



MALAWI JUDICIARY



ANNUAL REPORT 2021



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for the Strategic Plan is “*Serving People Better*”.



The Honourable the Chief Justice Rizine R. Mzikamanda SC

It is with great pleasure that I present the Malawi Judiciary Annual Report for the year 2021. The Report provides an account of the state of the Malawi Judiciary in 2021. On the onset, let me extend my deepest gratitude to my predecessor Honourable Chief Justice Andrew K.C. Nyirenda SC (retired) under whose tutelage most of the activities in 2021 took place. The entire Malawi Judiciary is grateful to the retired Chief Justice for spearheading the achievements made during his tenure and wish him well in his retirement.

In the year under review the Malawi Judiciary made some remarkable achievements towards the attainment of its mandate as enshrined in the Constitution. The achievements made resonate well with Malawi Judiciary Strategic Plan for 2019-2024. The theme

Following the approval by Government of the report of the functional review for the Malawi Judiciary in 2020, the Department of Human Resource Management and Development in 2021 provided the Malawi Judiciary a new Establishment Warrant. The new Establishment Warrant has resulted in an increase in the established positions in the Malawi Judiciary from two thousand eight hundred and two (2, 802) to five thousand eight hundred and thirty (5, 830) positions. The new Establishment Warrant followed a rigorous functional review dating back to 2014. This is a milestone noting that the last functional review for the Malawi Judiciary was conducted in 2003. The new Establishment Warrant has created Office of the Deputy Chief Justice, the Court of Appeal, several Departments and the relocation of Internal Audit Section to the office of the Chief Justice, among other things. It is my strong conviction that operationalization of the Establishment Warrant, an exercise the Judiciary has already embarked on, will significantly improve service delivery.

Again in 2021 a number of training, both short and long term took place. Most of the long-term training is on-going at the time of reporting. The training enhanced knowledge and skills of judicial officers and members of staff so that they can better perform their duties.

With regard to infrastructure it is encouraging to note that a number of infrastructure development initiatives continued in the year under review. Rehabilita



Foreword

tion of Chitipa District Magistrate Court which had commenced in 2019 was concluded in 2021. Rehabilitation works are on-going at Balaka, Rumphi, Likoma, Bolero and Chipoka Magistrate Courts. It is expected that the on-going rehabilitation works will be completed in the course of 2022. These infrastructure development initiatives will not only provide conducive court environment for staff and court users but will also increase access to justice. The rehabilitation works have largely involved an increase in the number of court rooms from one to two at most of the sites.

The achievements highlighted above were not without challenges. Ranking high among them was the coronavirus (COVID-19) pandemic which led to reduced number of working staff and even actual closure of courts at times; inadequate funding and delayed payments which negatively affected implementation of activities including training; shortage of staff and courts which meant that some courts remained non-functional; and lack of vehicles to conduct court inspections and circuits. I am hopeful that building on the strides made in 2021 most of the challenges highlighted above will be mitigated if not minimized.

Looking ahead to 2022 it is my intention that the new Establishment Warrant for the Malawi Judiciary should fully be implemented; use of technology should be increased; and more training and infrastructure development should take place. Let me therefore take this opportunity to call upon all our stakeholders to coordinate and collaborate with the Malawi Judiciary so

that the aspirations I have just mentioned are attained.

In conclusion, I would like to thank all our stakeholders including Development Partners for the support they rendered to the Malawi Judiciary in 2021. Without their support some of the accomplishments would not be possible. Let me also extend my profound gratitude to the Annual Report Editorial Team which is chaired by Justice John Katsala JA and whose other members were Justice William Msiska, Justice Gladys Gondwe, His Honour Kondwani Banda (the Registrar), His Worship Chisomo Msokera (Acting Chief Resident Magistrate - South), Mrs. Edith Chikagwa (Chief Courts Administrator), Mr. Hytone Kadyamo (Regional Courts Administrator - North) and Mr. Allastone Maluwa (Data Entry Clerk in the Supreme Court of Appeal) for their commitment to ensure that after some break there should be an Annual Report.

It is my belief that the 2021 Annual Report will be a useful resource to the Malawi Judiciary as a tool for self-reflection to us as an institution and accountability to our stakeholders so that together we work towards improvement of service delivery.

Rizine R. Mzikamanda SC

CHIEF JUSTICE

2022



A number of years have elapsed since the last report on the State of the Judiciary was published. Therefore, this State of the Judiciary Report has been published in a bid to revive the strategic agenda to produce such reports for the purposes of keeping track of the Judiciary's performance on the delivery on its Constitutional mandate as well as implementation of its strategic plan. Further, publication of the report renders such vital information easily accessible to stakeholders in the spirit of accountability as a tenet of public service delivery on which the Judiciary is grounded. The report covers the year 2021.

In this year, the Judiciary yet again implemented a number of programs and activities in line with its Constitutional mandate and strategic plan. The report spells out the Mission, vision, values and strategic goals, which guide administration of Justice across all cadres and the structure and composition of the Judiciary. Further, the report illuminates profiles of all the Judges and a list of the judicial officers, which demonstrate the depth and wealth of knowledge and expertise available on the bench for the delivery of justice. Judicial officers work hand in hand with members of staff who ensure provision of all the necessities for proper conduct of judicial business as well as welfare of the workforce. It is in this regard that the report also contains a corresponding list of senior members of staff of the Judiciary, as the picture would be incomplete without them.

Most importantly, the report highlights achievements and challenges experienced in the year. Notable on the achievements are the case statistics from across



Her Honour Gladys Gondwe

the tiers of the courts. These statistics speak to how much the Judiciary has worked to sustain the rule of law, which is its Constitutional call. Additionally, the report focuses on selected judgments, which have shaped the jurisprudence of this country.

It is believed that this annual report will be a useful resource in affording the Judiciary an opportunity for reflection on its policy and strategic direction but also to various stakeholders who may be interested in the work of the Judiciary.

Her Honour Gladys Gondwe

Registrar of the High Court and Supreme Court of Appeal



Chapter 1

MISSION, VISION, VALUES AND STRATEGIC GOALS OF THE JUDICIARY

Mission

To interpret, protect and enforce the Constitution and all laws in an independent and impartial manner.

Vision

Expeditious and impartial justice for all.

Core Values

Integrity: Being honest, corrupt-free and morally upright

Transparency: Providing necessary access to relevant information by the public and other relevant stakeholders

Accountability: Being responsible for and justifying our actions and decisions

Responsiveness: Responding to changing circumstances and environment while upholding justice

Teamwork: Working harmoniously together towards common goals

Professionalism: Executing our mandate with consistent competence, fairness, dependability and responsibility

Overarching goal

To provide expanded, inclusive, accessible and speedy justice for all.

Strategic Goals

- a) Strengthened service delivery;
- b) Adequately resourced and fiscally responsible Judiciary;
- c) Increased public confidence in the Judiciary; and
- d) Strengthened institutional framework and capacity of the Judiciary.



Some Judicial Officers and Members of Staff of the Judiciary at one of the Judiciary Strategic Plan Review meetings.



COMPOSITION, POWERS AND MANDATE OF THE MALAWI JUDICIARY

The Judiciary is one of the three branches of Government. The two other branches are the Executive and the Legislature, also known as Parliament. The separate status, function and duty of the Malawi Judiciary are expressed in section 9 of the Constitution. Under that section, the Judiciary has the responsibility 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.

Chapter IX of the Constitution establishes courts at various levels, their compositions and powers. The Supreme Court of Appeal Act provides for the structure and powers of the Supreme Court of Appeal while the Courts Act provides for the powers and functions of the High Court and subordinate courts. In addition, the Labour Relations Act also provides for the composition, powers and functions of the Industrial Relations Court.

The Supreme Court of Appeal

The Supreme Court of Appeal is the superior court of record, established under section 104 of the Constitution. It has such jurisdiction and powers as conferred on it by the Constitution or any other law. It is the highest appellate court and has jurisdiction to hear appeals from the High Court and tribunals as an Act of Parliament may prescribe. As such, no court can be established of superior or concurrent jurisdiction with the Supreme Court of Appeal.

The Justices of the Supreme Court of Appeal comprise the Chief Justice and such number of other Justices not being less than three as may be prescribed by an Act of Parliament. The Chief Justice is appointed by the President and confirmed by the National Assembly by a majority of two thirds of members present and voting. Justices of Appeal are appointed by the President on the recommendation of the Judicial Service Commission. A Judge of the High Court may be appointed by the President on recommendation of the Judicial Service Commission to serve as an Acting Justice of Appeal where, for example, there are less than three serving Justices of Appeal. The enabling legislation, the Supreme Court of Appeal Act, further provides for the jurisdiction and the constitution of the court when dealing with a particular matter.

The High Court

The High Court is established under section 108 of the Constitution while the Courts Act provides for its structure and additional powers. Except as otherwise provided by the Constitution, the High Court has unlimited original jurisdiction to hear and determine any civil or criminal proceedings under any law which includes reviewing any



Chapter 2

law and any action and decision of the Government for conformity with the Constitution. Apart from the Supreme Court of Appeal, there cannot be established a court of superior or concurrent jurisdiction with the High Court.

Besides the Principal Registry based in Blantyre, the Chief Justice, in exercise of his powers under section 7A of the Courts Act, established three district registries of the High Court. These are Lilongwe District Registry, Mzuzu District Registry and Zomba District Registry. In an effort to enhance access to justice there has also been established five specialized divisions of the High Court. The divisions include, Civil Division, Commercial Division, Criminal Division, Family and Probate Division and Revenue Division.

Judges of the High Court are appointed by the President on the recommendation of the Judicial Service Commission.

Subordinate Courts

Subordinate courts are established under section 110 of the Constitution and are below the High Court. These courts are: the Industrial Relations Court presided over by the Chairperson or Deputy Chairperson and having original jurisdiction over labour disputes and such other issues relating to employment under the Labour Relations Act; subordinate courts under the Courts Acts and the Child Care, Protection and Justice Act which are presided over by magistrates; and Local Courts with the jurisdiction limited exclusively to civil cases at customary law and such minor common law and statutory offences as prescribed by the Local Courts Act which are presided over by lay persons.



The front (left) and side (right) view of Monkey Bay Magistrate Courts



JUSTICES OF THE SUPREME COURT OF APPEAL

His Lordship Honourable Chief Justice Andrew K.C. Nyirenda, SC
Chief Justice of the Republic of Malawi



The Honourable Chief Justice Andrew K. C. Nyirenda, SC was born on 26th December, 1956. He is married and has three sons. He holds a Bachelor of Laws from the University of Malawi (1980) and a Master of Laws from Hull University, England (1985).

The Chief Justice has at all times of his career been in public service. He joined the Ministry of Justice as a State Advocate (1980) and moved to the Legal Aid Department as a Legal Aid Advocate. He was posted back to State Advocate Chambers where he was promoted to the ranks of Principal State Advocate, Chief State Advocate, and later appointed Chief Public Prosecutor (now Director of Public Prosecutions). He was appointed Judge of the High Court in 1994 and later Justice of Appeal in 2008. He became the 9th Chief Justice of the Republic of Malawi on 12th March 2015. He retired from service on 26th December, 2021.

During his career, he also authored and published scholarly and practical articles including a book titled “A Comparative Analysis of the Human Rights Chapter under the Malawi Constitution in an International Perspective.”



Chapter 3

JUSTICES OF THE SUPREME COURT OF APPEAL

His Lordship Honourable Justice Edward B. Twea, SC



The Honourable Justice Edward B. Twea, SC was born on 9th April, 1956. He is married and has four children. He holds a Bachelor of Laws from the University of Malawi (1978) and a Master of Laws from Hull University, England (1991).

He started his career in public service as a State Advocate in the Ministry of Justice in July 1978, before joining the Judiciary as a Senior Resident Magistrate in December, 1980. He rose through the ranks to Principal Resident Magistrate, Chief Resident Magistrate (Class C and B) and Deputy Registrar. He was appointed Registrar of the High Court and Supreme Court of Appeal in June 1994. He was appointed as Judge of the High Court in 1997 and later Justice of Appeal in 2009. He retired on 9th April, 2021 after a service of nearly 42 years.



JUSTICES OF THE SUPREME COURT OF APPEAL

His Lordship Honourable Justice Rizine R. Mzikamanda, SC



The Honourable Justice Rizine R. Mzikamanda, SC was born on 30th November, 1958. He is married and has six children. He holds a Bachelor of Laws (Hons) from the University of Malawi (1983) and a Master of Laws from Hull University, England (1992).

His Lordship Mzikamanda started his career in the Judiciary in 1983 as a Resident Magistrate and rose to the ranks of Principal Resident Magistrate and Chief Resident Magistrate before he was appointed Deputy Registrar and later Senior Deputy Registrar of the High Court and Supreme Court of Appeal. He was appointed Judge of the High Court in 1997 and Justice of Appeal in 2012.



JUSTICES OF THE SUPREME COURT OF APPEAL

His Lordship Honourable Justice Anaclet C. Chipeta, SC



Honourable Justice Chipeta, SC was born on 26th July, 1956. He is married and has three children. He holds a Bachelor of Laws from the University of Malawi (1980) and a Master of Laws from the University of Leicester, England (1995).

He joined the Malawi Judiciary on 1st July, 1980 as a Resident Magistrate and rose through the ranks to Senior Resident Magistrate, Deputy Registrar and Senior Deputy Registrar of the High Court and Supreme Court of Appeal. In 1993, he moved to the Ministry of Justice where he worked as a Chief State Advocate and later as Chief Legal Aid Advocate until 2000 when he was appointed Judge of the High Court. He was appointed a Justice of Appeal in 2012. He retired on 26th July, 2021.



JUSTICES OF THE SUPREME COURT OF APPEAL

His Lordship Honourable Justice Lovemore P. Chikopa, SC



Honourable Justice Lovemore P. Chikopa, SC was born on 9th August, 1965. He is married and has children. He holds a Bachelor of Laws (Hons) from the University of Malawi (1987) and has a Master of Business Administration degree with the University of Zambia (2021).

He started his career in the Judiciary in 1998 as Principal Resident Magistrate having previously served as State Advocate in the Ministry of Justice. He also worked in private sector with SEDOM and in private legal practice before joining the Office of the Ombudsman as Principal Investigations Officer/Acting Chief Legal Officer. He was appointed Judge of the High Court in 2000 and Justice of Appeal in 2012.

In 2012, he was appointed by the Government of Zambia to lead a Tribunal which investigated the alleged misconduct of three High Court Judges in Zambia where he served until August 2017.



JUSTICES OF THE SUPREME COURT OF APPEAL

His Lordship Honourable Justice Frank E. Kapanda, SC



The Honourable Justice Frank E. Kapanda, SC was born on 24th June, 1963. He is married and has two children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1990) and a Master of Laws degree from the University of Cape Town (2014).

He started his career in the Judiciary in 1998 as Principal Resident Magistrate having previously served as Lands Officer in the Ministry of Lands, Legal Practitioner in private legal practice and as an in-house lawyer in the Department of Customs and Excise. He was appointed Judge of the High Court in 2000 and Justice of Appeal in 2013.



JUSTICES OF THE SUPREME COURT OF APPEAL

His Lordship Honourable Justice Dustain F. Mwaungulu SC



The Honourable Justice Dunstain Mwaungulu, SC was born on 11th June, 1956. He is married and has six children. He holds a Bachelor of Laws degree from the University of Malawi (1978) and a Master of Laws degree in Legal and Political Theory/Evidence and Civil Litigation from University of London (1999).

He started his career with the Ministry of Justice as State Advocate. He joined the Judiciary as Senior Resident Magistrate where he rose to the ranks of District Registrar and Registrar of the High Court and Supreme Court of Appeal. He was appointed Judge of the High Court in 1994 and Justice of Appeal in 2014. He retired on 11th June, 2021.



JUSTICES OF THE SUPREME COURT OF APPEAL

His Lordship Honourable Justice Healey S.B. Potani



The Honourable Justice Healey S.B. Potani was born on 30th July, 1964. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1989).

He joined the Judiciary on 12th June, 1989 as a Resident Magistrate and rose to the rank of Principal Resident Magistrate before he was appointed Deputy Registrar and later Registrar of the High Court and Supreme Court of Appeal. He was appointed Judge of the High Court on 20th March, 2003 and Justice of Appeal on 20th October, 2020.

He was the chairperson of the panel of judges which sat on the Constitutional matter that nullified the 2019 Presidential Election and received the Chatham House Prize for the year 2020.



JUSTICES OF THE SUPREME COURT OF APPEAL

His Lordship Honourable Justice John N. Katsala



The Honourable Justice John N. Katsala was born on 14th November, 1964. He is married and has three children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1989) and a Master of Laws degree in International Economic Law from University of Warwick, England (2007).

He first joined the Judiciary on 12th June, 1989 as a Resident Magistrate and later went on to work as a State Advocate and Legal Aid Advocate in the Ministry of Justice before going into private legal practice. He was appointed Judge of the High Court on 20th March, 2003 and Justice of Appeal on 20th October, 2020.



JUSTICES OF THE SUPREME COURT OF APPEAL

Honourable Lady Justice Ivy C. Kamanga



The Honourable Justice Ivy C. Kamanga was born on 10th October, 1968. She is married and has children. She holds a Bachelor of Laws (Hons) degree from the University of Malawi (1992) and a Master of Laws degree from University of London, England (2009).

