

REPORT OF THE PARLIAMENTARY SELECT COMMITTEE APPOINTED TO SCRUTINISE THE PRESIDENTIAL APPOINTMENT OF MR EVARISTO PENGELE, MRS KOREEN ETAMBUYU MWENDA ZIMBA, MRS RUTH HACHITAPIKA CHIBBABBUKA, MR KENNETH MULIFE, MR WILFRED KOPA GODFREY MUMA, MRS ABHA NAYAR PATEL, SC, MR BONAVENTURE CHAKWAWA MBEWE AND MR KAZIMBE CHENDA TO SERVE AS JUDGES OF THE HIGH COURT

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

Sir,

Your Parliamentary Select Committee was appointed on Tuesday, 11th December, 2018 to scrutinise the Presidential appointment of Mr Evaristo Pengele, Mrs Koreen Etambuyu Mwenda Zimba, Mrs Ruth Hachitapika Chibbabbuka, Mr Kenneth Mulife, Mr Wilfred Kopa Godfrey Muma, Mrs Abha Nayar Patel, SC, Mr Bonaventure Chakwawa Mbewe and Mr Kazimbe Chenda to Serve as High Court Judges.

The appointment of Mr Evaristo Pengele, Mrs Koreen Etambuyu Mwenda Zimba, Mrs Ruth Hachitapika Chibbabbuka, Mr Kenneth Mulife, Mr Wilfred Kopa Godfrey Muma, Mrs Abha Nayar Patel, SC, Mr Bonaventure Chakwawa Mbewe and Mr Kazimbe Chenda to serve as High Court Judges is made pursuant to Article 140 of the Constitution of Zambia, Cap. 1 of the Laws of Zambia, which states as follows:

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

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

TERM OF REFERENCE

2. The term of reference of your Committee was to scrutinise the Presidential appointment of Mr Evaristo Pengele, Mrs Koreen Etambuyu Mwenda Zimba, Mrs Ruth Hachitapika Chibbabbuka, Mr Kenneth Mulife, Mr Wilfred Kopa Godfrey Muma, Mrs Abha Nayar Patel, SC, Mr Bonaventure Chakwawa Mbewe and Mr Kazimbe Chenda to serve as High Court Judges.

MEMBERSHIP

3. Your Committee comprised the following Members:

Mr T S Ngulube, MP (Chairperson);
Ms A M Chisangano, MP (Vice-Chairperson);
Ms M Subulwa, MP;
Dr J K Chanda, MP;

Mr S Mutaba, MP;
Mr M C Munkonge, MP;
Dr M Malama, MP;
Mr D Mumba, MP;
Mr P Phiri, MP; and
Mr E Kamondo, MP.

MEETINGS OF YOUR COMMITTEE

4. Your Committee held a total of seven (7) meetings during the period 13th December, 2018 to 14th February, 2019. At its first meeting held on Thursday, 13th December, 2018, your Committee elected Mr T S Ngulube MP, as Chairperson and Ms A M Chisangano, MP, as Vice-Chairperson.

PROCEDURE ADOPTED

5. The Judiciary plays a pivotal role in ensuring good governance of the country and upholding the rule of law. In view of this, your Committee resolved that only competent persons with unquestionable integrity, diligence, eminence, sound character and, above all, committed to the promotion of the rule of law should be appointed as High Court judges. Therefore, your Committee carefully selected the witnesses to assist it scrutinise the suitability of the nominees. Your Committee requested memoranda from relevant State security agencies, professional bodies and other stakeholders and the Appointing Authority. The witnesses also appeared before your Committee to make their oral submissions. Further, your 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 further informed your Committee that investigations conducted by the ZP on each of the nominees had not found any adverse record or report against any of them.

Your Committee asked whether Mr Kazimbe Chenda had the requisite ten (10) years experience of practice as a legal practitioner. The Deputy Inspector-General stated that it was not within ZP's mandate to establish whether or not the nominee possessed the requisite experience. However, at the request of your Committee, the Deputy Inspector-General of Police availed your Committee the actual dates when Mr Kazimbe Chenda and two other nominees were admitted to the Zambian Bar.

Your Committee further asked the Deputy Inspector-General about the nationality of Ms Abha Nayar Patel. He submitted that the nominee was an Indian national who was resident in Zambia.

ANTI-CORRUPTION COMMISSION (ACC)

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

She informed your Committee that a search conducted in the ACC's database on all the nominees had yielded a negative result. She added that this meant that there were no corrupt practices reported against any of them.

Your Committee asked whether the ACC had not received any complaint against Mr W G K Muma. In response, the Acting Director-General responded that the ACC had not received any complaint against the nominee in his personal capacity.

DRUG ENFORCEMENT COMMISSION (DEC)

8. The Commissioner of the Drug Enforcement Commission submitted on the professional qualifications, experience and personal data of the nominees as follows:

(i) Mr Evaristo Pengele

The nominee was a Zambian citizen and holder of National Registration Card Number 113923/48/1 and resided in Meanwood, Ibex Hill in Lusaka. He was born on 10th June, 1981, in Samfya District. He graduated from the University of Zambia with a Bachelor of Laws (LLB) degree in 2005 and was admitted to the Zambian Bar in 2007. In addition he had a Postgraduate Diploma in Legislative Drafting. The nominee had worked for the ACC as Senior Legal and Prosecutions Officer and later the Judiciary as Registrar of the Supreme Court, the position he currently held.

The nominee was a divorcee with four children, a son and three daughters. He was a Christian who congregated at United Church of Zambia Mtendere congregation.

(ii) Mrs Koreen Etambuyu Mwenda Zimba

The nominee was a Zambian citizen and holder of National Registration Card Number 814355/11/1. She was born on 22nd April, 1983, in Lusaka District. She graduated from the University of Zambia with an LLB degree in 2005 and was admitted to the Zambian Bar in 2007. The nominee held a Postgraduate Diploma in Legislative Drafting from ZIALE and a certificate in Arbitration from the Chartered Institute of Arbitrators. She had worked for the ACC as Senior Legal and Prosecutions Officer and the Judiciary as Registrar of the Commercial Court.

The nominee resided at House Number 458, Meanwood Ibex Hill in Lusaka and was married to Collins Mangala Zimba also a Zambian citizen and a Senior Administrative Officer at the Electoral Commission of Zambia. They had three children, a son and two daughters. In addition, the nominee was a Christian and member of the United Church of Zambia Paradise congregation.

(iii) Mrs Ruth Hachitapika Chibbabbuka

The nominee was a Zambian citizen and holder of National Registration Card Number 631333/11/1. She was born on 14th June, 1975, in Lusaka District. She graduated from the University of Zambia with an LLB degree in 1998 and was admitted to the Zambian Bar in 2000. She had a certificate in Sustainable Development. In the past twenty years, the nominee had worked for Messrs. Shamwana and Company, Finance Bank Zambia Ltd, Barclays Bank Zambia Plc and the Judiciary where she was currently working as Senior Research Advocate.

The nominee resided at Sub Division 'Q' of farm No. 2085, off Airport Road in Waterfalls Chongwe District and was married to Sydney Chibbabbuka also a Zambian citizen working for the Zambia Revenue Authority as a Customs and Trade Facilitator. They had two children, a son and a daughter. The nominee was a member of Bread of Life Church at the main Centre.

(iv) Mr Kenneth Mulife

The nominee was a Zambian citizen and holder of National Registration Card Number 202126/83/1. He was born on 11th November, 1973, in Mongu District. He graduated from the University of Zambia in 2004 with an LLB degree and was admitted to the Zambian Bar in 2006. The nominee held a Masters Degree in Women's Law from the University of Zimbabwe. He had worked for various organisations among them, the Immigration Department, Messrs Lukona Chambers and the Judiciary. He was currently the Chief Resident Magistrate in Lusaka.

The nominee resided at Plot No. 11965 Ngwerere Avenue in Chelston Lusaka and was married to Eunice Mandandi also a Zambian citizen and a teacher at Nyumba Yanga School. They had four children, three sons and a daughter. The nominee was a Christian and member of the New Apostolic Church, Kasamba District in Emmasdale.

(v) Mr Wilfred Kopa Godfrey Muma

The nominee was a Zambian citizen and holder of National Registration Card Number 194775/43/1. He was born on 13th May, 1965 in Mpika District. He graduated from the University of Zambia in 2005 with an LLB degree and was admitted to the Zambian Bar in 2008. He also had a Magistrates Diploma from National Institute for Public Administration obtained in 1991. He had worked for the Judiciary as Deputy Registrar and was currently the Commissioner of Lands.

The nominee resided at 21188/52 State Lodge in Lusaka and was married to Louisa Chibungo also a Zambian citizen and a retired nurse. They had three children, a son and two daughters. He was a member of the Roman Catholic Church and congregated at Mary Immaculate along Leopards Hill Road.

(vi) Mrs Abha Nayar Patel, SC

The nominee was an Indian national and holder of National Registration Card Number 977780/11/2. She was born on 24th April, 1966, in New Delhi, India. She graduated from the University of Zambia with an LLB degree and was admitted to the Zambian Bar in 1989. She was a holder of a Masters Degree in Law from the University of Cambridge in the United Kingdom. She was a trained Arbitrator and was admitted as a member and fellow of the Chartered Institute of Arbitrators in the United Kingdom in 2002 and 2017, respectively.

The nominee resided at 16 Kabinga Avenue in Ndola and was married to Mr Ajesh Patel a Zambian citizen who was a food technologist and businessman and the proprietor of INVESCO Ltd in Ndola. They had two children, a son and a daughter. The nominee was Hindu by religion.

Your Committee inquired from the Commissioner when Mrs Patel had obtained her LLB degree and when she was conferred with the title of 'State Counsel'. In response, the Commissioner submitted that the documents she had did not stipulate when Mrs Patel had obtained the degree nor did she have any information as to when she was conferred with the title of 'State Counsel'.

Further, your Committee asked the Commissioner whether Mrs Patel was a Zambian national. It was her submission that she was not a Zambian national, but Indian national.

Your Committee asked DEC, as a security institution, to comment on the position of a foreigner being appointed to serve as High Court Judge. In response, the Commissioner submitted that

there was nothing in the Constitution barring a foreign national from being appointed High Court Judge, provided he or she met the stipulated requirements.

(vii) Mr Bonaventure Chakwawa Mbewe

The nominee was a Zambian citizen and holder of National Registration Card Number 332809/52/1. He was born on 21st July, 1965, in Petauke District. He graduated from the University of Zambia in 1988 with an LLB degree and was admitted to the Zambian Bar in 1989. He had vast work experience from various organisations, including Bank of Zambia, Barclays Bank and Atlas Mara Bank.

The nominee resided at House No. 27 Linda Road, Buckley Estates in Lusaka and was married to Doreen Mutende Zeko Mbewe also a Zambian citizen. While his wife was an economist, she was currently a housewife. They had four children, a son and three daughters. The nominee was a member of the Roman Catholic Church and congregated at St. Ignatius Parish in Rhodes Park.

(viii) Mr Kazimbe Chenda

The nominee was a Zambian citizen and holder of National Registration Card Number 339103/61/1. He was born on 2nd May, 1984, in Lusaka District. He had an LLB degree from the University of Zambia obtained in 2007 and was admitted to the Zambian Bar in 2008.

The nominee had worked for Corpus Legal Practitioners and USAID/Zambia between 2006 and 2009. He was currently a Partner at Simeza Sangwa and Associates where he had worked since 2009.

The nominee resided at Plot 6091, Manchinchi Road in Northmead, Lusaka and was married to Mutinta Chilombo Kawina also a Zambian citizen and a Human Resource Management Officer at the Ministry of Tourism and Arts. They had two children, a son and daughter.

The Commissioner further submitted that the records at DEC were searched in order to find out if the nominees had at any time contravened the following:

- (i) the Narcotic Drugs and Psychotropic Substances Act (CAP 96 of the laws of Zambia); and
- (ii) Act No. 14 of the Prohibition and Prevention of Money Laundering Act of 2001 as amended by Act No. 44 of 2010.

In conclusion, the Commissioner informed your Committee that all the nominees had no adverse record in the database or information which could suggest that they could have used illicit drugs, engaged in drug trafficking or money laundering.

Your Committee asked if DEC had conducted other verification processes outside its data base. In response the Commissioner submitted that officers were sent to collect information on the nominees from various persons. In addition, DEC submitted that the feedback generally given on the nominees was positive.

SUBMISSIONS BY PROFESSIONAL BODIES / STAKEHOLDER INSTITUTIONS

HUMAN RIGHTS COMMISSION (HRC)

9. The Director Human Rights Commission informed your Committee that although the Judiciary was independent, in terms of Article 118 of the Constitution of Zambia, it was accountable to the people. The Director also submitted that in considering the appointment of High Court judges, regard had to be had to Article 141 (1) (d) of the Constitution which made it mandatory for a person who sought to be appointed to the office of High Court Judge to have at least ten (10) years experience at the Bar. The Director further submitted that the Commission noted that some candidates had just attained the requisite ten years experience and as such other attributes had to be looked at.

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

(i) Mr Evaristo Pengele

The nominee had worked for the ACC for five (5) years (2006 – 2011) and that he currently held the position of Registrar of the Supreme Court, a position that he had held since 2016. From 2016 to date, the nominee had also held the position of Special Assistant to the Honourable Chief Justice of the Republic of Zambia. Further, Mr Pengele had proved himself academically by being the best student at the Zambia Institute of Advanced legal education (ZIALE) during the course of his studies at that Institution. The HRC also noted that Mr Pengele was currently pursuing a Master of Laws degree in Human Rights.

The HRC, therefore, supported Mr Pengele's appointment as judge of the High Court as he would contribute to the promotion and protection of human rights.

(ii) Mrs Koreen Etambuyu Mwenda Zimba

From a gender perspective, the nomination of Mrs Koreen Etambuyu Mwenda Zimba to high judicial office was commendable.

The nominee was admitted to the Zambian bar in 2007 and had held several portfolios in the public service. Having worked in the Judiciary and at the ACC, the nominee had the requisite education and professional qualifications to hold the office of judge of the High Court of Zambia. In addition, the nominee had obtained other professional qualifications which would be relevant in the execution of the duties of a judge. These included a Certificate in Arbitration and a Postgraduate Diploma in Legislative Drafting. Given the nominee's current position of Registrar of the Commercial Court in the Judiciary, the Commission submitted that the nominee would be best placed as a judge under the Commercial Division of the High Court.

(iii) Mrs Ruth Hachitapika Chibbabbuka

The nominee met the requisite number of years at the Bar, and further had a combination of both corporate law experience and exposure to court processes at the highest level of the Judiciary. The Director also noted that the nominee was currently a Senior Research Advocate which would aid her in delivering sound judgments should she be appointed as judge.

(iv) Mr Kenneth Mulife

Mr Mulife had served as a Magistrate from 2006 and had risen through the ranks to the position of Chief Resident Magistrate. Further, the nominee was appointed District Registrar of the High Court in 2015, with the main duty of hearing Chamber applications. In addition, Mr Mulife had specialised qualifications in children, women and immigration rights, which would be beneficial to the Judiciary. Mr Mulife had distinguished himself as an adjudicator at the Subordinate Court and should, therefore, be considered for appointment as a judge of the High Court under the Family or Children's Court.

(v) Mr Wilfred Kopa Godfrey Muma

The nominee possessed the requisite experience having served as a magistrate and an administrator. Further, the nominee had held different positions in the Subordinate Court, and, thus, developed the ability to adjudicate on his feet and effectively preside over both civil and criminal matters. In addition, as Commissioner of Lands, the nominee had an opportunity to understand the procedures in land administration. Also, during his tenure as Commissioner of Lands, he managed to streamline issues that directly affected his office. The HRC, therefore, was of the view that the nominee was fit to hold the high office of High Court Judge.

(vi) Mrs Abha Nayar Patel, SC

Mrs Patel had been a legal practitioner for 30 years, having been admitted to the Zambian bar in 1989, as evidenced by her curriculum vitae. This made her eligible for appointment to the higher courts. The HRC noted that Mrs Patel had been conferred with the rank of State Counsel in June, 2016, an honour that was reserved for distinguished persons in the legal profession. In addition, she was one of the few women to have been conferred with the status of State Counsel.

The nominee had distinguished herself as a seasoned mediator, arbitrator and legal practitioner with vast experience. The HRC, therefore, supported her appointment as judge of the High Court.

Your Committee asked whether Mrs Patel possessed certain qualities that distinguished her from other females. In response, the HRC submitted that Mrs Patel had vast experience in the legal profession which was invaluable. The Director stated that her experience ranged from arbitration to litigation.

(vii) Mr Bonaventure Chakwawa Mbewe

The HRC noted that the nominee had wide experience as in-house counsel and had been exposed to some litigation. Although there was no clear evidence of the nominee's experience in prosecution, he had the theoretical knowledge, having obtained training in prosecution.

(viii) Mr Kazimbe Chenda

The nominee had experience in commercial litigation, commercial arbitration, banking and finance, corporate advisory and intellectual property, as evidenced by his curriculum vitae. Further, the nominee was a partner at Simeza Sangwa & Associates and his strengths would contribute significantly to the growth of commercial law in Zambia. In addition, since Mr Chenda was a youth, his appointment would contribute to the equitable representation of the youth in public office in line with Article 259 (1) (c) of the Constitution.

