



Malawi Judiciary

SPEECH

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

**AT THE CEREMONY MARKING THE COMMENCEMENT
OF A NEW JUDICIAL YEAR OF 2025/2026**

AT THE CHICHIRI COURT COMPLEX, BLANTYRE

ON

3RD OCTOBER 2025.

1. Salutations

- The Honourable Deputy Chief Justice, Lovemore Chikopa SC
- The Honourable Justices of Appeal
- The Honourable Judges of the High Court
- The Honourable the Attorney General
- The Solicitor General and Secretary for Justice
- The Clerk of Parliament
- The Director of Public Prosecution
- The Chief Registrar and all Deputy as well as Assistant Registrars
- The Director General – Anti-Corruption Bureau
- The Ombudsman
- The President – Malawi Law Society
- The Director – Legal Aid Bureau
- The Chairperson of the Industrial Relations Court and the Deputy Chairpersons of the Industrial Relations Court
- The Chief Resident Magistrates (Centre, South, East and North)

- The Chief Courts Administrator and all Staff Members of Judiciary
- The Law Commissioner
- The Malawi Prison Legal Counsel
- The Executive Director - Malawi Human Rights Commission
- Dean of Law (MUBAS, UNIMA and CUNIMA)
- Legal Counsel/Manager for the following Banks (FDH, FCB, NBM and RBM)
- Director of Legal/Legal Services Manager for the following institutions (MASM, MACRA, ESCOM, MBC, MHC, MEC, Competition for Fair Trading Commission and Bankers Association of Malawi)

2. The Lewis Chatsika Session of our court sittings begins next Tuesday, October 7, 2025. The three other Sessions of the 2025/2026 court sittings are the Friday Makuta Session, the Richard Banda Session and the Leonard Unyolo Session, in that order. We are assembled here in-keeping with our time honoured tradition to celebrate the Commencement of the New Judicial Year with pomp and the grandeur of the law in the administration of justice. This tradition is not

unique to Malawi as it does take place in many common law countries. It is, therefore, my absolute honour, privilege and pleasure to welcome you all to this very important event marking the official commencement of the 2025/2026 New Judicial Year in Malawi.

3. It will be recalled that at a similar event in the past year, I reviewed the Judiciary's past performance, including its achievements, challenges, strategic goals for the upcoming year and I expressed commitment to do the utmost to deal with issues of improved access to justice for all, backlog and delay that clog our judicial system. I intend to follow a similar approach in this address.

4. My starting point will be to acknowledge that the legal profession has grown considerably in the past year. My records as shown in the 2024 Malawi Judiciary Annual Report are that 65 individuals were admitted to practice as legal practitioners, 7 renewed their practicing licenses out of time and 105 were allowed to practice as Notary Public. It will also be appreciated that in the past year we have seen the largest number of individuals being decorated as Senior Counsel and

being granted Letters Patent for that. This has happened after many years. Hopefully it will not take as many years again for more such decorations, considering that there might be today, deserving individuals. I take this opportunity to congratulate every one for their achievements.

5. Among the things I spoke about at our previous event were the Judiciary's ongoing efforts to modernize the court system as one intervention aimed at improving access to justice and service delivery. I was emphatic about our transformative agenda that would see legal as well as administrative reforms designed to address some of our perennial challenges such as backlog and delay. The introduction of e-Court in several courts of Malawi's Districts was aimed at improving access to justice for all, including women and children, as well as persons in the remotest parts of our country, while at the sametime reducing backlog, delay and prison congestion. We continue to get positive feedback on how useful this initiative is proving to be. This has also encouraged us to pursue the e-Justice route towards paperless courts, like many of the neighbouring

jurisdictions. This is an area where the legal profession should invest efforts towards improving the administration of justice.

6. I also highlighted aspects contained in the 2023 Malawi Judiciary Annual Report in order to bring to the attention of those who might care how we operated in that year and how we were to utilize lessons learnt to further improve the administration of justice. We have been able to utilize many of the lessons we learnt the previous year to improve the way we do business in the judiciary. Our Annual Reports continue to improve each succeeding year and this has been so since 2021 when we began to consistently produce the Annual Reports. Case disposal rate has generally improved and every effort is being made to support those lagging behind.

7. Let it be stated here that the Malawi Judiciary aims to affirmatively promote improved public knowledge and understanding about the courts and judicial work. Not only is this one aspect of judicial accountability, but it is also a recognition that courts depend on public

confidence and trust for effectiveness and the manifestation of legitimacy of judicial authority. It is a realization that in the same way the law does not operate in a vacuum, so too is the fact that the Judiciary does not operate in a vacuum. Public understanding of what the courts do and how they do their work is an important aspect of the administration of justice, open justice and people-centred justice, I mean.