She started her career in 1992 as a Legal Aid Advocate and later worked as a State Advocate in the Ministry of Justice. In 1995, she joined the Judiciary as Senior Resident Magistrate and rose to the ranks of Principal Resident Magistrate and Chief Resident Magistrate before being appointed Deputy Registrar, Senior Deputy Registrar and Registrar of the High Court and Supreme Court of Appeal. She was appointed Judge of the High Court in 2004 and Justice of Appeal on 20th October, 2020.

She was a member of the panel of judges which sat on the Constitutional matter that nullified the 2019 Presidential Election and received the Chatham House Prize for the year 2020.

She is a Judge of the Southern African Development Community Administrative Tribunal (SADCAT), an independent institution of SADC that sits in Gaborone, Botswana.



JUSTICES OF THE SUPREME COURT OF APPEAL

His Lordship Honourable Justice Mankhambira C.C. Mkandawire



The Honourable Justice Mankhambira C.C. Mkandawire was born on 1st January 1961. He is married and has four children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1986).

He joined the Judiciary in 1986 as a Resident Magistrate and rose to the ranks of Senior Resident Magistrate, Principal Resident Magistrate and Chief Resident Magistrate. He was later appointed Senior Deputy Registrar of the High Court and Supreme Court of Appeal and then Chairperson of the Industrial Relations Court. He was appointed Judge of the High Court in 2004 and Justice of Appeal on 20th October, 2020.

Between the years 2006–2014, he worked as Registrar of the Southern African Development Community (SADC) Tribunal in Namibia.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Dr. Michael C. Mtambo



The Honourable Justice Dr. Michael C. Mtambo was born on 6th September, 1957. He is married and has children. He holds a Bachelor of Laws (Hons) Degree from the University of Malawi (1980). He has two Master of Laws degrees, from the Universities of London (1985) and Pennsylvania (1991). He has a PhD from North Eastern University, United States of America (1995). He is also a Fellow of Chartered Institute of Arbitrators, (FCI Arb) London.

He was appointed Judge of the High Court on 2nd April, 2007. Before joining the Malawi Judiciary, he was a legal practitioner in private practice.

In June 2015, he was appointed as a Judge of the Common Market for Eastern and Southern Africa (COMESA) Court, Appellate Division.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Sylvester A. Kalembera



The Honourable Justice Sylvester A. Kalembera was born on 6th October, 1970. He is married and has three children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1995) and a Master of Laws degree from the University of the Western Cape, South Africa (2010).

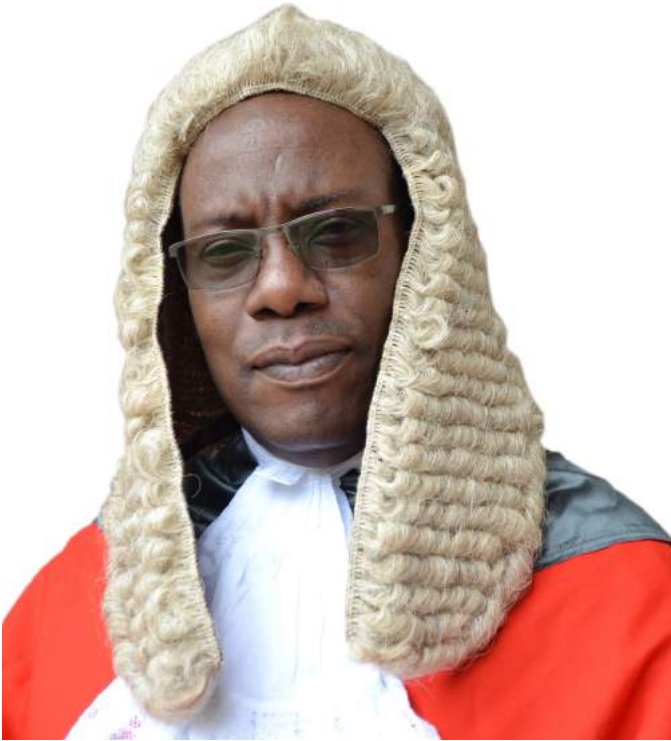
He joined public service as a Legal Aid Advocate on 21st August, 1995 and became Principal Legal Aid Advocate before he moved to the Department of Customs and Exercise as Principal Assistant Controller (Law) in 1998. He later became Principal Legal Officer at the Malawi Revenue Authority in 2000.

He joined the Judiciary as Principal Resident Magistrate on 17th August, 2000 and rose to the rank of Chief Resident Magistrate before he was appointed Deputy Registrar and later Registrar of the High Court and Supreme Court of Appeal. He was appointed Judge of the High Court on 13th June, 2008.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Dingiswayo Madise



The Honourable Justice Dingiswayo Madise was born on 30th August, 1970. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1998) and a Master of Laws from Queens University of Belfast (2004).

He joined the Judiciary as a Senior Resident Magistrate on 26th January, 1998. He rose to the ranks of Principal Resident Magistrate and Chief Resident Magistrate. He was appointed Judge of the High Court on 13th June, 2008.

He was a member of the panel of judges which sat on the Constitutional matter that nullified the 2019 Presidential Election and received the Chatham House Prize for the year 2020.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Rowland S. Mbvundula



The Honourable Justice Rowland Mbvundula was born on 14th December, 1964. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1989).

He initially joined the Judiciary as a Resident Magistrate on 12th June, 1989 before joining the Lilongwe City Council as Town Clerk (Legal). In 1994, he joined the New Building Society (now NBS Bank) as in-house Legal Counsel, where he worked until 2003 before going into private legal practice. He was appointed Judge of the High Court on 13th June, 2008.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice John M. Chirwa



The Honourable Justice John Chirwa was born on 17th December, 1958. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1982).

He was appointed Judge of the High Court on 12th September, 2009. Before joining the Malawi Judiciary, he was a legal practitioner in private practice.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Kenan T. Manda



The Honourable Justice Kenan Manda was born on 25th August, 1974. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1998) and a Master of Laws degree in International Development Law and Human Rights from the University of Warwick (2008).

He joined the Judiciary as a Senior Resident Magistrate on 26th January, 1998. He rose to the ranks of Principal Resident Magistrate and Chief Resident Magistrate before he was appointed Senior Deputy Registrar of the High Court and Supreme Court of Appeal. He was appointed Judge of the High Court on 12th September, 2009.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Dr. Chifundo J. Kachale



The Honourable Justice Dr. Chifundo Kachale was born on 4th January, 1975. He is married and has three children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (2000), a Master of Laws degree in Law and Development from Queen Mary University of London (2005), and a PhD in Constitutionalism and Judicial Theory from the School of Oriental and African Studies, University of London (2013).

He joined the Judiciary in March 2000 as Senior Resident Magistrate. He rose to the ranks of Principal Resident Magistrate and Chief Resident Magistrate. He was appointed Judge of the High Court in 4th July, 2011.

He is also the Chairperson of the Electoral Commission since June 2020.



JUDGES OF THE HIGH COURT OF MALAWI

Honourable Lady Justice Dorothy nyaKaunda Kamanga



The Honourable Justice Dorothy Kamanga was born on 6th October, 1970. She is married and has children. She holds a Bachelor of Laws (Hons) degree from the University of Malawi (1995) and a Master of Laws degree from University of Cape Town, South Africa (2013).

She started her career in 1995 in private legal practice before joining the public service as a Legal Aid Advocate. In the year 2000, she joined Women and Law in Southern Africa as a Research Associate. She joined the Judiciary as a Principal Resident Magistrate in 2003 before being appointed Deputy Registrar and later Registrar of the High Court and Supreme Court of Appeal in 2008. She was appointed Judge of the High Court on 3rd October, 2012.



JUDGES OF THE HIGH COURT OF MALAWI

Honourable Lady Justice Rachel Sophie Sikwese



The Honourable Justice Racheal Sikwese was born on 9th February, 1970. She holds a Bachelor of Laws (Hons) degree from the University of Malawi (1997) and a Master of Laws degree from Indiana University Bloomington, United States of America (2000).

She joined Judiciary in 1998 as Senior Resident Magistrate and was appointed Chairperson of the Industrial Relations Court in 2004. She was appointed Judge of the High Court on 3rd October, 2012.

She was appointed half-time Judge of the United Nations Dispute Tribunal in July 2019 for a seven-year term.

She has authored and published books on labour law in Malawi and a monograph on Malawi Labour Law and Industrial Relations which is published in the International Encyclopedia for Labour Law and Industrial Relations (Kluwer Law International).



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Kenyatta Nyirenda



The Honourable Justice Kenyatta Nyirenda was born on 4th May, 1962. He is married and has four children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1986) and a Master of Laws degree from University of Malta (1995). He holds an advanced Diploma in Legislative Drafting from the University of West Indies (1992).

Before joining the Judiciary, He held various positions in the Ministry of Justice and also served as Senior Legal Counsel at the SADC Secretariat. He was appointed Judge of the High Court on 3rd October, 2012.



JUDGES OF THE HIGH COURT OF MALAWI

Honourable Lady Justice Fiona A. Mwale



The Honourable Justice Fiona Mwale was born on 30th October, 1974. She is married and has children. She holds a Bachelor of Laws (Hons) degree from the University of Leeds (1997) and a Master of Laws degree in Law and Development from the University of Warwick (2002) and was admitted to practice as a Barrister-at-Law by the Honourable Society of Gray's Inn in London.

Before joining the Judiciary, she held the positions of Deputy Chief Law Reforms Officer at the Malawi Law Commission; Deputy Assistant Chief State Advocate at the Ministry of Justice and Constitutional Affairs; and Principal Legal Officer in the Malawi Human Rights Commission. She was appointed Judge of the High Court on 3rd October, 2012.

She has authored a monograph on Family and Succession Law in Malawi which is published in the International Encyclopedia of Laws: Family and Succession, (Kluwer Law International).



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Michael A. Tembo



The Honourable Justice Michael Tembo was born on 30th July, 1977. He is married and has three children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (2001) and a Master of Laws degree from the University of Melbourne, Australia (2007).

He joined the Judiciary as a Senior Resident Magistrate in June 2001. He rose to the ranks of Principal Resident Magistrate and Chief Resident Magistrate. He also worked in the Industrial Relations Court as Deputy Chairperson before he was appointed Deputy Registrar and later Acting Registrar of the High Court and Supreme Court of Appeal. He was appointed Judge of the High Court on 19th June, 2013.

He was a member of the panel of judges which sat on the Constitutional matter that nullified the 2019 Presidential Election and received the Chatham House Prize for the year 2020.



JUDGES OF THE HIGH COURT OF MALAWI

Honourable Lady Justice Annabel Mtalimanja



The Honourable Justice Annabel Mtalimanja was born on 26th July, 1976. She is married and has children. She holds a Bachelor of Laws (Hons) degree from the University of Malawi (1999) and a Master of Laws degree from the University of Melbourne, Australia (2005). She is a Fellow of Chartered Institute of Arbitrators, (FCI Arb) London (2021).

Before joining the Judiciary, she worked in the Ministry of Justice and Constitutional Affairs as Senior State Advocate, Senior Assistant Chief State Advocate, Legislative Draftsperson, and Administrator General. She was appointed Judge of the High Court on 19th June, 2013.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Redson E. Kapindu



The Honourable Justice Prof. Redson Kapindu was born on 10th April, 1974. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1999); a Diploma in Human Rights from Lund University, Sweden, (2002); a Master of Laws degree from the University of Pretoria (2004); and a Doctorate (PhD) from the University of the Witwatersrand, Johannesburg (2014).

Before joining the Judiciary, he worked as in-house Legal Counsel for the Reserve Bank of Malawi, Director of Legal Services in the Malawi Human Rights Commission and served as Deputy Director for South African Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC). He was appointed Judge of the High Court on 19th June, 2013.

He was a member of the panel of judges which sat on the Constitutional matter that nullified the 2019 Presidential Election and received the Chatham House Prize for the year 2020.

He has published widely in numerous academic Journals and other publications



JUDGES OF THE HIGH COURT OF MALAWI

Honourable Lady Justice Zione Jane Veronica Ntaba



The Honourable Justice Zione Ntaba was born on 11th April, 1978. She holds a Bachelor of Laws (Hons) degree from the University of Malawi (2002) and a Master of Arts in Advanced Legislative Drafting from the University of London, Institute of Advanced Legal Studies, United Kingdom (2007).

She served in the Ministry of Justice and Constitutional Affairs as Senior State Advocate, Principal State Advocate and Legislative Counsel. She also worked as Director of Legal Affairs and Board Secretary for Malawi Energy and Regulatory Authority. She was appointed Judge of the High Court on 19th June, 2013.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Lloyd Muhara



The Honourable Justice Lloyd Muhara was born on 8th October, 1957. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1981) and a Master of Laws degree from the University of London, Queen Mary College (1988).

Before joining the Judiciary, he worked as Assistant Town Clerk for the Lilongwe City Council and Town Clerk for the Mzuzu City Council. He also worked as Legal Counsel and Company Secretary for Limbe Leaf Tobacco Company Limited and was later appointed Commissioner General for the Malawi Revenue Authority. He was appointed Judge of the High Court in March 2014. While serving as a Judge, he was appointed Deputy Chief Secretary to Government in 2016 and was later appointed Chief Secretary to Government in which capacity he served until 2020.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Joseph Chigona



The Honourable Justice Joseph Chigona was born on 13th May, 1977. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (2002) and a postgraduate Diploma in Alternative Dispute Resolution (ADR) from the University of Pretoria and Arbitration Foundation of Southern Africa (AFSA), South Africa (2008).

He joined the Judiciary as Senior Resident Magistrate. He rose to the ranks of Principal Resident Magistrate, Assistant Registrar and Chief Resident Magistrate before being appointed Registrar of the High Court and Supreme Court of Appeal. He was appointed Judge of the High Court on 14th October, 2016.



JUDGES OF THE HIGH COURT OF MALAWI

Honourable Lady Justice Dorothy A. DeGabriele



The Honourable Justice Dorothy DeGabriele was born on 18th January, 1973. She is married and has children. She holds a Bachelor of Laws (Hons) degree from the University of Malawi (1999) and a Master of Laws degree in Law and Development from the University of London (2010). She is studying for a Doctor of Laws (LLD) in Governance and Electoral Justice.

She first joined the Judiciary as a Resident Magistrate and later went on to work with Department for International Development (DFID). She re-joined the Judiciary as Chief Resident Magistrate, and moved on to become Deputy Chairperson. She was later appointed Chairperson of the Industrial Relations Court. She was appointed Judge of the High Court in 14th October, 2016.



JUDGES OF THE HIGH COURT OF MALAWI

Honourable Lady Justice Ruth F. Chinangwa



The Honourable Justice Ruth Chinangwa was born on 6th April, 1980. She is married and has children. She holds a Bachelor of Laws (Hons) degree from the University of Malawi (2003) and a Master's degree in Women's Law from the University of Zimbabwe (2006).

She joined the Judiciary as a Senior Resident Magistrate and rose to the ranks of Principal Resident Magistrate, Assistant Registrar and Chief Resident Magistrate. She was appointed Judge of the High Court on 14th October, 2016.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Jack N’riva



The Honourable Justice Jack N’riva was born on 10th October, 1975. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (2002) and a Master’s degree in Women’s Law from the University of Zimbabwe (2016).

He joined the Judiciary as Senior Resident Magistrate on 2nd September, 2002 and rose through the ranks of Principal Resident Magistrate and Deputy Chairperson of the Industrial Relations Court before he was appointed Registrar of the High Court and Supreme Court of Appeal. He was appointed Judge of the High Court in 15th August, 2017.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Thomson Ligowe



The Honourable Justice Thomson Ligowe was born on 23rd March, 1979. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (2002) and a Master of Laws degree in International Development Law and Human Rights from the University of Warwick (2011).

He joined the Judiciary as a Senior Resident Magistrate on 2nd September, 2002. He was promoted to the position of Assistant Registrar in August, 2003 before he became Chief Resident Magistrate in 2012. In March 2017, he was appointed Chairperson of the Industrial Relations Court. He was appointed Judge of the High Court on 15th August, 2017.



JUDGES OF THE HIGH COURT OF MALAWI

Honourable Lady Justice Chimwemwe Kamowa



The Honourable Justice Chimwemwe Kamowa was born on 13th December, 1975. She holds a Bachelor of Laws (Hons) degree from the University of Malawi (2005), Bachelor of Education degree (1999), and a Master's degree in Women's Law from the University of Zimbabwe (2008).

She joined the Judiciary as Senior Resident Magistrate in 2004 and rose to the ranks of Deputy Chairperson and Chairperson of the Industrial Relations Court. She was appointed Judge of the High Court on 9th March, 2020. Before joining the Judiciary, she worked in the Ministry of Education.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Texious S. Masoamphambe



The Honourable Justice Texious Masoamphambe was born on 24th September, 1972. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (2006) and also holds a Bachelor of Education (Humanities) degree from the University of Malawi (1997) and a Certificate of Lay Magistracy from Staff Development Institute (SDI) (2000).

He joined the Judiciary in August 2000 as a First Grade Magistrate. Between 2007 and 2017, he served in the positions of Senior Resident Magistrate, Assistant Registrar and Chief Resident Magistrate before he was appointed Deputy Registrar of High Court and Supreme Court of Appeal. He was appointed Judge of the High Court on 9th March, 2020



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Jabbar Alide



The Honourable Justice Jabbar Alide was born on 22nd June, 1968. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1995) and a Masters' degree in Business Administration from the University of Salford, Manchester, United Kingdom (2002).