Your Committee inquired from the Director whether during the course of investigations, the HRC had found out whether any of the nominees had been involved in gender-based violence, abuses against children or indeed any other human rights abuses. In response, the Director stated that they had only called and spoken to the nominees. They admitted that they had not gone into the community to carry out any investigations due to lack of funding.

When further asked to comment on the issue of some of the candidates lacking the necessary courtroom experience, the Director stated that according to their research, they had found that the candidates who had exposure to court litigation made better judges. She, however, was quick to state that even those legal practitioners who had no experience still had an opportunity to learn since the newly appointed judges were required to sit with experienced judges in order to learn from them.

JUDICIAL SERVICE COMMISSION (JSC)

10. The Chairperson of the Judicial Service Commission submitted that the JSC was the originator of the nomination process and the body charged with the recommendation of suitable persons for appointment as judges to His Excellency the President.

The Chairperson further informed your Committee that the JSC had developed guidelines which it used when vetting nominees. Thus, even before the nominees were called in for interviews, they were subjected to scrutiny by the security agencies. The ones who were cleared by the security wings were then invited for interviews.

The Chairperson also informed your Committee that the JSC had a form that guided the interview in order to ensure that the right people were selected for appointment as judges. The Chairperson further submitted that during the interviews, the JSC considered the experience and qualifications of the nominees, gender and regional balancing, and competence of the nominees. Once that process was completed, the names of the suitable candidates were then recommended for nomination to the President.

In his concluding remarks, the Chairperson pointed out that five (5) of the nominees were from within the Judiciary. He further stated that Mrs Patel, SC, Mr Mbewe and Mr Chenda were headhunted by the JSC because of their expertise in order to reduce the shortage of judges in the Commercial Court. The Chairperson further submitted that the JSC knew the competences and behaviour of the nominees and, therefore, fully supported their appointment as judges.

When asked to comment on the issue of sovereignty and the risk of appointing a foreign national to the office of judge, the Chairperson submitted that historically, judges were mostly of foreign nationality and cited examples of British and Indian judges who had served on the Zambian Bench. The Chairperson informed your Committee that Mrs Patel, SC, already worked closely with the Judiciary and had taken part in the training of many lawyers. The Chairperson further informed your Committee that it was difficult to perceive Mrs Patel as an Indian because she had lived in Zambia for many years. He added that the nominee undertook her undergraduate studies at the University of Zambia and had been practising law in Zambia for many years. The Chairperson further informed your Committee that Mrs Patel, SC, had been specifically nominated for a position in the Commercial Court which did not deal with matters that concerned State sovereignty. He added that Mrs Patel, SC, had applied for Zambian citizenship and that it was not the first time she was applying for the position of judge. The Chairperson concluded by stating that the nominee was brilliant and had emerged as the best candidate in her previous interviews for appointment as judge.

Your Committee asked the JSC to comment on the suitability of Mr Muma and Mr Chenda considering the fact that they only attained the requisite number of years in 2018. The Chairperson submitted that both

Mr Muma and Mr Chenda were called to the Bar on 18th July, 2008, and, as such, qualified for the appointment as they had reached the threshold. The Chairperson stressed that had the nominees not reached the requisite number of years, they would not have even been allowed to complete the application forms.

Your Committee asked whether the JSC was confident that the nominees who were specifically picked for the Commercial Court would improve things in that court. The Chairperson assured your Committee that the nominees, if appointed, would perform well as they would be placed where they were most competent and confident to handle cases.

JUDICIAL COMPLAINTS COMMISSION (JCC)

11. The Chairperson of the Judicial Complaints Commission submitted on the professional qualifications, experience and personal data of the nominees as set out below.

(i) Mr Evaristo Pengele

The JCC had no adverse record against the nominee. However, based on the nominee's curriculum vitae, he did not have the requisite experience for appointment as Judge of the High Court.

(ii) Mrs Koreen Etambuyu Mwenda Zimba

The JCC had no adverse record against the nominee. However, based on the nominee's curriculum vitae, she lacked the requisite experience for appointment to the position of Judge of the High Court.

(iii) Mrs Ruth Hachitapika Chibbabbuka

The JCC had no adverse report against the nominee. The nominee had the necessary experience for appointment as Judge of the High Court. Therefore, the JCC supported her appointment.

(iv) Mr Kenneth Mulife

The JCC informed your Committee that it had received two complaints against Mr Kenneth Mulife from Mr Onious Sakala and Mr Kenneth Tembo.

(a) Mr Onious Sakala against Magistrate Kenneth Mulife and Harriet Mulenga, Clerk of Court

The complainant was dissatisfied with Magistrate Mulife's order on property adjustment and maintenance. The complainant also raised issues of alleged delay by a court support staff to furnish him with a copy of the judgment. The complainant contended that consequently he could not lodge his appeal within the statutory stipulated period.

The JCC found no evidence of impropriety on the part of Mr Mulife. The Chairperson informed your Committee that dissatisfaction with a court's decision was not a ground for one to lodge a complaint with the JCC.

The complaint against the magistrate was, in that regard, dismissed.

(b) Mr Kenneth Tembo against Magistrates Sharon Kaunda Newa (As she then was), Kenneth Mulife, Ruth Mbambi Chilembo and Ireen Wishimanga

The complaint related to alleged delay in hearing a matter.

The Commission's investigations revealed that the matter was dismissed for non-attendance by the parties. The matter was also handled by four magistrates due to transfers. Therefore, the alleged delay in disposing of the matter could not be attributed to any of the judicial officers concerned.

The complaint was for that reason, dismissed.

The JCC had no adverse record against the nominee. The Chairperson submitted that the nominee had the necessary experience for appointment as Judge of the High Court. Therefore, the JCC supported his appointment as judge of the High Court.

(v) Mr Wilfred Kopa Godfrey Muma

The JCC had received one complaint against the nominee from Ms Mervis Chondwe. The complainant was dissatisfied with Magistrate Muma's decision on divorce-related proceedings.

The JCC found the issues raised in the complaint to be matters for appeal and outside its jurisdiction. The JCC was not an appellate court and, therefore, had no jurisdiction to review decisions of any court. If dissatisfied with Magistrate Muma's decision, the complainant should have appealed to the High Court. The complaint was, in that regard, dismissed.

The JCC had no adverse record against the nominee and, therefore, supported his appointment as he had the necessary experience for appointment as Judge of the High Court.

Your Committee asked the JCC whether it had a role to play in the selection process leading to the appointment of the nominees by the Republican President. In response, the JCC submitted that the process appeared flawed because the only time the institution was involved in the process was when it was requested, by the National Assembly, to make submissions on the nominees. The JCC added that based on its mandate, the Appointing Authority had no obligation to consult it.

Your Committee further asked the JCC whether Mrs A Patel, SC, who was a foreign national, qualified for appointment as Judge of the High Court. The Chairperson submitted that the JCC had taken note of the nationality of the nominee and had further conducted a search on the relevant laws to find the legal position on the matter. The search had revealed that there was no legal impediment to Mrs Patel, SC, being appointed as Judge of the High Court.

LAW ASSOCIATION OF ZAMBIA (LAZ)

12. The Honorary Secretary of the Law Association of Zambia informed your Committee that LAZ had resolved that all the nominees qualified to be appointed as Judges of the High Court of Zambia under Article 141 of the Constitution of Zambia.

He explained that for a person to be appointed as a judge of the High Court, Article 141 (1) of the Constitution stipulated that the person must be of proven integrity and must have been a legal practitioner for at least ten (10) years. He submitted that taking into account the curricula vitae of the nominees, LAZ was of the view that they were all legally and suitably qualified to be appointed to serve as High Court

Judges. LAZ submitted that it had no adverse reports on any of the appointees and, therefore, supported their appointments, individually and collectively.

LAZ further informed your Committee that the Judiciary and the nation would benefit immensely from having a mix of legal practitioners from private practice and the Judiciary. LAZ also commended the wide age range of the nominees.

LAZ, however, highlighted some concerns regarding two nominees, namely, Mrs Patel, SC and Mr Muma.

As regards Mrs Patel, SC, LAZ submitted that she was presently an Indian national. LAZ observed that although nationality was not among the qualifications for appointment as judge, a foreign national might have difficulties upholding judicial independence, especially in matters involving the Government. LAZ also submitted that it would be possible for a judge who was a foreigner to face a deportation order from the Government through the Immigration Department. Such an order, if executed, could seriously compromise the effective and efficient administration or dispensation of justice. Further, LAZ pointed out that it was possible that a foreigner could be apprehensive when dealing with matters involving the Government for fear of adverse action from the State, such as deportation. Accordingly, LAZ postulated that a national policy should be articulated on appointment of foreign nationals as judges of any superior court. Notwithstanding the foregoing, LAZ noted that Mrs Patel, SC, was of unquestionable integrity in that she was unapologetically independent. LAZ explained that Mrs Patel had lived in Zambia for over forty (40) years and was married to a Zambian citizen. The Honorary Secretary pointed out that Mrs Patel had recently submitted her application for registration as a citizen of Zambia whose prospects for approval appeared to be high. Given her curriculum vitae, LAZ, therefore, unreservedly supported her appointment.

Your Committee asked whether LAZ was aware of any jurisdictions in the region where a foreign national was appointed as a judge. The Honorary Secretary informed your Committee that LAZ was aware of some jurisdictions which had done that and gave an example of Lesotho which had appointed Judge Phillip Musonda, a Zambian citizen, as Acting Chief Justice.

With regard to Mr Muma, LAZ informed your Committee that it had received a letter dated 18th January, 2019 from a group calling itself “the Kamaila Settlers”, addressed to the Judicial Service Commission and copied to the Speaker of the National Assembly; the Honourable Member of Parliament for Katuba Constituency; and LAZ regarding his appointment as a judge of the High Court. The Kamaila Settlers indicated in their letter that they had cited Mr Muma for contempt of court, in the case of **Miriam Nkokoma (Suing in her capacity as Chieftainess Mungule) v Chisamba District Council, the Commissioner of Lands and the Attorney General (2015/HP/2072)**, for alleged gross disregard of a Consent Order of the High Court in the above matter. In summation, it was alleged that Mr Muma and the Chisamba District Council allocated land in the Chisamba Forest No. 29 in contravention of a Consent Order to which they were parties.

The Honorary Secretary submitted that, having received the letter, LAZ considered it necessary to alert your Committee of the matter to enable your Committee inquire from Mr Muma about the matter and examine it independently. The Honorary Secretary stated that if Mr Muma were to be found guilty of contempt of court, whether before or after the ratification of his appointment, it would make his appointment questionable.

Your Committee asked LAZ whether the court order that was disregarded by Mr Muma, which was brought to the attention of your Committee, was against Mr Muma, as an individual, or the Office of Commissioner of Lands at the Ministry of Lands. LAZ responded that the complaint was against the

office and not the individual. The Honorary Secretary, however, advised your Committee to make further inquiries into the matter at the time when the nominee appeared before it as LAZ was not privy to the details of the allegation.

Further, your Committee asked LAZ whether Mr Everisto Pengele and Mr Muma had sufficient experience as practising lawyers considering the positions of Registrar of the Supreme Court and the Commissioner of Lands were mostly administrative in nature. In response, LAZ expressed its confidence in the nominees and pointed out that Mr Pengele was not only the Registrar of the Supreme Court, but also a senior researcher for the Chief Justice. LAZ added that Mr Wilfred Muma had been practising law before he was transferred to the Ministry of Lands and that as Commissioner of Lands, he had extensive contact with law related issues. Further, LAZ explained that the nominees met the requirements as provided under Article 141 of the Constitution.

Your Committee sought clarity on whether Mr Kazimbe Chenda had obtained sufficient experience in view of his age. The Honorary Secretary informed your Committee that the nominee had sufficient experience and that he was currently serving as partner at Simeza Sangwa and Associates.

In its final submission, LAZ pointed out to your Committee that practice for lawyers was two-fold, at the Bar and on the Bench and that included lawyers in administration.

TRANSPARENCY INTERNATIONAL ZAMBIA (TIZ)

13. The Acting Director of Programmes Transparency International Zambia submitted that the position of High Court judge was cardinal to the dispensation of justice in Zambia. She added that it was important for the Judiciary to be independent in order for it to promote good values that enhanced the delivery of justice. TIZ explained that judicial authority should be seen to abide by the principles that governed the system. The Acting Director of Programmes apprised your Committee that among the principles that were to be upheld by the Judiciary were the promotion of accountability, speedy dispensation of justice and non-discrimination. She stated that it was for that reason that the position of judge ought to be occupied by persons of integrity who possessed the requisite qualifications.

The Acting Director of Programmes submitted that Article 141 of the Constitution of Zambia provided the qualifications for appointment as High Court judge. She explained that Article 141 provided for a person to be appointed to the position of High Court judge to be of proven integrity and to have been a legal practitioner for at least ten (10) years. She emphasised that a judicial system that had judges of proven integrity and impartiality would ensure that the rule of law and the cause of justice were advanced.

The Acting Director of Programmes informed your Committee that the public wanted judges to be effective and of high integrity to avoid situations where they could be compromised, influenced or corrupted. She added that judges should be able to perform their functions as stipulated in the Constitution of Zambia, regardless of the station of the persons that approached them and requested for favours from them.

Methodology of Assessment

In conducting its assessment of the nominees, TIZ used the following methodology in hierarchical order:

1. Background Check

The Acting Director of Programmes submitted that persons appointed to serve in such high offices, should have a clean background and they should also be authentic in terms of the claims that they made about their background, which included their academic qualifications and work experience. Your Committee was informed that TIZ, therefore, undertook where it could, a verification of the academic qualifications of the nominees. Further, it was TIZ's submission that TIZ had engaged people that knew the nominees or had worked with them. She explained that the purpose of undertaking that course of action was to learn more about the character of the nominees.

2. Legal Requirements

TIZ submitted that the position of High Court judge was provided for under the Constitution of Zambia. The Constitution, thus, gave the requisite qualifications for appointment to the office. Your Committee was informed that TIZ had considered and analysed the provisions of the Constitution with regard to the appointments. It was the submission of TIZ that the above criteria made the hallmark of its final recommendations and conclusions.

3. Security Vetting

TIZ submitted that using various records and sources, the organisation assessed the security standing of the nominees and the primary interest of TIZ was to identify public offices that the nominees had previously held, if any, on matters to do with public security. The Acting Director of Programmes stated that the question TIZ addressed was whether the nominees would pose a security risk to the country if appointed to the positions they were being considered for.

4. Independence / Objectivity Test

TIZ submitted that the above criterion was, in most cases, an in-house analysis of data obtained and the focus was to establish how independent and objective the nominees would be if appointed to the position of judge of the High Court for Zambia.

5. Public Integrity and Standing test

TIZ stated that using public and private records the organisation also assessed whether the nominees were persons known to be of integrity and good standing in society.

6. Skills Matching

It was TIZ's submission that persons that were appointed to the position of judge of the High Court for Zambia should add value to the judiciary. TIZ explained that the value addition was work experience, specialised skills or leadership qualities that would be harnessed for the good of the Judiciary. In that regard, TIZ submitted that it had considered the curricula vitae of the nominees to assess the type of contribution that they would make if their appointments were ratified by the National Assembly.

In view of the foregoing methodology, TIZ submitted on each of the nominees as set out below.

i) Mr Evaristo Pengele

The nominee had worked in the Judiciary from 2013 to date, holding various positions and responsibilities such as rendering legal advice to the Chief Justice on matters of civil and criminal litigation. Prior to that, he had worked at the ACC where he was awarded as the most hardworking employee. TIZ submitted that the award from the ACC showed that the nominee strived for excellence. TIZ added that there was also evidence of the nominee's hard work by his academic excellence and work experience which exposed him to various legal concepts.

Based on its set methodological criteria and the foregoing reasons, TIZ supported Mr Pengele's appointment to serve as High Court judge.

ii) Mrs Koreen Etambuyu Mwenda Zimba

Mrs Zimba satisfied the Constitutional requirements as provided in Article 141 of the Constitution of Zambia. In addition, in her eleven (11) years of legal practice, the nominee had been exposed to matters of corruption as well as commercial matters and, therefore, had a bias in those area. TIZ noted that having a bias in only two aspects of the law might be a disadvantage because a judge was expected to have vast knowledge of the law.

TIZ, however, stated that the nominee was qualified to be appointed as a judge of the High Court as required by the Constitution of Zambia. For that reason, TIZ supported her appointment.

iii) Mrs Ruth Hachitapika Chibbabbuka

TIZ apprised your Committee that the nominee was currently serving in the Judiciary as a Senior Research Advocate in the Supreme Court and District Registrar in the High Court where she heard interlocutory matters. TIZ added that the nominee had performed those tasks for a period of over five (5) years, which gave her sufficient experience and competence to serve as a High Court judge.

TIZ submitted that the nominee met its assessment criteria and, therefore, supported her appointment to serve as judge of the High Court.

iv) Mr Kenneth Mulife

TIZ submitted that the nominee had served in the Judiciary from the time he was admitted to the Bar and currently served as Chief Resident Magistrate. For this reason, TIZ opined that the nominee possessed the requisite qualifications for appointment as judge of the High Court.