8. The achievements of the Judiciary in the Judicial Year 2024-2025 have been against a backdrop of some of the extraordinary challenges of the recent past. We are happy we have remained focused on the transformative trajectory despite these daunting challenges. We have recorded significant progress in improved access to justice for all and in promoting open justice that is people-centred. We have been able to publish for the first time ever the Malawi Electoral Law Reports and a Digest of Electoral Cases in time for the September 16, 2025 Presidential, Parliamentary and Local Government Elections. We have been able to conduct a number of trainings and undertaken uncountable capacity building initiatives at all levels of our staff.

9. We have built stronger partnerships and collaborative arrangements with other key stakeholders in the justice sector. We have held workshops, trainings, meetings and conferences jointly with these other stakeholders and have shared knowledge, skills and experiences relevant to the administration of justice. Significantly, we have revived the Criminal Justice Coordination Committee and developed new Terms of Reference for it, thanks to the support we got from the European Union under Chilungamo II Programme. That Committee is critical in harnessing joint stakeholder efforts to improve the delivery of criminal justice.

10. We have also made great strides in the area of networking and international corporation among regional, continental and global institutions. At a bilateral level, the Malawi Judiciary and the Namibia Judiciary will in December, 2025, sign a Memorandum of Understanding to promote exchanges and learning between the two judiciaries. We have established common ground between the two Judiciaries. At the International level, Malawi Judiciary has been

designated by the International Institute for Justice Excellence a Hub for Justice Excellence in the Southern and Eastern African Region effective July 1, 2025. The International Institute for Justice Excellence is based in The Hague, the International City of Justice. This recognition must mean a great deal for the Malawi Judiciary.

11. Our 2024 Annual Report covers a wide range of areas to report on, including statistics that are part of the 2024-2025 Judicial Year. The report gives a sense of the achievements made during the period under review, in the face of the many challenges that were there. A comparison of the 2023 and 2024 Annual Report will show a general improvement in the case disposal rate among the different levels of our courts. The Supreme Court of Appeal remained consistently above 70% disposal rate. It is in the subordinate courts of the Industrial Relations Courts and the Magistrate Courts that we see some of the lowest disposal rates. We continue to implement interventions in order for us to see improvements even in those courts.

12. Some of the major challenges we face in our efforts deal with issues of low performance, finances, human resource presence and capacities as well as poor and shortage of infrastructure for Court. The Judiciary's budget allocations are low and inadequate. For example, the 2024/2025 Financial Year approved budget for the Judiciary of K19.7 billion (ORT) is far less than what we require. We have over time repeatedly requested for a minimum of 3% of the National Budget, but we have year in year out only been given 0.8% or less. This K19.7 billion Other Recurrent Transactions budget was further reduced to K14.8 billion during Mid-Year Review of the National Budget. This negatively impacted our operations, with numerous cases having to be adjourned or put on pendency.

13. The other challenges relate to understaffing of both judicial and support staff. In fact, the Judiciary is operating with staffing levels of a little over one-third of the full establishment. The High Court has 45 Judges and there are 33 vacancies. All 20 vacant posts of Registrars are yet to be filled while one vacant post of Deputy Registrar remains unfilled. Seven out of 16

posts of Deputy Chairperson of the Industrial Relations Court have been filled, leaving nine not filled. Four positions of Chief Resident Magistrate are filled, leaving four others not filled. Only six of the 32 positions of Assistant Registrar are filled leaving 26 vacancies not filled. Of the 24 positions of Principal Resident Magistrate, only 10 have been filled leaving 14 yet to be filled.

14. Only one of the 24 positions of Principal Judicial Research Officers has been filled and the position of Chief Judicial Research Officer remains unfilled. There are 33 positions of Senior Judicial Research Officers, but only 3 have been filled. There are 64 positions of Senior Resident Magistrate and only 42 have been filled, meaning 22 remain yet to be filled. As if that is not enough, of the 277 positions of First Grade Magistrate only 51 have been filled leaving 226 positions vacant positions. Out of 55 positions of Judicial Research Officers only 9 have been filled. Of 265 positions of Second Grade Magistrates, 124 have been filled leaving 141 positions unfilled.

15. The above stated vacancy rate relates only to judicial officers. The rates are even more astonishing when it comes to supporting services. Needless to say, the staffing levels in the Malawi Judiciary do not match the huge workload that must be handled. Staff are overworked, sometimes working beyond office hours and taking work home. Yet public expectations are very high, almost like expecting miracles from the Judiciary. The public are entitled to hold high expectations and the Judiciary must at all times strive to meet those expectations. Staff make attempts to do what is humanly possible even though stress and health risks are evident.

