awaiting enactment
- Drafted various policies currently in force in the Bank of Zambia

PRESENT POSITION

High Court Judge (In-Charge)
Industrial Relations Division
High Court for Zambia
Lusaka

KEY COMPETENCES

- Good leadership qualities
- Good communication and interpersonal skills
- Competent and knowledgeable in legal in general and more specifically, finance, banking, commercial, labour and industrial relations and human rights matters
- Team player
- Excellent drafting skills
- Strategic thinker
- High integrity and professional

OTHER AREAS OF RESPONSIBILITY

1. 1988 - 1990 Chairman of Bank of Zambia Karate Club
2. 1981 - 1982 Vice Chairman of the University of Zambia Law Association
3. 1980 - 1981 Legal Advisor to VASSO, a University of Zambia Newsletter
4. 2007 - 2009 Vice Chairperson of the Legal and Regulatory Framework Working Group under the Financial Sector Development Plan
5. 2007 – to 2013 Chairperson of the Legal Committee of Central Governors in SADC
6. 2010 – to 2013 Member of the Financial Sector Development Plan Implementation Committee

BUSINESS/OFFICIAL CONFERENCES ATTENDED

Attended various economic conferences and meetings since 1996 including the Annual meetings of the IMF/World Bank, Commonwealth Ministers of Finance, Bank of England, Bank for International Settlement (BIS), African Development Bank, SADC Committee of Central Bank Governors, COMESA, and others.

MEMBERSHIP TO SELECTED MANAGEMENT COMMITTEES WITHIN THE BANK

- Monetary Policy Committee
- Procurement Committee
- Appellate Disciplinary Committee
- Voluntary and Early Separation Scheme Committee
- Budget and Finance Committee
- Management committee
- Contracts Review Committee
- Supervisory Committee
- Donations Committee
- Exhibitions and Seminars Committee
- International Reserves Management Committee
- Financial Sector Development Plan Implementation Committee
- Insurance Committee (Chair)

INTERNATIONAL COMMITTEES

Chair – Legal Committee of the Committee of Central Bank Governors in SADC

PUBLIC ASSIGNMENTS

- Committee of Experts on Sovereign Credit Rating preparatory arrangements
- Working Group to Modernise the Legal Framework for Public Debt Management in Zambia
- Committee of Experts to Review the Public Finance Act
- Working Group on Governance under the Financial Sector Development Plan

ACADEMIC DISSERTATIONS

- (i) “Squatter Settlements and Land Law in Zambia” (1982) – obligatory essay submitted to UNZA Law School in partial fulfilment of the requirement for the award of the LL.B Degree;
- (ii) “Banking Rescues and Insolvency in Zambia” (2000) - dissertation submitted to University of Wales in partial fulfilment of the requirements for the award of the LL.M Degree.

LEISURE/INTERESTS

- Reading
- Music
- Swimming
- Martial Arts

REFERENCES

Mr Justice A M Wood
Supreme Court of Zambia
Lusaka
Mobile No. 260 971 729 493

Mr Michael Mundashi S.C
Mulenga Mundashi Kasonde Legal Practitioners
Zimbabwe House
Longacres
Lusaka
Mobile No. 260 977 775 538

CURRICULUM VITAE

PERSONAL DETAILS

Surname : Banda-Bobo
Other Names : Anessie Michael
Sex : Female
Date of Birth : 15th December, 1962
Place of Birth : Chipata, Zambia
Nationality : Zambian
Marital Status : Married with children
Telephone Numbers : 0977 493826
0967493826
0977 493934 (Spouse)
Email : mikaeli1816@gmail.com

ACADEMIC AND PROFESSIONAL QUALIFICATIONS

1986 LL.B (Bachelor of Laws) University of Zambia
1995 LLM (Masters of Laws) International Business Law – Queen Mary and Westfield College – University of London
2003 Diploma in Legislative Drafting – Zambia Institute of Advanced Legal Education
2005 Certificate in Arbitration – Zambia Association of Arbitrators