TIZ submitted that the nominee met its assessment criteria and, therefore, supported his appointment to serve as judge of the High Court.

v) Mr Wilfred Kopa Godfrey Muma

TIZ submitted that Mr Muma had experience in the general operations and administration of courts. In this regard, TIZ stated that he met the requisite qualifications provided under Article 141 of the Constitution.

Further, TIZ explained that it did come across any adverse information regarding the nominee's integrity. For that reason, TIZ supported the appointment of the nominee to serve as a judge of the High Court.

vi) Mrs Abha Nayar Patel, SC

TIZ submitted that the nominee had served as a legal practitioner for a period of twenty-nine (29) years and her curriculum vitae showed that she had a bias towards alternative dispute resolution and did not give further information with respect to her exposure in other fields of law. TIZ explained that it could only be assumed that the nominee had extensive interaction with various aspects of the law through the many years she had been practising as an advocate.

TIZ supported the appointment of the nominee because the organisation did not come across any adverse information regarding her integrity.

vii) Mr Bonaventure Chikwawa Mbewe

TIZ submitted that the nominee met the Constitutional requirements for appointment as High Court judge. TIZ was, however, concerned that the nominee's experience was only in banking and, in that regard, TIZ opined that he would encounter serious challenges when handling a variety of cases as High Court judge. TIZ was, however, quick to state that it supported the appointment of the nominee because the organisation did not come across any adverse information regarding his integrity.

viii) Mr Kazimbe Chenda

TIZ submitted that the nominee was qualified to be appointed as High Court judge and met the assessment criteria used by the organisation. TIZ further explained that the organisation had not come across any adverse information regarding the nominee's integrity. In view of the foregoing, TIZ supported the appointment of the nominee as judge of the High Court.

In concluding its submissions, TIZ submitted that it had no reservations on the appointment of all the nominees to serve as High Court judges because they satisfied the legal requirements and had the necessary exposure in their practice.

However, TIZ had observed that some of the nominees like Mrs Patel and Mr Mbewe had a bias towards a particular area of the law and could only assume that they had exposure to various fields of law through their many years of practice as advocates.

When asked whether TIZ supported the appointment of all the nominees, the Acting Director of Programmes confirmed that TIZ supported the appointment of all the nominees.

SUBMISSIONS BY THE NOMINEES

(i) Mr Evaristo Pengele

14. The nominee highlighted his personal, educational and professional background as contained in his curriculum vitae.

Your Committee asked the nominee about his family. The nominee explained that he was a divorcee with four (4) children. Your Committee inquired how he would handle cases in the Family division of the High

Court given his personal experience. In response, the nominee stated that he was an objective person and would not allow his personal life or emotions to influence how he decided cases that were brought before him. He further stated that he was trained by some of the best who had taught him to adjudicate objectively based on the evidence before him and the law.

Your Committee asked how he would handle contentious cases such as those that involved gay rights, abortion rights or the death penalty. In response, the nominee reiterated his position that he would not allow his personal views to influence his decisions, but rather base his decisions on the law.

Your Committee further asked the nominee to share his courtroom experience. In response, the nominee informed your Committee that he began his career as a prosecutor with the ACC and, as such, had appeared in court to prosecute matters on several occasions. The nominee also stated that, as Registrar of the Supreme Court, he heard matters in Chambers and delivered rulings. The nominee stated that he had experience in both litigation and adjudication.

The nominee was asked to comment on the delays in the court system, particularly in the Commercial Court, and how he would manage cases. In response, the nominee stated that he was aware of the problem in the Commercial Court and that his research for his Masters degree was focused on the commercial court in Zambia and how to deal with the delays there. He added that the court needed more judges and a revision of the law. With regard to case management, the nominee submitted that when he joined the Judiciary in 2016, one of his major goals was to ensure the backlog of cases in the Supreme Court was reduced, which he helped manage to achieve. He added that his focus would be on case management and he would endeavour to avoid delays in the court process by not granting unnecessary adjournments.

(ii) Mrs Koreen Etambuyu Mwenda Zimba

15. The nominee informed your Committee about her personal, educational and professional background as contained in her curriculum vitae.

Your Committee asked the nominee why she considered herself suitable for appointment as a High Court judge. The nominee informed your Committee that having worked at the ACC, and in the Judiciary as Senior Research Officer, Registrar of the Commercial Court, and Executive Assistant to the Deputy Chief Justice, she had gained enormous experience in the drafting of judgments, legal opinions and research. She added that her scope of work had exposed her to all the work of a judge except hearing matters in open court.

Your Committee sought the nominee's views on the death penalty, abortion and gay rights. In response, the nominee stated that her opinion on the death sentence would be dependent on circumstances. She gave an example of police officers who committed murder when their duty was to protect the citizens. She explained that under such circumstances, the maximum penalty of death would be justifiable. With regard to abortion and homosexuality, the nominee stated that she was a Christian and her personal opinion on homosexuality was based on her beliefs, more so that it was a crime under the Zambian law. The nominee, however, submitted that if the law regarding the issues changed, her role, as a Judge, would be to interpret, uphold and administer the law in accordance with the Judicial Oath that she took even as Registrar.

Your Committee asked the nominee how she would contribute to transforming the Commercial Court if she was made a judge of the Commercial Court. The nominee said that she would ensure that there were no pending cases. She also stated that she would ensure that the problem of missing files was addressed as she had done in the office that she currently occupied. The nominee added that if she was put in charge of the Commercial Court, she would introduce templates or precedents for simple actions such as mortgage

actions. She also indicated that she would promote the use of a judge's desk guide, which she was currently working on with Judge Mutuna. She explained that the guide was meant to help bring uniformity in the dispensation of justice and disposal of cases.

Your Committee asked the nominee what values she possessed that made her suitable for appointment as High Court judge. In response, she submitted that she was honest, trusted God, and a hard worker. She added that she was awarded for exemplary behaviour when she worked at the ACC as shown in her curriculum vitae. She explained that currently, her office and that of the Deputy Chief Justice had no backlog of cases as she delivered her rulings the same day. The nominee further submitted that where she was unable to deliver the ruling on the same day, she informed the litigants when the ruling would be ready. She added that the maximum time she had taken to deliver a ruling in the past two years was two months.

When asked whether the rules of the Commercial Court were sufficient for it to be efficient, the nominee responded in the affirmative. She, however, indicated that an exercise to review the rules had commenced, but was currently on hold because the High Court Rules were also under review. She apprised your Committee that the exercise would resume once the review of the High Court Rules was concluded. She stated that this was in order to avoid a conflict in provisions since the High Court Rules were fallback provisions in the event that there was a lacuna in the Commercial Court Rules.

(iii) Mrs Ruth Hachitapika Chibbabbuka

16. The nominee highlighted her personal, educational and professional background and work experience as contained in her curriculum vitae.

Your Committee inquired from the nominee about her family and her religious affiliation. In response, the nominee stated that she was married with two children; a boy and a girl. Further, she stated that she was a Christian and congregated at Bread of Life Church. She also indicated that she was a Sunday school teacher as well as leader of a cell group in her community.

Your Committee asked the nominee to state what made her believe she would make a good judge. In response, she made reference to her exposure and current experience as an adjudicator, at District Registrar level. In addition, she explained that she was privileged to have worked as a research advocate, which enabled her to establish relationships with the support staff. Further, the nominee submitted that she had assisted the registry officers by providing guidance aimed at ensuring that documents filed by parties were correctly filed. The nominee explained that by so doing, issues of technicality, which resulted in delays, were avoided. Lastly, she submitted that she would make a good judge because of her desire to become one.

Your Committee asked the nominee about her views on the death penalty, gay rights, abortion rights and divorce. In response, she stated that as an adjudicator, what was important was the provisions of the law and weight of evidence. As regards divorce, she acknowledged that there was an increase in divorce cases and said that the role of an adjudicator was firstly, to try and reconcile the parties. However, where all attempts to do this failed, she would grant the divorce. She further submitted that currently the laws of Zambia were grounded on the principles of Christianity.

Your Committee also asked the nominee to address your Committee on the backlog of cases at the Commercial Court. In response, the nominee stated that unlike the General List, the Commercial Court was established as a fast track court. She stated that there was, therefore, need to train both judges and support staff to ensure that they were well equipped to perform their duties. The nominee explained that she was aware that there was a special task force constituted to ensure that the back log of cases in the

General List from 2015 was cleared. She added that if the mandate of the task force did not include the Commercial Registry, there would be a need to extend it to the Commercial Court.

Your Committee further asked the nominee if she had any pending rulings or judgments. In response, the nominee stated that she currently had two (2) pending rulings.

Your Committee asked the nominee about her views about judges' political inclination. In response, she stated that adjudicators were not supposed to be seen to be politically inclined although as citizens they had the right to vote. The nominee emphasised that judges were expected to determine matters on merit and not in a partisan manner.

(iv) Mr Kenneth Mulife

17. The nominee highlighted his personal, educational and professional background as contained in his curriculum vitae.

As regards his suitability for the job, the nominee submitted that he believed that he was suitable for the position of High Court Judge because judgeship was a government job and he had spent most of his career working for the government. He further stated that he believed that if he had succeeded as a magistrate, he would not fail as a judge. He explained that he possessed the necessary professional and academic qualifications and was also dedicated to adjudication. He further explained that he believed in delivering timely judgments and that so far, very few of his judgments had been overturned on appeal. He concluded by stating that he believed that those qualities made him a suitable candidate for the job.

When asked to share some of the judgments that he had delivered, the nominee responded by stating that he had recently been part of the magistrates selected to adjudicate on a matter in the Eastern Province that dealt with theft of public funds by civil servants in the Judiciary. He stated that, in that matter, two of the accused persons were acquitted while four were convicted. He informed your Committee that those he had convicted in that matter appealed to the High Court, but his judgment was upheld.

Your Committee asked the nominee about his religious background. In response, he stated that he was a member of the New Apostolic faith where he held the position of District Evangelist in the church.

Your Committee further asked the nominee to comment on abortion rights, gay rights, the death penalty and divorce. In response, the nominee submitted that he was a firm believer in the preservation of the life of innocent persons. He explained that he was not in support of liberal laws that supported abortion. The nominee further stated that he felt that the Zambian laws on abortion were sufficient as they only permitted abortion in exceptional circumstances. On gay rights, the nominee stated that he did not support gay rights because he believed that homosexuality was against the order of nature. He further stated that he was satisfied with the penal laws currently in force and the fact that they proscribed homosexuality. With regard to the death penalty, the nominee submitted that he supported the death penalty. He submitted that the right to life was enjoyed with the corresponding duty to protect the lives of others. As a consequence of this, the nominee submitted that he believed that if a person took away the life of another, that person automatically also lost the right to live. On divorce, the nominee submitted that he believed in the sanctity of marriage and would not support divorce unless it was impracticable for the couple to continue living together.

Your Committee asked the nominee about his views on delayed judgments. The nominee submitted that he had made it a point to prevail on magistrates under his charge to dispose of matters in a timely fashion. He further stated that when he took over the administration of the Magistrates Complex in Lusaka, he had found about seven hundred (700) cases of remandees held at Kamwala Prison. He explained that under

his administration, the backlog of cases had reduced to about two hundred and fifty (250). The nominee further stated that it was his principle to conclude matters promptly by delivering judgments within two to three months.

Your Committee further asked the nominee whether he had any pending matters which he would leave if he was appointed judge of the High Court. In response, the nominee said that he had started reducing his case load in view of his nomination for appointment as a judge. He added that he had stopped taking up new cases in the Subordinate Court and was clearing the pending ones.

Your Committee asked the nominee how he had prepared himself for social media attacks based on judgments that he would render, especially with regard to tribalism and politics. The nominee submitted that he already faced attacks on social media by virtue of his office. In this regard, he was prepared for such attacks. He, however, explained that the difference between social media and the mainstream media was that the latter reported facts whilst the former reported falsehoods peddled by disgruntled people.

When asked to comment on the congestion in prisons and what measures he would put in place to deal with the problem, the nominee stated that he would advocate for bail where circumstances permitted, and ensure that trials were expedited.

Your Committee finally asked the nominee to comment on the issue of handing down excessive sentences for minor offences. In response, he stated that he was an advocate for community service and that he usually advised his colleagues to opt for community service as a sentence where the offence committed was a minor one. He stated that this was meant to avoid congestion in prisons.

(v) Mr Wilfred Kopa Godfrey Muma

18. The nominee highlighted his educational qualifications and work experience as contained in his curriculum vitae.

The nominee informed your Committee that he had applied to serve as Judge of the High Court because of his interest in serving the nation in that capacity in view of the fact that he had previously served the Judiciary for twenty-seven (27) years.

Your Committee asked the nominee about the contempt proceedings that were instituted against him. In response, the nominee informed your Committee that the matter arose out of the de-gazetting of the Kamaila Forest and the problem of the influx of settlers that were not captured in the initial social survey conducted by the Ministry of Lands. He informed your Committee that the issue of the Kamaila Forest began with his predecessor and he merely inherited the matter by virtue of the Office of Commissioner of Lands and not in his personal capacity. However, as an individual, he stated that he would not abrogate the law as he was once a judicial officer and, therefore, had respect for the law.

Your Committee inquired from the nominee whether he had been served with the Affidavit in Support of *Ex parte* Summons for Leave to Apply for an Order of Committal. The nominee responded in the negative and was then given a copy of the Affidavit for his perusal. Your Committee then drew the attention of the nominee to paragraph 4 of the Affidavit which made reference to the nominee in his capacity as Commissioner of Lands having disregarded the Consent Order. In response, the nominee reiterated his earlier position that the action was against the Office of Commissioner of Lands and not him in his personal capacity.

Additionally, your Committee wanted to find out whether the nominee had been served with the Consent Order and if so, whether he had responded to it. In response, the nominee confirmed receiving the

Consent Order. He pointed out that it was practice in the Ministry of Lands for the Principal Legal Officer, in conjunction with the Attorney-General's Chambers, to respond to such matters.

Further, your Committee asked the nominee whether contempt proceedings against his office would stand against his appointment to serve as judge of the High Court. In response, the nominee submitted that he had an unblemished record, but could not be a judge in his own cause and, therefore, surrendered the decision to the wisdom of your Committee.

Your Committee asked the nominee to state his views on issues of abortion, gay rights, the death penalty and divorce. The nominee responded that despite having an opinion on the issue of abortion, the Penal Code criminalised abortion. With regard to gay rights, the nominee referred your Committee to the definition of marriage, which was a union between one man and one woman to the exclusion of all others, and informed your Committee that he was not a proponent of gay rights. With regard to the death penalty, the nominee explained that the Penal Code provided for the death penalty, but stated that the circumstances of each case would determine whether or not the death penalty should be imposed. On divorce, the nominee submitted that the law was intertwined with biblical principles. He added that the role of a judge was, firstly, to encourage reconciliation, but where prevailing circumstances were such that individuals could not live together, the best was for the parties to have a clean break.

Your Committee wanted to find out what safeguards the nominee would put in place to avoid issues of delayed judgments, missing records and prison congestion. In response, the nominee informed your Committee that as a seasoned adjudicator, he had a record of expeditiously dispensing with cases.

(vi) Mrs Abha Nayar Patel, SC

19. The nominee highlighted her educational qualifications and work experience as contained in her curriculum vitae.

Your Committee also asked the nominee to give a brief background about herself and to clarify the position regarding her nationality. The nominee informed your Committee that she was of Indian origin, but relocated to Zambia at the age of seven (7) when her parents relocated to Zambia, in 1973. The nominee submitted that she had received all her education in Zambia and elaborated that she attended her primary and secondary school at Woodlands Primary School and Dominican Convent, respectively. The nominee added that upon completion of her secondary education, she enrolled at the University of Zambia (UNZA) in 1983 where she obtained an LLB degree, with a distinction. Thereafter, she studied for her Bar exams at the Law Practice Institute (LPI) and was admitted to the Zambian Bar in 1989 with seven (7) distinctions to her credit. The nominee also submitted that she had a Master of Laws degree obtained from the University of Cambridge.

As regards her work experience, the nominee informed your Committee that she first worked for Mwanawasa & Company in 1989 and later moved to Finance Bank Zambia Limited before establishing her own law firm called Abha Patel & Associates in 1998. The nominee added that she was specialised in commercial law and Alternative Dispute Resolution (ADR). She explained that she was among the first people to be trained in court-annexed mediation by the USAID in 2000. In addition, the nominee submitted that she was a member and fellow of the Chartered Institute of Arbitrators in the United Kingdom and also a solicitor of the Supreme Court of England and Wales.

Further, the nominee submitted that she had served as a member of the Disciplinary Committee of the Law Association of Zambia (LAZ) since 2006 and was currently the longest serving member. She added that she had served as Commissioner of the Small Claims Court for nine (9) years, and for that reason, she had experience in performing judicial functions.

Regarding her nationality, the nominee stated that she had an established resident card which had since been done away with following the amendment to the Immigration Act. Your Committee learnt that the nominee had on two occasions attempted to apply for Zambian citizenship. She also submitted that she had made a third attempt in that regard and was waiting for feedback from the authorities. In view of the above, your Committee requested for a copy of her receipt for the application which she availed your Committee. Mrs Patel, SC, further indicated that she was married to a Zambian national, Mr Ajesh Patel, born in Livingstone in 1962. For that reason, the nominee stated that she had no problem calling Zambia her home.