Before joining the Judiciary, he worked both in private legal practice and various public institutions where he held senior positions. He was appointed Judge of the High Court on 9th March, 2020.



JUDGES OF THE HIGH COURT OF MALAWI

Honourable Lady Justice Agnes T. Patemba



The Honourable Justice Agnes Patemba was born on 13th January, 1975. She is married and has children. She holds a Bachelor of Laws (Hons) degree from the University of Malawi (2004) and a Master's degree in Women's Law from the University of Zimbabwe (2014).

She joined the Judiciary as a Senior Resident Magistrate on 29th December, 2004. She rose through the ranks of Assistant Registrar, Chief Resident Magistrate and Deputy Registrar before being appointed the Registrar of the High Court and Supreme Court of Appeal. She was appointed Judge of the High Court on the 20th October, 2020.

She is serving as Deputy High Commissioner to the Malawi Mission in London on assignment.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Justus A. Kishindo



The Honourable Justice Justus Kishindo was born on 24th January, 1978. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (2002) and a Master's degree in Women's Law from the University of Zimbabwe (2012).

He joined the Judiciary as Senior Resident Magistrate and rose through the ranks of Principal Resident Magistrate and Senior Deputy Registrar of the High Court and the Supreme Court of Appeal. He was appointed Judge of the High Court on 20th October, 2020.



JUDGES OF THE HIGH COURT OF MALAWI

Honourable Lady Justice Violet Palikena - Chipao



The Honourable Justice Violet Chipao was born on 7th May, 1981. She is married and has children. She holds a Bachelor of Laws (Hons) degree from the University of Malawi (2006) and a Master's degree in Women's Law from the University of Zimbabwe (2014).

She joined the Judiciary as a Senior Resident Magistrate in 2006. She rose through the ranks of Assistant Registrar and Chief Resident Magistrate before she was appointed as Judge of the High Court on 20th October, 2020.



JUDGES OF THE HIGH COURT OF MALAWI

Honourable Lady Justice Anneline Kanthambi



The Honourable Justice Anneline Kanthambi was born on 21st July, 1974. She holds a Bachelor of Laws (Hons) degree from the University of Malawi (2006), Bachelor of Education (Humanities) degree (1997) and a Master's degree in Women's Law from the University of Zimbabwe (2010).

She joined the Judiciary as Senior Resident Magistrate in 2006. She rose through the ranks of Assistant Registrar and Deputy Chairperson of the Industrial Relations Court. She was appointed Judge of the High Court on 20th October, 2020.

Before joining the Judiciary, she worked in the Ministry of Education.



JUDGES OF THE HIGH COURT OF MALAWI

Honourable Lady Justice Vikochi N. Chima



The Honourable Justice Vikochi Chima was born on 7th February, 1981. She is married and has children. She holds a Bachelor of Laws (Hons) degree from the University of Malawi (2004) and a Master of Laws degree in Criminal Justice from the University of Cape Town (2011).

She joined the Judiciary as Senior Resident Magistrate in 2005 and rose to the ranks of Assistant Registrar and Deputy Chairperson of the Industrial Relations Court. She was appointed Judge of the High Court on 20th October, 2020.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Simeon Mdeza



The Honourable Justice Simeon Mdeza was born on 20th March, 1981. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (2007).

He joined the Judiciary as a Senior Resident Magistrate on 13th June, 2008. He rose to the rank of Assistant Registrar and later became Chief Resident Magistrate. He was appointed Judge of the High Court on 20th October, 2020.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Mzonde Eric G. Mvula



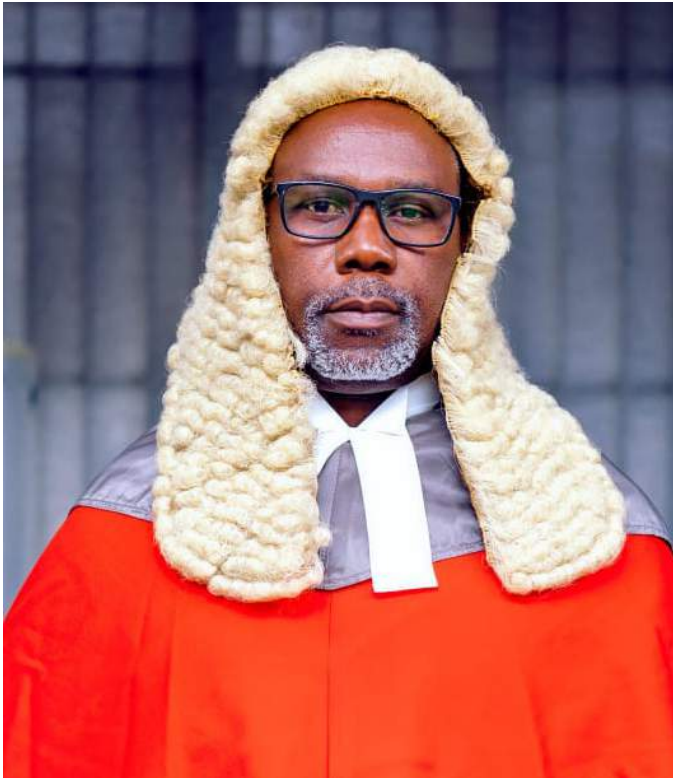
The Honourable Justice Mzonde Mvula was born on 20th November, 1980. He is married and has children. He holds a Bachelor of Arts (Humanities) from the University of Malawi (1999), a Bachelor of Laws (Hons) degree from the University of Malawi (2005), and a Master of Laws degree in Corporate and Commercial Law from the University of Dar es Salaam (2018).

He joined the Judiciary as Senior Resident Magistrate on 29th December, 2004. He rose through the ranks of Principal Resident Magistrate and Assistant Registrar and later Chief Resident Magistrate. He was appointed Judge of the High Court on 20th October, 2020.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Masauko T. Msungama



The Honourable Justice Masauko Msungama was born on 12th April, 1963. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1988) and a Master of Laws degree in Commercial Law from the University of Malawi.

He initially joined the Judiciary as a Resident Magistrate in 1988 and worked for Blantyre City Council and Indefund Limited before going into private legal practice. He was appointed Judge of the High Court on 20th October, 2020.



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice William Yakuwawa Msiska



The Honourable Justice William Msiska was born on 21st August, 1970. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (1996). He also holds a Post Graduate Certificate in Legislative Drafting from Royal Institute of Public Administration London (2005), and a Master of Laws in International Criminal Law and Security from the University of Northampton (2009).

Before joining the Judiciary, he worked in private legal practice and later joined the Law Commission where he served as a Law Reform Officer and rose through the ranks and became Chief Law Reform Officer. He was appointed Judge of the High Court on 20th October, 2020.



JUDGES OF THE HIGH COURT OF MALAWI

Honourable Lady Justice Maureen Kondowe



The Honourable Justice Maureen Kondowe was born on 1st April, 1973. She is married and has children. She holds a Bachelor of Laws (Hons) degree from the University of Malawi (1996) and a Master of Laws degree in International Trade Law from University of Essex, United Kingdom (2000)

She has worked as Assistant Law Lecturer in the Faculty of Law, University of Malawi, Law Reform Officer in the Law Commission, and a legal practitioner in private practice. She was appointed Judge of the High Court on 20th October, 2020.

She has co-authored two books: *An Analysis of the Electoral Legal Environment for the 2013 Zimbabwean Harmonized Elections* (2013); and *In Search of Justice: Women and the Administration of Law in Malawi* (2000).



JUDGES OF THE HIGH COURT OF MALAWI

His Lordship Honourable Justice Mandala Mambulasa



The Honourable Justice Mandala Mambulasa was born on 7th February, 1977. He is married and has children. He holds a Bachelor of Laws (Hons) degree from the University of Malawi (2002) and a Master of Laws degree from the University of Pretoria, South Africa (2010).

He has worked as Executive Director for the Malawi Law Society and a legal practitioner in private practice. He was appointed Judge of the High Court on 20th October, 2020.



JUDGES OF THE HIGH COURT OF MALAWI

Honourable Lady Justice Charlotte Wezi M. Malonda



The Honourable Justice Charlotte Malonda was born on 2nd December, 1979. She holds a Bachelor of Laws (Hons) degree from the University of Malawi (2002); a Master of Laws degree in Global Competition Law from Loyola University, Chicago (2017); a Master's degree in Women's Law from University of Zimbabwe (2006); Postgraduate Diploma in Women and Children's Rights from University of Lund (2004); and a Postgraduate Diploma in European Union Competition Law from University of London, Kings College (2013).

She has served in the Ministry of Justice and Constitutional Affairs as a Legal Aid Advocate and a Principal Administrator General. She has worked as Chief Legal Officer in the Office of Ombudsman and as Director of Enforcement and Executive Director for the Competition and Fair-Trading Commission. She was appointed Judge of the High Court on 20th October, 2020.



OFFICE OF THE REGISTRAR

The Office of the Registrar of the High Court and Supreme Court of Appeal (the Registrar) is established under section 7 of the Courts Act. Under the Constitution, the power to appoint a Registrar is given to the Chief Justice on the recommendation of the Judicial Service Commission.

The Registrar is the Controlling Officer for the Judiciary and bears the responsibilities as provided for under the Public Finance Management Act and the Public Service Act. The office is responsible for the day to day running of the Judiciary at all levels including handling of complaints and public relations. The Registrar reports directly to the Chief Justice.

The Registrar is accountable to Parliament on all issues related to the usage of financial resources appropriated to the Judiciary and on the delivery of its constitutional mandate.

The office of the Registrar is also responsible for case management in the High Court and Supreme Court of Appeal. This entails registration, allocation of resources and, in consultation with Judges, allocation of dates of hearing of cases. Additionally, the Registrar performs judicial functions.

The Registrar is assisted by the Senior Deputy Registrar, the Deputy Registrar and Assistant Registrars. Under the new Establishment of the Judiciary, the office of the Registrar has been renamed as Chief Registrar, with Deputy Chief Registrars to be placed at the Supreme Court and the yet to be established Court of Appeal. There shall be a Registrar (assisted by Assistant Registrars) responsible for each of the High Court Divisions and Registries.

Following the ever-increasing workload and the establishment of new divisions of the High Court, the office of the Registrar has expanded tremendously since the last publication of the State of the Judiciary Report.

The holders of the offices within the Office of the Registrar were:

1. Her Honour Gladys Assima Gondwe – Registrar
2. His Honour Kondwani Banda – Senior Deputy Registrar
3. His Honour Chimbizgani Matapa Kacheche – Deputy Registrar
4. Her Honour Madalitso Chimwaza - Assistant Registrar – Criminal Division, Lilongwe
5. His Honour Chisomo Msokera – Assistant Registrar – Principal Registry, also responsible for the Law Reporting Unit
6. His Honour Tamanda Nyimba –Assistant Registrar – Attached to the office of the Honourable the Chief Justice
7. Her Honour Anne Gumulira - Assistant Registrar – Commercial Division, Lilongwe(currently on study leave)
8. Her Honour Chikondi Mandala - Assistant Registrar, Civil Division, Lilongwe (currently on study leave)
9. His Honour Anthony Kapaswiche - Assistant Registrar – Family and Probate Division, Lilongwe
10. Her Honour Edna Bodole - Assistant Registrar – Supreme Court of Appeal
11. His Honour Paul Chiotcha - Assistant Registrar, Mzuzu District Registry
12. His Honour Viva Nyimba – Assistant Registrar - Criminal Division, Lilongwe
13. His Honour Wyson Chamdimba Nkhata - Assistant Registrar – Criminal Division, Blantyre
14. Her Honour Thokozani Soko - Assistant Registrar – Revenue Division, Blantyre
15. Her Honour Ellen Chapita Banda – Assistant Registrar – Principal Registry, also responsible for the Family and Probate Division Blantyre Registry
16. His Honour Lawrence Mtchera - Assistant Registrar – Industrial Relations Court, Mzuzu



17. Her Honour Shyreen Yona Chirwa – Assistant Registrar – Civil Division, Lilongwe
18. His Honour Brian Sambo - Assistant Registrar – Civil Division, Lilongwe
19. His Honour Ibrahim Hussein - Assistant Registrar – Industrial Relations Court, Blantyre
20. Her Honour Hellen Kachala – Assistant Registrar - Zomba District Registry
21. Her Honour Emelia Zidule - Assistant Registrar – Commercial Division, Blantyre
22. Her Honour Cecilia Onsewa - Assistant Registrar – Industrial Relations Court, Lilongwe
23. Her Honour Angella Dossi – Assistant Registrar - Malawi Institute of Legal Education



Her Honour Gladys Gondwe
Registrar of the High Court and Supreme Court of Appeal



His Honour Kondwani Banda
Senior Deputy Registrar



His Honour Chimbigzani Kacheche
Deputy Registrar



SUBORDINATE COURTS

INDUSTRIAL RELATIONS COURT

The management of the Industrial Relations Court (IRC) is the responsibility of the Chairperson. In the performance of the administrative functions and duties, the Chairperson acts in accordance with policies of the Judiciary and reports to the Registrar of the High Court and Supreme Court of Appeal. The Chairperson is based at the Principal Registry in Blantyre and is assisted by Deputy Chairpersons and Assistant Registrars positioned in the registries of the Court.

In the period under review, the IRC had three registries. The Principal Registry in Blantyre, Lilongwe Registry and Mzuzu Registry. Under the new Establishment, there are three additional registries which are yet to be operationalized. These are Zomba Registry, Kasungu Registry and Luchenza Registry.



His Honour Austin B.B. Mswoya
Chairperson, Industrial Relations Court



His Honour Kingsley Mlungu



His Honour Innocent Nebi



His Honour Howard Pemba

Deputy Chairpersons of Industrial Relations Court



COURTS OF MAGISTRATES

The courts of magistrates are presided over by professional (trained as lawyers) and lay magistrates. The majority of cases in Malawi are handled by the magistrates.

There are four judicial regions which are headed by Chief Resident Magistrates, namely South, Centre, North and East. Under the new Establishment, there are two additional judicial regions, which are South East (Luchenza) and Central East (Kasungu). Below the Chief Resident Magistrates are the Principal Resident Magistrates, Senior Resident Magistrates, and lay magistrates who are graded as follows: First Grade; Second Grade; and Third Grade Magistrates.

MAGISTRATES AND THEIR DUTY STATIONS

NORTHERN REGION



His Worship Dick Sankhulani
Chief Resident Magistrate – North

NO	NAME	POST	GRADE	DUTY STATION
1	H/W Sankhulani Dick	CRM	E	Mzuzu
2	H/W Rev Kandulu Peter	PRM	G	Mzuzu
3	H/W Chitha Mateo F.	SRM	H	Karonga
4	H/W Kamtsalira Felix P.	SRM	H	Mzuzu
5	H/W Nyirenda Godfrey	SRM	H	Mzuzu
6	H/W Msiska Matthews	SRM	H	Mzimba (S)
7	H/W Maulidi Abdul R.	SRM	H	Mzuzu
8	H/W Harawa Ashford	SRM	H	Mzuzu
9	H/W Phiri Cuthbert	FGM	I	Rumphi



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10	H/W Kalambo Julius	FGM	I	Karonga
11	H/W Gamaliel Rabson	FGM	I	Rumphi
12	H/W Ngosi Billy W.W.	FGM	I	Chitipa
13	H/W Makaika Robert	FGM	I	Child Justice Court (Mzuzu)
14	H/W Phiri Maston	FGM	I	Chitipa
15	H/W Loveness Gumbo	FGM	I	Mzimba (S)
16	H/W Mkandawire Fordwatch	FGM	I	Likoma
17	H/W Kantikana Ezekiel	FGM	I	Nkhata Bay
18	H/W Mailosi Alex	SGM	J	Chintheche
19	H/W Kumwenda Wongani	SGM	J	Euthini
20	H/W Kalobekamo Blackfield	TGM	K	Katowo
21	H/W Kalowekamo Ronald	TGM	K	Wilindi
22	H/W Nyondo Agness	TGM	K	Ngerenge
23	H/W Sitiki Harrison	TGM	K	Mzimba (S)
24	H/W Mkandawire Maria B.	TGM	K	Karonga
25	H/W Nthala Pauline	TGM	K	Mlowe
26	H/W Mulungu Flyson	TGM	K	Nthalire
27	H/W Kachipande Chikumbutso	TGM	K	Bolero
28	H/W Chakudza Innocent	TGM	K	Emfeni
29	H/W Kaunda Themba	TGM	K	Mzimba (N)
30	H/W Nyirongo Elicy	TGM	K	Tukombo
31	H/W Chaputula Moses	TGM	K	Khosolo
32	H/W Kathumba Phidess	TGM	K	Henga
33	H/W Ngwaru Richard	TGM	K	Hengo
34	H/W Lembe Blessings	TGM	K	Ephangweni
35	H/W Lungu Mike	TGM	K	Ezondweni
36	H/W Muweta Joseph	TGM	K	Edingeni
37	H/W Chanza Limbani	TGM	K	Usisya
38	H/W Kasapha William	TGM	K	Luzi
39	H/W Kalua Ngwachi	TGM	K	Eswazini
40	H/W Machika Violet	TGM	K	Chinunkha