WORK EXPERIENCE

23rd July, 2010 : Appointed Puisne Judge of the High Court for Zambia, with first station at Lusaka Judiciary
1st April, 2014 : Transferred to Ndola in the same capacity
1st June, 2015 : Transferred back to Lusaka in the same capacity
2018 to 2019 : Acting Judge in Charge, General list on various occasions
1st Nov, 2020 to date : Acting Judge in charge, Family and children's Division of the High Court

Job Purpose

- Adjudication and administration on the General list of the High Court
- Adjudication and general administration in the Family and Children's court

2nd Jan, 2004 to 22nd July, 2010 : Registrar and Chief Executive Officer (CEO) - Patents and Companies Registration Office (PACRA)
2nd Jan, 2003 to 1st Jan, 2004 : Acting Registrar and CEO

Job Purpose

To plan, co-ordinate, maintain and monitor company and business names registration, grant of patents, registration of trademarks and industrial designs in order to enhance orderly trade, provide information to stakeholders and generate revenue. To plan, the effective utilisation of human and material resources, coordinate the operations of the Institution and monitor the implementation of Institutional Policies and programs to ascertain their impact.

Achievements:

During my tenure as Chief Executive, I achieved a number of successes, notable among them:-

- (a) the Institution produced a five-year strategic plan to guide its operations
- (b) managed to decentralise the office operations by opening a Regional Office in Ndola for Companies and Business Names
- (c) the electronic data base was greatly enhanced, so that almost 70% of total registrations were on the electronic data base, and information easily available
- (d) The system of electronic trademark processing was instituted with the assistance of the World Intellectual Property Organisation.
- (e) Produced new job description and a new structure for the institution
- (f) Participated in the negotiations for a new Trademark Law Treaty in Singapore in 2006 at the Diplomatic Conference for a Revised Trademark Law Treaty
- (g) Participated in the negotiations for the extension of the Transition period for the new date for the coming into force of the TRIPS Agreement for the Least Developed Countries
- (h) Drafted the legal instrument to create the patents and Companies Registration Office as an autonomous entity.

1st Jan, 2000 to 31st Dec, 2002

Assistant Registrar – Registration and Enforcement Unit
Patents and Companies Registration Office (PACRA)

Job Purpose

This was one of two similar positions in the Agency. I headed the Registration and Enforcement Unit and reported directly to the Controller who is the Chief Executive. The major purpose of this position was to effectively and efficiently manage and control both commercial and industrial property matters, grant letters patent and provide legal advice and services to the investing public in order to promote and maintain orderly trade in the Agency and the Country.

Duties and Responsibilities

Administration

Ensure effective staff utilization to attain Agency objectives

Reports Production	Coordinate the timely production of reports and provide information to stake holders to enable the investing public make informed decisions
Prosecution and Evaluation	Monitor and evaluate the performance of companies and their compliance with statutory provisions and where necessary initiate court process to prosecute defaulters
Intellectual Property Licensing	Coordinate and maintain a record of the various users of intellectual property rights with a view to forestalling unfair competition and keeping out counterfeits from the Zambian Market
Policy	Develop policy guidelines in order to provide professional input in the formulation of appropriate policies on commercial and industrial property
Legal Advice	Provide legal advice to the public on a cross spectrum of legal matters

1997 to 1999 : Assistant Registrar – Patents and Companies Department:
Commercial Unit, Ministry of Commerce, Trade and Industry

Job Purpose

The job entailed preparing, formulating and designing policies and strategies on commercial and corporate procedures and monitoring their implementation for purposes of stimulating orderly trade in the economy

Duties and Responsibilities

- Responsible to the Deputy Registrar
- Coordinated and participated in company inspections to enforce compliance with statutes
- Provided legal advice to clients to enhance lawful and orderly business operations
- Prepared and reviewed legislation in order to promote and reflect prevailing economic trends in the country
- Dealing with companies listed on the Lusaka Stock Exchange to ensure that they conformed regularly to statutory provisions
- General administration of the Commercial Unit, staff welfare, and appraisals to ensure smooth operations of the Unit

1995 to 1996 : Acting Deputy Registrar

Job Purpose

This position deputised the position of Registrar and so the duties were more or less those of the Registrar. The job purpose was to plan, coordinate, maintain and monitor commercial and industrial property matters in order to enhance orderly trade.