Your Committee asked the nominee to state her views on abortion, gay rights, the death penalty and divorce. The nominee submitted that the issues referred to touched on morality. She, however, stated that she supported abortion which was based on medical grounds. She explained that a decision on abortion would have to be made on a case to case basis. On the issue of gay rights, the nominee submitted that she took cognisance of what obtained on that issue, but she was quick to state that Zambia was still upholding African traditions and conservative in that sphere of human rights. With regard to the death penalty, the nominee informed your Committee that it was provided for under the law to serve as a deterrent to would be offenders. In that regard, she pointed out that the due process had to be followed where one was charged with an offence that attracted the death penalty as the only available sanction. With regard to divorce, the nominee submitted that in dealing with such matters, the first step to take was to recommend counselling and reconciliation to the parties involved. She explained that she would resort to divorce as a last option.

When asked about her position regarding her law firm if appointed to serve as judge of the High Court, she responded that she was aware that if ratified by the National Assembly, she would not be expected to practice as an advocate. In that regard, she informed your Committee that she had already begun the process of disengaging from the daily activities of running the law firm. The nominee further submitted that when she was head hunted to serve as judge of the High Court in 2012, she declined the offer as she felt that she was too young to take up the appointment. She stated that she was now ready to take up the appointment.

(vii) Mr Bonaventure Chakwawa Mbewe

20. The nominee informed your Committee about his personal, educational and professional background as contained in his curriculum vitae.

Your Committee asked how the nominee would handle the pressure that came with the appointment as High Court judge considering that he had no experience in adjudication. In response, the nominee informed your Committee that although he had spent most of his career working for corporate organisations, he had previously worked for a law firm where he had been actively involved in litigation. He added that that the perception that legal practitioners who worked in corporate organisations or institutions that were not actively involved in litigation were out of touch with the law was not accurate. The nominee explained that working for corporate organisations could be more demanding in that there were instances where a person was required to work within a limited timeframe. He submitted that the experience of having worked in the banking sector and private practice for a long time put him in a good position to handle any pressure that came with the office of High Court judge. He added that he believed that he was ready for appointment as a judge of the High Court.

Your Committee asked the nominee about his views on gay rights, abortion and the death penalty. In response, the nominee submitted that the issue of gay rights was a global agenda. He stated that when he was legal counsel at Barclays Bank (Zambia) Limited, there was an attempt by management to introduce and recognise gay rights in the conditions of service at the institution. He, however, advised the

management of the bank that gay rights were illegal in Zambia. He explained that the issue of gay rights was an agenda that was being championed by European countries and he did not support it.

With regard to abortion, the nominee submitted that he did not support liberal abortion because life was sacred. He, however, stated that he supported abortion based on medical grounds, for instance, where the pregnancy posed a risk to the health of the mother. He informed your Committee that it was gratifying that abortion was regulated by the laws of Zambia.

With regard to the death penalty, the nominee submitted that he had not formed a personal opinion on that issue. He informed your Committee that he was aware that currently, there was no hangman in Zambia. He added that if one had to be sentenced to death, the execution had to be done swiftly without causing much pain and anxiety to the person being executed.

The nominee was asked whether he would not face challenges if he was assigned to handle cases from the general list considering that his experience was biased towards commercial matters. The nominee responded that during the time he was in private practice, he handled a number of criminal cases as well as divorce matters. He added that in areas where he had little experience, he would conduct research to inform his decision on a particular issue. The nominee also stated that he had vast experience in labour matters.

When probed on what measures he would put in place to avoid unnecessary inefficiency that delayed the speedy delivery of judgments, the nominee submitted that delaying a judgment was embarrassing to a judge. He informed your Committee that he was exposed to a work culture of completing tasks within a specific period of time and he would, therefore, use that work culture to ensure that he did not have a backlog of cases. The nominee explained that he was aware that the workload in the Judiciary was heavy, but assured your Committee that he was equal to the task. He further referred your Committee to the new rules that required judges to deliver their judgments within a specific period of time. The nominee emphasised that self-management was cardinal in ensuring that he performed his duties to the expectations of the public.

(viii) Mr Kazimbe Chenda

21. The nominee highlighted his personal, educational and professional background as contained in his curriculum vitae.

Your Committee asked the nominee about his family life and the virtues he upheld which made him suitable for appointment as judge of the High Court. In response, the nominee stated that he was married with two (2) children and that he upheld the virtues of hard work, honesty, and humility in the eyes of God.

With regard to his suitability for the job, the nominee submitted that he believed that he was suitable for the position of High Court Judge because he had been in active practice for 10 years starting his career with Corpus Legal Practitioners and moving to Simeza Sangwa & Associates where he was the only partner admitted to the firm from its inception in 1994. He added that he had appeared before various courts and tribunals. He further submitted that it had been his childhood dream to be a lawyer and as he grew older, he aspired to be Chief Justice and that this appointment was critical in achieving that goal. Further, he stated that he had a genuine desire to serve in the Judiciary and wanted to be part of the solution to the problems of bad quality of service in the Judiciary and believed that his practice in the private sector had given him the exposure he needed.

Your Committee asked the nominee about his religious background. In response, he stated that he was a Christian by religion and Catholic by denomination.

When probed to comment on abortion rights, the Termination of Pregnancy Act, gay rights, the death penalty and divorce, the nominee submitted that abortion should not be permitted except when conception was as a result of sexual offences. He, however, submitted that the Penal Code should be applied in relation to abortion and those found wanting should be dealt with in accordance with its provisions. As regards the Termination of Pregnancy Act, the nominee stated that he was not conversant with that piece of legislation, but he was ready to learn and find out more about its provisions. With regard to the death penalty, the nominee submitted that he supported the death penalty for those found guilty of capital offences and if he was appointed judge, he would apply the law as it was. On divorce, the nominee submitted that, as a Christian, he believed in the sanctity of marriage and the Bible provided for only one ground for divorce, which was adultery. He further stated that the law, however, provided that if a marriage had broken down irretrievably, then a divorce should be granted in accordance with the law. He, however, added that marriage should not be taken as a simple contract because it should be a conscious and constant commitment.

SUBMISSION BY THE APPOINTING AUTHORITY

22. The Permanent Secretary in Charge of Administration in the Ministry of Justice appeared before your Committee on behalf of the Appointing Authority and submitted on the nominees' educational and professional qualifications. She also highlighted the individual achievements of each nominee with regard to their respective legal careers. She further informed your Committee that the nominees had the requisite experience and that the appointing authority was satisfied that they were suitable to serve as High Court judges.

The Appointing Authority submitted on each nominee as set out below.

(i) Mr Evaristo Pengele

The nominee was born on 10th June, 1981. He held an LLB degree from the University of Zambia and a certificate for the Legal Practitioners Qualifying Course from ZIALE. The nominee also held a Postgraduate Diploma in Legislative Drafting and had enrolled for a Master of Laws degree in Commercial and Corporate Law at the University of Lusaka.

In the course of his thirteen (13) year career in the legal profession, the nominee had worked at the ACC as a Senior Legal and Prosecutions Officer and was appointed as a State Advocate, handling civil cases on behalf of the Attorney-General's Office. The nominee had also worked in the Judiciary of Zambia, with his current position being Special Assistant to the Chief Justice (Legal) and Registrar of the Supreme Court of Zambia.

The nominee had attended several international conferences such as the Congress of the Conference of European Constitutional Courts in Vienna, Austria.

The Appointing Authority ended her submission on the nominee by stating that the nominee was eminently capable and experienced for appointment as a judge of the High Court for Zambia and that the Government fully supported his appointment.

(ii) Mrs Koreen Etambuyu Mwenda Zimba

The nominee was born on 22nd April, 1983. She held an LLB degree from the University of Zambia and a certificate for the Legal Practitioners Qualifying Course from ZIALE. The nominee

also held a Postgraduate Diploma in Legislative Drafting from the same institution and a Certificate in Arbitration.

In the course of her thirteen (13) year career in the legal profession, the nominee had held various positions including Acting Senior Legal and Prosecutions Officer at the ACC and State Advocate under the Attorney General's Chambers. She eventually joined the Judiciary of Zambia where she rose to the position of Registrar of the Commercial Court.

The nominee had attended several short courses, training programmes and also presented a paper on the Zambian perspective on mutual legal assistance in corruption matters at the International Association for Anti-Corruption Agencies Annual Meeting held in Macau, China, in November, 2010.

The Appointing Authority was, therefore, confident that Mrs Zimba was highly qualified and experienced for appointment as a judge of the High Court for Zambia and the Government fully supported her appointment.

(iii) Mrs Ruth Hachitapika Chibbabbuka

The nominee was born on 14th June, 1975. She held an LLB degree from the University of Zambia and a certificate for the Legal Practitioners Qualifying Course from ZIALE. The nominee further held a Post-Graduate Diploma in Legislative Drafting and a Certificate in Arbitration.

Your Committee further learnt that during her twenty-one (21) year long career in the legal profession, the nominee had held various positions in both the private and public sector with her last appointment being Senior Research Advocate in the Supreme Court. The nominee had also attended a number of short courses and workshops.

The Appointing Authority submitted that the nominee was suitably qualified and experienced for appointment as a judge of the High Court for Zambia and that the Government fully supported her appointment.

(iv) Mr Kenneth Mulife

The Appointing Authority informed your Committee that the nominee was born on 11th November, 1973. He held an LLB degree from the University of Zambia, a Certificate for the Legal Practitioners Qualifying Course from ZIALE and a Master of Laws degree from the University of Zimbabwe. He had also obtained several certificates, including a Certificate in Justice, Jurisprudence, Access and Accountability in Zambia. Your Committee learnt that the nominee had worked mostly in the public sector, with his last appointment being Chief Resident Magistrate at the Lusaka Subordinate Court.

The Appointing Authority ended her submission by stating that the nominee was qualified and experienced for appointment as a Judge of the High Court for Zambia and that the Government fully supported his appointment.

(v) Mr Wilfred Kopa Godfrey Muma

The Appointing Authority submitted that the nominee was born on 13th May, 1965. He held an LLB degree from the University of Zambia, a Magistrates Diploma from the National Institute of Public Administration and a Certificate for the Legal Practitioners Qualifying Course from ZIALE.

Your Committee learnt that the nominee had worked in the Judiciary for many years, holding several positions. The nominee was currently the Commissioner of Lands. In the course of his thirteen-year career in the legal Profession, the nominee had also sat on various committees and belonged to a number of associations.

In view of the forgoing, the Appointing Authority informed your Committee that the nominee was qualified and experienced for appointment as judge of the High Court for Zambia and that the Government fully supported his appointment.

(vi) Mrs Abha Nayar Patel

The Appointing Authority stated that the nominee was born on 24th April, 1966. She held an LLB degree from the University of Zambia, a Certificate for the Legal Practitioner's Qualifying Course from the then LPI and a Master of Laws degree from the University of Cambridge, United Kingdom.

In the course of her thirty (30) year long career in the legal profession, the nominee had worked mostly in the private sector and had various qualifications, including being a trainer of mediators in court-annexed mediation and arbitrator at the Chartered Institute of Arbitrators in the United Kingdom.

The Appointing Authority concluded her submission on the nominee by stating that the nominee enjoyed the status and rank of state counsel and was eminently qualified and experienced for appointment as a judge of the High Court for Zambia and the Government fully supported her appointment.

Your Committee asked the Appointing Authority about the nominee's citizenship and whether the country did not have enough Zambians to appoint as judges. The Appointing Authority responded by stating that Mrs Patel had done all her education in Zambia and had been practising law in Zambia for thirty (30) years. She stated that although generally such positions were given to citizens, the nominee had distinguished herself in the legal profession and, as such, had been given the opportunity to serve as a judge.

Your Committee also asked whether the Appointing Authority had inquired into why the nominee's application for citizenship had not yet been approved by the Immigration Department. In response, the Appointing Authority informed your Committee that Mrs Abha Nayar Patel, SC, had applied for citizenship, but the Citizenship Board was yet to approve her application. She added that the delay was due to failure by two security agencies to submit their clearance reports and the Ministry of Home Affairs had since reminded the security agencies to submit their reports. She further stated that on the basis of the security reports received so far, there was no reason for not granting Zambian citizenship to Mrs Abha Nayar Patel, SC.

(vii) Mr Bonavenutre Chakwama Mbewe

The Appointing Authority stated that the nominee was born on 21st July, 1965. He held an LLB degree from the University of Zambia, a certificate of Admission to Practice as an Advocate from the then LPI, a certificate in Legislative Drafting from the International Law Institute in Kampala, Uganda and a certificate in Prosecutions from ZIALE.

The nominee had worked in several positions, mainly in the private sector, with his last appointment being at Atlas Mara as Country Head of Legal, Compliance, Fraud and

Investigations. In the course of his twenty-nine (29) year long career in the legal profession, the nominee had obtained other professional skills and achievements and had been appointed to serve as legal advisor on various assignments.

The Appointing Authority further informed your Committee that the nominee was eminently qualified and experienced for appointment as a judge of the High Court for Zambia and that the Government fully supported his appointment.

(viii) Mr Kazimbe Chenda

The Appointing Authority submitted that Mr Chenda was born on 2nd May, 1984. He held an LLB degree from the University of Zambia and a Certificate for the Legal Practitioners Qualifying Course from ZIALE. The nominee had held a number of positions and was currently partner in the firm of Messrs Simeza Sangwa & Associates. The nominee had practised in areas such as commercial litigation, commercial arbitration, banking and finance, corporate advisory and intellectual property. The Appointing Authority, therefore, submitted that the nominee was eminently qualified and experienced for appointment as a judge of the High Court for Zambia and that the Government fully supported his appointment.

Your Committee asked the Appointing Authority whether the selection process was done in good faith considering the fact that there were people who were better qualified who had not been appointed. In response, the Appointing Authority stated that only candidates that had made the cut had had their names forwarded to the President for appointment, as they were the crème de la crème. She further stated that the Government believed that since the nominees had gone through a stringent procedure for selection, only the best had been selected for appointment.

On the performance of the High Court, particularly in the Commercial Division, the Appointing Authority stated that the Government was aware of the challenges being faced by the Judiciary such as the backlog of cases. She assured your Committee that the matter was being looked into by the Executive in conjunction with the Judiciary. She further stated that some of the measures that were being implemented were the amendment of the High Court Rules and the appointment of more judges.

Your Committee asked the Appointing Authority about the funding challenges in the Judiciary and the effect of the implementation of the Treasury Single Account (TSA). In response, the Appointing Authority stated that the TSA had to be viewed on a case by case basis as it seemed to be working well in her Ministry. She, however, stated that she was not in a position to speak for the Judiciary. She informed your Committee that the TSA system had curbed incidences of fraud and brought about transparency in the use of public resources.

OBSERVATIONS AND RECOMMENDATIONS

23. Your 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. In addition, the appointment must reflect the regional diversity of the people of Zambia. Your Committee observes that of the eight (8) nominees, five (5) are male and three (3) are female. Your Committee notes that currently there are more female than male judges in the superior courts and that this appointment is intended to address that imbalance. As regards youth representation, your Committee notes that, at least two (2) of the nominees are youths while, five (5) are below the age of fifty. Your Committee is gratified that the appointment of judges of varying age groups to the superior courts will ensure that judges do not retire at the same time. With regard to regional diversity, your Committee observes that the nominees are from different regions in the country. In the

light of the foregoing, your Committee wishes to commend the Appointing Authority for complying with Article 259 in making these appointments.

Your Committee observes that some witnesses expressed concern about the appointment of Mrs Abha Nayar Patel, SC, because she is not a Zambian citizen. Your Committee, however, notes that there is no legal impediment to Mrs Patel's appointment to the High Court as the Constitution does not restrict the appointment of judges to Zambian citizens. Your Committee further notes that the appointment of foreign judges is not peculiar to Zambia and that, in several instances, Zambians have been appointed to serve in superior courts in other countries.

Your Committee notes that the appointments were made from both the public sector and private sector. Your Committee wishes to commend the Appointing Authority because a combination of practitioners from both the private and public sectors will ensure the Bench has a varied blend of experience.

Your Committee observes that the Judicial Complaints Commission was not consulted during the appointment process and only became aware of the appointments when invited to appear before your Committee. Your Committee notes that as the Commission constitutionally mandated to receive, hear and determine complaints against judicial officers, it is imperative that the Commission be consulted prior to the appointment of any judicial officer to the superior courts. Your Committee, in this regard, recommends that, in future, the Judicial Service Commission should work closely with the Judicial Complaints Commission in selecting judicial officers for appointment to the superior courts.

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

(i) Mr Evaristo Pengele

Your Committee observes that, in the course of his career, the nominee had worked for the ACC and the Judiciary, with his current position being Special Assistant to the Chief Justice (Legal) and Registrar of the Supreme Court of Zambia.