16. Then there is the challenge of lack of and poor court infrastructure. This includes basic ICT facilities and electronic case management systems that are in dire need of upgrade. There are a little over 80 magistrate courts that are non-functional. A number of High Court Judges do not have appropriate offices and court rooms. In this state of affairs, access to justice is seriously limited. We are presently having renovations at the Zomba High Court Building. We are happy that

the High Court (Commercial Division) Building in Blantyre is now fully functional after nearly 15 years of construction work. We are rehabilitating and expanding Nkukula Magistrate Court near Kamuzu International Airport. We are rehabilitating Nsanje Magistrate Court, just as we plan to rehabilitate all our courts.

17. Works will soon begin in the rehabilitation of Wilindi Magistrate Court in Misuku Hills, Chitipa. In the next month or two, we will open a Magistrate Court at Jenda Trading Centre, in response to the high demand for judicial services at that busy Trading Centre. A plot has been identified at Migowi for a new Phalombe Magistrate Court to be constructed with support from the EU Chilungamo II Programme. Our major project is the New Judicial Complex Building to be constructed at City Centre in Lilongwe. Phase 1 of the construction of a Perimeter fence is ongoing and moving towards completion. The designs for the new Judicial Complex have been done and approved by both the Governments of Malawi and China. Contract documents have been signed by representatives of both

Governments. Yet that will not be nearly enough to deal with inadequate court infrastructure. We hope that many more will support our efforts of improving the provision of court infrastructure including upgrades in ICT and electronic case management.

18. In the area of legal reform, many will be familiar with our efforts through the Rules and Legal Reforms Committee of the Judiciary and the Judiciary Committee on Elections. That the proposed reform did not find their day in the National Assembly is something that we would rather did not happen. We hope that they will at some point be brought to the National Assembly for debate and passage.

We are still waiting for the gazetting of the new Court fees. Hopefully, this will be done soon. I know that I signed the Rules a few months back.

19. In terms of section 252A of the Criminal Procedure and Evidence Code plea bargaining may be used as a pre-trial case resolution mechanism. We already have had one stakeholder training on plea bargaining. The many advantages of plea bargaining include reducing case backlog, enhancing case management, cost-saving

and overall improvement in the administration of justice. Benefits of plea bargaining spread across the prosecution, the correctional services, the accused, the victim and the community. As at now, we are waiting for the vetting of the Chief Justices Rules by the Ministry of Justice. We believe that time is now that we embrace plea bargaining as a form of Alternative Dispute Resolution which is gaining prominence in the jurisdictions around us. I have thus set up a Task Team on the implementation of plea bargaining with membership from key stakeholders in the justice sector to oversee the process of implementation considering all of facts. I must say that I also look forward to the entrenchment of Commercial arbitration through the Malawi International Arbitration Centre. The Judiciary recognizes and supports commercial arbitration even as it plays it supervisory role.

20. One matter that dominated conversations in the past years is about judicial accountability. I wish to state that the Malawi Judiciary is fully aware that accountability in public institutions is a constitutional imperative that is on the other side of the coin where there is judicial independence, another constitutional

imperative. This is why the Malawi Judiciary is making every effort to ensure judicial accountability within the ambit of the law. Lawyers know that the case confirmation, appeal and review processes set out in laws relating to the administration of justice are a means to ensure judicial accountability.

21. Last April 2025, the Malawi Judiciary set up a Department of Corporate Affairs and Public Relations and recruited the first ever Chief of Corporate Affairs and Public Relations Officer with a view to enhance judicial accountability. That Department is destined to grow in the shortest possible time. We trust that those requiring information on any aspect of the Judiciary's work will fully utilize this new department which shall speak on behalf of the Judiciary. Our communication strategy overseen by the Judiciary Communication Committee is also part of our efforts in accountability.

22. We have found the "Khothi Lathu" programme aired on MBC TV twice every week and jointly organized by the Judiciary and MBC TV to be an important accountability mechanism. Our annual Judiciary Open Day takes us close to the people as we strive to bring

awareness to them regarding the structure and the operations of the Courts. In the same vein, we take justice close to the people. It was significant that this year, the Judiciary Open Day was held in a rural setting of Ngazi F. P. School in Ekwendeni, Mzimba District. The locals expressed satisfaction that the event had taken place in their area and that they had learnt a lot about the Courts. Let me add that the Judiciary Complaints Handling Committee continues to receive and deal with complaints from the public and from within. All other channels of lodging complaints remain open and functional. Our staff are sufficiently sensitized in customer care to be able to assist. I must state here and publicly that I felt good the other day when the Executive Director of CDEDI, Mr Sylvester Namiwa, wrote to me after the Judiciary had attended to his written complaint that:

“I would like to sincerely thank you for granting us this rare opportunity to interface with the judiciary.....This gesture really demonstrates that the Judiciary is not only accountable but responsive.”