Duties and Responsibilities

- Ensure adequate documentation of commercial and industrial property information in order to make it readily available to stakeholders
- Plan the effective utilisation of staff material and financial resources in order to ensure attainment of the organisation's objectives
- Coordinating the operations of the Department
- Overseeing the periodic review of current legislative and legislative proposals
- Formulation of appropriate policies in order to provide expert guidance

1993 to 1995 : Assistant Registrar

- Same duties as those for 1997 to 1999

1988 to 1993 : Legal Officer

Responsible to the Deputy Registrar, main responsibilities were the provision of legal advice and initiation of court process on any matter relating to the operations of the Department.

Duties and Responsibilities

- Initiated and reviewed legislation administered by the Department
- Prepared and drafted layman's draft of amendment of legislation administered by the Department and Ministry for onward transmission to Ministry of Legal Affairs
- Liaised with stakeholders and Government Departments and Ministries
- Provided legal opinions on any legal issues confronting the Ministry and the Department in their daily dealings so that disputes could be resolved amicably

PROFESSIONAL MEMBERSHIP

- Advocate of the High Court for Zambia
- Advocate of the Supreme Court of Zambia
- Committee Member of Zambia Association of Women Judges
- Member of the Council of Law Reporting Editorial Board

SEMINARS, WORKSHOPS AND INTERNATIONAL MEETINGS ATTENDED

I have attended numerous International and Regional meetings, workshops and seminars in the field of Intellectual Property and International Law. I have represented the Zambian Government at various high level International meetings either as a delegate or as delegation leader. I have participated in negotiations of International Treaties on behalf of the Zambian Government. Represented the judiciary at various international for a.

OTHER ACTIVITIES

- 2001 : National Expert on the Food and Agricultural Organisation (FAO) on Uruguay Round follow-up and Multilateral Trade Negotiations on Agriculture
- 2000 : Facilitated at a National seminar on the Agreement on Trade Related Aspects of Intellectual Property Rights and other Aspects of Intellectual Property Protection in Zambia

HOBBIES

- Reading and writing
- interacting with people
- Travelling

REFEREES

1. Mr. Justice Anderson R Zikonda (Retired)
Plot 19590
Chibombo Smallholding
P O Box 63
CHIBOMBO
Email: zikondar@gmail.com

2. Professor Mpazi Sinjela LLB (UNZA), LLM, JSD (YALE)
Chancellor
UNICAF University
P O Box 33428
LUSAKA
Tel: 0978 555550

CURRICULUM VITAE

PERSONAL DETAILS

Name : Nicola Ann Sharpe-Phiri LL.B, MCI Arb
Date of Birth : 27 August 1969
Nationality : Zambian
Marital Status : Married
Telephone : 0966 750272 / 262780
Skype ID : nicola.ann.sharpe
Email Address : nsharpephiri@gmail.com
Postal Address : P O Box 32587
Lusaka
Languages : English

ACADEMIC QUALIFICATIONS

Sept, 2020 : (Currently undertaking *LLM, Human Rights, Conflict & Justice*)
SOAS University of London
April to Sept, 2020 : Mediation Skills Course - Edwards Mediation Academy, USA
January, 2008 : Diploma, *Banking and Capital Markets* - College of Law, London
August, 2005 : Diploma, *International Arbitration Law* - College of Law, London
July, 2004 : Diploma, *International Business Organizations* - College of Law,
London
March, 2002 : Train-the-Trainer Mediation Training- Chemonics International,
USA
April, 2020 : Court-Annexed Mediation Training - Chemonics International,
USA
January, 1999 : Certificate of Award on International & Domestic Arbitration
Forum for International Commercial Arbitration, USA
November, 1995 : Certificate in Trial Advocacy - University of Natal, South Africa
1991 to 1992 : Post-Graduate Program (with distinctions) - Zambia Institute of
Advanced Legal Education
1987 to 1991 : Bachelor of Laws Degree (LLB) - University of Zambia: School of
Law
1975 to 1986 : Form V School Certificate - Dominican Convent School, Ndola