Your Committee observes that some witnesses expressed concern that the nominee did not possess sufficient experience as he had only worked for the ACC and the Judiciary in an administrative position. However, some witnesses and the nominee indicated that he had the requisite experience for appointment as a judge of the High Court because he had served the institutions he had worked for exceptionally well. Further, as Registrar of the Supreme Court, the nominee undertook legal research and sat in Chambers where he rendered rulings on matters before him.

Additionally, your Committee observes that the nominee is very intelligent and hardworking as evidenced by the awards he has received both academically and professionally.

In this regard, your Committee is satisfied that the nominee possesses the requisite qualifications, experience and skills to competently discharge his duties as High Court judge.

(ii) Mrs Koreen Etambuyu Mwenda Zimba

Your Committee observes that the nominee held various positions, including Acting Senior Legal and Prosecutions Officer at the ACC. Further, while at the ACC the nominee also had State Advocate status and dealt with civil matters under the Attorney-General's Chambers. The nominee eventually joined the Judiciary where she rose to the position of Registrar of the Commercial Court.

Your Committee further observes that some witnesses expressed concern that the nominee had insufficient courtroom experience to be appointed as judge of the High court. However, other witnesses and the nominee indicated that she had the requisite experience for appointment as a judge of the High Court in view of the fact she was previously appointed as State Advocate under the Attorney-General's Chambers and also sat to hear and determine matters as Registrar of the Commercial Court.

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

(iii) Mrs Ruth Hachitapika Chibbabbuka

Your Committee observes that during her twenty-one year long career in the legal profession, the nominee held various positions in both the private and public sector, with her last appointment being Senior Research Advocate in the Supreme Court. Your Committee further observes that all the witnesses supported the nominee's appointment.

Additionally, your Committee observes that the nominee has a calm disposition and is a firm believer in justice, which is a vital attribute for a judge.

Your committee is, in this regard, satisfied that she has the requisite competence, experience and disposition for appointment as a judge of the High court.

(iv) Mr Kenneth Mulife

Your Committee observes that the nominee has worked mostly in the public sector with his last appointment being Chief Resident Magistrate at the Lusaka Subordinate Court. Your Committee further notes that the nominee has vast experience in adjudication, is very hard working and believes in the speedy and timely delivery of judgments. Your Committee further observes that all the witnesses supported the nominee's appointment as judge of the High Court.

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

(v) Mr Wilfred Kopa Godfrey Muma

Your Committee observes that the nominee had worked in the Judiciary from 1989 to 2015, holding several positions and rising from the position of clerical officer to Deputy Director of Court Operations at the High Court. The nominee is currently the Commissioner of Lands.

Some witnesses raised concern on the nominee's ability to diligently perform the functions of High Court judge alleging that he had shown a lack of respect for the law by disobeying a Court Order granted by the High Court and had consequently been cited for contempt of court in the matter of Mirriam Nkokoma (Suing in her capacity as Chieftainess Mungule) v Chisamba District Council, the Commissioner of Lands and the Attorney General (2015/HP/2072). Your Committee notes that although there were contempt proceedings against the nominee, the matter arose from a decision of the Office of Commissioner of Lands and not the nominee, in his personal capacity. Additionally, your Committee notes that the contempt proceedings were erroneously commenced against the nominee in his personal capacity because the Kamaila Settlers dispute commenced even before the nominee was appointed as Commissioner of Lands.

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

(vi) Mrs Abha Nayar Patel

Your Committee observes that in the course of her thirty-year long career in the legal profession, the nominee had worked mostly in the private sector and had also held various qualifications, including being a Trainer of Mediators in court-annexed mediation. Further, she was an Arbitrator and fellow of the Chartered Institute of Arbitrators in the United Kingdom. In addition, she was the longest serving Member of the Disciplinary Committee of the Law Association of Zambia; the body tasked with the discipline of legal practitioners.

Some witnesses, however, questioned her suitability to serve as High Court judge in view of the fact that she was an Indian citizen. Your Committee notes, however, that the Constitution does not bar a non-Zambian from being appointed as judge.

Your Committee notes that the nominee is one of the few female legal practitioners who has been conferred with the status and rank of State Counsel. This attests to her distinguished practice of the law in her thirty-year career.

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

(vii) Mr Bonaventure Chakwawa Mbewe

Your Committee observes that the nominee takes to the Judiciary valuable experience in commercial law having worked in several positions, mainly in the private sector, in the course of his twenty-nine (29) year long career in the legal profession.

Some witnesses raised concern about the nominee's courtroom experience since he had practised as in-house counsel for most of his career. Your Committee notes from the submission of the nominee and some witnesses that the nominee possessed sufficient court room experience, having worked in private practice prior to becoming in-house counsel. Further, as in-house counsel, he had been exposed to various areas of the law, including commercial and labour law. Further, his bias towards commercial law would be very useful to the Commercial Division of the High Court, which was currently encountering several challenges.

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

(viii) Mr Kazimbe Chenda

Your Committee observes that the nominee was a partner in Messrs Simeza Sangwa & Associates. Your Committee notes that the nominee has practised in areas such as commercial litigation, commercial arbitration, banking and finance, corporate advisory and intellectual property.

In addition, your Committee observes that the nominee has a calm and composed disposition and aspires to one day serve the nation as Chief Justice.

Some witnesses expressed concern that the nominee was too young to be appointed as judge of the High Court. However, others supported his appointment on account of his age stating that he would serve the judiciary for a longer period of time and gain a lot of experience in adjudicating. Additionally, your Committee observes that the nominee is very intelligent and hardworking.

Your Committee, therefore, finds that the nominee has the requisite qualifications and experience and is suitable for appointment as High Court judge.

Your 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 High Court judges.

Your Committee, therefore, recommends that the House ratifies the Presidential appointment of Mr Evaristo Pengele, Mrs Koreen Etambuyu Mwenda Zimba, Mrs Ruth Hachitapika Chibbabbuka, Mr Kenneth Mulife, Mr Wilfred Kopa Godfrey Muma, Mrs Abha Nayar Patel, SC, Mr Bonaventure Chakwawa Mbewe and Mr Kazimbe Chenda to serve as High Court judges.

CONCLUSION

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

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

We have the honour to be, Sir, your Parliamentary Select Committee appointed to scrutinise the Presidential appointment of Mr Evaristo Pengele, Mrs Koreen Etambuyu Mwenda Zimba, Mrs Ruth Hachitapika Chibbabbuka, Mr Kenneth Mulife, Mr Wilfred Kopa Godfrey Muma, Mrs Abha Nayar Patel, SC, Mr Bonaventure Chakwawa Mbewe and Mr Kazimbe Chenda to serve as High Court Judges.

Mr T S Ngulube, MP
(Chairperson)

Ms A M Chisangano, MP
(Vice – Chairperson)

Ms M Subulwa, MP
(Member)

Dr J K Chanda, MP
(Member)

Mr S Mutaba, MP
(Member)

Mr M C Munkonge, MP
(Member)

Dr M Malama, MP
(Member)

Mr D Mumba, MP
(Member)

Mr P Phiri, MP
(Member)

Mr E Kamondo, 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, Acting Senior Legal Officer
Ms M Kaoma, Legal Officer
Mrs S C Sakala, Legal Officer
Mrs P L Shamakamba, Legal Assistant
Mr L Kabwata, Legal Assistant
Ms C Mtonga, Acting Personal Secretary II
Ms M L Kalaba, Intern – Legal Services Department

APPENDIX II – THE WITNESSES

ZAMBIA POLICE (ZP)

Mr B Kapeso, Deputy Inspector General of Police (Operations)
Mr K Chibwe, Senior Assistant Commissioner of Police

ANTI-CORRUPTION COMMISSION (ACC)

Mrs R K Khuzwayo, Acting Director-General
Mr C Moonga, Director – Legal & Prosecutions

DRUG ENFORCEMENT COMMISSION (DEC)

Ms A Mbahwe, Commissioner
Mr R Chulu, Parliamentary Liaison Officer

HUMAN RIGHTS COMMISSION (HRC)

Ms F Chibwasha, Director
Mr F Hamuyube, Chief Research and Planning Officer
Mr K Banda, Chief Investigations and Legal Officer

JUDICIAL SERVICE COMMISSION (JSC)

Hon Mr Justice M S W Ngulube, Chairperson
Hon Mr Justice M S Mwanamwambwa, Deputy Chief Justice
Mrs J M Ilunga, Senior Research Advocate
Mr F Mufwafwi, Assistant Senior Research Advocate

JUDICIAL COMPLAINTS COMMISSION

Prof M Mvunga, Chairperson
Mrs M Zaloumis, Member
Mr G Simukoko, Member
Mr N Makeleta, Secretary

LAW ASSOCIATION OF ZAMBIA (LAZ)

Mr M Mukupa, Honorary Secretary

TRANSPARENCY INTERNATIONAL ZAMBIA (TIZ)

Ms C Lungu, Acting Director of Programmes
Ms B Samulela, Legal Officer

APPOINTING AUTHORITY

Mr T D Oteng, Permanent Secretary (Administration) – Ministry of Justice

APPENDIX III – THE NOMINEES

Mr Evaristo Pengele
Mrs Koreen Etambuyu Mwenda Zimba
Mrs Ruth Hachitapika Chibbabbuka
Mr Kenneth Mulife
Mr Wilfred Kopa Godfrey Muma
Mrs Abha Nayar Patel, SC
Mr Bonaventure Chakwawa Mbewe
Mr Kazimbe Chenda

APPENDIX IV – CURRICULA VITAE OF THE NOMINEES

EVARISTO PENGELE

PERSONAL INFORMATION

Name : Evaristo Pengele
Date of Birth : 10th June, 1981
Nationality : Zambian
NRC No. : 113923/48/1
Gender : Male
Profession : Legal Practitioner
Cell Phone No. : +260977571545;
Email : spengele@yahoo.com

QUALIFICATIONS

ACADEMIC

2018 : Studying for a Master of Laws Degree (LL.M) in Commercial and Corporate Law since January, 2018. It is a course of one year six months duration (University of Lusaka)

2006-2007 : Legal Practitioners' Qualifying Examinations (LPQE) Certificate (Passed at first sitting) (ZIALE)

2001 - 2005 : Bachelor of Laws Degree (LL.B) (Graduated as the best graduating student, with Merit) – University of Zambia

1997-1999 : Mungwi Technical High School-Grade 12 School Certificate

1991-1996 : Grade 7 and Grade 9 Certificates - Kaputa Basic School,
1988-1990 : Grade 1 to Grade 3 - Kabobole Basic School

PROFESSIONAL

2012 : Postgraduate Diploma in Legislative Drafting Course (Graduated as the best student) - Zambia Institute of Advanced Education (ZIALE)

2017 : Core Skills for Judges Certificate - University of Cape Town Faculty of Law

WORK EXPERIENCE

2017- to-date : **(Judiciary of Zambia)**
Member of the Advisory Committee on Administration of Civil and Criminal Justice, which advises the Chief

Justice on matters relating to the administration of civil and criminal justice. This Committee, among other things, ensures the efficient and effective case flow management in all courts; ensures an efficient and effective record keeping system; devises mechanisms against case file losses; ensures maintenance of statistics of caseloads for adjudicators and looks into the efficient operation of all Court Registries - Judiciary of Zambia

2016- to-date

:

Registrar of the Supreme Court (Judiciary of Zambia)

- Responsibilities include hearing chamber matters and being in charge of the Supreme Court Registry and administration of the Supreme Court;

Special Assistant to the Chief Justice (Legal)

- I am in Charge of the administration of the Office of the Chief Justice;
- Other responsibilities include generally advising the Chief Justice on legal matters, drafting legal opinions, conducting legal research as assigned by the Chief Justice; writing and replying to letters on behalf of the Chief Justice; taking Minutes at meetings Chaired by the Chief Justice; any other work assigned to me by the Chief Justice

Head of the Research Advocates' Unit

- I currently supervise forty (40) Research Advocates and eleven (11) Magistrates attached to Judges to perform duties of Research Advocates.

Member of the Advisory Committee for Training and Continuing Education. This Committee advises the Chief Justice on all matters relating to induction courses, refresher courses and other training needs.

Co-Secretary of the Council of Law Reporting

- I provide secretarial services to the Council of Law Reporting

Secretary of the Editorial Board of the Council of Law Reporting

- I provide secretarial services to the Editorial Board of the Council of Law Reporting

2016- to-date

:

Southern African Chief Justices Forum (SACJF)

Coordinator- SACJF

- I am the Chief Executive Officer of the Southern African Chief Justices Forum. This is a Forum of Chief Justices from

16 Countries drawn from the Southern and Eastern Regions of Africa.

- 2015- to-date (Judiciary of Zambia): **Deputy Secretary to the Judicial Service Commission**
- I assist the Secretary in providing secretarial Services to the Judicial Service Commission
- 2013-2016.1 : **Senior Research Advocate in the Office of the Chief Justice** (Judiciary of Zambia)
- The Responsibilities included drafting legal opinions, conducting legal research assigned to me, drafting speeches and presentations
- 2011-2013 : **Senior Legal and Prosecutions Officer** (Anti-corruption Commission)
- Supervising Legal and Prosecutions Officer
 - Researching into the law and rendering legal opinions
 - Advising the Anti-Corruption Commission on the interpretation and application of relevant legislation,
 - Prosecuting matters in courts of law for offences under the Anti-Corruption Act No. 38 of 2010 and other statutes
 - Rendering ad hoc advice to Investigators so as to get the best evidence possible,
 - Handling civil matters commenced by or against the Anti-Corruption Commission,
 - Drafting of contracts, leases and other contractual agreements between the Anti-Corruption Commission and other institutions and/or individuals.
- 2008 – 2013** : **Appointed State Advocate by the Attorney-General** for Purposes of handling civil matters in the Attorney General’s Chambers
- Handling civil actions by and against the State in accordance with the State Proceedings Act, Chapter 71 of the Laws of Zambia and;
- 2006-2011 : **Legal and Prosecutions Officer** (Anti-Corruption Commission)
- Researching into the law and rendering legal opinions,
 - Advising the Anti-Corruption Commission on the interpretation and application of relevant legislation,
 - Prosecuting matters in courts of law for offences under the Anti-Corruption Act No. 38 of 2010 and other statutes,
 - Rendering ad hoc advice to Investigators so as to get the best evidence possible,
 - Handling civil matters commenced by or against the Anti-Corruption Commission,
 - Drafting of contracts, leases and other contractual agreements between the Anti-Corruption Commission and other institutions and/or individuals.

OUTSTANDING PERFORMANCE AWARDS

- a. Prize for best grade eleven pupil at Mungwi Technical Secondary School, 1998;
- b. Awarded the University of Zambia Dean's Prize for Academic Excellence for being the best graduating law student for the 2005 Academic Year;
- c. Prize for best overall student for the 2012 Postgraduate Legislative Drafting Diploma at the Zambia Institute of Advanced Legal Education; and
- d. On 4th August, 2011, received the Anti-Corruption Commission award for most hard working employee in the Anti-Corruption Commission.

OTHER MAJOR ACCOMPLISHMENTS

Attended and successfully completed State Advocates 3rd and 6th Annual workshops held during the period 23rd September to 28th September, 2007 and 29th August to 4th September, 2010 comprising numerous topics, *inter alia*:

- a. Preparation of Statutory Instruments;
 - b. Judicial Review and functions of the Ministry of Justice in relation to Statutory bodies;
 - c. Preparing and mounting a good appeal to the Supreme Court;
 - d. The salient features of pension law and pension scheme governance in Zambia;
 - e. The Plea Negotiations and Agreement Act;
 - f. The role of the Law Association Zambia in a democratic dispensation;
 - g. The Forfeiture of Proceeds of Crime Act No. 19 of 2010;
 - h. The fight against corruption and the Public Interest Disclosure (Protection of Whistleblowers) Act No. 4 of 2010; and
 - i. Security of classified documents and security awareness severally.
- While at Anti-Corruption Commission, I participated in the training of newly employed Investigation Officers.
 - Participated in the drafting of the Anti-Corruption Act, 2010 and the Anti-Corruption Act, 2012.
 - Led a Team of Research Advocates that drafted the layman's drafts of the Constitutional Court Act and Rules, Court of Appeal Act and Rules.
 - Participated in the drafting of various Acts, Amendment Acts and Statutory Instruments that have a direct bearing on the Judiciary.

INTERNATIONAL CONFERENCES ATTENDED

- a) The Congress of the Conference of European Constitutional Courts, held in Vienna, Austria, 12th to 14th May, 2014 under the Theme- **“The Co-operation of Constitutional Courts in Europe- Current Situation and Perspectives”**;
- b) The 16th International Conference of Chief Justices of the World, Held From 7th to 13th October, 2015 in Lucknow, India, under the Theme- **“Uniting the World for Children through Enforceable World Law and Effective Global Governance”**;
- c) The Southern African Chief Justices' Forum Annual Conference, 2015, held in Victoria Falls Town, Zimbabwe, under the Theme- **“Guaranteeing the Right to a Fair Trial in Africa: Showcasing Best Practices”**;
- d) The 19th Annual Workshop for African Chief Justices and Senior Judiciary; held in Dublin, Ireland, 2015;
- e) The Southern African Chief Justices' Forum Annual Conference, 2016, under the Theme **“Contemporary Issues in the Prevention of Organised Crime”**;
- f) The 20th Commonwealth Law Conference, held from 20th to 24th March, 2017 in Melbourne, Australia, under the Theme- **“Thriving in a Global World: Building on the Rule of Law”**;

- g) The 21st Annual Workshop for African Chief Justices and Senior Judiciary; held in Dublin, Ireland, 2017; and
- h) Regional Consultative Meeting on Global Judicial Integrity Network, 16th to 17th October, 2017.