CENTRAL REGION



His Worship Patrick Chirwa
Chief Resident Magistrate – Centre

NO	NAME	POST	GRADE	DUTY STATION
1	H/W H/W Patrick C. Chirwa	CRM	E	CRM
2	H/W Florence Msekandiwana	SRM	H	CRM
3	H/W Clemence Chamwenda	SRM	H	Dedza
4	H/W Montfort Misunje	SRM	H	Mkukula
5	H/W Eliya Zawanda	SRM	H	Mchinji
6	H/W Joana Kwatiwani	SRM	H	Salima
7	H/W Wanangwa Nyirenda	SRM	H	CRM
8	H/W Biar Kamanga	SRM	H	Kasungu
9	H/W James Makhwazi	SRM	H	CRM
10	H/W Shukurani Kumbani	SRM	H	CRM
11	H/W Tabman C. Nyirenda	FGM	I	Lilongwe
12	H/W Boswell Kamphonda	FGM	I	Child Justice Court (Lilongwe)
13	H/W Damiano Banda	FGM	I	Kasungu
14	H/W Fred Chilowetsa	FGM	I	Nkhotakota
15	H/W Arthur Mtalimanja	FGM	I	Mpenu
16	H/W Simion Mwambo	FGM	I	Dedza
17	H/W Anthony Banda	FGM	I	Salima
18	H/W Kingsley Buleya	FGM	I	Nkhunga
19	H/W Dorothy Kalua	FGM	I	Ntchisi
20	H/W Diana Mangwana	FGM	I	Child Justice Court (Lilongwe)
21	H/W Amuran Phiri	FGM	I	CRM
22	H/W Yohane Nkhata	FGM	I	Mchinji
23	H/W Thomson Midiasi	FGM	I	Mkukula



Chapter 6

24	H/W Talakwanji Mdala	FGM	I	Mponela
25	H/W Robert Botha	FGM	I	Dowa
26	H/W Felix Phaiya	FGM	I	Nkhotakota
27	H/W Mervis Sulumba	FGM	I	Chilobwe
28	H/W Andrew Chikhodzole	SGM	J	CRM
29	H/W Rhosie Chirwa	SGM	J	Chiseka
30	H/W Agness Chirambo	SGM	J	Salima
31	H/W Fredrick Malobvu	SGM	J	Ntchisi
32	H/W Tawonga Muwalo	SGM	J	Chiwenga
33	H/W Lily Munyenembe	SGM	J	Mapuyu
34	H/W Davie Mpakani	TGM	K	Mponela
35	H/W Christopher Kampaliro	SGM	J	Mkhaza
36	H/W Tabu K. Kalako	TGM	K	Dedza
37	H/W Geofrey Nkhudzule	TGM	K	Kasakula
38	H/W Harrison Ngulube	TGM	K	CRM
39	H/W Charity Simwaka	TGM	K	Msongandeu
40	H/W William Kabvwenje	TGM	K	Chigodi
41	H/W Stonard Nthala	TGM	K	Nkhotakota
42	H/W Frank Njirayafa	TGM	K	Kapiri
43	H/W Michael Banda	TGM	K	Ntembwe
44	H/W Peter Chinkhuti	TGM	K	Mtakataka
45	H/W Angela Tchongwe	TGM	K	Mpenu
46	H/W Maxwel Luhanga	TGM	K	Mchemani
47	H/W Hesten Mkuka	TGM	K	M'mbomba
48	H/W Owen Nyimbo	TGM	K	Nkhunga
49	H/W Chimwemwe Mtenje	TGM	K	Kachokolo
50	H/W Christina Nthenda	TGM	K	Thindi
51	H/W Mercy Lukongolo	TGM	K	Demera
52	H/W Jollans Munkhondya	TGM	K	Kaufa
53	H/W Chifundo Matchaya	TGM	K	Dowa
54	H/W Samuel Chakudza	TGM	K	Msitu
55	H/W Bernadeta Kalua	TGM	K	Mpenu
56	H/W Kilenje Zulu	TGM	K	Chiwenga
57	H/W Felix Madukani	TGM	K	Mikundi
58	H/W David Mumbuwa	TGM	K	Matenje
59	H/W Mike Chavuta	TGM	K	Mtsiro
60	H/W Dumisani Katundu	TGM	K	Mtosa
61	H/W Chisomo Madise	TGM	K	Katewe
62	H/W Olivia Sama	TGM	K	Chilanga
63	H/W Mathews Malunga	TGM	K	Mnema



64	H/W Violet Dzimbiri	TGM	K	Nkhotakota
65	H/W Chisomo Seleman	TGM	K	Msozi
66	H/W Nancy Mtonda	TGM	K	Maonde
67	H/W Clara Makwangwala	TGM	K	Lilongwe

SOUTHERN REGION



**Her Worship Jean Kayira
Chief Resident Magistrate – South**

NO	NAME	GRADE	POST	DUTY STATION
1	H/W Kayira Jean	E	CRM	CRM
2	H/W Balaka Godfrey	G	PRM	CRM
3	H/W Chipofya Martin	H	SRM	CRM
4	H/W Akya Mwanyongo	H	SRM	CRM
5	H/W Maiden Sajda	H	SRM	CRM
6	H/W Bakili Shaheeda	H	SRM	Mulanje
7	H/W Muwalo Assunta	H	SRM	Thyolo
8	H/W Masonga Byson	H	SRM	Limbe
9	H/W Mmanga Andrew	H	SRM	Mwanza
10	H/W Daniels Elijah	H	SRM	Blantyre - Central
11	H/W Mchilima Lawrence	H	SRM	Midima
12	H/W Nazombe Euphrasia	H	SRM	Blantyre -Central
13	H/W Tizifa Joyce	I	FGM	Child Justice Court (Soche)
14	H/W Chinangwa Kondwani	I	FGM	Limbe
15	H/W Nkhono Kitty	I	FGM	Child Justice Court (Soche)
16	H/W Chirundu Gladson	I	FGM	Chikwawa



Chapter 6

17	H/W Chikhadzula Annie	I	FGM	Ntonda
18	H/W Mkwapatila Lameck	I	FGM	Chiladzulu
19	H/W Maruwasa Smart	I	FGM	Mwanza
20	H/W Banda Soka	I	FGM	Limbe
21	H/W Mankhanamba Watson	I	FGM	Nsanje
22	H/W Mwamale Patrick	I	FGM	Thyolo
23	H/W Khobiri Magret	I	FGM	Neno
24	H/W Magugu Veronica	I	FGM	Midima
25	H/W Nsomba John	I	FGM	Nchalo
26	H/W Chimombo George	I	FGM	Chisenjere
27	H/W Mphalulo Fatch	I	FGM	Blantyre - Central
28	H/W Phiri Chiyembekezo	I	FGM	Makande
29	H/W Chimphamba Charles	J	SGM	Mbulumbuzi
30	H/W Zebron Joran	J	SGM	Chikwawa
31	H/W Machila Rodgers	J	SGM	Lisungwi
32	H/W Chiwanda Linda	J	SGM	Bangula
33	H/W Katunga Mercy	J	SGM	Blantyre - Central
34	H/W Shaba Emelia	J	SGM	Chibisa
35	H/W Chingana Naomi	J	SGM	Chikwembere
36	H/W Chinkudzu Mifa	J	SGM	Namitambo
37	H/W Mbewe Mike Chakwana	J	SGM	Ngwengwe
38	H/W Nkhoma Violet	K	TGM	Chisombezi
39	H/W Daudi Catherine	K	TGM	Midima
40	H/W Kachingwe Chrissie	K	TGM	Limbe
41	H/W Kuseka Dorah	K	TGM	Thambani
42	H/W Magwira Catherine	K	TGM	Namphungo
43	H/W Zanera Charles	K	TGM	Lalanje
44	H/W Mataka Rose Ndekha	K	TGM	Nchalo
45	H/W Baluwa Christopher	K	TGM	Thuchila
46	H/W Mowe Hygine	K	TGM	Thyolo Thava
47	H/W Balakasi James	K	TGM	Masenjere Thyolo
48	H/W Kamuloni Jane	K	TGM	Thambani
49	H/W Sikweya Thomson	K	TGM	Mangunda
50	H/W Kachingwe Patrick	K	TGM	Mulanje
51	H/W Ndekete Mcdonald	K	TGM	Muloza
52	H/W Hagra Chinkhumba	K	TGM	Chisombezi
53	H/W Ng'ambi Aaron	K	TGM	Chiradzulu
54	H/W Chakuma Jameson	K	TGM	Mwanza
55	H/W Joseph Bester	K	TGM	Chikwembere



56	H/W Chirundu Mphatso	K	TGM	Namphungo
57	H/W Nyirongo Andrew	K	TGM	Nchalo
58	H/W Mwatawamba Gloria	K	TGM	Namitambo
59	H/W Chapotela John	K	TGM	Mbulumbuzi
60	H/W Gomani Mary Ndagomera	K	TGM	Chilangoma
61	H/W Mphwitiko Jimmy	K	TGM	Milonde
62	H/W Mtawali Patricia	K	TGM	Lisungwi
63	H/W Bulla Ellen	K	TGM	Mphande
64	H/W Nambiri Steven	K	TGM	Chibisa
65	H/W Ngundende Haneef	K	TGM	Nyachilenda
66	H/W Chirwa Nikita	K	TGM	Mombezi
67	H/W Tchukambiri Janet	K	TGM	Muona

EASTERN REGION



His Worship Austin Banda
Chief Resident Magistrate – East

NO	NAME	POST	GRADE	DUTY STATION
1	H/W Banda Austin J.	CRM	E	CRM
2	H/W Munthali Yohane	SRM	H	CRM
3	H/W Makumba Christopher	SRM	H	CRM
4	H/W Michongwe Rodrick	SRM	H	Mangochi
5	H/W Nkhono Joshua	SRM	H	Ntcheu
6	H/W Chingoli Lisa	SRM	H	Mulunguzi
7	H/W Chande Muhammad	SRM	H	Liwonde
8	H/W Bonongwe Mercy	SRM	H	CRM
9	H/W Banda Enerth	FGM	I	CRM
10	H/W Masula Jones	FGM	I	Mulunguzi
11	H/W Mpasu Mtunduwatha F.	FGM	I	Monkeybay



Chapter 6

12	H/W Mtosa Leonard	FGM	I	Phalombe
13	H/W Boasi Maxwell	SGM	J	Ntaja
14	H/W Samati Steve	SGM	J	Chiringa
15	H/W Banda Philip P.	SGM	J	Liwonde
16	H/W Chikalimba Baxton	SGM	J	Mangochi Sgm
17	H/W Mizaya Augustin	SGM	J	Kasinje
18	H/W Mangani Lawrence	SGM	J	Ulongwe
19	H/W Sachuluka Chrispin	SGM	J	Liwonde
20	H/W Malula Enock	SGM	J	Tsangano
21	H/W Makina Bathlomew	TGM	K	CRM
22	H/W Afuwa Loveness	TGM	K	Likangala
23	H/W Ndalama Caroline	TGM	K	Chinani
24	H/W Kalinde Jennifer	TGM	K	Mulunguzi
25	H/W Kamanga Austin	TGM	K	Machinga
26	H/W Kambanje Richard	TGM	K	Nselema
27	H/W Nkuzi Peter	TGM	K	Ntcheu
28	H/W Kanyumbu Meya	TGM	K	Chingale
30	H/W Nthinda Rodrick	TGM	K	Banda
31	H/W Kasile Samuel	TGM	K	Katuli
32	H/W Simwaka Anne	TGM	K	Kalichero
33	H/W Mchosa Erickson	TGM	K	Domasi
34	H/W Kamtokoma Tennisson	TGM	K	Mdinde
35	H/W Beni Luckson	TGM	K	Malombe
36	H/W Mpinga Topsy	TGM	K	Chitekese
37	H/W Nkhoma Salimu	TGM	K	Chinani
38	H/W Majoni Stanford	TGM	K	Ntcheu
39	H/W Chikonde Jones	TGM	K	Mbonechera
40	H/W Kamphani John	TGM	K	Ndumundu
41	H/W Banda Lyold	TGM	K	Ntonya
42	H/W Sichali Pleasant	TGM	K	Phalula
43	H/W Chirambo Joshua	TGM	K	Mvumba
44	H/W Mukawa Lucy	TGM	K	Ntonda
45	H/W Salanje Issa	TGM	K	Chilipa
46	H/W Misomali Malikebu	TGM	K	Makanjira
47	H/W Katsekera Josen	TGM	K	Monkeybay
48	H/W Kondwani Innocent	TGM	K	Namwera



PART 1

CASE LOAD AND CASE DISPOSAL

Case Load and Case Disposal at All Court Levels

MALAWI SUPREME COURT OF APPEAL

CASES BROUGHT FORWARD	CASES REGISTERED	TOTAL CASES	HEARD	CASES CONCLUDED	CASES PENDING	% RATE OF DISPOSAL
42	129	171	188	105	113	61.40350877

PRINCIPAL REGISTRY, BLANTYRE

TYPE OF CASE	CASES BROUGHT FORWARD	REGISTERED	TOTAL CASES	CASES CONCLUDED	CASES PENDING	% RATE OF DISPOSAL
CIVIL	2880	2581	5461	1422	4039	26.03918696
CRIMINAL	7391	1067	8458	932	7526	11.01915346
TOTAL	10271	3648	13919	2354	11565	

LILONGWE DISTRICT REGISTRY

TYPE OF CASE	CASES BROUGHT FORWARD	REGISTERED	TOTAL CASES	CASES CONCLUDED	CASES PENDING	% RATE OF DISPOSAL
CIVIL	37989	1622	39611	1290	38321	3.256671127
CRIMINAL	1699	2036	3735	1859	1876	49.77242303
TOTAL	39688	3658	43346	3149	40197	

ZOMBA DISTRICT REGISTRY

TYPE OF CASE	CASES BROUGHT FORWARD	REGISTERED	TOTAL CASES	CASES CONCLUDED	CASES PENDING	% RATE OF DISPOSAL
CIVIL	41459	1069	42528	937	41591	2.203254327
CRIMINAL	30347	1127	31474	327	31147	1.038952786
TOTAL	71806	2196	74002	1264	72738	
						67



MZUZU DISTRICT REGISTRY

TYPE OF CASE	CASES BROUGHT FORWARD	REGIS-TERED	TOTAL CASES	CASES CONCLUD-ED	CASES PENDING	% RATE OF DISPOSAL
CIVIL	11660	576	12236	237	11999	1.936907486
CRIMINAL	3917	392	4309	222	4087	5.152007426
TOTAL	15577	968	16545	459	16086	

HIGH COURT, COMMERCIAL DIVISION

REGISTRY	CASES BROUGHT FORWARD	REGIS-TERED	TOTAL CASES	CASES CONCLUD-ED	CASES PENDING	% RATE OF DISPOSAL
BLANTYRE	0	512	512	128	384	25
LILONGWE	0	530	530	78	452	14.71698113
TOTAL	0	1042	1042	206	836	

INDUSTRIAL RELATIONS COURT

SOUTHERN REGION	CASES BROUGHT FORWARD	REGIS-TERED	TOTAL CASES	CASES CONCLUD-ED	CASES PENDING	% RATE OF DISPOSAL
Blantrye	7121	1248	8369	333	8036	3.978970008
Thyolo	60	6	66	0	66	0
Mulanje	55	2	57	3	54	5.263157895
Chikwawa	53	7	60	0	60	0
Mwanza	7	0	7	0	7	0
TOTAL	7296	1263	8559	336	8223	

EASTERN REGION	CASES BROUGHT FORWARD	REGIS-TERED	TOTAL CASES	CASES CONCLUD-ED	CASES PENDING	% RATE OF DISPOSAL
Zomba	327	28	355	11	344	3.098591549
Ntcheu	0	0	0	0	0	0
Liwonde	4	0	4	0	4	0
Mangochi	54	4	58	0	58	0
TOTAL	385	32	417	11	406	



CENTRE	CASES BROUGHT FORWARD	REGIS-TERED	TOTAL CASES	CASES CONCLUD-ED	CASES PENDING	% RATE OF DISPOSAL
Lilongwe	8194	879	9073	188	8885	2.072082002
Nkhotakota	58	2	60	0	60	0
Salima	116	4	120	5	115	4.166666667
Mchinji	52	2	54	0	54	0
Kasungu	43	5	48	0	48	0
Dowa	14	0	14	0	14	0
Dedza	0	0	0	0	0	0
Ntchisi	0	0	0	0	0	0
TOTAL	8477	892	9369	193	9176	

NORTH	CASES BROUGHT FORWARD	REGIS-TERED	TOTAL CASES	CASES CONCLUD-ED	CASES PENDING	% RATE OF DISPOSAL
Mzuzu	2155	397	2552	141	2411	5.52507837
Karonga	184	0	184	0	184	0
Mzimba	14	7	21	0	21	0
Rumphi	87	1	88	0	88	0
Nkhata Bay	4	0	4	0	4	0
TOTAL	2444	405	2849	141	2708	

CHIEF RESIDENT MAGISTRATE CENTRE

TYPE OF CASE	CASES BROUGHT FORWARD	REGIS-TERED	TOTAL CASES	CASES CONCLUD-ED	CASES PENDING	% RATE OF DISPOSAL
CIVIL	4530	7085	11615	3913	7702	33.68919501
CRIMINAL	3551	6420	9971	4213	5758	42.25253234
TOTAL	8081	13505	21586	8126	13460	

