



Malawi Judiciary

**KEYNOTE ADDRESS**

**BY**

**THE HONOURABLE THE CHIEF JUSTICE RIZINE R.  
MZIKAMANDA, SC**

**AT**

**THE ELECTORAL DISPUTE RESOLUTION  
CONFERENCE AND LAUNCH OF MALAWI  
ELECTORAL LAW REPORTS**

**SUNBIRD NKOPOLA HOTEL, MANGOCHI – MALAWI  
25<sup>TH</sup> - 26<sup>TH</sup> AUGUST 2025**

## **1. Salutations.**

- 2.** We are about three weeks away from the 2025 General Elections scheduled for 16<sup>th</sup> September 2025. While the politicians are busy with their campaigns and other preparations for the General Elections, the Judiciary continues to ready itself to handle any electoral dispute of whatever magnitude. We have worked tirelessly for sometime now with our preparations. Every Judicial Officer is ready, able and I presume willing to handle such matters without hesitation.
- 3.** We have constantly reminded each other that the Judiciary remains absolutely apolitical and we have put in place all necessary measures for upholding the rule of law, democracy, constitutionalism, electoral dispute resolution, integrity in the Courts, impartiality, fairness, transparency and accountability. We cherish the independence of the Judiciary. We are committed to upholding it and defending it for the sake of proper administration of justice.
- 4.** We will always strive for Justice excellence, something the Malawi Judiciary has been recognised for internationally, including recognition only in the last month by the International Institute of Justice Excellence Hub for Southern and Eastern Africa.

- 5.** We are aware that our efforts towards Justice excellence are an envy of many both nationally and internationally, just as we are aware of some concerted efforts to undermine our status and work. That notwithstanding, we remain committed to raising our bar of excellence, even as we pursue a transformative trajectory. We definitely will not be distracted by those who think that our independence must be watered down. We believe that judicial independence and judicial accountability are two sides of the same coin in as much as they are both constitutional imperatives.
- 6.** I am therefore honoured and privileged to preside over the opening of the Electoral Dispute Resolution Conference and the Launch of the Malawi Electoral Law Reports. I am pleased to welcome all distinguished participants and resource persons who have found time to attend this momentous event of launching the 1<sup>st</sup> two Volumes of the Malawi Electoral Law Reports.
- 7.** These two events are welcome and an important addition to what has already been done to prepare all our Judges for efficient and effective electoral dispute resolution. For my part, I am fully satisfied that all our Judges have thus far acquired the necessary skills and knowledge for electoral dispute resolution. I have no doubt that we have judges who are up to the task and have the necessary professional confidence to handle any

electoral dispute of whatever magnitude. Independence and impartiality are something that our judiciary is known for.

- 8.** We are happy that on 12<sup>th</sup> January 2024 we established the Judiciary Committee on Elections under the able leadership of Honourable Justice of Appeal Dorothy nyaKaunda Kamanga SC, to among other things, advise the Judiciary on administrative arrangements and measures for the efficient disposal of election-related disputes. The coming into being and the operationalisation of that Committee has tremendously enhanced our state of preparedness for electoral dispute resolution in our Courts. I can say without any fear of contradiction that the Malawi Judiciary is ready for EDR without fear or favour, affection or ill-will and it is not panicking at all.
- 9.** The Committee had several interface meetings on Election Dispute Resolution Framework with the Malawi Electoral Commission and the Judiciary Rules and Law Reform Committee.
- 10.** Such interface meetings involved discussions on proposals to compile, produce and publish Election Law Digests and Election Law Reports. The Malawi Electoral Law Reports are in part a product of their had work.

**11.** I am pleased and honoured that today we have managed to achieve such an objective as we are officially launching the Malawi Electoral Law Report. Thank you, the Judiciary Committee on Elections and all partners for this great milestone.

**12.** The importance of Law Reporting cannot be overstated. Law Reporting provides easy accessibility of case law to all

**13.** As I said during my opening remarks on 21<sup>st</sup> February 2024 during the Judiciary Committee on Elections Interface Meeting with the Malawi Electoral Commission and Law Reporting Unit, that the system of law reporting seeks to, among others, expertly identify, amongst the vast body of published judgments, the key group of authorities which materially change, refine or explain the law and publish them in a permanent form which is authoritative, reliable and easy to use as a reference source. In the words of Lord Bingham, quoted in **R -v- Erskine [2010] 1 WLR 183 at [73]**

*The role of the law reports is to assist the legal system in coping with this “unorganised, unfiltered, unedited” volume of case law.*

**14.** We believe that the publication of electoral law reports will hasten the disposal of election disputes. Legal research on election matters will be

done with speed since relevant case law on the subject matter will be easily accessible.

**15.** Turning to the Conference that we are having today and tomorrow:

**16.** I wish to express my warm welcome to all our guests from outside the jurisdiction, in particular Honourable justices from Kenya and Ghana who have travelled to Malawi to share their insights.

**17.** Your participation will provide Malawian judges with direct access to comparative jurisprudence and judicial reasoning grounded in real cases. Their Lordships will share not only court decisions, but also the internal processes, practical difficulties, and ethical considerations they faced during the adjudication of high-stakes electoral disputes. Welcome! I wish you a pleasant stay in our beautiful country, Malawi: The warm heart of Africa.