PROFESSIONAL QUALIFICATIONS

Dec 2020 : CI Arb London Arbitration Module 3 Fellowship (awaiting results)
March 2008 : Commissioner of the Small Claims Court, Zambia
September 2002 : Member of the Chartered Institute of Arbitrators, London
April 2000 : Court-Annexed Mediator
January 1999 : Certificate of Award on International & Domestic Arbitration –
FICA
Jan, 1998 : Notary Public, Lusaka, Zambia

Dec, 1995 : Commissioner for Oaths, Lusaka, Zambia
Dec, 1992 : Admission to the Zambian Bar to practice as an Advocate

WORK EXPERIENCE

2017 to date : Judge-in-Charge - Family & Children's Court, Lusaka High Court

- Establishment and operationalization of the Family & Children's Court
- Adjudication of Family Law and some General List disputes
- Overseeing the Juvenile Justice system in Zambia in High Court
- Coordinating drafting of Rules (Matrimonial Causes, Wills & Testate, Intestate Succession)
- Allocation of cases and Monitoring of Case Management in Family Division
- Monitoring & Quarterly Reporting to Chief Justice on Performance of Family Division
- Supervision & Monitoring Registry Staff in Division
- Member of the Advisory Committee on Training & Continuing Education
- Coordination of Training of Judiciary Staff
- Chairperson of the Small Claims Court of Zambia
- Supervision of the Operations of the Small Claims Courts at Lusaka, Ndola and Kitwe

2011 to 2017 : Judge of the High Court, Lusaka High Court

- Adjudication of Civil matters (i.e. Judicial Review Cases, Banking and Corporate law, Matrimonial & Family Law, Land, Tenancy, Probate & Succession)
- Adjudication of Appeals from Subordinate Court
- Adjudication of Criminal and civil sessions in Lusaka, Mongu and Chipata
- Monitoring and quarterly reporting to Chief Justice on performance of my court
- Chairperson of the Small Claims Court of Zambia
- Supervision of the Operations of the Small Claims Courts at Lusaka, Ndola and Kitwe
- Monitoring and Evaluating performance of Commissioners of the Small Claims Court
- Monitoring and Quarterly reporting on the Operations of the Small Claims Courts
- Member of the Advisory Committee on Training & Continuing Education
- Planning and Coordination of Training programs for Judiciary Staff

2001 to 2011 : Senior Partner- Sharpe & Howard, Legal Practitioners

- Chief Administrator and Senior Partner of the firm for over a period of 10 years
- Overall daily management of the operations of the firm (staff of over 35 at one point)
- Representation of clients in numerous litigations in the Superior Courts
- Training, Supervision and Mentoring of learner Legal Practitioners and Associate Advocates
- Representation of clients in resolution of disputes through Mediation and Arbitration
- Provision of range of legal and Corporate services, incl. to Banks & Financial Institutions
- General Practice in Land law, Succession, Judicial Review, Family Law, Mergers and Acquisitions, Liquidators, Employment & Labour Law and Criminal law
- Adjudication of Banking and Commercial disputes

- Provision of legal advice as a Family Law lecturer at the Cavendish University in Lusaka
- Training of Arbitrators under the auspices of the Chartered Institute of Arbitrators (London)
- Mediating cases referred for resolution from High Court and Industrial Relations Court
- Adjudication of civil suits in the Small Claims Court [2009 – 2011]
- Management of collection of rentals of large Commercial center
- Construction of own purpose-built law firm