CHIEF RESIDENT MAGISTRATE SOUTH

TYPE OF CASE	CASES BROUGHT FORWARD	REGIS-TERED	TOTAL CASES	CASES CONCLUD-ED	CASES PENDING	% RATE OF DISPOSAL
CIVIL	282415	10976	293391	5625	287766	1.917236725
CRIMINAL	163855	8273	172128	4926	167202	2.861823759
TOTAL	446270	19249	465519	10551	454968	



CHIEF RESIDENT MAGISTRATE NORTH

TYPE OF CASE	CASES BROUGHT FORWARD	REGIS-TERED	TOTAL CASES	CASES CONCLUD-ED	CASES PENDING	% RATE OF DISPOSAL
CIVIL	17546	1518	19064	1157	17907	6.069030634
CRIMINAL	9031	638	9669	469	9200	4.850553315
TOTAL	26577	2156	28733	1626	27107	

CHIEF RESIDENT MAGISTRATE EAST

TYPE OF CASE	CASES BROUGHT FORWARD	REGIS-TERED	TOTAL CASES	CASES CONCLUD-ED	CASES PENDING	% RATE OF DISPOSAL
CIVIL	32139	8746	40885	4053	36832	9.91317109
CRIMINAL	24623	5213	29836	3134	26702	10.50408902
TOTAL	56762	13959	70721	7187	63534	

**ADMISSIONS & RENEWAL OF LICENCES
BEFORE HONOURABLE THE CHIEF JUSTICE**

YEAR	ADMIS-SIONS REG'D.	ADMITTED	NOT AD-MITTED	NO. OF RENEWAL REG'D	RENEWED	NOT RE-NEWED
2021						
JANUARY	-	-	-	0	0	0
FEBRUARY	-	-	-	1	1	0
MARCH	-	-	-	2	2	0
APRIL	-	-	-	2	2	0
MAY	34	34	0	0	0	0
JUNE	-	-	-	2	2	0
JULY	-	-	-	1	1	0
JUNE - JULY	19	19	0	0	0	0
AUGUST	3	3	0	3	3	0
SEPTEM-BER	10	10	0	0	0	0
OCTOBER	3	3	0	1	1	0
NOVEM-BER	1	0	1	2	0	0
DECEMBER	19	19	0	0	0	0
TOTALS	89	88	1	14	14	0



PART 2
PRECEDENTS

Summaries of some of the judgments of the Supreme Court of Appeal and the High Court delivered in 2021

JTI Leaf (Malawi) Limited v Kapachika

SUPREME COURT OF APPEAL

(Being High Court, Lilongwe District Registry, Civil Appeal No. 37 of 2015; and also, being Matter No. IRC 428 of 2012, Lilongwe Registry)

MZIKAMANDA SC., CHIPETA SC., CHIKOPA SC., JJA

Date of Judgment: 13 APRIL 2021

MSCA Civil Appeal No. 52/2016

Facts

The Industrial Relations Court (IRC) made multiple awards in favour of the respondent. These included damages for unfair dismissal, an order for the payment of his severance allowance, and an order for payment to him of three months' salary in lieu of notice. The appellant felt aggrieved with the judgment. As a result, it appealed against the same to the High Court of Malawi at the Lilongwe District Registry. The appeal was based on five grounds, which in amended form, were as follows:

1. The lower court erred in law in holding that the appellant did not follow the requisite procedure in dismissing the respondent;
2. The lower Court erred in law in holding that the appellant had no valid reasons to dismiss the respondent;
3. The lower Court erred in law in holding that the respondent was unfairly dismissed;
4. The lower Court erred in law in holding that the respondent is entitled to damages for unfair dismissal, severance pay, 3 months' notice pay and Pension dues; and
5. The lower Court's decision was against the weight of the evidence.

The High Court dismissed the appeal on the ground that it failed to meet the requirements of Section 65 of the Labour Relations Act (Cap 54:01) of the Laws of Malawi, in that the appeal did not raise questions of either law or jurisdiction but instead focused on factual and evidential issues.

The appellant further appealed to the Supreme Court of Appeal. The question for determination was whether on a consideration of questions of law in an appeal before the High Court from the IRC, matters of fact have any role to play and, if so, to what extent.

Held – Dismissing the appeal:

1. That as per Section 65 of the Labour Relations Act, decisions of the IRC on the facts are final and binding, and that appeals from that Court are only permitted if they are either on questions of law or on questions of jurisdiction, not otherwise.
2. That instances will arise where the determination of a question of fact gives rise to a question of law.
3. That a misapplication of the law to found facts does amount to an error of law, and on appeal it can lead to a reversal of a lower court's findings.
4. That when a consideration of facts becomes necessary in dealing with an appeal on a question of law, the concerned court ought to bear at the fore of its mind a legitimate purpose for getting into such factual consid-



erations.

5. That whenever disputes come to court, labour disputes in the IRC included, they can rarely be about an academic application of the law. Of necessity they arise from live factual situations, whose resolution at first instance depends on a matching of the facts obtaining against the applicable law. Of necessity, therefore, even if an appeal following on such adjudication arises purely from questions of law, it would be idealistic to expect that there will be a one hundred per cent divorce of the legal questions from the facts.
6. That appellate courts should not resort to facts for purposes of deciding whether the Tribunal or Court below should have made particular findings of fact, but whether it could have lawfully made such findings. The corollary of this is that on their part too, appellants on questions of law should not try to hoodwink appellate courts into delving into factual situations for purposes of drawing factual conclusions that are different from those that were made by the final and binding decisions of the trial court. Appellants will only be right in their approach if they invite appeal courts to go into a consideration of the facts solely for the noble principle of checking whether such findings could have been lawfully made.
7. That after going through all the material the High Court dealt with, and after assessing the manner in which the appellant went about supporting its grounds of appeal in the High Court, the Court was convinced that the appellant was not asking that Court to decide whether the IRC could have legally made the factual findings it made on both the substantive and the procedural aspects of the dismissal/termination herein. Its aim, the rehearing had shown the Court, was that the High Court should make factual findings that were opposed to or in disagreement with the conclusions the IRC had come up with on the facts.
8. That the appellant herein indeed failed in its said appeal to the High Court to raise questions of law. Having instead only managed to raise therein questions of fact, which was contrary to what Section 65 demands of appellants in appeals from IRC decisions.

Khoviwa v Rep

SUPREME COURT OF APPEAL

(Being High Court, Principal Registry, Criminal Sentence Rehearing Case No. 35 of 2016)

NYIRENDA SC. CJ., TWEA SC., MZIKAMANDA SC., CHIPETA SC., CHIKOPA SC., KAPANDA SC.,
MWAUNGULU SC., JJA

Date of Judgment: 28 APRIL 2021

MSCA Misc. Criminal Appeal No. 12/2017

Facts

The appellant had been tried and convicted of murder in the Court below and had been sentenced to the mandatory death penalty that was imposable under Section 210 of the Penal Code. Kafantayeni and Others v Attorney Gener-



al. He appealed to the Supreme Court of Appeal against both conviction and sentence. His appeal was dismissed; both the conviction and the mandatory death penalty were upheld. In the interim, the decision of Kafantayeni and others v Attorney General was rendered. The appellant wanted to benefit from the sentence re-hearings that were done in similar murder and mandatory death penalty cases. He applied to the Court below for a sentence rehearing in the hope that the death penalty that had been imposed on him would be subject to the discretion of the Court. That application was refused and this appeal was against that refusal by the Court below to accord the appellant a sentence rehearing. The grounds of appeal were these:

1. The Court below erred in not according the appellant a sentence rehearing since it was duty bound to accord him a sentence rehearing based on the Supreme Court of Appeal Judgment of Maclemonce Yasini and another v Republic MSCA Criminal Appeal No. 25 of 2005 and the Judgment of the High Court sitting as a Constitutional Court in Kafantayeni and others v Attorney General Constitutional Case No. 12 of 2007.
2. The Court below erred in equating an appeal on sentence to a sentence rehearing and deciding that the two are alternatives as the two are different legal processes and an appeal cannot be a substitute or alternative for sentence rehearing.
3. The Court below erred in not according the appellant a sentence rehearing on the basis that the appellant had earlier appealed to the Supreme Court of Appeal as the decision of the Supreme Court of Appeal on the death sentence was decided *per incuriam* since at the time of entertainment of the appeal on death penalty there was no valid death penalty at all against the appellant the same having been declared unconstitutional and hence void ab initio.
4. Not according the appellant a sentence re-hearing is both discriminatory and arbitrary.

Held – the majority allowing the appeal on grounds of appeal 1, 2 and 4 and ordering a sentence re-hearing:

1. That in matters of sentence re-hearing, the doctrine of *res judicata* cannot be allowed to hinder the process. The defence of *res judicata* should never arise when the Court decides to conduct a sentence re-hearing, whether before or after an appeal to this Court confirming the death sentence. The appellant was entitled to a sentence re-hearing before the Court below. The appellant should have been allowed a sentence re-hearing regardless of the result of his appeal to this Court.
2. That there remains a clear distinction between an appeal process and a sentence rehearing, in more ways than one. The procedures between the two processes are quite distinct, one from the other. As was submitted for the appellant, the procedures are different. While in sentence re-hearing evidence may be enlisted, in mitigation or otherwise, it is not characteristic for an appeal to involve enlisting of evidence. Sentence re-hearing must remain the responsibility of the trial and sentencing court. An appeal can then go up the Court above the trial or sentencing Court. It was, therefore, correct to submit that an appeal is not a substitute for a sentence re-hearing.
3. That Kafantayeni and others v Attorney General only dealt with the issue about the unconstitutionality of the mandatory aspect of the death penalty and not the constitutionality of the death penalty. The latter was not an issue before the Court. It was therefore not accurate to suggest that the death sentence was void ab initio or invalid ab initio at the time the Supreme Court of Appeal determined the first appellant's appeal. The argument that the Court determined the appeal *per incuriam* was without basis and it was rejected.
4. That the mandatory death penalty passed on the appellant based on the defunct section 210 of the Penal Code was tainted with unconstitutionality to the extent that it was mandatory and there was no evidence proffered in mitigation at the time of the sentencing.



Democratic Progressive Party v Attorney General

HIGH COURT
PRINCIPAL REGISTRY
(Being Civil Case No. 230 of 2021)
KALEMBERA, MBVUNDULA, KAMANGA, MTALIMANJA, LIGOWE, JJ

Date of Judgment: 26 NOVEMBER 2021

Constitutional Referral No. 3/2011

Facts

On 7th June, 2020, the former President, Professor Arthur Peter Mutharika (Professor Mutharika) appointed the Sixth Cohort of the Electoral Commission (“the Commission”). The appointees were Justice Dr. Chifundo Kachale as Chairperson and Mr. Arthur Nanthuru, Dr. Jean Mathanga, Ms. Linda Kunje, Mr. Steve Duwa, Ms. Olivia Liwewe and Dr. Anthony Mukumbwa as members. On 16th June, 2020 the Malawi Congress Party and Dr. Lazarus McCarthy Chakwera (Dr Chakwera) commenced judicial review proceedings, styled Judicial Review Cause No. 34 of 2020, Malawi Congress Party and Dr Lazarus McCarthy Chakwera v The President of the Republic of Malawi at the High Court Lilongwe District Registry, challenging, in the main, the appointment of two of the Commissioners.

On 23rd June, 2020, the Sixth Cohort of the Commission, as appointed on 7th June, 2020, presided over and managed the Fresh Presidential Elections (“FPE 2020”), which returned Dr. Chakwera as President and Dr. Saulos Klaus Chilima as Vice President. This Cohort also presided over and managed diverse by-elections for Members of the National Assembly and Local Government Councils.

On or about 7th April 2021, the President rescinded the appointments of Dr. Jean Mathanga and Ms. Linda Kunje as Commissioners of the Sixth cohort of the Commission. The rescission was withdrawn by the President through his letter dated 28th May, 2021, pursuant to the decision of the High Court, Principal Registry in Civil Cause No. 45 of 2021, Dr. Jean Mathanga and Linda Kunje v Electoral Commission and Attorney General.

On or about 24th June, 2020, the Malawi Congress Party and Dr. Chakwera withdrew and discontinued the judicial review proceedings. On 19th March, 2021, the Malawi Congress Party and Dr. Chakwera applied for and were granted permission to revive the said proceedings. Subsequently, Dr. Chakwera applied for and was granted an order removing himself as a party to the judicial review proceedings and the remaining parties were Malawi Congress Party v The President of the Republic of Malawi. Dr. Jean Mathanga, Ms. Linda Kunje, Mr. Steve Duwa and Mr. Arthur Nanthuru joined the proceedings as Interested Parties.

The judicial review proceedings culminated in a judgment of 2nd June, 2021 in which the Court held that four out of the six Commissioners were not duly appointed as members of the Sixth Cohort of the Commission, as their nomination and appointment were done in breach of section 4 of the Electoral Commission (Amendment) Act, 2017. The Court further held, on the premise of section 42 of the General Interpretation Act, (Cap 1:01), of the Laws of Malawi, and on the authority of the cases of Chilima and another v Mutharika and another, Constitutional Reference No. 1/2019 (unreported) and Mutharika and another v Chilima and another Constitutional Appeal No. 1/2020 (unreported), that the actions and decisions of the Sixth Cohort of the Commission were not affected by



the defect in the appointment of four of its members.

The Court also held that the fact that the case referred to section 75 of the Constitution did not make it, or certain parts thereof, fit for determination by the High Court sitting as a Constitutional Court.

On 8th June, 2021, the Claimant commenced proceedings at the High Court, Principal Registry, (“original Court”) in Civil Cause No. 230 of 2021 seeking reliefs as follows:

1. A declaration that the rescission of the appointment of the two Commissioners of the Seventh Cohort of the Electoral Commission rendered the Seventh Cohort of the Electoral Commission inquorate and unconstitutional under Section 75 (1) of the Constitution of the Republic of Malawi as from the date of appointment of the Seventh Cohort of the Electoral Commission on or about the 7th June 2020.
2. A declaration that the decision of the High Court of Malawi in *Malawi Congress Party v The President of Malawi and Four Others*, Judicial Review Cause No. 34 of 2020 which declared that four Commissioners of the Seventh Cohort of the Commission were not validly appointed, reduced the Seventh Cohort of the Electoral Commission to only two validly appointed Commissioners and a Chairperson as from the date of the appointment of the Seventh Cohort of the Electoral Commission on 7th June 2020 and therefore the Seventh Cohort of the Electoral Commission was inquorate and unconstitutional from the day of its appointment.
3. A declaration that under Section 75 (1) of the Constitution of the Republic of Malawi, any vacancy in the composition of the Electoral Commission appointed with the minimum number of Six Commissioners, renders the Commission inquorate and unconstitutional; and thereby incapable of exercising any powers and functions in relation to elections in Malawi as provided for in Section 76 of the Constitution including presiding over, managing and conducting any elections including the purported Fresh Presidential Elections held on 23rd June 2020 in Malawi and all the By-elections conducted by the said inquorate Electoral Commission.
4. A declaration that under Section 75 of the Constitution of the Republic of Malawi, an unconstitutional and inquorate Electoral Commission does not have the Constitutional powers or mandate to preside over, manage and or conduct any elections in the Republic of Malawi.
5. A Declaration that Section 42 of the General Interpretation Act (CAP. 1:01) of the Laws of Malawi is inconsistent with the Section 75 (1) of the Constitution, and therefore invalid to the extent of such inconsistency under Section 5 of the Constitution of the Republic of Malawi.
6. A declaration that section 10 of the Electoral Commission Act, CAP. 2:03) of the Laws of Malawi in inconsistent with the Section 75 (1) of the Constitution, and therefore invalid to the extent of such inconsistency under Section 5 of the Constitution of the Republic of Malawi.
7. A declaration that the Seventh Cohort of the Electoral Commission having been rendered unconstitutional and inquorate, the Fresh Presidential Elections presided over, managed and conducted by the unconstitutional and inquorate Seventh Cohort of the Electoral Commission on 23rd June 2020 and all subsequent Parliamentary and Local Government By-Elections, are thereby null and void ab initio.
8. A declaration that the purported election of the President and Vice President on 23rd June 2020 and the subsequently purported swearing into the offices of President and Vice President of the Republic of Malawi are null and void ab initio.
9. A declaration that the Members of the National Assembly and Local Government Councils purportedly elected in elections presided over, managed and conducted by the unconstitutional and inquorate Seventh Cohort of the Electoral Commission and subsequently sworn into their respective offices as Members of the National Assembly and Local Government Councils in the Republic of Malawi, are thereby null and void ab initio.
10. Consequential orders and directions that the status of the Presidency of the Republic of Malawi revert to the



position it was prior to the appointment of the unconstitutional and inquorate Seventh Cohort of the Electoral Commission.

11. Consequential orders and directions that the offices of Members of the National Assembly and Local Government Councils purportedly elected in By-Elections presided over, managed and conducted by the unconstitutional and inquorate Seventh Cohort of the Electoral Commission and subsequently sworn into their respective offices of Members of the National Assembly and Local Government Councils in the Republic of Malawi revert to the positions they were in prior to the holding of such purported By-Elections.
12. Consequential orders and directions for the Fresh Appointment of the Seventh Cohort of the Electoral Commission.
13. Consequential orders and directions for the holding of Fresh Presidential Elections as directed by the Constitutional Court and the Malawi Supreme Court of Appeal on 3rd February 2020 and 8th May 2020 respectively.
14. Consequential orders and directions for the holding of Fresh Parliamentary and Local Government By-Elections in all the Constituencies and Local Government Councils where By-Elections were purportedly held, managed and presided over by the unconstitutional and inquorate Seventh Cohort of the Electoral Commission.
15. Any other consequential orders and directions as this Honourable Court shall deem fit and constitutional in the circumstances.

