



Malawi Judiciary

JUDICIARY OPEN DAY

24TH JULY 2025

**ADDRESS BY THE HONOURABLE CHIEF JUSTICE
RIZINE ROBERT MZIKAMANDA, SC**

AT NGAZI F. P. SCHOOL – EKWENDENI IN MZIMBA.

1. Salutations

2. I extend a warm welcome to all in attendance at this third edition of the Judiciary Open Day here at Ngazi F.P. School – Ekwendeni in Mzimba. I do so on behalf of the entire Judiciary and on my own behalf. Thank you most profoundly for patronizing the event.

3. The success of the first edition of the Judiciary Open Day on 5th October 2023 prompted us to resolve to institute it as an annual event. In 2023, the Judiciary Open Day was held at the Chichiri Court House in Blantyre under the theme **“Serving People Better”**. In 2024, the Open Day was held at Bingu International Conference Centre (BICC) in Lilongwe under the theme **“Our People, Their Judiciary”**. We are, this year holding it here at Ngazi F.P. School in the Ekwendeni area in Mzimba under the theme **“A demystified, accessible and people-centred Judiciary”**.

4. Having a demystified, accessible and people-centred Judiciary is an important prerequisite for the proper administration of justice in our land. They say to demystify is to make a difficult subject clearer and

easier to understand. In this case, we are making every effort, in our judiciary transformative agenda, to make the workings of the Judiciary clearer and more easily understood by everyone. We appreciate that for many, the workings of the Judiciary are not easily understood, even among some top Government officials. For example, some senior government officials and many members of the public think that the Judiciary is in the Ministry of Justice or is part of the Ministry of Justice which belief is totally misplaced and a contradiction of the Separation of Powers between and among the Executive (where the Ministry belongs), the Legislature and the Judiciary. The efforts we are making in bringing justice close to the people in a “Khothi lithu” fashion are aimed at eliminating the mystifying features of our Judiciary. We are focusing on the people, the court users, so that we make the Courts easier to access for them to derive maximum benefits for them. Access to justice is an extremely important aspect of a free, peaceful and development conscious society and courts are there for upholding the rule of law for the benefit of everyone. We in the Judiciary will invest all our efforts to promote an open, accessible and people-centred

justice delivery systems for social-economic development and socio-cohesion. For in it also remains a mystery that many think the practicing lawyers and even the public together calling us a group of conspirators in perversion of justice. “Anthuwa ndi amodzi” so people say without appreciating that we have distinct and separate roles in the administration of justice even though we all remain key players. “Ati timadyera limodzi ndalama za bail” which is far from the truth. We are also aware that Court processes and our rules of procedure remain a mystery to many and these efforts, together with efforts to simplify rules of procedure, are part of our demystification agenda. Sometimes people do not appreciate why a case has ended one way or the other, or why they have lost. Sometimes we have bad losers who are vocal and are quick to attribute their loss to corruption without any evidence of corruption at all. The demystification also targets them.

5. A common thread in all the themes is that aim to underscoring that the Judiciary is for the public and those who work in it are and must be at the service of the people. The people of Malawi adopted the

Republican Constitution in 1994 desirous of creating a society founded on, an open, transparent and accountable government of which the Judiciary is one arm. The other two are the Executive and the Legislature.

6. The concept of open justice seeks to make judicial institutions more transparent, participatory, and accountable, all of which are open government values. In his keynote address at the Commonwealth Magistrates' and Judges' Association Conference in Cardiff, Wales, on 10th September 2023, the then Lord Chief Justice of England and Wales, Lord Burnett of Maldon, set out the history of open justice dating back to ancient times, its nature and the rationales underpinning it. Like Jeremy Bentham, the Lord Chief Justice described open justice as the “very soul of justice.” Any restrictions to open justice must be limited to no more than that which are strictly necessary to protect competing public interest in the administration of justice.

7. To be sure, we the Courts do practice open justice, as the public are free to attend court hearing in civil and

criminal trials subject to limited restrictions under the law. The Judiciary must not be hidden from the public view and is a legitimate target for scrutiny in what it does. Sometimes, concerns may appear when criticism about the Courts are unfounded or unjustified, often times ill informed. There is an obvious need for Court users and the public to appreciate what the Courts do, how they do it and how they, the people can access the Courts.

8. The Judiciary Open Day is a deliberate effort by the Judiciary to actualize open justice, strengthen transparency, accountability and to scale up stakeholder engagements in the administration of justice. In this day, we aim to sensitize Court users and the public on what Courts stand for, their constitutional mandate, what they do, how they do it and how the public may access the Courts. Some say that the Judiciary is mysterious, if not monstrous. We believe that the Judiciary Open Day will help to change that narrative by demystifying the Judiciary and emphasizing that everyone has the right of access to

justice on the basis of equality before the law, both of which are rights under our Constitution.