**18.** Special thanks to the Honourable Justice Sirajo of Nigeria who will be participating virtually and contributing to the discussion despite not being physically present. His input, especially regarding Nigeria's 2023 experience, is timely and valuable. Such dedication to the noble cause must be appreciated.

- 19.** Similar appreciation goes to the resource persons from Malawi; Justice of Appeal Honourable Mankhambira C.C. Mkandawire SC, Justice of Appeal Honourable Dorothy nyaKaunda Kamanga SC, and Mr. Mike Chinovo who will be anchoring the discussions in Malawi's evolving legal landscape. I trust that their leadership and experience will inspire us to effectively deal with electoral disputes.
- 20.** Let me also offer my sincere appreciation to the UNDP for its continuous support of electoral justice and the judiciary's capacity-building. UNDP has supported and corroborated with the Malawi Judiciary during a series of trainings of judges and magistrates in electoral dispute resolution.
- 21.** You may recall Honourable colleagues one such corroboration was the debriefing session of the High Court and Magistracy on management of election cases that was held at Sunbird Capital Hotel on 3<sup>rd</sup> June, 2024.
- 22.** The United Nations Development Programme (UNDP) and Malawi Electoral Commission (MEC) were also instrumental in facilitating a successful benchmarking visit on Judicial Election Dispute Resolution Procedures and Processes by a delegation from the Malawi Judiciary and MEC to Kenya Judiciary in December 2023. Following that

study visit my office established a Judiciary Committee on Elections on 12th January 2024.

**23.** Let me acknowledge the partnership that has made this important conference possible under the Comprehensive EDR Framework. The conference has invited UNDP-supported election dispute resolution (EDR) experts and digital forensics specialists to provide complementary technical and procedural insights. These experts will support judges in understanding the kinds of evidence that typically emerge in tech-related disputes and how to manage them within judicial proceedings.

**24.** As will be observed thus far, my focus in this statement is: ***“the role of Judiciary in Safeguarding Electoral Integrity in the Digital Age”***

**25.** The use of Electronic Management Devices (EMDs) by the Malawi Electoral Commission (MEC) in elections introduces new challenges and opportunities for election integrity. While technology can improve efficiency, it may also result in disputes, particularly when technological malfunctions or inconsistencies affect public trust or electoral outcomes. In previous elections in Malawi and other African countries, courts have been called upon to adjudicate cases arising from such issues.

- 26.** As Malawi prepares for the next elections scheduled on 16 September 2025, it is essential to build the capacity of judges to hear and resolve petitions that may arise from the use of election technology. We must be equipped with specialized knowledge and practical insights learned from our peers from other countries to effectively and expeditiously adjudicate such technologically nuanced cases.
- 27.** Judges may not be expected to be technology experts, but it is imperative that they understand how these systems work, what types of disputes may arise, and how to assess claims of irregularities grounded in technological issues.
- 28.** This Conference will not only give us that information; but also lessons from the experience and insights of judges from other jurisdictions. We will examine to what extent we can apply them to Malawi in the event that we face comparable situations.
- 29.** Let me remind Your Lordships and Your Ladyships of our Constitutional mandate under section 9 of our Republican Constitution of *interpreting, protecting and enforcing the Constitution and all laws in accordance with the Constitution in an independent and impartial*

*manner with regard only to legally relevant facts and the prescriptions of law.*

- 30.** That mandate repose on us a duty as the guardian of electoral integrity. And in today's digital era, this responsibility has become more complex and more crucial.
- 31.** The landmark case of 2019 presidential election ruling should remind us all that independent and courageous judicial action can restore public trust in the democratic process even under intense scrutiny.
- 32.** We therefore need to be prepared for the 2025 elections —not just in terms of legal doctrine but in our ability to understand and evaluate new forms of evidence and electoral technologies.
- 33.** This Conference provides more than a capacity-building workshop. It is a platform for peer-to-peer knowledge exchange between Malawian judges and their regional counterparts. The invited justices are not simply sharing court rulings—they are offering in-depth look at how courts navigate pressures, assess technical evidence, and upheld judicial independence in politically charged environments.

- 34.** This is an opportunity for the Malawian Justices to engage deeply with comparative experiences from Kenya’s election petitions, Ghana’s biometric verification disputes, and Nigeria’s balancing of statutory requirements with evolving technological practices.
- 35.** This Conference should challenge us for new emerging and complex issues like the role of Artificial Intelligence in elections and the need for us to prepare in advance.
- 36.** Above all, in whatever situations we will find ourselves in, let us maintain our independence—especially in politically sensitive election cases.
- 37.** Remember that public trust is won through impartiality, reasoned decisions, and consistency. And let us not lose the public trust that we have struggled to earn for our selfish ambitions.
- 38.** It is now my singular honour and privilege to declare this Conference on Electoral Dispute Resolution officially opened. By these very presents I officially launch the 1<sup>st</sup> two volumes of the Malawi Electoral Law Reports.

Thank you for your kind attention and God bless us all.