The original court referred the matter to the Chief Justice for certification as a constitutional matter to be presided over by a panel of not less than 3 Judges. Once the Chief Justice certified the matter, the defendant raised preliminary issues. And during the course of the hearing, the claimant in turn raised one additional preliminary objection. From the objections, the court outlined the following issues for determination:

1. Whether the Attorney General must take an oath of office in order to have standing in court;
2. Whether the High Court has jurisdiction to overturn its own decision or to review its own decision and whether a High Court judgment can constitute a cause of action;
3. Whether the present proceeding is aimed at reviewing or appealing against the decision of the High Court on similar issues;
4. Whether non-compliance with section 4 of the Civil Procedure (Suits by or against Government or Public Officers) Act is fatal to the proceedings commenced against the Attorney General and whether the present proceedings can be dismissed for failing to comply with section 4 of the Civil Procedure (Suits by or against Government or Public Officers) Act;
5. Whether a political party has locus standi to challenge the results of an election and whether the Claimant and the Defendant are proper parties to the present proceeding;
6. Whether the Claimant having deliberately contravened the law in recommending the appointment into the Electoral Commission of more than three nominees, should be allowed to benefit from its own illegality and whether it should be estopped from challenging the decisions of the members of the Electoral Commission who were appointed into the Electoral Commission in contravention of section 4 of the Electoral Commission Act;
7. Alternatively, whether the present proceeding seeks to benefit the Claimant from its own unlawful and illegal act;
8. Whether the present proceedings should have been commenced by way of petition and whether the present proceedings have been wrongly commenced;
9. Whether or not the present proceedings are statute barred under section 100 of the Parliamentary and Presi-



dential Elections Act, having been commenced more than seven days from the declaration of the result of the election; and

10. Whether or not, the present proceedings are frivolous, vexatious and an abuse of court process and a waste of the Court's time.

Held – striking out the action:

1. That the framers of the Constitution did not intend for the Attorney General to take an oath of office. The Court finds that the Attorney General was properly before the Court.
2. That the certification was made subject to the Referral and that Order 16 rule 6 of the Courts (High Court) (Civil Procedure) Rules allows a court to consider preliminary issues, the Court concluded that the said preliminary issues were rightly before the Court and the Court was within its legal mandate in entertaining them.
3. That the issues in the proceedings were the same as those in *Malawi Congress Party v The President of the Republic of Malawi* which was decided by the High Court, Lilongwe District Registry. Therefore, this was an appeal in disguise and the Court had no jurisdiction to entertain it.
4. That the three prerequisite elements establishing *res judicata* (re-litigation) namely, existence of a final judgment, identity of parties and identity of subject matter obtained in this matter.
5. That the concept of *functus officio* was inapplicable in the case for the reason that it was not this Court which rendered the judgment in *Malawi Congress Party v The President of the Republic of Malawi*, which was registered as Judicial Review Cause no. 34 of 2020 and heard at the High Court Lilongwe Registry.
6. That the proceedings were incompetent because the claimant was relying on the judgment in *Malawi Congress Party v The President of the Republic of Malawi* as its cause of action. The Court having established that the judgment does not constitute a cause of action.
7. That the Court rejected the Defendant's assertion that this was an election matter which should have been commenced by way of petition. The reason was that the three factors that must obtain in an election petition had not been satisfied, in that (i) the complaint did not arise "due to an act or omission during an election," (ii) the Claimant had no right to be elected at an election and (iii) the Claimant was not a candidate at such election.
8. That having established that the proceedings did not constitute an election matter the limitation period of seven days under section 100 of the Parliamentary and Presidential Elections Act does not apply.
9. That having established that the action was an appeal in disguise and/or a re-litigation of the issues, the finding was that the Claimant lacked standing to approach the Court in the manner it had done by commencing fresh proceedings.
10. That there exists no juristic person known as the 'Office of the President of the Republic of Malawi'. Whilst the Attorney General can be sued on account of the actions or omissions of the Government or a public officer, he is not sued in abstract. Since the 'Office of the President of the Republic of Malawi' is not a legal person, the Attorney General had been sued in abstract and was therefore a wrong party.
11. That the requirement for the section 4 notice requirement of 3 months could not be dispensed with for the reason that the proceedings were commenced by a summons under Order 5 of the Courts (High Court) (Civil Procedure) Rules.
12. That the principle relief sought by the Claimant, namely, nullification of the results of the 2020 presidential elections and the subsequent Parliamentary and Local Government by-elections, if granted, would have the effect of benefiting the Claimant from its own illegality.
13. That having found that the proceedings were an appeal in disguise or an attempt to re-litigate the issues in *Malawi Congress Party v The President of the Republic of Malawi* which were caught by the doctrine of *res judicata*, the Court concluded that the proceedings were frivolous, vexatious and an abuse of the process of



the court.

14. That the issues raised in this matter were dealt with to finality in the case of Malawi Congress Party v The President of the Republic of Malawi. The Claimant accepted both the rescission letter and the judgment in Malawi Congress Party v The President of the Republic of Malawi. This implied that there was no dispute for the Court to determine and that the Claimant merely sought the Court's advisory opinion. The finding was that the matter was not within the jurisdiction and competence of the court.
15. That having established that no cause of action had arisen and that the Claimant had not shown that any dispute had been triggered and that the Claimant only sought the Court's advisory opinion, the Court concluded that the matter was moot, hypothetical and academic.



COURT SERVICES AND GENERAL ADMINISTRATION

Court administration broadly involves the performance of many functions including human resource management, fiscal or financial management, case flow management, information and technology management, jury management, infrastructural or estate development, public relations, intergovernmental liaison, security, procurement, court reporting, court interpretation and advisory services. In our context, some of the managerial functions overlap with judicial functions. This is also reflected in the Judicature Administration Act, Cap. 3:10 of the Laws of Malawi which vests such responsibility in the offices of the Registrar of the High Court and the Supreme Court of Appeal and the Chief Courts Administrator.

The Chief Courts Administrator is the most senior member of staff of the judiciary. Under the Act, he or she is responsible for overseeing the general administration (including security, procurement, information and technology management, and infrastructure development, financial management and human resource management) of the Judiciary.

According to section 3 of the Act, the Chief Courts Administrator is subordinate to the Registrar but subject to the direction of the Chief Justice in the discharge of his or her duties and functions. The Act also governs the terms and conditions of service for members of staff of the Judiciary who, under the Act, are all non-judicial officers.



Mrs. Edith W. Chikagwa
Chief Courts Administrator



Mr. Albert I. Phikani
Deputy Chief Courts Administrator



Mr. Charles Munthali
Principal Courts Administrator



Chapter 8



Mrs. Mervis Kaphinde
Principal Courts Administrator - East



Mr. Godfrey Kapana
Principal Courts Administrator - South



Mr. Phunziro Kwisongole
Principal Administrative Officer – Centre



Mr. Hytone Kadyamo
Regional Courts Administrator – North



DESIGNATION	NAME
Mrs. Edith W. Chikagwa	Chief Courts Administrator
Mr. Albert I. Phikani	Deputy Chief Courts Administrator
Vacant	Assistant Chief Courts Administrator
Mrs. Mervis Kaphinde	Principal Courts Administrator – East
Mr. Godfrey Kapana	Principal Courts Administrator – South
Mr. Charles Munthali	Principal Courts Administrator
Mr. Kenneth Isaac	Principal Courts Administrator – Zomba High Court Registry
Mr. Phunziro Kwisongole	Principal Administrative Officer – Centre
Mr. Hytone Kadyamo	Regional Courts Administrator – North
Mrs. Malalanje	Courts Administrator – Centre

FINANCE DIVISION

The Division is responsible for the efficient management of and accounting for financial resources including facilitation of the preparation of budget estimates.

According to the Establishment Warrant, the Division is headed by a Director of Finance. However, the position is vacant. In the meantime, the duties of that office are being performed by the Chief Accountant.

In the 2021/2022 Financial Year, the Judiciary had an approved budget of K11, 817, 255, 638 comprising K5, 830, 234, 031 for Personal Emoluments (PE), K4, 082, 021, 607 for Other Recurrent Transaction (ORT) and K1, 905, 000, 000 for Development Part II.

The approved ORT budget was allocated to the following Cost Centres

NO	COST CENTER NAME	CURRENT PROVISIONS
1	HEADQUARTERS	2,008,874,692.00
2	CRM SOUTH	114,140,285.00
3	CRM CENTER	121,433,510.00
4	CRM NORTH	113,105,339.00
5	CRM EAST	110,491,690.00
6	LILONGWE CIVIL DIVISION	100,996,691.00
7	MZUZU REGISTRY	87,751,923.00
8	ZOMBA REGISTRY	91,324,370.00
9	CHILD JUSTICE COURTS	38,877,788.00
10	BLANTYRE COMMERCIAL DIVISION	105,958,959.00
11	SUPREME COURT	184,993,664.00
12	BLANTYRE IRC	69,892,195.00
13	COMMUNITY SERVICES	33,421,556.00



Chapter 8

14	LILONGWE COMMERCIAL DIVISION	51,814,847.00
15	BLANTYRE CRIMINAL DIVISION	103,384,194.00
16	REVENUE DIVISION	55,335,806.00
17	MILE	108,390,000.00
18	LILONGWE CRIMINAL DIVISION	89,603,913.00
19	LILONGWE IRC	44,284,638.00
20	MZUZU IRC	38,383,377.00
21	BLANTYRE CIVIL DIVISION	93,001,482.00
22	JUDICIAL POLICY	78,200,688.00
23	FAMILY AND PROBATE	125,500,000.00
24	MZUZU COMMERCIAL DIVISION	56,860,000.00
25	ZOMBA IRC	56,000,000.00
TOTAL ORT		4,082,021,607.00



Mr. Unusu I. Kamwana
Chief Accountant

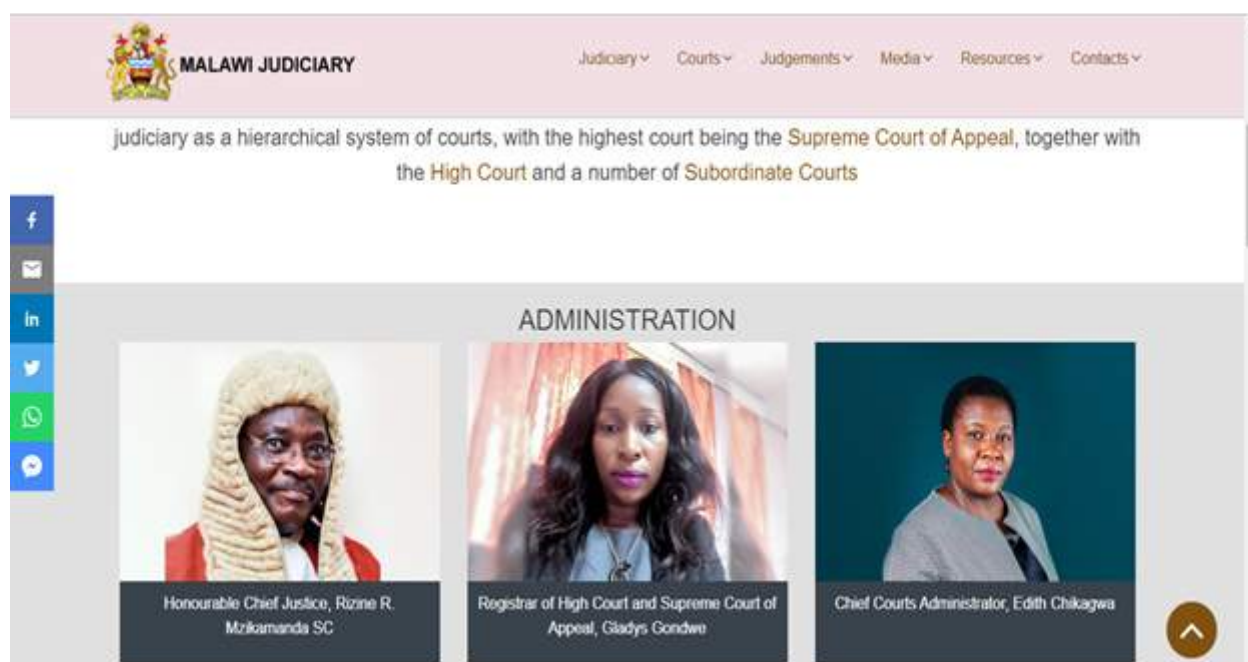


INFORMATION COMMUNICATION AND TECHNOLOGY DIVISION

The Division is responsible for the development, management and maintenance of Information Communication and Technology (ICT) systems in the Judiciary. This includes offering support to users of ICT, development and implementation of computer systems, computer network and hardware management.

According to the Establishment Warrant, the Division is headed by the Director of ICT. However, the position is vacant. In the meantime, the duties of that office are being performed by the Chief Systems Analyst.

In the year under review, the division successfully implemented the following: (a) Linking of Zoom to Video Conference facilities; (b) development of a Case Statistics tool for District Magistrate Courts; (c) Development of a new Judiciary Website; (d) Installation of CCTV Cameras at Headquarters.



A screenshot of the front page of the Malawi Judiciary website



Mr. I. Mzoma
Chief Systems Analyst



HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT DIVISION

The Division is responsible for recruitment, deployment, promotions, training, management of human resource personal information, facilitating disciplinary procedures, and implementation of conditions of service.

According to the Establishment Warrant, the Division is headed by a Director of Human Resource Management and Development. However, the position is vacant. In the meantime, the duties of that office are being performed by the Chief Human Resource Management Officer.

RECRUITMENT

The Division coordinated the recruitment of Third Grade Magistrates (23), Courts Administrator (1), Security Officer (1), Systems Analysts (2), Drivers (21), Messengers (5), Court Marshals (61) and Security Guards (20).

ATTRITION

The following members are no longer in the service in the Judiciary on account of;

a. RETIREMENT

In the year 2021, a number of judicial officers and members of staff of the Judiciary retired from service. Those who retire are the following:

Jimmy Tambula - Senior Assistant Court Administrator – 31st January, 2021
Mrs. Martha Pindani - Chief Courts Reporter retired on 10th March, 2021
Erick Mpando - Corporal Messenger retired on 31st March, 2021
Phyokawaka Phiri - Building Foreman retired on 1st April, 2021
Honourable Justice of Appeal E.B. Twea, SC retired on 9th April, 2021
Greyson Malinga - First Sergeant Messenger retired on 12th May, 2021
His Worship Henderson Kantchere retired on 18th May, 2021
Emmanuel Maulana - Corporal Messenger retired on 30th May, 2021
Her Worship Cecelia Malema retired on 31st May, 2021
Honourable Justice of Appeal D.F. Mwaungulu SC retired on 11th June, 2021
Richard Chisale - Corporal Messenger retired on 16th June, 2021
Honourable Justice Esmie Chombo retired on 30th June, 2021
Her Worship Nazalio Kantiki retired on 30th June, 2021
Her Worship Sara Beza retired on 30th June, 2021
Mr. Langdon Nkhoma – Carpenter retired on 7th July, 2021
Honourable Justice of Appeal A. Chipeta, SC retired on 26th July, 2021
Gerlad Gama - Security Guard retired on 21st August, 2021
Bernadetta Frazer - Copy Typist retired on 31st August, 2021
Her Worship Lilian Munthali retired on 30th September, 2021
Goodwill Banda - Senior Assistant Court Administrator – 27th October, 2021
His Worship George Longwe retired on 31st October, 2021
Charmy Sankhani - Corporal Messenger retired on 20th November, 2021
Dyson Chimalizeni - Senior Head Messenger retired on 30th November, 2021
Charles K. Banda - Senior PBX Operator retired on 30th November, 2021
Honourable the Chief Justice, Andrew K.C Nyirenda, SC retired on 26th December, 2021.
His Worship Medson Banda retired on 31st December, 2021
Dora Stanford - Court Clerk retired on 31st December, 2021



Clement Sapala - Corporal Messenger retired on 31st December, 2021

On 14th October, 2021, the Judiciary hosted a farewell function at Sunbird Mount Soche Hotel for Judges and some members of staff who retired between 2018 and 2021.