9. We encourage all patrons at this Open Day to engage us on any matter concerning the administration of justice in this country. We welcome feedback even as we interact with stakeholders, Court users and the public generally. That feedback is to be used for purposes of improving the administration of justice and the delivery of judicial services.

10. The holding a Judiciary Open Day is a best practice to be observed in both the developed and the developing world. Judiciaries across the globe have come to realize the importance of outreach and sensitization to educate Court users and the public about the Judiciary's functions and avenues for addressing disputes and grievances. It may not be long from now that we will have a World Day of the Judiciary at the United Nations General Assembly level.

11. In the case of Malawi, we have committed ourselves to advancing a people-centered and open justice

approach to justice delivery even as we uphold our Constitutional mandate under section 9 of the Constitution. We aim to entrench and popularize justice for all according to law. Through the holding of the Judiciary Open Day, we open another important link between the Courts and Court users, bridging the justice gap between the Courts and the public. This is another opportunity for stakeholder engagements and inclusivity in the administration of justice. We believe that increased awareness of Court processes and procedures would facilitate easy and smooth access to justice for all.

12. On the occasion of the first edition of the Judiciary Open Day on 5th October 2023, I outlined some of the reasons for the holding of the Open Day. The initiative was conceived and implemented:

- (i) as means towards improving access to justice for all;
- (ii) as means to promoting open justice on the principles of transparency, public accountability and citizen participation in the administration of justice;

- (iii) as a means of promoting public awareness on matters of the administration of justice regarding Court processes;
- (iv) as a means of promoting stakeholder and public engagements in the administration of justice and receive suggestions on how service delivery in the justice system can be improved;
- (v) as a means of promoting public understanding of the Court system and the justice system.

13. These reasons for initiating the Judiciary Open Day remain true today and are reinforced by our experiences since the first edition of the event in 2023. Last year, on 23rd September 2024, the Malawi Judiciary signed a Memorandum of Understanding with Malawi Broadcasting Corporation whereby the public broadcaster feature weekly or periodic programmes on the operations of the Courts in Malawi under the title **“Khothi Lathu”** or **“Our Court”**. The aim is to take the Courts to the people for them to have an appreciation of what Courts do, how they do it and how the public can access the Courts.

14. The Malawi Judiciary holds the constitutional imperative of the independence of the Judiciary very dearly because it is a public good, public property and the bedrock of a properly functioning justice system. The Judiciary will dutifully safeguard the independence of the Judiciary not for the sake of managing egos or for personal gain, but as a public good. The Judiciary is also fully committed to the Constitutional imperatives of transparency and accountability according to law in the spirit of open government enshrined in the Constitution. The independence of the Judiciary and the accountability of the Judiciary are two sides of the same coin and they reinforce each other. The accountability of the Judiciary is not an antithesis of the independence of the Judiciary. Arguments to the effect that the Judiciary must be made more accountable by watering down the independence of the Judiciary are misplaced and a disservice to the bedrock of the rule of law and the administration of justice. The Judiciary is firmly committed to upholding the integrity of the justice system in our Constitutional democracy, ensuring the rule of law and justice according to law.

15. Distinguished patrons, be assured that at this Open Day, we will endeavour to put all that we do in simple and straight forward languages for easy comprehension by everyone. Patrons are free to scrutinize our displays and to ask any relevant questions. Our focus is on advancing justice for all in an open way and according to law. This Open Day gives us an opportunity to utilize the network of the justice system, with its many players to provide efficient and effective judicial services to the people. Collaborative efforts of all players in the administration of justice will benefit all particularly the vulnerable and the less privileged embers of our society.

16. Matters of complaint handling in the Judiciary continues to receive attention. The Judiciary Complaints Management Committee has performed well since it's institutionalized in 2022 although not many seem to be aware of its existence. This Open Day is another opportunity for us to inform the public about it and how it can be accessed. In addition, we have one of the better performing Institutional Integrity Committee that spearheads the fight against corruption

in the Judiciary. Patrons will be able to learn more about it on this Open Day.

17. Distinguished patrons, I also would like to indicate that we now have annual reports for the Judiciary through which more information about us and our operations may be obtained. This year, we have engaged the services of a Chief Corporate Affairs and Public Relations Officer for us to improve our communication with stakeholders and the public. Our Service Charter is in the final stages of drawing up and should be launched in the near future. I have been informed that the launch of the service chamber has been further postponed for reasons I am yet to appreciate.

18. There are more initiatives under way aimed at enhancing open justice and improving the administration of justice. Some of them patrons will learn about upon visiting the pavilions I would like to encourage all present to visit the pavilions, observe and scrutinize the displays, ask as many relevant questions as you may and make any suggestions that may aid in

the improvement of service delivery. We will be receptive and responsive.

19. As I conclude, I must once again express my profound appreciation to all the patrons for taking time to come and join us in this commemoration. I must thank the organizing team for the excellent arrangements. We are most grateful to our generous sponsors for this Open Day, some of whom have been particularly consistent and generous for the sake of improved justice delivery in this land.

I thank you all for your kind attention.