REFEREES

- 1. Hon. Justice Dr. Mumba Malila, SC
Judge of the Supreme Court
Supreme Court Building
LUSAKA
Cell phone number: +260974066477

- 2. Hon. Mr. Justice Mathew L. Zulu
Judge of the High Court
Lusaka High Court
LUSAKA
Cell phone number: +260977964000

KOREEN ETAMBUYU MWENDA ZIMBA

PERSONAL INFORMATION

Name : Koreen Etambuyu Mwenda Zimba
Date of Birth : 22nd April, 1983
Nationality : Zambian
Sex : Female
Marital Status : Married
NRC Number : 814355/11/1
Contact Address : Judiciary Headquarters
Supreme Court Building
Lusaka.

Mobile Numbers : +260 0977-450028
E-mail : etak10101@yahoo.com

I am an individual with a good work ethic, enthusiastic, motivated and a team player. I am able to work under pressure and with minimum or no supervision.

QUALIFICATIONS

ACADEMIC

1998-2000 : Munali Senior Secondary School Lusaka
1996- 1997 : Munali Junior Secondary School Lusaka
1989-1995 : Ndeke Primary School, ZAF Base, Lusaka
2001-2005 : Bachelor of Laws Degree (LLB) University of Zambia (UNZA)

PROFESSIONAL

August, 2017 : Chartered Institute Of Arbitrators-Certificate in Arbitration
May – October, 2012 : Post Graduate Diploma in Legislative Drafting – Zambia Institute of Advanced Legal Education
2006-2007 : Zambia Institute of Advanced Legal Education:
- Legal Practitioners Qualifying Examination Certificate (Obtained at first attempt)
- Certificate of Admission to Practice as an Advocate of the High Court of Zambia.

PROFESSIONAL MEMBERSHIP

2007 – 2013 : Member of the Law Association of Zambia (LAZ)

Short Courses

- September, 2007 : Successfully completed State Advocates 3rd Annual Workshop comprising of the following courses: Legislation Process in Zambia, Preparation of Statutory Instruments, State Proceedings Act; maximizing its use, Skills Required for Preparing and Presenting Appeals in both Civil and Criminal Cases, Alternative Dispute Resolution Methods Open to the State, Issues, Challenges, Costs/ Taxation; implementing orders for costs in Civil Matters, Assessment of Damages; General principles, Administration of Justice – Delivery of Judgments, Judicial Review and Functions of the Ministry of Justice in relation to Statutory Bodies
- September, 2013 : attended the Southern African Chief Justices Forum held in Livingstone, Zambia.
- December, 2015 : attended the Annual Judicial Conference in Livingstone, Zambia
- January, 2006 : Appointed member of the Committee constituted by the Hon. Chief Justice to draft enabling Acts and Rules for the establishment of the Constitutional Court and the Court of Appeal and draft consequential amendments to other laws affecting the Judiciary.
- May, 201 : attended the Research Advocates training in Livingstone covering the following topics: the role of a Research Advocate, ethics and conduct, legal research methods, legal research skills using freely available online resources, legal writing, judgment writing, summarizing evidence, use of evidence and analyzing case law and role and force of international and comparative law.
- September, 2016 : attended the Southern African Chief Justice's forum in Windhoek, Namibia.
- November, 2016 : attended the annual judicial conference in Livingstone, Zambia
- June, 2017 : Appointed member of the Committee to draft legislation and rules for the establishment of the Family Court Division.
- Nov, 2017 : Attended the first plenary session of the Global Network on Electoral Justice, San Miguel, Mexico.
- January, 2018 : Appointed Member of the Advisory Committee on Court-annexed Mediation and Delay Reduction
- December, 2018 : Member of a team appointed to formulate a Judges' Case Management Desk Guide. This is a form of handbook for Judges.

WORK EXPERIENCE

- 2005 : I worked as an intern in the Land and Deed Registry at the Ministry of Lands during vacations.
- 2006 - 2007 : While at the Zambia Institute of Advanced Legal Education, my Employers, Anti Corruption Commission allowed me to work in the Lands and Deeds Registry of the Ministry of

Lands and I also rotated in the various departments of the Ministry of Justice

Work involved

- Drafting legal documents;
- Attending to court cases with my Principal as a Learner Legal Practitioner;
- Drafting Court documents;
- Rendering legal opinions;
- Attending meetings with clients;
- Drafting legal documents;
- Drafting assignments, mortgages and other types of transfer documents;
- As a learner Legal Practitioner, I accompanied my Principal to Court;
- Any other legal tasks assigned to me by my Principals; and
- Researching.

2006 – February, 2013 : Working for the Anti-Corruption Commission as Acting Senior Legal and Prosecutions Officer and appointed State Advocate for purposes of handling civil matters on behalf of the Attorney General.

Principal work includes:

- Drafting various types of contracts on behalf of the Commission;
- Scrutinizing contracts that the Commission intends to get into with other organisations;
- Rendering Legal opinions;
- Prosecuting Criminal matters on behalf the State;
- Defending the Commission/Attorney General in various civil suits;
- Commencing civil suits for and on behalf of the Commission/ and for and on behalf of the Attorney General;
- Drafting Court Documents;
- Rendering Legal advice to Investigations Officers; and
- Attending to any other Legal work assigned to me by my Supervisor.

March 2013 to June, 2016 : Working for the Judiciary of Zambia as Senior Research Advocate assigned to the Office of the Hon. Deputy Chief Justice of the Republic of Zambia.

Principal work includes

- Drafting legal opinions;
- Researching into the law;
- Drafting judgments;
- Drafting speeches; and
- Sitting in court every time my Principal sat to hear matters.

June 2016 to Date : Working for the Judiciary of Zambia as Registrar of the Commercial Court and continued with my previous role in the Office of the Hon. Deputy Chief Justice of the Republic of Zambia.

Principal work includes-

- Drafting legal opinions;
- Researching into the law;
- Drafting judgments;
- Drafting speeches;
- Sitting in court every time my Principal sat to hear matters; and
- Sitting to hear matters as Registrar of the Commercial Court.

AWARDS

- June, 2006 - Obtained a Senate award as the Best Graduating Student in Alternative Dispute Resolution mechanisms at the University of Zambia
- August, 2011 - Awarded with the attribute of the Most Honest Employee in recognition of valuable contribution to productivity of the Anti-Corruption Commission

PAPERS PRESENTED

- Presented a paper on the topic “Mutual Legal Assistance in corruption matters, the Zambian perspective”. This was at the International Association for Anti-Corruption Agencies annual meeting held in Macau, China in November, 2010.
- Presented a paper on the “Principles of Legislative Drafting”. This was at the induction course for newly recruited Magistrates and Research Advocates in October, 2014.

RESEARCH

As a pre requisite to my attaining the Bachelor of Laws Degree, I wrote an Obligatory Essay on the topic “A critical analysis of the adequacy of the Law on Common Leasehold Schemes in Zambia”.

RELEVANT SKILLS**Working knowledge in**

Microsoft Word, Excel, Power Point and Internet

LANGUAGES

- English
- Bemba
- Nyanja
- Lozi

HOBBIES

- Site seeing
- Reading
- Traveling
- Listening to music

REFEREES

Hon. Mr. Justice C. Zulu
Kabwe High Court

KABWE

Phone: +260 97 1235585

Hon. Mr Justice C. Kajimanga
Supreme Court Judge

LUSAKA

Phone: +260 97 1016779

Hon. Justice Dr M. Malila, Sc
Supreme Court Judge

LUSAKA

PHONE: +260 97 7772638

RUTH HACHITAPIKA CHIBBABBUKA

PERSONAL INFORMATION

Name : Ruth Hachitapika Chibbabbuka
Nationality : Zambian
Profession : Legal Practitioner
Specialisation : Litigation, Research, Legal drafting, adjudication
Address : The Judiciary
Supreme Court
Plot 403, Independence Avenue
Central Administration
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LUSAKA

Sub-Division 'Q' of Farm 2085
Off Airport Road
Waterfalls
P O Box 310309
LUSAKA

Email: chibbabbukar@gmail.com
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QUALIFICATIONS

ACADEMIC

1994 to 1999 : Bachelor of Laws (LLB) – University of Zambia
1998 to 1999 : Certificate to practice as an Advocate – Zambia Institute of Advanced Legal Education (ZIALE)
2008 ; Certificate of participation on the completion of basic level studies - Pastor/Ministries Training Institute – Africa (Pastors/Ministries Prayer Network – Africa)
2008 : Certificate of Attendance in Leadership Edge – Barclays Learning and Development Centre
2010 : Certificate of attendance for the International Entry Course - Zambia Centre for Dispute Resolution Ltd in conjunction with the Chartered Institute of Arbitrators (London)
2014 : Certificate in Sustainable Development – Stellenbosch University, School of Public Leadership
2014 to date : Pursuing Masters in Environmental Law – University of Lusaka
2014 to date : Pursuing Masters of Science in Sustainable Mineral Resource Development – University of Zambia
2017 : Diploma – Postgraduate Legislative Drafting, 21st December, 2017

WORK EXPERIENCE

April 2013 to date : Senior Research Advocate and District Registrar (Judiciary of Zambia)
Description of Tasks

- Adjudicating over interlocutory matter in the High Court;
- Attending to Assessment of Damages, Taxation in the High Court;
- Research on matters in the High Court;
- Research Advocate for the Supreme Court and High Court Judges;
- Reviewing cases brought before the Supreme Court on appeal;
- Reviewing cases brought before the High Court;
- Sitting as a District Registrar and hearing interlocutory matters before Judges in the High Court;
- Summarising pleadings and evidence on record in a case;
- Conducting research on the law;
- Sitting in Supreme and High Court trials on criminal and civil matters;
- Sitting and hearing interlocutory applications;
- Writing legal opinions and drafting judgements; and
- Keeping abreast with the law, cases, statutory instruments and various legislations.

Dec, 2010 to June, 2011:

Conformance Manager (Barclays Bank Zambia Plc)

Description of Tasks

- Conducting conformance reviews across retail banking business units to ensure that there is adherence to credit policies, procedures and standards.
- Reviewing the bank's credit policy and consolidating all the lending policies
- Ensuring that the retail banking credit policies are implemented and monitored through the operation of a robust work programme identifying areas of priority
- Contributing to the development and maintenance of a robust control framework and ensuring that recommendations for effectiveness and efficiency improvements are reported to the Credit Policy Unit.
- Ensuring that recommendations for corrective action arising from specific work undertaken by teams are accepted by business stakeholder and action is implemented within agreed timescales.
- Establishing and maintaining a reliable information circulations system for all stakeholders and monitor the quality of adherence to standards and procedures.
- Participating in various committees as a Policy and Control Champion to identify key control issues and risks across the business for escalation to the Risk and Control Committee.
- Training members of staff across the business in area pertinent to improving conformance.
- Interfacing and liaising with various stakeholders and senior management across the business.

Dec, 2009 to Dec, 2010: Legal Counsel (Barclays Bank Zambia Plc)

Description of Tasks

- Developing strategic legal plans to ensure that collections and debt recoveries are efficient and maximized.
- Managing Legal affairs with regard to recovery either through litigation, receivership or winding up.

- Managing relationships with other legal panels with regard to outsourced and related services.
- Providing legal support to Barclays Bank Zambia retail collections and recoveries.
- Identifying and managing legal risks in retail collections, recoveries and credit.
- Liaising with legal advisors of business as appropriate.
- Providing pragmatic and effective legal advice to manage legal risks and assist in the design and implementation of procedures to manage risks at appropriate levels.
- Ensuring that best practices are adopted and guidelines complied with and that all activities comply with applicable laws, rules and regulations.
- Analysing, evaluating and reporting changes and developments in legislation, regulations, practices and guidelines affecting the markets in which Barclays Bank of Zambia operates.

2007 to 2009

: Manager – Centralised Securities (Barclays Bank Zambia Plc)
Description of Tasks

- Managing a team of nine (9) people in the Centralised Security Department, including preparing a budget for the team and its operations for the year as well as being in charge of all administrative issues for the team
- Reviewing and scrutinizing all security documents to ensure that they are in conformity with local legislation and regulations.
- Drawing up various security and charge documents for the bank.
- Providing legal advice to other business units on matters regarding security documents and land issues.
- Ensuring that securities data base system duly updated and all documents duly registered with relevant authorities and tracked for validity.
- Contact point for Company Registry, Ministry of Lands, Valuers and other external stakeholders on security matters.
- Interfacing and coordinating with all business units on matters regarding security documents.
- Process review and recommendation of best practices.

2003 to 2006

: Assistant Legal Counsel (Finance Bank Zambia Ltd)
Description of Tasks

- Attending to litigation on behalf of the bank
- Advising and updating the bank on legislation affecting operations of the bank.
- Attending to Union Negotiations on behalf of management concerning salaries for unionised employees of the bank
- Drawing up mortgages, debentures and various other charges and securities for the bank.
- Discharging mortgages and other charge documents.
- Drawing up leases and various other commercial agreements and contracts for the bank.
- Managing debt recovery programmes through litigation and mortgage actions.

- Supervising the Centralised Security System for the bank.
- Managing the document register and strong room.
- Process review and recommendation of best practices.

1998 to 2003 : Assistant Legal Counsel (Shamwana & Company)

Description of Tasks

- Attending to matters at the Human Rights Commission
- Attending to civil and criminal litigation in the Subordinate and High Courts of Zambia
- Research
- Legal Drafting
- Drawing contractual documents
- Debt recovery
- Preparing and discharging mortgages
- Giving legal opinions to the firm and clients
- Attending to mediation in commercial courts
- Conveyancing

MAJOR SKILLS AND ATTRIBUTES

- Excellent knowledge of Zambian legislation
- Hands on experience with litigation
- Adjudicative experience
- Strongly involved with implementing corporate governance initiatives
- Good professional ties
- Strong experience working with both the private and public sector
- Self-starter
- Ambitious
- Mentoring and Counselling
- Training
- Managerial and Leadership

OTHER SHORT TERM COURSES ATTENDED

- First Zambian National Conference on Geology, Mining, Metallurgy and Groundwater Resources
- Leadership Edge
- Presentation Skills
- Zamhost Customer Services
- Train the Trainer
- Advanced Legal Education - ZIALE
- Arbitration
- Human Rights and the Law and the International Protection of the Human Rights of Women and Children with appropriate references to Zambia
- Peer Counselling for HIV
- Human Rights Watch Workshop on the establishment of the International Criminal Court
- Global Retail Banking Collections Management Course
- Anti-Money Laundering, Securities, Legal and Insurance
- Payment Systems in Zambia – Bank of Zambia
- Lusaka Stock Exchange Workshop for Lawyers
- Intellectual Property workshop
- SADCC Lawyers Conference

LANGUAGES

- English
- Nyanja

MEMBERSHIP TO PROFESSIONAL BODIES AND OTHER COMMUNITY SERVICES

- Member – Law Association of Zambia (LAZ)
- Commissioner for Oaths
- Zambia Network for Environmental Educators and Practitioners
- Member - Bread of Life Church International
- Sunday School Teacher
- Cell Group Leader for neighbourhood bible study

REFEREES

Judge Evans Hamaundu
Judiciary of Zambia
Supreme Court of Zambia
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LUSAKA

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Mr Bonaventure Mbewe
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Bishop Joseph Imakando
Presiding Bishop
Bread of Life Church International
Blessing Centre
Corner Vubu/Lumumba Roads
P O Box 37486

LUSAKA

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+260 977 573450

KENNETH MULIFE

PERSONAL DETAILS

Surname : Mulife
First name : Kenneth
Sex : Male
Date of Birth : 11th November 1973
Place of Birth : Luyala Village, Mongu District, Zambia
Marital Status : Married
Nationality : Zambian
National Registration Card# : 202126/83/1
Driver's Licence # : 294469/1/1
Mobile Phone # : +260977 465194
E-mail address : Kennethmulife@yahoo.com
Languages Spoken : English, Lozi and Nyanja
Current Position Held : Chief Resident Magistrate –Lusaka Province
(Zambia)

Postal Address : C/o Magistrates Complex, Box 30202, Lusaka,
Zambia

Career Objective: To become a renowned gender and child rights activist through notable contributions to national and multinational policy-making advisory institutions.

QUALIFICATIONS

ACADEMIC

January 2013 to April 2014 : University of Zimbabwe (SEARWCL), Zimbabwe –
obtained a Master's Degree in Women's Law (i.e.
Laws
and Gender) - (with Merit). My dissertation is on
gender-based-violence.

1998-2004 : University of Zambia – obtained a Bachelor of
Laws
Degree (LLB) with Credit

September 1989-1991 : Senanga Secondary School, Senanga District,
– obtained a Division One

Grade XII Ordinary Level School Certificate
1987-1988 : Munali Secondary School, Lusaka, Zambia –
obtained a Grade IX Junior Secondary School
Certificate.