Seated (from left to right): Honourable Justices of Appeal A.D Kamanga, SC, A.C Chipeta, SC, E.B. Twea, SC, Honourable the Chief Justice, Andrew K.C Nyirenda, SC, Honourable Justices E. J. Chombo and M.L Kamwambe

Standing (from left to right): Mrs. Chipeta, Mrs. Pindani, Mrs. Lora, Mr. Lora and Mrs. Kamwambe

The function was attended by judicial officers, members of staff and representatives of various stakeholders in the justice sector.





b. RESIGNATIONS

The following resigned during the year 2021

- Paul Mlaviwa - Systems Analyst resigned on 31st January, 2021
- Aubrey Kalimphalinga - Data Preparation Clerk resigned on 31st January, 2021
- Annie Phiri - Assistant Accountant resigned on 17th March, 2021
- Gift Ndawala - Accounts Assistant resigned on 30th April, 2021
- Hariet Mwanza - Court Marshal resigned on 30th April, 2021
- Elizabeth Wazili - Driver resigned on 28th May, 2021
- Flora Chagunda - Court Marshal resigned on 28th May, 2021

c. DISMISSALS

The following officers were dismissed from service during the year 2021:

- Benedicto Chitsakamire - Principal Resident Magistrate dismissed on 08th February, 2021
- Trust God Mkandawire - Third Grade Magistrate dismissed on 08th February, 2021

d. DEATHS

The Judiciary lost the following officers during the year 2021

- Sophie Mbewe - Senior Court Reporter died on 22nd January, 2021
- Stande Nailuwa - Security Guard died on 22nd January, 2021
- David Mulungu - Driver died on 08th February, 2021
- Martin Nsabwe - Accounts Assistant died on 10th March, 2021
- Henry Chiwosi - First sergeant Messenger died on 14th September, 2021
- John Mpahiwa - Second Grade Magistrate died on 04th November, 2021

TRAINING

Training in the Judiciary is governed by the Judiciary Training and Development Policy which was developed in 2005 and revised in 2019 to run until 2024. The Policy provides a framework for ensuring that the Judiciary has a highly competent workforce at all levels and in all areas of its operations. It also provides guidelines, procedures and departmental arrangements that ensure systematic coordination and implementation of training activities. The Policy also spells out the roles of various stakeholders in managing training in the Judiciary.

1. Long Term Training

Judicial Officers and Members of Staff were admitted into the following programmes:

NO	NAME OF OFFICER	POSITION	PRO-GRAMME/ COURSE	TRAINING INSTI-TUTION	PERIOD OF STUDY
1	His Worship Christopher Baluwa	Third Grade Magistrate	Diploma in Law	Chancellor College, Malawi	2 years
2	Dorica Mhone	Community Ser-vice Officer	Bachelor of So-cial Sciences	University of Liv-ingstonia, Malawi	4 years



3	Thokozani Mwale	Court Marshal	Paralegal Studies	Staff Development Institute, Malawi	1 year
4	Justice Dorothy Degabriele	Judge of the High Court	PhD in Governance and Electoral Justice	University of Warwick, United Kingdom	4 years
5	Her Honour Chikondi Mandala	Assistant Registrar	PhD in Socio-legal studies	University of Kent, United Kingdom	4 years
6	Her Honour Anne Gumulira	Assistant Registrar	LLM in Human Rights in Criminal Justice	University of Limerick, Ireland	1 year
7	Austin Banda	Court Marshal	Library and Information Science studies	Malawi Library Association Training Centre, Malawi	1 year
8	His Worship Matteo Chitha	Senior Resident Magistrate	LLM in International Children's Rights	Leiden University, Netherlands	1 year

2. Short Term Training

a) Funded by the Judiciary

COURSE TITLE	PARTICIPANTS	DATES
Induction Seminar	58 Acting Accounts Officers	26th to 27th April, 2021; 29th to 30th April, 2021
Refresher training on Jurisdiction	33 Third Grade Magistrates	11th June, 2021
Orientation in Archiving	12 Court Clerks	18th June, 2021
Induction Seminar	56 Newly appointed Third Grade Magistrates	13th to 15th September, 2021
Induction Seminar	40 Court Clerks	15th to 17th November, 2021
Refresher training	7 Internal Auditors	14th to 15th December, 2021



Participants to the Induction Seminar for Acting Accounts Officers held at Nkhata-Bay Pastoral Centre from 7-8 September, 2021



Induction Seminar for newly appointed Third Grade Magistrates

b) Funded by other stakeholders

COURSE TITLE	PARTICIPANTS	DATES	STAKEHOLDER
Symposium on African Protocol on Rights of Older Persons	9 Magistrates	10th May, 2021	Ministry of Justice and Constitutional Affairs
Workshop on Combating Wildlife Crimes	18 Magistrates	12th to 13th May, 2021	Department of National Parks and Wildlife
Workshop on Wildlife Crimes Case Review	34 Magistrates	18th to 20th May, 2021	Lilongwe Wildlife Trust
Orientation in Handling Gender Based Violence (GBV) Cases	35 Court Clerks	21st May, 2021	Women Judges Association of Malawi
Virtual Seminar on the use of Torture and Torture-tainted Evidence in Malawi	12 Justices of Appeal and Judges of the High Court	2nd to 3rd November, 2021	Irish Rule of Law International
Orientation Workshop on Trafficking in Persons	14 Judges of the High Court and Magistrates	11th to 12th November, 2021	Global Hope Mobilization
Training on Asset Recovery	4 Senior Resident Magistrates	15th to 19th November, 2021	International Centre for Asset Recovery
Online training course on Achieving Inclusive Societies Through Effective Criminal Justice Policies and Practices	1 Judge of the High Court	15th November to 9th December, 2021	Japanese International Cooperation Agency



Workshop on Refugee Protection	16 Justices of Appeal, Judges of the High Court, Registrars and Magistrates	25th to 26th November, 2021	United Nations High Commissioner for Refugees
Training on Core Competencies for Child Justice Magistrates	77 Magistrates	30th November to 2nd December, 2021 7th to 9th December, 2021	United Nations Children's Fund



Mrs. Naomi Kwerani
Chief Human Resource Management Officer

COURT REPORTING SECTION

This is a section responsible for recording and transcribing court hearings with a view to maintaining and producing Court Records. A court record is a very critical document in case of an appeal as it contains all what transpired during trial.

According to the Establishment Warrant, the section is headed by a Chief Court Reporter. However, the position is vacant. In the meantime, the duties of that office are being performed by the Principal Court Reporter.



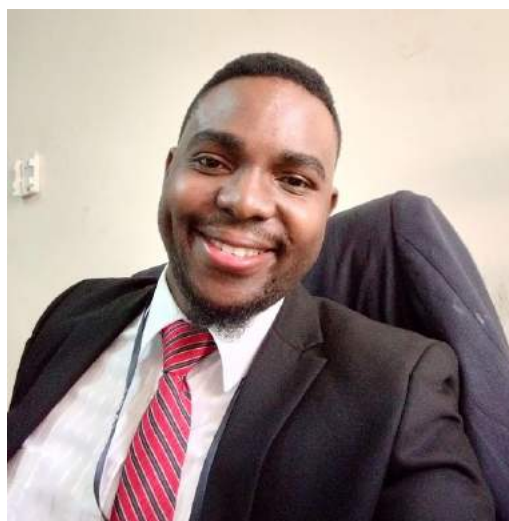
Ms. Zelia Mthunzi
Principal Court Reporter

PROCUREMENT SECTION

This Section is responsible for the acquisition and disposal of goods, services and works in the Judiciary. Some of the procurement is centrally done at the headquarters such as procurement of motor vehicle insurance for judges, judges' regalia, procurement of judges' medical cover, consultancy services, and major court rehabilitation works while the procurement of other goods and services and disposal of those goods is decentralized.

According to the Establishment Warrant, the Section is headed by the Chief Procurement Officer. However, the position is vacant. In the meantime, the duties of that office are being performed by a Procurement Officer.

The major procurements in the year 2021 included procurement of judges' regalia, consultancy to design and supervise construction of Judicial Complex in Lilongwe, rehabilitation of Chipoka and Bolero Magistrate Courts, procurement of furniture for selected magistrate courts, construction of carpark at Chichiri Court premises, security services, health insurance, motor vehicle insurance cover and motor vehicles for the Security Services Section.



Mr. Maziko Chalira
Procurement Officer



SECURITY SERVICES SECTION

The Section is responsible for ensuring the safety and security of personnel and premises of the Judiciary. In the operationalization process of the Section, the Judiciary has started the recruitment and training of Troopers who, in the long run, will be responsible for providing security to all the establishments of the Judiciary and premises of judicial officers. Four Security Officers were recruited and deployed to the Principal Registry, Lilongwe District Registry, Mzuzu District Registry and Zomba District Registry.

According to the Establishment Warrant, the Section is headed by a Chief Security Officer. However, the position is vacant. In the meantime, the duties of that office are being performed by the Security Officer.



Mr. John Sambakunsi
Security Officer



OFFICE OF THE SHERIFF OF MALAWI

The Office of the Sheriff of Malawi is created under the Sheriffs' Act, Cap. 3:05 of the Laws of Malawi. It has the responsibility of enforcing judgments and orders of all courts. Enforcement is the last stage of the judicial process after the legal rights of the parties have been determined in a judgment or an order.

During this process, a judgment or an order of the court is made effective in order to enable the successful party reap the fruits of his judgment. Conversely, where there is voluntary compliance with the judgment or order of the court by the losing party, enforcement by sheriffs becomes unnecessary.

The Office of the Registrar also serves as the Office of the Sheriff of Malawi. In practice, the day-to-day administration and management of that Office is done by the Office of the Deputy Sheriff which position is vacant. In the meantime, the duties of that Office are being performed by the Principal Assistant Sheriff.

2021 statistics for the Office of the Sheriff of Malawi

WARRANTS REGISTERED	WARRANTS EXECUTED	WARRANTS PENDING EXECUTION
1201	431	770



Mrs. Mirriam O. Kachule
Principal Assistant Sheriff



COMMUNITY SERVICE DIRECTORATE

Community Service is one of the alternatives to custodial sentence under the Criminal Procedure and Evidence Code. In 2005, the Judiciary established a Community Service Directorate, as secretariat to the Malawi National Committee on Community Service established pursuant to Rule 3 of the Community Service (General) Rules made under section 364A of the Criminal Procedure and Evidence Code, Cap. 8:01 of the Laws of Malawi. The primary function of the Directorate is to implement Community Service Orders made by Courts.

It is worth noting that there is re-thinking on the placement of the Directorate. To that extent, the Directorate has since been deleted from the Establishment Warrant of the Judiciary. A decision is yet to be made as to where it will be placed.

COMMUNITY SERVICE MONTHLY COMPLETION STATISTICS

	COM- PLETED		STILL SERV- ING	DE- FAULT- ERS			TOTAL	REGIS- TERED
	within the month	Previous months	Accumu- lative	Rearrest- ed back on cs	Sent to prison	At large	COM- PLE- TION	
Balaka	0	12	192	6	1	28	15	13
Blantyre	12	5	165	0	0	57	22	69
Chikwa- wa	14	46	143	0	0	0	40	36
Chirad- zulu	2	5	63	0	0	18	12	6
Chitipa	0	2	18	0	0	13	1	17
Dedza	8	34	161	1	0	6	32	83
Dowa	17	36	339	0	1	0	83	123
Karonga	0	0	59	0	0	6	10	25
Kasungu	0	21	409	0	2	26	31	34
Likoma	0	0	0	0	0	0	0	1
Lilongwe	5	15	450	0	1	6	8	63
Limbe Area	6	15	228	0	0	6	11	16
Machinga	4	3	152	0	0	2	8	22
Mangochi	27	20	70	0	1	8	49	41
Mchinji	0	0	31	0	0	3	1	8
Mulanje	3	8	79	0	1	13	15	20
Mwanza	3	11	47	1	0	0	14	12



Chapter 10

Mzimba North	0	0	29	0	0	1	7	9
Mzimba South	0	0	55	0	0	1	5	27
Neno	5	10	58	1	0	16	15	12
Nkhatabay	0	0	23	0	0	0	6	14
Nkhota-kota	1	18	264	0	0	3	4	39
Nsanje	23	18	278	0	0	3	62	2
Ntcheu	5	9	84	0	3	18	14	29
Ntchisi	0	17	297	0	1	7	0	28
Phalombe	2	8	155	0	0	10	11	23
Rumphi	0	0	33	0	0	5	2	8
Salima	0	20	228	3	3	13	14	43
Thyolo	6	11	85	2	0	4	13	27
Zomba	5	4	322	0	0	9	12	26
Totals	148	348	4517	14	14	282	517	876



Mr. Charles P. Jere
Acting National Deputy Director



CHILD JUSTICE SERVICES DIRECTORATE

Child Justice Services Directorate aims at improving service delivery in child justice courts. The mandate of the Directorate is to ensure that the child justice system is fair and humane based on the principle of best interests and welfare of the child as enshrined in the Constitution and further provided for under the Child Care, Protection and Justice Act (CCPJA), Cap. 26:03 of the Laws of Malawi.

The Directorate is also a secretariat of the National Child Justice Forum (The Forum) which was established to ensure that a humane child justice system is available to the children in conflict with the law and those in need of care and protection. The Forum is chaired by Honourable Justice Fiona Mwale.

In 2021, the Directorate and the Forum with funding from UNICEF managed to train 70 magistrates nominated for designation as child justice magistrates at district and selected satellite courts as well as 35 court clerks on core competencies for child justice. As a result of the training, there has been marked improvement on adherence to procedure and matters of jurisdiction for child justice courts. Similarly, there has also been improvement in development, transmission and management of records within and beyond the Judiciary.

The Directorate and the Forum with funding from development partners managed to develop and publish a Compendium of Child Related Laws, Compendium of Laws for the Protection of Women and Children from Sexual and Gender Based Violence, National Standards for Child Justice Court Circuits, and the Child Justice Core Competencies Training Manual. These documents are being used as both reference and awareness materials.

As a way of ensuring that there is increased access to child justice and its related services to all without discrimination, the Directorate and the Forum facilitated the designation of child justice magistrates in remote and hard to reach areas. A total of 34 satellite courts were identified and covered under the initiative. The Directorate and the Forum have also implemented court circuits in these areas.

According to the Establishment Warrant, the Directorate is headed by a Director. However, the position is vacant. In the meantime, the duties of that Office are being performed by the Community Service Officer.

CHILD JUSTICE COURTS

TYPE OF CASE	CASES BROUGHT FORWARD	REGIS-TERED	TOTAL CASES	CASES CONCLUD-ED	CASES PENDING	% RATE OF DISPOSAL
CIVIL	5770	3484	9254	3000	6254	32.41841366
CRIMINAL	3916	1861	5777	1810	3967	31.33114073
TOTAL	9686	5345	15031	4810	10221	



Chapter 11



Mr. Chifundo B. Mbvundula
Acting Coordinator – Child Justice Directorate



MALAWI JUDICIARY DEVELOPMENT PROGRAMME

The Malawi Judiciary Development Programme (MJDP) is the project management unit of the Judiciary and started its operations in 2003. The MJDP coordinates and facilitates the relationship between the Judiciary and development partners in the designing and implementation of activities funded by development partners.

In 2021, the major development partners were the European Union (EU) through the Chilungamo Programme, the United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC). Under Chilungamo Programme, the Judiciary trained judicial officers and members of staff. It also produced and published law reports and continued with the rehabilitation of Balaka, Rumphi and Likoma magistrate courts. UNODC assisted the Judiciary with funding to develop a manual on Asset Recovery and also to conduct training of trainers in Asset Recovery. UNDP is supporting the Judiciary in the development of a Case Statistics Tool for District Magistrate courts.

The breakdown of the funding is as follows:

1. European Union –Chilungamo Programme committed K 214,091,387.65 for the implementation of the following activities:
 - » Meetings of the Criminal Justice Coordinating Committee
 - » Meetings of the Technical Committee of the Criminal Justice Coordinating Committee
 - » Review of Subordinate Court Rules
 - » Review of Plea Bargaining Rules
 - » Printing and publication of Law Reports (Years of Law Reports)
 - » Conducting Mobile Courts for the Magistrate Courts and the Child Justice Court
 - » Hearing of cases through Camp Courts
 - » Rehabilitation of Magistrate Courts in Balaka, Rumphi and Likoma.
 - » Review of Supreme Court of Appeal Act
 - » Development of Service Charter for the Judiciary
2. United Nations Development Programme through the National Statistics Office provided funds towards the development of a Case Statistics Tool for District Magistrate Courts.

The Chairperson of the program is Honourable Justice Joseph Chigona and Miss Annie Chipeta is the Coordinator.



Miss Annie Chipeta
Coordinator, Malawi Judiciary Development Programme



INFRASTRUCTURE DEVELOPMENT

The Judiciary has physical court infrastructure country wide. The court infrastructure is not adequate to meet the demand for office and court accommodation of the Judiciary. Most of it is in dilapidated state. As a result, some court centres are accommodated in rented premises, while others are operating from dilapidated premises and others have been rendered non-functional. This has negatively affected the efficient and effective delivery of services to the public. Using the existing Infrastructure Development Plan, the Judiciary continued with the rehabilitation and construction of suitable court infrastructure.

Infrastructure development is implemented through funding from Government of Malawi under Public Sector Infrastructure Programme (PSIP) and European Union (EU) - Chilungamo Programme.

Infrastructure development falls under Estates Management Section which is headed by the Chief Maintenance Officer.



Mr. Glyn Chirwa
Chief Maintenance Officer

Malawi Government Funded Court Rehabilitation

1. BOLERO MAGISTRATE COURT

The court building is situated at a water-logged area and is hardly accessed during rainy season due to stagnant water around the building. Besides, the court building was in very dilapidated condition and did not have enough and secure working space, hence, the Judiciary is constructing a new court house close to Bolero Police unit.

The construction works commenced on 5th August, 2021 and were expected to be completed by 15th April, 2022.



Bolero Court building before rehabilitation



Foundation excavation in progress

2. CHIPOKA MAGISTRATE COURT

The court building fell into a state of disrepair some years ago and now the court operates on circuit under a tree. Otherwise, people around the catchment area have to travel long distances to either Salima or Mtakataka Magistrate Courts to access justice. The Judiciary is constructing a new court house close to the old one.