1995 to 2001 : Partner - Mopani Chambers

- Establishment and Operationalization of one of the first Female Law firms in Lusaka
- Overseeing day-to-day management of the law firm
- Representation of numerous disputes in the High Court, Supreme Court, and the Industrial Relations Court (main focus on Commercial and Corporate Law,
- Provision of legal services to Individuals, Corporates, Banks and Financial Institutions, multinational companies, Liquidators other commercial entities
- Defending clients in Criminal matters in all Superior Courts around the Country
- Performance of administrative and Management functions related to practice of the law
- Attending on Conveyancing, Liquidations, Mergers, and Acquisitions.
- Training, Supervision and Mentoring of learner Legal Practitioners and Associate Advocates

1991 to 1995 : Assistant Advocate - Chilupe & Company

- Legal Assistant to the late Mr. George Chilupe SC in this large Lusaka based-law firm
- Conducting legal research, drafting, reviewing documents, preparation for trials
- Representation of various clients in all Courts of Zambia and before government agencies
- Oversaw various litigations and conveyancing functions of clients
- Incorporation of Companies and general provision of secretarial duties to corporations
- Advising clients on various matters, including business transactions and preparation of wills
- Represent and advise executors and administrators of estates
- Preparation of legal briefs and legal opinions
- Regular reporting on performance of the firm

CURRENT POSITIONS

2017 to date: Judge-in-Charge, Family & Children’s Division, High Court for Zambia
 2018 to date: Vice President, Zambia Association of Women Judges (ZAWJ)
 2017 to date: Director, Zambia Financial Sector Deepening Limited
 2014 to date: Assessor of Zambia Institute of Advanced Legal Education
 2014 to date: Member of Board of Examiners of Zambia Institute of Advanced Legal Education
 2013 to date: Chairperson of the Small Claims Court
 2013 to date: Member of the Advisory Committee on Training & Continuing Education

POSITIONS HELD

2009 to 2011	:	Commissioner of the Small Claims Court, Lusaka Vice President
2004 to 2006	:	Female Lawyers Association of Zambia
2009 to 2019	:	President, Zambia Association of Arbitrators
2001 to 2009	:	Honorary Secretary, Zambia Association of Arbitrators
2006 to 2011	:	Honorary Secretary, Legal Practitioners Committee of LAZ
2012 to 2020	:	Honorary Secretary, Zambia Swimming Union
1999 to 2006	:	Council Member, Law Association of Zambia
2003 to 2007	:	Convenor, National legal Aid Clinic for Women, LAZ

MEMBERSHIP ASSOCIATIONS

- International Association of Women Judges, 2012 to date
- Commonwealth Magistrates and Judges' Association 2017 to date
- Zambia Association of Women Judges, 2012 to date
- Chartered Institute of Arbitrators (London) 2002 to date
- Law Association of Zambia from 1992 to 2011
- International Bar Association from 1996 to 2011
- Female Lawyers Association of Zambia from 2000 to 2011
- Zambia Association of Arbitrators from 2000 to date
- Alchemy Women in Leadership, 2009
- Institute of Directors from 2006 to 2011

INTERESTS

- Swimming
- Cycling
- Collection of African art
- Photography & construction

COMMUNITY SERVICE

- Advancement of Women's and children under the National Legal Aid Clinic for Women
- Provision of Pro bono legal services under LAZ and FELAZ
- Provision of material support to Canaan Centre and Wons Orphanage

REFEREES

Hon Mr Justice Michael Musonda
Deputy Chief Justice of Zambia
Tel: 0966 751382
Hon Mr Justice A M Wood
Supreme Court Judge
Tel: 0962035310

CURRICULUM VITAE

PERSONAL DETAILS

Name : Muzenga Kelvin
Nationality : Zambian
Date of Birth : 30th December 1977
Sex : Male
Marital status : married
Contact Address : Legal Aid Board
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LUSAKA
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0964507569

PROFILE

A self motivated and goal-oriented person, capable of working with minimum supervision.