1980-1986 : Kapwelyomba Primary School, Lusaka, Zambia -
obtained a Grade VII Primary School Certificate

PROFESSIONAL

- February-June 1993 : Lilayi Police Training School, LUSAKA, Zambia - obtained Police and Immigration Basic Certificates
- April, 2001 : Immigration Travel Control Workshop, Lusaka - obtained a United States of America, Department of Justice, Immigration and Naturalization Service, Document Inspection Certificate
- April 2005 – March 2006 : Zambia Institute of Advance Legal Education - obtained a Legal Practitioners' Certificate
- 24th November 2006 : Admitted to the Bar as an Advocate of the High Court for Zambia
- July 2008 : Institute for Child Witness Research and Training, Ndola - obtained a Certificate in "The Judicial Officer and the Child Witness"
- October 2009 : Institute for Child Witness Research and Training, Siavonga - obtained a Certificate in "Preparing Children for Court"
- November 2009 : Institute for Child Witness Research and Training, Lusaka - obtained a Certificate in "Introducing the Child Witness Training of Trainers"
- March 2010 : The International Association of Women Judges, Lusaka - Obtained a Certificate in "Justice, Jurisprudence, Access and Accountability in Zambia"
- May 2010 : National Institute of Public Administration (NIPA) in Conjunction with the United Nations International Children Emergence Fund (UNICEF), Lusaka - obtained a Certificate in "Mainstreaming of Child Justice Training Materials into the NIPA Syllabi"
- 8th to 12th November 2010 : Zambian Gender in Development Division in conjunction with the State of Israel's Centre for International Co-operation, Kafue Gorge Training Centre – obtained a Certificate of Achievement in "Violence Against Women Workshop for Magistrates".

PROFESSIONAL EXPERIENCE

- 1993-1998 : Assistant Immigration Officer, Immigration Department Department - Duties: Immigration counter-duties and investigations at Mwami Border Post- Chipata District, Mfuwe International Airport-Mambwe District, Chanida Border Post- Chadiza District
- 1999 : promoted to the rank of Immigration Officer, Immigration Department - Duties: Immigration Officer –In- Charge, Katete District
- Feb 2005-Dec 2006 : Immigration Officer, Immigration Department - Duties: Prosecutions and training of immigration, Immigration Headquarters, Lusaka

- November 2006 : Immigration Officer, Immigration Department Headquarters
Duties: Presented a paper on Immigration Law to Middle Management Officers of the Office of the President (Special Division) at the Office of the President Staff College, Lusaka
- 1st April 2005-24th March 2006: Learner Legal Practitioner, Messrs Lukona Chambers, Lusaka - Duties: Drafting applications and affidavits; rendering legal opinions; attending to Chamber Applications before Magistrates and High Court Registrars and Conducting Searches at Courts, the Lands and Deeds Registry
- January 2006-December 2006: Associate Legal Consultant, National Institute of Public Administration, Lusaka - Duties: Lecturer in Criminal Law, Civil and Criminal Procedure and International Human Rights Law
- 3rd April 2006 : Associate Legal Consultant, National Institute of Public Administration, Lusaka - Duties: Delivered a special lecture on Child and Human Trafficking to Trainee Magistrates, Trainee Prosecutors and Diploma in Law Students at the National Institute of Public Administration
- December 2006 : Resident Magistrate, Judiciary- Kitwe District - Duties: Adjudication and Administration at Kitwe Subordinates Court
- January-December 2008: Part-Time Lecturer in law at the Copper belt University in the “School Of Built Environment”, Copperbelt University, Kitwe District - Duties: Lecturing third year students in the Law of Contract and the Law of Torts
- January-December 2008: Part-Time Lecturer in law at the Copperstone University, Kitwe District - Duties: Lecturing the Law of Contract, Criminal Law, Legal Process, Constitutional Law and Administrative Law
- January-December 2008: Part-Time Lecturer in law, University Of Zambia Extension Studies, Kitwe District - Duties: lecturing Criminal law and Criminal Procedure
- January 2009 to January, 2012: Resident Magistrate, Judiciary, Lusaka - Duties: Adjudication and Administration at Lusaka Magistrates Court Complex
- February, 2012 to December, 2012: Senior Resident Magistrate – Judiciary Luapula Province – Duties: Adjudication and Administration (Magistrate- in charge of the Judiciary in Luapula Province)
- December, 2012 to June 2014: Principal Resident Magistrate, Judiciary Luapula Province – Duties: Adjudication and Administration (Magistrate-In-Charge of the Judiciary in Luapula Province)
- June 2014 : Principal Resident Magistrate, Judiciary, Lusaka - Duties: Adjudication and Administration at Lusaka Magistrates Court Complex.

- February 2015 to date : District Registrar of the High Court for Zambia stationed. Duties: To hear and determine chamber applications at the Lusaka High Court.
- January 2015 to date : Part-Time Lecturer in law at the University of Lusaka (UNILUS) and the National Institute of Public Administration (NIPA) - Lusaka District. Duties: Lecturing degree students in Child Rights Law and Family Law (NIPA) and the Law of Torts (UNILUS)
- March 2016 to date : Chief Resident Magistrate, Judiciary Lusaka Province – Duties: Adjudication and Administration (Magistrate-In-Charge of subordinate courts in the Lusaka Province).
- July, 2016 : Appointed as a member of the Local Government Elections Tribunal – Duties: To adjudicate over disputes arising from the Local Government elections held in August 2016 during the general elections in the Republic of Zambia

PUBLICATIONS/PAPERS

- 2015 – 2017 : Engaged as a consultant by the Ministry of Community Development working in conjunction with UNICEF, to develop a National Diversion Framework that shall be used by stakeholders in the Zambian juvenile criminal justice system to administer diversion on juvenile offenders.
- April 2017 : Presented a paper on human trafficking and smuggling of migrants, to judicial officers of Botswana at a training workshop that was held in Kasane, Botswana. It was at the invitation of the United Nations Office on Drugs and Crime
- 23rd September 2017 : Presented a paper on human trafficking and smuggling of migrants, to Zimbabwean Magistrates and Public Prosecutors at a training workshop that was held in Harare, Zimbabwe. It was at the invitation of by the United Nations Office on Drugs and Crime.
- February 2018 : Presented a paper entitled “Landmark Innovations in the Fight against Gender-Based-Violence: The case of the Zambian Justice System” at a Global Workshop on Sharing of Key Initial Lessons Learned and Way Forward held in Istanbul, Turkey. It was at the invitation of the UNDP office in Zambia.
- June 2018 : Presented a paper entitled “From Crime to the Specialized Courts” at an international conference on “Gender and the Judiciary in Africa” that was held in Arusha, Tanzania. It was at the invitation of the UNDP office in Zambia.

NATIONAL COMMITMENTS

- August 1990 : Appointed as a National Census Enumerator by the Central Statistical Office - Duties: Taking a census on the National Population and Housing in Senanga, District in the Western Province of Zambia
- 25th June-26th July 2001 : Appointed by the Department Of National Registration, Citizenship and Passport as Supervisor of a Mobile National Registration Team - Duties: Supervising a Mobile National Registration Team for purposes of issuing National Registration Cards to eligible Zambians in Katete District in the Eastern Province of Zambia.
- December 2006 : Appointed by the Southern Africa Development Community (SADC) as Team Leader for an Electoral Observer Team in Tsiroanomandidy Polling District in the Republic of Madagascar. Duties: to observe how free and fair the December, 2006 Presidential Elections were in the Republic of Madagascar

OTHER POSITIONS HELD

- January 2016 : appointed by the Chief Justice of the Republic of Zambia as a member of the following Committees in the Judiciary of Zambia: 1. Advisory Committee on Court-Annexed Mediation and Delay Reduction. 2. Committee on Training and Continuing Education; 3. Advisory Committee on Court Operations
- August 2016 : appointed as a member of the Judicial Service Commission. Duties: to determine conditions of service, appointments and disciplinary issues for magistrates and support personnel in the Judiciary.
- July, 2016 : Appointed by the Chief Justice of the Republic of Zambia as a member of the Local Government Elections Tribunal – Duties: To adjudicate over disputes arising from the Local Government elections held in August 2016 during the general elections in the Republic of Zambia.
- April 2015 to March 2016: Chairperson-Judiciary Child Justice Forum –Duties: Co-ordinate activities of the Child Justice Forum for purposes of transforming justice for children in compliance with children’s international and regional conventions to which Zambia is a state-party.
- Jan 2009 to Jan, 2012 : Chairperson of the Resource Mobilization and Awareness Committee of the National Child Justice Forum-National Secretariat, Lusaka - Duties: To co-ordinate with donors and other
- 1991 : Vice Chairperson of the Geographical Association of the Senanga Secondary School, Senanga District

SKILLS

Computer appreciation - Good command of Microsoft Word

Results-oriented, good communication skills and public relations gained through interaction with various professionals at national and international forum and through lecturing at various colleges and universities in Zambia and presentation of papers at high level conferences both in Zambia and outside Zambia.

HOBBIES

Travelling, athletics and reading

REFEREES

1. Judge N. Kajimanga
Judge of the Supreme Court of Zambia,
LUSAKA
Mobile phone #: +260971016779
2. Judge Hamaundu
Judge of the Supreme Court of Zambia
LUSAKA
Mobile phone #: +260976667109
3. Honourable Madam Justice Mugeni Mulenga
Judge of the Constitutional Court of Zambia
LUSAKA
Mobile phone #: + 26 0955-882052

Signature:

Date:

WILFRED KOPA GODFREY MUMA

PERSONAL INFORMATION

Sex: Male
Date of Birth : 13th May, 1965
Birth Place : Kopa Village, Mpika
Marital Status : Married
Religion : Christian
N.R.C : 194775/43/1
Address : Ministry of Lands and Natural Resources
Mulungushi House
Second Floor
P.O. Box 30069
Ridgeway
LUSAKA
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+260-966029414

QUALIFICATIONS

1989 – 1991 : Magistrates Diploma National Institute of Public Administration, Lusaka
1982 – 1986 : St. Francis Secondary School – Malole, Kasama
2003 – 2005 : Bachelor of Laws Degree (LLB) - University of Zambia, Lusaka
2006 – 2008 : Admitted to the Zambian Bar as an Advocate of the High Court of Zambia - Zambia Institute of Advanced Legal Education (ZIALE) | Lusaka

WORK EXPERIENCE

November 2015 – to date : Commissioner of Lands
April 2015 – November 2015 : Deputy Director of Court Operations-High Court

Responsible for the general administration of all Courts falling under Kitwe Region and all Courts in the North-Western Province of the Republic of Zambia. I adjudicate in all interlocutory applications in the Civil Jurisdiction under High Court at Kitwe

2014 – 2015 : Deputy Director of Court operation –Industrial Relations Court

Responsible for the general operations and administration of Industrial Relations Court

2012 – 2014 : Deputy Director Court Operations- Local courts

Responsible for the operations and administration of all the Local Courts in Zambia. Attended to interlocutory applications in civil matters before the High Court at Lusaka.

2012 – 2012 : Principal Resident Magistrate, Lusaka
2011 – 2012 : Senior Resident Magistrate, Kabwe

2010 – 2011	:	Resident Magistrate, Lusaka
2009 – 2010	:	Resident Magistrate, Mazabuka
2008 – 2009	:	Resident Magistrate, Chingola
2000 – 2008	:	Magistrate Class I, Chingola
1998 – 2000	:	Magistrate Class II, Chililabombwe
1992 – 1998	:	Magistrate Class III, Kitwe
1988 – 1989	:	Clerical Officer - Criminal Registry, Kitwe Subordinate Court Custodian of all criminal records at Kitwe Subordinate court

OTHER RESPONSIBILITIES

2010 – 2015	:	A Member of the Council of the Zambia Institute of Advanced Legal Education, which is the supreme governing body of the Institute.
2009 – 2015	:	National Secretary of the Magistrates and Judges Association of Zambia (MAJAZ) thus the Chief Executive Officer in charge of the administrative welfare of the Association

A member of the Commonwealth Magistrates’ and Judges’ Association through which I have attended and participated in various international conferences.

REFERENCES

Hon. Madam Justice Getrude Chawatama
High Court of Zambia
P.O. Box 50067
LUSAKA
Tel: 0211251330

Hon. Judge Jones Chinyama
Industrial Relations Court
P.O. Box 34009
LUSAKA
Tel: 0211236144

ABHA NAYAR PATEL, SC

PERSONAL INFORMATION

Name : Abha A Patel
Sex : Female
Date of Birth : 24 April 1966
Nationality : Indian
Residential Address : 16 Kabinga Avenue Ndola – Zambia
Resident status : Established Resident – Zambia
Indefinite Leave to Remain - United Kingdom

Address : The Chambers @ 35 Kabinga
P O Box 240351, Ndola –Zambia
Telephone Nos.+ 260-966-921928
E:- abha@abhapatel.co.zm

QUALIFICATIONS

ACADEMIC

- Bachelor of Laws (LLB) UNZA
- Law Practice Institute of Zambia (LPI)
- Masters of Law (LLM) CANTAB
- University of Cambridge – UK
- Admitted to the Zambian Bar – 1989
- Mediator
- Trainer of Mediators Court Annexed Mediation
- Arbitrator -Chartered Institute Arbitrators (UK)
- Tutor (AFL) CI Arb UK
- Solicitor - Supreme Court of England & Wales
- State Counsel (SC) – Republic of Zambia
- Fellow- Chartered Institute of Arbitrators UK

PROFESSION

- Advocate of the High Court and Supreme Court of Zambia
- Commissioner for Oaths
- Notary Public
- Commissioner of the Small Claims Court
- Arbitrator and Tutor
- Mediator and Trainer

Personal Details : Married to Ajesh N Patel, a Zambian Citizen with business interests in Zambia and abroad. She has two children.

Abha started her career as a Lecturer in the School of Law, at the University of Zambia. She then moved to Ndola and began private practice in the Firm of Mwanawasa & Co., and later served as in-house Counsel for Finance Bank Zambia Limited.

In 1998, she established her own Law Firm, known as Abha Patel & Associates, which she has run and managed as Managing Partner, from then to date. She has appeared in and prosecuted cases in all Courts in Zambia, and her dual qualification has given her the right of Audience, before the Supreme Court of England And Wales.

Abha has been an active participant in the field of Alternative Dispute Resolution (ADR), in Zambia, when the Judiciary, in conjunction with the US AID, and other stakeholders, undertook to train its prominent members and introduce ADR into Zambia.

This Pilot project was initiated in 2000 and Abha was one of the first members of LAZ to be trained as a Mediator. She was thereafter selected to receive further training and is currently certificated as a Trainer of Trainers having conducted 10 Training Courses of Court annexed Mediators, who are trained by the Team, thereafter certificated as Mediator by the Hon. the Chief Justice, in the Court Annexed mediation program. The success of this program has reached immense heights as this was one of the initiatives of the Zambian Judiciary as part of its commitment to the International and Business Community.

In keeping with the ADR program, Abha has also trained as Arbitrator and was admitted as a Member of the Chartered Institute of Arbitrators (UK), in 2002, having qualified at Member level. She has recently completed Module 4 and has been admitted as a Fellow of the Institute in April 2017.

Abha has handled several matters as Mediator and continues to be involved in training Court Annexed Mediators on behalf of the Zambian Judiciary, and in conjunction with the Zambia Branch of the Chartered Institute of Arbitrators.

She has been appointed Sole Arbitrator in several domestic arbitrations and has also served as an Arbitrator in Tribunals, in the capacity of Chair and a Member of the tribunal.

In the field of Mediation, the following specific workshops have been conducted:

MEDIATOR TRAINING WORKSHOPS CONDUCTED FOR THE JUDICIARY

- 2002 May: Conducted Court Annexed Mediation Training for The Judiciary and Mediators in Livingstone
- 2003 October: Conducted Court Annexed Mediation for the Zambia Institute of Human Resources Management (ZIHRM)
- 2003 December: Conducted Court Annexed Mediation for Mediators held in Kitwe
- 2006 May/June: Conducted Court Annexed Mediation for Zambia Centre for Dispute Resolution (ZCDR) held in Lusaka
- 2007 December: Court Annexed Mediation for Mediators held in Lusaka
- 2009 March: Court Annexed Mediation for ZCDR held in Lusaka
- 2011 January: Court Annexed Mediation for ZCDR held in Lusaka 2016 June: Mediation training under the CI Arb UK in Lusaka
- 2016 July: Court Annexed Mediation in Lusaka
- 2016 September: Court Annexed Mediation in Ndola
- 2016 December: Training in ADR for Members of the Human Rights Commission

In the field of Arbitration, the following workshops have been conducted for the Branch:

ARBITRATOR TRAINING WORKSHOPS CONDUCTED FOR THE CIArb ZAMBIA BRANCH

- 2012 : April: International Entry Course (IEC) for Arbitrators of the Chartered Institute of Arbitrators (UK) Zambia Branch. Assisted as Trainee Tutor
- 2012 : October: As Above
- 2012 : Confirmed as Tutor on the Approved Faculty List (AFL) of the Chartered Institute of Arbitrators UK
- 2013 : April: International Entry Course (IEC) for Arbitrators for the Chartered Institute of Arbitrators (UK) Zambia Branch as approved Tutor
- 2015 July : Presented a Paper at the Centenary Conference for the Institute in Livingstone
- 2015 October : IEC for Arbitrators (as above)
- 2017 April : IEC for Arbitrators (as above)

INTERNATIONAL CONFERENCES ATTENDED AS A SPEAKER

- 2015 April : IBA Conference on “African Women in Law Rising” in conjunction with LAZ and IBA African Regional forum held in Livingstone
- 2015 July : Centenary Conference of the CI Arb – “Commercial Mediation in Zambia” held in Livingstone
- 2015 November: LAZ-IBA African Regional Forum in Livingstone
- 2017 June : ICC / IBA – “Arbitration as a Catalyst for Economic Growth on the Continent” held In Nairobi, Kenya
- 2017 August : SADCLA 18th AGM and Conference- “International Mediation and Arbitration - An African Renaissance” held in Botswana Gaborone.
- 2017 October : Conducted a training in International Commercial Arbitration in conjunction with SADCLA and The Law Society of Zimbabwe held in Nyanga, Zimbabwe

PERSONALITY

Abha Patel is a qualified senior Advocate, with 29 years Post-Call experience. She enjoys audience before all the Courts in the Republic of Zambia. She is also a Commissioner for Oaths and a Notary Public. She serves in her capacity as a Commissioner of the Small Claims Courts. She is an Arbitrator, Mediator and Trainer of Trainers of Mediators. She has handled several matters in her capacity as Arbitrator and as Mediator.