The construction works commenced on 15th November, 2021 and are expected to be completed by 15th May, 2022.



Chipoka Court building before rehabilitation



Foundation excavation in progress

Malawi Government/Development Partner Co-Funded Court Rehabilitation

3. BALAKA MAGISTRATE COURT

The rehabilitation works involved creation of two spacious court rooms and chambers. The works commenced in 2019. The project is co-funded by the Government of Malawi and the European Union – Chilungamo Programme. Despite the challenges experienced during the implementation of the project, it is expected that the rehabilitation works are to be completed by April, 2022.



Balaka Court building before rehabilitation



Front of Court building under rehabilitation



Left side building under rehabilitation



Rear side of court under rehabilitation

4. CHITIPA MAGISTRATE COURT

The rehabilitation works involved creation of two spacious court rooms and chambers. The works commenced in 2019. The project is co-funded by the Government of Malawi and the European Union – Chilungamo Programme. Despite the challenges experienced during implementation of the project, the rehabilitation works were successfully completed on 7th May, 2021.



The old Chitipa Magistrate Court



The new Chitipa Magistrate Court



5. RUMPHI MAGISTRATE COURT

The rehabilitation works involved creation of two spacious court rooms and chambers. The works commenced in 2020. The project is co-funded by the Government of Malawi and the European Union – Chilungamo Programme. Despite the challenges experienced during implementation of the project, it is expected that the rehabilitation works will be completed by end September 2022.



Rumphu Court building before rehabilitation



Right side building before rehabilitation



Court building under rehabilitation



Court building under rehabilitation



Court building under rehabilitation

6. LIKOMA MAGISTRATE COURT

The court building collapsed some years ago and the Judiciary had to look for a space at the Office of the District Commissioner for its business. The Judiciary is constructing a spacious purpose-built court house close to the old one. The project is co-funded by the Government of Malawi and the European Union – Chilungamo Programme.

The construction works commenced in July 2021 and are expected to be completed by May 2022.



Liwonde Court building before rehabilitation



Court building under rehabilitation



Left side of the building under rehabilitation



Front side of the court under rehabilitation



7. MAKANJIRA MAGISTRATE COURT

The court building was in a dilapidated state. The rehabilitation works involved replacing the old roof with a new one and facelifting of the court building. The project is funded by the United Nations Population Fund (UNFPA).

The construction works commenced in January, 2021 and were successfully completed in November, 2021.



Makanjira Court building before rehabilitation



Court building after rehabilitation

The Judicial Complex Project

The Project has four components, namely, the Judiciary Headquarters Complex at City Centre opposite Parliament Building; the official residence of the Chief Justice in Area 10; the Warehouse for the Office of the Sheriff in Area 50, Kanengo; and the Judiciary Training Institute proposed to be located in Mponela. The component on the Judiciary Training Institute is not included in the preliminary procurement processes for consultants to design and supervise construction as it was added later following a meeting with the Right Honourable the Vice President where the Judiciary was presenting a progress report on Public Reforms. It was at that meeting that a decision was made to incorporate the Judicial Training Institute into the Judicial Complex Project. It is planned that the Judiciary Headquarters Complex will house the Supreme Court; the Court of Appeal; the High Court (all Divisions); and the Administration Block. The project is estimated to cost K120 billion.

The activities that have so far been undertaken include: stakeholder consultations; erection of signposts bearing the words “The Judiciary: Proposed Site for the Judiciary Headquarters”; production of the revised Environmental and Social Impact Assessment (ESIA); Cadastral and topographical surveys of the sites of the Judiciary Headquarters Complex, Official residence of the Chief Justice and the Warehouse for the Office of the Sheriff; and commencement of the procurement of services of consultants to design and supervise construction works.



Commercial Court Construction Project

The Judiciary is constructing a court house for the Commercial Court in Blantyre with funding from the Government of Malawi. The project commenced in August, 2010 and was expected to be completed by August, 2012. Due to various challenges, the project has dragged and is currently at 95% completion.





JUDICIARY COMMITTEES

The Office of the Chief Justice from time to time constitutes standing committees and ad hoc committees in order to assist in the implementation of policies within the Judiciary.

In 2021, the Judiciary had the following committees:

PERFORMANCE APPRAISAL COMMITTEE

The mandate of this Committee is to develop tools for assessment of performance of Judicial officers and members of staff.

The Committee is composed of:

- i. Honourable Justice of Appeal Lovemore P. Chikopa, SC – Chairperson
- ii. Honourable Justice Dorothy nyaKaunda Kamanga
- iii. Senior Deputy Registrar – His Honour Kondwani Banda
- iv. Chief Resident Magistrate (N) – His Worship Dick Sankhulani
- v. Assistant Registrar - Her Honour Ellen C. Banda - Secretary
- vi. Deputy Chief Courts Administrator – Mr. Albert Phikani
- vii. Controller of Human Resources – Mrs. Naomi Kwerani (Representative)
- viii. First Grade Magistrate – His Worship Boswell Kamphonda
- ix. Chief Law Clerk – Mrs. Caroline Chimtande

BUDGET AND FINANCE COMMITTEE

The mandate of the Committee is to provide oversight of the budgeting process and financial accountability in the Judiciary.

The Committee is composed of:

- i. Honourable Justice of Appeal Rizine R. Mzikamanda, SC – Chairperson
- ii. Honourable Justice Dr. Michael Mtambo
- iii. Honourable Justice Dingiswayo Madise
- iv. Registrar – Her Honour Gladys Gondwe
- v. Chairperson – IRC – His Honour Austin B. Mswoya
- vi. Chief Resident Magistrate (S) – Her Worship Jean Kayira
- vii. Chief Courts Administrator – Mrs. Edith Chikagwa
- viii. Chief Accountant – Mr. Unusu Kamwana
- ix. Principal Systems Analyst – Ms. Binart Kachule
- x. Assistant Registrar - His Honour Chisomo Msokera – Secretary

RULES COMMITTEE

The mandate of this Committee is to review and draft rules of procedure under various pieces of legislation deal-



ing with the administration of justice and recommend to the office of the Chief Justice for further action.

The Committee is composed of:

- i. Honourable Justice of Appeal Frank E. Kapanda, SC – Chairperson
- ii. Honourable Justice of Appeal John Katsala
- iii. Honourable Justice Kenyatta Nyirenda
- iv. Honourable Justice William Msiska
- v. Honourable Justice Mandala Mambulasa
- vi. Chief Resident Magistrate (C) – His Worship Patrick Chirwa
- vii. Assistant Registrar – Her Honour Chikondi Mandala - Secretary
- viii. Attorney General
- ix. Representative of the Malawi Law Society
- x. Principal Judicial Research Officer

CONDITIONS OF SERVICE COMMITTEE

The mandate of this Committee is to determine Conditions of Service including salaries and allowances for both judicial officers and members of staff of the Judiciary.

The Committee is composed of:

- i. Honourable Justice Sylvester A. Kalembera – Chairperson
- ii. Honourable Justice Kenan T. Manda
- iii. Honourable Justice Ruth Chinangwa
- iv. Registrar – Her Honour Gladys Gondwe
- v. Deputy Chairperson IRC - His Honour Kingsley Mulungu
- vi. Assistant Registrar - His Honour Wyson Nkhata – Secretary
- vii. Chief Courts Administrator – Mrs. Edith Chikagwa
- viii. Chief Human Resource Management Officer – Mrs. Naomi Kwerani
- ix. Chief Accountant – Mr. Unusu Kamwana
- x. First Grade Magistrate – His Worship Patrick Mwamale
- xi. Member of Staff – Mr. Charles Lizigeni

JUDICIAL COMPLEX COMMITTEE

The mandate of this Committee is to oversee the construction of the Judiciary Headquarters Complex in Lilongwe.

The Committee is composed of:



Chapter 14

- i. Honourable Justice Professor Redson E. Kapindu – Chairperson
- ii. Honourable Justice Joseph Chigona
- iii. Honourable Justice Agnes Patemba
- iv. Registrar - Her Honour Gladys Gondwe
- v. Chief Courts Administrator – Mrs. Edith W. Chikagwa
- vi. Chief Human Resource Management Officer – Mrs. Naomi Kwerani
- vii. Chief Maintenance Officer – Mr. Glyn Chirwa
- viii. Principal Administrative Officer – Mr. Phunziro Kwisongole - Secretary
- ix. Accountant – Mr. Samuel Manyowa

TRAINING COMMITTEE

The mandate of this Committee is to monitor and advise on matters relating to training.

The Committee is composed of:

- i. Honourable Justice Annabel Mtalimanja – Chairperson
- ii. Honourable Justice Joseph Chigona
- iii. Honourable Justice Thomson Ligowe
- iv. Honourable Justice Violet Chipao
- v. Registrar – Her Honour Gladys Gondwe
- vi. Chairperson – IRC – His Honour Austin Msowoya
- vii. Chief Resident Magistrate (E) – His Worship Austin J. Banda
- viii. Assistant Registrar – Her Honour Thokozani Soko
- ix. First Grade Magistrate – His Worship Julius Kalambo
- x. Chief Courts Administrator – Mrs. Edith Chikagwa
- xi. Controller of Human Resources – Mrs. Naomi Kwerani (Representative)
- xii. Chief Accountant – Mr. Unusu Kamwana
- xiii. Training Officer - Secretary

FUNCTIONAL REVIEW IMPLEMENTATION COMMITTEE

The mandate of the Committee is to operationalize the recommendations contained in the Functional Review Report on the Malawi Judiciary.

The Committee is composed of:

- i. Honourable Justice of Appeal Charles C. Mkandawire – Chairperson
- ii. Honourable Justice Dorothy DeGabriele
- iii. Honourable Justice Texious Masoamphambe
- iv. Chief Judicial Research Officer – His Honour Wahabi Shaibu (Representative)
- v. Deputy Registrar – His Honour C. M. Kacheche - Secretary
- vi. Chief Courts Administrator – Mrs. Edith Chikagwa
- vii. Controller of Human Resources – Mrs. Naomi Kwerani (Representative)
- viii. Senior Resident Magistrate – His Worship Peter Kandulu



- ix. Representative of the Office of The President and Cabinet
- x. Representative of the Department of Human Resource Management and Development
- xi. Representative of the Treasury

JUDICIARY INTEGRITY COMMITTEE

The mandate of this Committee is to facilitate the prevention and reduction of corrupt behaviour in the Judiciary

The Committee is composed of:

- 1. Honourable Justice John Chirwa - Chairperson
- 2. Honourable Justice Zion Ntaba
- 3. Assistant Registrar - Her Honour Edna Bodole
- 4. First Grade Magistrate - His Worship Watson Mankhanamba
- 5. Principal Courts Administrator - Mr. Isaac Komicho
- 6. Internal Auditor - Mr. Peter Magwanyama
- 7. District Court Administrator - Mrs. Mary Mthunzi

INTERNAL PROCUREMENT AND DISPOSAL COMMITTEE

The Committee performs statutory mandates under Section 26 of the Public Procurement and Disposal of Public Assets Act, Act No.27 of 2017.

The Committee is composed of:

- i. Honourable Justice Rowland Mbvundula – Chairperson
- ii. Honourable Justice Anneline Kanthambi
- iii. Assistant Registrar - His Honour Wyson Nkhata
- iv. Court Administrator – Mr. James Samuti
- v. Accountant – Mr. Edward Chisanu
- vi. Procurement Officer – Mr. Maziko Chalira - Secretary
- vii. Asst. Human Resource Management and Development Officer - Mr. Leckson P. Huwa



THE OTHER SIDE OF JUDICIARY

CHILUNGAMO SACCO

Chilungamo Savings and Credit Cooperatives Society (SACCO) was formed in 2016 with the aim of affording all employees of the Judiciary and other Government Departments an opportunity to save and access affordable credit services as a way of enhancing the social economic well-being of members.

Chilungamo SACCO has nine hundred and thirty-one paid-up members.

PARTICIPATION IN SOCIAL ACTIVITIES

Apart from routine office work, both judicial officers and members of staff of Judiciary participate in various activities including sports, evangelism, farming and music.

This edition of the Annual Report, highlights the story of *Jane Chimaliro*, a renowned netball player for the Malawi National Netball Team (The Queens) who is employed as a court clerk in the Judiciary.

Jane Chimaliro is a lastborn daughter in a family of four, two boys and two girls. She did her education at Chibavi Community Day Secondary School in the city of Mzuzu before joining the Judiciary in March, 2009.

She started playing serious netball when she was in secondary school. Her professional netball career started at ADMARC Sisters in Mzuzu before she joined Civonets Netball Club in 2007 where she is to this day. For her, the most memorable moments are when she was called to join the Queens in 2011 and when the Queens beat New Zealand in 2018. Then, New Zealand was ranked as the number one netball team in the world.

In her career as a member of the Queens, she has travelled far and wide with the team to countries such as New Zealand, Australia, Fiji, England, South Africa, Botswana, Namibia, Ethiopia, Uganda, Zimbabwe, Zambia, Tanzania and Lesotho.

She was voted as the best shooter at the African Netball Championship tournament which was hosted by Namibia in November, 2021.



Jane Chimaliro - The Queens Shooter





CHALLENGES

Despite the positive strides made in the year 2021, the Judiciary faced various challenges. The major ones included:

- a. Covid-19 - which forced the Judiciary to close courts as a precautionary measure against the spread and impact of the pandemic. This resulted in failure by the public to access court services, increase in the backlog of cases, and increase in the number of warrants pending execution.
- b. Inadequate funding – the funding allocated to the Judiciary is inadequate to cater for both operations and implementation of activities. This continues to negatively affect the operations of the Judiciary.
- c. Integrated Financial Management Information System (IFMIS) - In the year under review, the introduction of the new IFMIS negatively affected the operations and implementation of some activities of the Judiciary. Most payments could not be processed in time while others were not processed at all.
- d. Shortage of staff – even though the Judiciary has a new Establishment Warrant which creates both new and additional positions, the vacancy rate remains high because most of the positions have not been filled. As a result, service delivery has been compromised.
- e. Inadequate and dilapidated infrastructure – apart from being inadequate, most of the court infrastructure is in a dilapidated state. As a result, some court centres are accommodated in rented premises, while others are operating from dilapidated premises and others have been rendered non-functional. This has negatively affected the efficient and effective delivery of services to the public.
- f. Capacity gaps – even though the Judiciary has a training policy, lack of funds has constrained it to regularly facilitate training of judicial officers and members of staff. This has resulted in skills and knowledge gaps which have in turn negatively affected the delivery of services to the public.
- g. Lack of motor vehicles – the fleet the Judiciary has is both old and inadequate. As a result, some crucial operations and services such as court inspections and court circuits are not adequately carried out, thereby, negatively affecting both access to justice and the administration of justice.



APPENDICES

APPENDIX 1

MALAWI JUDICIARY CALENDAR 2021

The Judicial year for the High Court and Supreme Court of Appeal begins in October and ends in July. The sittings of the Courts are divided in four sessions in every year as shown below:

SESSION	DATES
Lewis Chatsika	13th October, 2020 – 24th December, 2020
Friday Makuta	12th January, 2021 – 1st April, 2021
Richard Banda	13th April, 2021 – 28th May, 2021
Leonard Unyolo	8th June, 2021 – 29th July, 2021

APPENDIX II

RECORD OF CHIEF JUSTICES AND REGISTRARS

Chief Justices of the Republic of Malawi

1.	Sir Frederick Southworth	1964-1965
2.	Honourable the Chief Justice Peter W. Williams	1969-1970
3.	Honourable the Chief Justice James J. Skinner	1970-1985
4.	Honourable the Chief Justice Friday Makuta, SC	1985-1992
5.	Honourable the Chief Justice Richard A. Banda, SC	1992-2002
6.	Honourable the Chief Justice Leonard Unyolo	2003-2007
7.	Honourable the Chief Justice Lovemore G. Munlo, SC	2007-2013
8.	Honourable the Chief Justice Anastazia Msosa, SC	2013-2015
9.	Honourable the Chief Justice Andrew K. C. Nyirenda, SC	2015-2021

Registrars

1.	His Honour Truwa	
2.	His Honour R. Topping	
3.	His Honour Leonard E. Unyolo	
4.	His Honour Maxon P. Mkandawire	1984 - 1989
5.	His Honour Dustain F. Mwaungulu	1990 - 1994
6.	His Honour Edward B. Twea	1994 - 1997
7.	His Honour Winter W.B. Qoto	1998 - 1999
8.	His Honour Healey S.B. Potani	2000 - 2003
9.	Her Honour Ivy C. Kamanga	2003 - 2004
10.	His Honour Sylvester A. Kalembere	2004 – 2008
11.	Her Honour Dorothy NyaKaunda Kamanga	2008 - 2012
12.	His Honour Michael A. Tembo	2012 - 2013
13.	His Honour Joseph Chigona	2013 - 2016
14.	His Honour Jack N’riva	2016 - 2017
15.	Her Honour Agnes T. Patemba	2017 - 2020
16.	Her Honour Gladys A. Gondwe	2020-

The Registrar
Malawi Judiciary
Chipembere Highway
P.O Box 30244, Chichiri, Blantyre 3, Malawi
Tel: +265 (0) 1 870 255 Fax: +265 (0) 1 873 873
Email: highcourt@judiciary.mw
Website: www.judiciary.mw