ACADEMIC AND PROFESSIONAL QUALIFICATIONS

2012 : Post-Graduate Legislative Drafting Diploma, Zambia Institute of
Advanced Legal Education
2012 : Zambia Centre for Accountancy Certificate in Financial and General
management, workshop conducted at Ndozo Lodge
2009 : Danida Fellowship Programme Certificate in Law and Justice, Danish
institute for Human Rights, 2009.
2009 : Certificate of participation in “Strengthening the capacity of Access to
Justice in the Legal System in Zambia”, a course conducted at the Danish
institute for Human Rights
2009 : Certificate of attendance, Zambia Institute of Advanced Legal Education,
State Advocates’ 5th Annual workshop, 2009
2007 : Certificate of attendance, Zambia Institute of Advanced Legal Education,
State Advocates’ 3rd Annual workshop
2006 : Legal Practitioner’s Certificate, Zambia Institute of Advanced Legal
Education
2003 : Bachelor of Laws, LLB, University of Zambia
2002 : Certificate in International Protection of Human Rights, American
University, Cairo Egypt
1996 : Grade Twelve School Certificate, Linda Secondary School, Livingstone

WORK EXPERIENCE

2017 to date	:	External marker for Head 9 (Criminal Procedure) at the Zambia Institute of Advanced Legal Education
2014 to date	:	Director, Legal Aid Board
2008 to 2014	:	Principal Legal Aid Counsel - Legal Aid Board - in charge of the Northern Region. During which period I have been involved in court annexed mediation and out of court settlement negotiations
2004 to 2007	:	Ministry of Justice, Legal Aid Department.
2004 to 2007	:	Part-time Law Lecturer at NIPA, where I set and marked final examination papers.
2004 to 2005	:	Part-time Consultant for Management Services Board.
2003	:	Part time Law Lecturer at Evelyn Hone College.
2001- 2003	:	Law Lecturer - International Tutorial College
1998	:	Untrained teacher with Ministry of Education

RESEARCH CARRIED OUT

In 2003 I wrote and presented a paper at a ZARAN competition, while at the University, on the topic “Criminalization of willful HIV/AIDS infection” and got an award.

In 2003 I carried out a research document as a pre-requisite for the award of the Bachelor of Laws Degree at the University of Zambia, on the Topic “The Legality of the US Led War against Iraq” which paper turned out to be the most well researched paper.

In 2002, I took part in a research which covered all higher learning institution in Lusaka on the Stop HIV/AIDS Reach Every Student (SHARES) project.

SERMINARS AND CONFERENCES

In August 2002 I was selected to represent Law School at the Annual International Moot Court Competition in Cairo, Egypt.

In June 2002, I attended a data collection workshop under the SHARES project.

INTEREST/ OTHER SKILLS

- Making new friends
- Reading
- Going out
- Taking adventures
- Excellent spoken and written English

COMPUTER SKILLS

- Microsoft Word
- MS Excel
- Surfing the internet

CAPABILITY STATEMENT

From the experience enumerated above, it is beyond doubt that I have acquired a pragmatic, 'hands on' background on various legal issues, ranging from lecturing, litigation and application of the law in practice. Since 2004 to date I have been involved in the administration of criminal justice and have handled a wide range of criminal matters involving both juveniles and adults, offences against the person and property, drug related offences, corrupt practices and other related white-collar crimes, gender-based violence related offences and wildlife related offences. During the period when I was lecturing at the National Institute of Public Administration, I took part in training prosecutors, Magistrates and other students in qualifications ranging from basic prosecutions Certificates and Diplomas in law. In short, there is no area of the law related to criminal law or the principles thereof which I have not adequately dealt with.

REFEREES

1. Madam Justice F M Chisanga
Judge President, Court of Appeal
Judiciary
LUSAKA
2. Mr A Nkausu
Former Director Legal Aid Board
AC Nkausu and Associates.
LIVINGSTONE
Cell No. 0979647780
3. Madam Justice J K Kabuka
Judge of the Supreme Court
Judiciary
LUSAKA
4. Mr Justice J Chinyama
Judge of the Supreme Court
Judiciary
LUSAKA
5. Mr Justice T.I. Katanekwa
Judge of the High Court
Judiciary
LUSAKA