She has conducted several training Seminars in the Court Annexed Mediation Program for the Judiciary in the Country. She is also serving as a Tutor for the Zambia Branch of the Chartered Institute of Arbitrators (UK) and is an approved Tutor of the CI Arb as at 25 October 2012.

Apart from conducting and teaching in Arbitration workshops, Abha has handled over one dozen Arbitrations, either as a referral from the Court, or by choice of the disputing Parties.

She has acted in her capacity as a sole Arbitrator and also as a Member and Chairperson of a Panel of Arbitrators.

She was actively involved with the ZCDR, the forerunner to the Zambia Branch of Chartered Arbitrators. She has also been involved as Counsel for Parties in an Arbitration.

She has successfully completed the Qualifying Lawyer Transfer Test (QLTT) and was admitted to the Roll of Solicitors of the Supreme Court of England and Wales in April 2008.

She is an active member of the Law Association of Zambia, having served the Association in various capacities. She is a nominated Member of the LAZ Disciplinary Committee and has served on the committee from 2006 to date. She has also presented several Papers at LAZ Seminars and has been available, either as Resource Person, or Moderator or to serve on a Panel.

She has over the last several years been nominated as the Returning Officer for the Elections for the LAZ Executive and Council.

She has also been nominated by the Electoral Commission of Zambia (ECZ) to be a Monitor for the National Presidential and Parliamentary Elections.

She is well spoken, outgoing and enthusiastic, fluent in English, Hindi and Gujarati with a working knowledge of French. She is computer literate in all current applications. She is an avid reader, keen sportswoman with a bias for Aerobics, Squash Badminton and Hiking.

She supports several welfare and charitable institutions and plays an active part in the pastoral care of the Community.

Well travelled around the World. Some of the Countries visited include India, UAE, USA, England, Switzerland, Singapore, Malaysia, Bangkok, France, Italy, Greece, Germany, Austria, Botswana, South Africa, Malawi, DRC, Tanzania, Swaziland, Zimbabwe, Mexico, Bali ,Qatar and the Islands of Hawaii and the Maldives.

On 14 June 2016, Abha was conferred with the honour, rank and dignity of State Counsel (the equivalent of Queens Counsel) by the Republican President, at a Ceremony at State House. This was followed by her admission to the Inner Bar on 15 June 2016, making her, at the time, only the third female Advocate in the history of Zambia, to receive this recognition.

Abha is married to a Zambian citizen and has been resident in Zambia for over 45 years. She has recently submitted her application for registration as a Citizen of Zambia.

In April 2017, Abha was admitted as a Fellow of the Chartered Institute of Arbitrators UK.

In December 2018, Abha, with a group, undertook a challenging trek to climb Mount Kilimanjaro, in Tanzania, the highest freestanding mountain in the World. This journey was part of self development, and to raise funds for a charity of choice. Abha successfully summited on 6 December 2018, making her the only recorded member of the Law Association of Zambia to have taken on this venture.

REFEREES

1. The Attorney General
Mr Likando Kalaluka S.C
Ministry of Justice
P.O. Box 50106
LUSAKA

2. Hon. Justice Mumba Malila S.C
Supreme Court of Zambia
LUSAKA

3. Mr Elijah C Banda S.C
ECB Legal Practitioners
ECB House
KITWE

BONAVENTURE CHAKWAWA MBEWE

PERSONAL INFORMATION

Date of Birth : 21st July 1965
Gender : Male
Marital Status : Married
Nationality : Zambian

Residential address: Farm No. 27, Buckley Estates, Lusaka
Work address : P O Box 31502, Lusaka
Cell: +260 977 886462 / 0966 886 462
Office Phone: +260 211230 161
Email address: : bmbewe@bancabc.com / bonaventurembewe@gmail.com

QUALIFICATIONS

ACADEMIC

1979 – 1983 : Full Secondary School Leavers Certificate;- 1979–1983,
Chassa Secondary School
1984 – 1988 : Bachelor of Laws Degree (LLB), University of Zambia
Graduated with merit (Upper Second Class Honours)

PROFESSIONAL

1988 – 1989 : Certificate of Admission to Practice as an Advocate:-
Law Practice Institute

WORK EXPERIENCE

June, 2017 : Present – Atlas Mara, Country Head of Legal, Compliance
and Fraud and Investigations sitting on Country Management
team

Responsible for providing practical and legal advice to identify, monitor, reduce and manage legal risk in support of the Bank's strategy. Charged with oversight of Compliance team as well as Fraud and Investigations Team. Responsible for the design and implementation of procedures to effect reduction of these risks
More specifically entails

- Resource, lead, set objectives and evaluate performance as well as motivate team members.
- Support corporate, retail and business banking lending agenda
- Contribute to timely delivery of strategic projects and products
- M & A support to Atlas Mara acquisition of Finance Bank Zambia Plc and its integration into BancABC
- Responsible for provision of effective company secretarial services for the Bank Includes providing support to Chairman as well as general governance

guidance and arranging continuous governance training for the Board. Contribute to improvement of control environment of the Bank

- Responsible for Pension Fund governance by providing first line of support and also a Chairman and trustee on Pension Fund
- Prepare, monitor and control departments annual budget
- Provide legal support in all human capital matters ranging from policy, dealings with the trade union and administration of discipline
- Safeguard reputation of the Bank
- Protect and ensure registration of intellectual property of the Bank
- Responsible for contractual arrangements entered into by the Bank with customers and clients
- Responsible for compliance with all regulatory requirements and managing relationships with all regulators
- Responsible for AML and Sanctions matters of the business including training of the business on these matters
- Responsible for Fraud and Investigations in the Bank

Responsible for Legal Risk Policies Management which includes:

- Litigation management i.e. conduct and direct litigation in all classes of courts directly or by liaison with external counsel as well as monitor, control and approve legal spend.
- Review and monitor roll out and embedding of compliance, Anti- Money Laundering, sanctions monitoring standards and policies
- Preparation of standard & specialised documents such as facility letters & agreements, contracts, templates, etc
- Provide legal advisory services in all major transactions
- Analyse and interpret laws and regulations governing or impacting on Bank's operations as well as tracking development of laws and regulations
- Provide up to date legal risk reporting on position of legal risk in Bank

2004– 2017

:

Barclays Bank Zambia Plc, Head of Legal & Compliance sitting on Country Management Team.
-Responsible for support to the business in delivery the strategic agenda to be a Top 3 Bank in every market through providing practical and effective legal advice to manage legal risk as well as compliance support and assist in the design and implementation of procedures to effect reduction of these risks.

- Between March 2012 – June 2013 also responsible for regional oversight of Botswana, Zimbabwe and NBC Tanzania legal teams.
- Responsible for Compliance Team from 2010 to 2017 which involved strengthening regulatory and industry relationships, embedding of conduct risk, TCF and ensuring all mandatory trainings are done.

1996–2004	:	Bank of Zambia -Senior Legal Counsel
1994–1996	:	ZCF Insurance Services Ltd -Company Secretary/ Legal Counsel (Worked on draft Pensions and Insurance legislation)
1990–1994	:	Zambia Airways Corporation Ltd -Assistant Legal Counsel (Acted as Corporation secretary/ Legal Counsel for whole of 1994)
1990–1990	:	Ellis and Company -Advocate
1988–1990	:	Christopher Russell Cook & Company–Learner Legal

Practitioner and Assistant Advocate from May 1990

PROFESSIONAL SKILLS/EXPERTISE AND OTHER ACHIEVEMENTS

- Charged with E-2-E planning and executing Project Amadeus from conception to closure (Project which saw reduction of staff headcount by 130 senior managers), 2010. Project was thereafter replicated in other Barclays Africa jurisdictions.
- Drafted amendments to Bank of Zambia Act No. 43 of 1996
- Legal Advisor to team that undertook study tour and subsequently drafted Deposit Protection Act, 1997 - 8
- Drafted Deposit Protection Act, 1997 – 2000 (Has still not been enacted)
- Legal Advisor to drafting initial Money Laundering Act, 1997 -8
- Team Leader- drafting amendments to the Banking and Financial Services (Amendment) Act No. 18 of 2000
- Drafted the National Payment Systems Act, 1997 -2003
- Legal Advisor to Technical Team of Payment System Reform Project 1997 - 2004
- Legal Advisor to Technical Team that set up Zambia Electronic Clearing House and negotiated procurement of electronic clearing system and RTGS, 1998 - 2000
- Legal Advisor to team that drafted Bureau De Change regulations 2003
- Participated in drafting of Micro Finance Regulations 2002 – 3
- Legal Advisor to Technical Committee that drafted Financial Sector Development Plan (FSDP) for Zambia, 2002 - 2004.
- Zambian legal person on COMESA Technical Team that drafted Treaty on Africa Trade Insurance Organisation 2000.
- Against all odds, successfully defended Camdex vs Bank of Zambia (an attempt by a vulture fund to register a UK judgment in Zambia.)

OTHER QUALIFICATIONS AND TRAINING

- Chartered Arbitrator - Arbitration Training, Zambia Centre for Dispute Resolution, 2010
- Trained Mentor, Barclays In-house Training, 2006

- Accredited mediator - Certificate in Mediation, Zambia Institute for Dispute Resolution, Lusaka, 2007
- Top Grading Training, 2010
- Specialised Course in Payment Systems, Federal Reserve Bank, of New York, 2002
- Various Courses and Workshops on Payment System Reform under the aegis of the SADC Payment System Reform Project, 1996 - 2004
- Stock Broker's Certificate, SEC/ ZIBC, Lusaka, 2002
- International Loan Negotiation Workshop, UNITAR/MEFMI, Lilongwe, Malawi, 1999
- Legal and Regulatory Frameworks for Financial Sector Reforms Workshop, MEFMI, Lusaka 2002
- Legal Aspects of Debt Management, UNITAR/MEFMI, Luanda, Angola, 2003
- FSI/ ESAF Workshop on Basle Capital Accord, Livingstone 2002
- Negotiation of Financial Transactions, UNITAR, 2003
- Capital Market Development and Regulation, UNITAR, 2004
- Certificate in Legislative Drafting, International Law Institute, Kampala, Uganda, 2002
- Certificate in Prosecutions, Zambia Institute for Advanced legal Education, Lusaka, 2003
- Outward Bound Leadership Training, Mbala, 2003
- Various pension administration/ trustees courses in Zambia and outside the country.
- Kenexxa Leadership training, UAE, 2010

PUBLICATIONS/PAPERS

Presented a paper on the Draft Zambian Payments Systems Act to the Zambian Payment Systems Sensitization Workshop – September 1999.

- Presented Draft Payment Systems Act to BoZ Annual Members of Parliament Workshop, August 2002

PROFESSIONAL MEMBERSHIPS

- Member of the Law Association of Zambia
- Member of the International Bar Association
- Chartered Arbitrator under Zambia Chapter of the Chartered Institute of Arbitrators

DIRECTORSHIPS

- Chairman – National Pension Scheme Authority Staff Pension Trust Fund.
- Chairman –Finance Bank Zambia Plc Staff Pension Trust Fund
- Chairman – BancABC Staff pension Fund
- Trustee – Buyantanshi Pension Fund
- Trustee – Barclays Staff Pension Fund (2010 – 2017)
- Board Member – Jesuit Development Trust Fund
- Board Member - Riverhill Enterprises Limited; Mazana Limited (Family owned businesses)

HOBBIES

Golf, basketball, farming/gardening, community activism

REFEREES

Mr Saviour Chibiya,
Deputy Managing Director
ABSA, Johannesburg
Saviour.chibiya@barclays.com

Dr. TukiyaKankasa-Mabula
Deputy Governor- Administration,
Bank of Zambia
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P O Box 30080, Lusaka
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Mr. Kanti K Patel
Managing Partner
Christopher Russell Cook & Co
Stand 4658/A, Chikwa Road
Opp. Old Magistrates Court
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LUSAKA
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KAZIMBE CHENDA, LLB, AHCZ, ACI Arb, Cert. IP-IDLO, Cert. BIASB

PERSONAL INFORMATION

Date of Birth : 2nd May, 1984
Sex : Male
Nationality : Zambian
NRC No. : 339103/61/1
Drive Licence : SADC (Clean)
Languages Spoken : English and Nyanja
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Fax: +260 211 220 568

QUALIFICATIONS

ACADEMIC

2001 : *General Certificate for Secondary School Education, Mpelembe Secondary School*
2011 : *Certificate – International Entry Course, Chartered Institute of Arbitrators (UK) in conjunction with the Zambia Centre for Dispute Resolution Limited*
2009 : *Certificate in Intellectual Property Rights Protection and Enforcement, International Law Development Organisation in conjunction with the Patents and Companies Registration Office*
2008 : *Certificate in Basic Investment Advisers and Stockbrokers Course, Zambia Insurance Business College in conjunction with Securities and Exchange Commission and Lusaka Stock Exchange*
2008 : *Advocate of the High Court of Zambia and has been in continuous practice under licence from the Law Association of Zambia*
2008 : *Legal Practitioners' Qualifying Examinations Course, Zambia Institute of Advanced Legal Education*
2007 : *Bachelor of Laws Degree, University of Zambia*

WORK EXPERIENCE

March 2014 to date : *Partner, Messrs Simeza, Sangwa & Associates*
January 2013 to February 2014 : *Senior Associate, Messrs Simeza, Sangwa & Associate*
January 2009 to December 2012 : *Associate, Messrs Simeza, Sangwa & Associates*
July 2008 to January 2009 : *Associate, Messrs Corpus Legal Practitioners*
May to July 2008 : *Learner Legal Practitioner-Finalist, Messrs Corpus Legal Practitioners (permanent and pensionable)*

March 2007 to March 2008 ; *Learner Legal Practitioner*, Messrs Corpus Legal Practitioners

December 2006 to March 2007 : *Administrative Officer*, Anti-Corruption Corruption Team, USAID/Zambia Threshold Project (per nomination by the Dean, School of Law)

August to October 2006 : *Intern*, Legal Resources Chambers

May to October 2005 : *Intern*, National Assembly of Zambia under the Parliamentary Reforms Project (as per nomination by the Dean, School of Law)

OTHERS

2008 to date : Member of the Law Association of Zambia

2012 to date : Member of the Chartered Institute of Arbitrators (Zambia Branch)

2016 to date : Consultant for the Forum on China-Africa Cooperation

2016 to date ; Consultant for the China-Africa Legal Training Base

2016 to date : Consultant for the China-Africa Legal Research Centre

2016 to date : Consultant for the China Research Centre for Legal Diplomacy

2016 to 2017 : Member of the Lands Tribunal

2017 to date : Member of the Governing Council of the Chartered Institute of Arbitrators - Zambia Branch

2017 to date : Contributor to the World Bank doing business report

2017 to date : Mentor for junior lawyers by appointment of the Law Association of Zambia

NOTABLE TRANSACTIONS

2013 to 2014 : Local legal advisor to the Zambian government for the issuance of a sovereign bond in the sum of US\$1 billion. Duties included conducting due diligence exercises; attending stakeholder meetings; review and revision of transaction documents including the preliminary prospectus, pricing term sheet, final prospectus, general terms and conditions, investor presentations, subscription agreement, agency agreement, deed of covenant, unrestricted global note certificate; appraising the legal and regulatory framework and rendering opinions on various matters arising from and incidental to the transaction.

2015 : Local legal advisor to the Zambian government for the issuance of a sovereign in the sum of US\$1.25billion. Duties included conducting due diligence exercises; attending stakeholder meetings; review and revision of transaction documents including the preliminary prospectus, pricing term sheet, final prospectus, general terms and conditions, investor presentations, subscription agreement, agency agreement, deed of covenant, unrestricted global note certificate and restricted global note certificate; appraising the legal and regulatory framework and rendering opinions on various matters arising from and incidental to the transaction.

REFERENCES

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