Similar sentiments have been expressed through the Judiciary Complaints Handling Committee in

appreciation of the Judiciary's effort in addressing complaints filed.

23. Part of our major achievements relates to court cases arising from the September 16, 2025 General Election. These have been disposed of promptly by the Courts. The Malawi Judiciary is a public service delivery institution and does not seek out recognition, accolades or praises. It, however, appreciates positive sentiments individuals or groups of individuals or even institutions express about the work of the Judiciary. That, to us, is a source of encouragement. The Daily Times of Friday, September 26, 2025 contained an article where the Chairperson of Civil Society Elections Integrity Forum, Mr Benedicto Kondowe, was quoted in relation to high electoral case disposal rate by the Courts that:

“It reflects not only judicial diligence with which the courts are safeguarding electoral justice. Timely resolution of disputes helps to strengthen public confidence in the electoral process”.

24. The comment column of the same paper said:

“Kudos Judiciary on poll cases

Elections are an emotive affair as often those who seek the courts' recourse do so when something has disturbed their souls....

We, therefore, laud the Chief Justice for constituting the Judiciary Committee on Elections, which was constituted in January 2024, and has been very key in preparing every judge and justice for the September 16, 2025 Presidential, Parliamentary and Local Government Elections. Judges and justices were trained in, among other things, case management and judgment writing. As a result, as at now, the disposal rate of electoral cases registered at High Court and Supreme Court of Appeal stands at 82 and 100 percent, respectively.

This is commendable, especially on the part of the Supreme Court of Appeal which has dealt with all the cases that reached it.”

I personally felt humbled by these sentiments.

24. In a Facebook post, forwarded to me by someone reliable and attributed to a Mc Donald Jr. Chirambo, the following sentiments were expressed:

“Of the Judiciary, Unfair Criticism and Democracy in Malawi.

The Malawi Judiciary takes far more criticism than it fairly deserves. Of the three arms of government, our judiciary is the most consistent and functional.

Time and Time again, the Executive and Legislature attempt and/or succeed to bend laws, infringe rights and serve their narrow political interests. And who stops them? The Judiciary! Without the diligence of our judiciary, our democracy and constitution would be a shame....

Of course, our courts are not beyond criticism. And yes! No person or institution in a democracy should be. But maybe, just maybe, we should ease off the constant bashing. Take it easy. Because when we objectively analyse and weigh the three arms of Government, the Judiciary is the strongest if not the only, arm that firmly holds our democracy.”

25. Another Facebook post shared with me and attributed to Danwood M. Chirwa was quite forthright when it said:

“For those who are in the habit of kutukana judiciary, please respect our judges: they do their work under

enormous pressure. In critical moments like this, they have saved this country from ruin, time and time again”.

I must say that I have not verified the Facebook posts with the individuals to whom they are attributed. Be that as it may, they are posts that positively portray the Malawi Judiciary and that gives us a measure of satisfaction.

Those sentiments echo what the previous US Charge de Affairs, Ms Diaz, wrote to me in a farewell note last July describing the Malawi Judiciary as a principled and pivotal institution even as at the time she wrote. She wrote that she greatly valued attending judiciary events which deepened her respect for the important role the judiciary plays in Malawi. She trusted that Malawi will benefit from my steadfast commitment to justice and the rule of law.

26. I want to end this part of the address on achievements by briefly referring to the Malawi Judiciary’s involvement in international affairs. Our Judicial Officers continue to excel on the international scene at various fora. Some of them, such as Honourable Justice of Appeal Kalemebra SC and

Honourable Justice Zione Ntaba, chair international panels that are drafting model laws of different types. Honourable Justice of Appeal M. C. C. Mkandawire SC and Honourable Acting Justice of Appeal Fiona Mwale are on a select Committee that has produced a Draft Toolkit on Judicial Oversight of Artificial Intelligence in African Elections, under the auspices of the Africa Electoral Justice Network. The international exposure of these judicial officers and others is of benefit to our judiciary.

27. As part of the global community, on 25th July 2025, Malawi Judiciary joined the inaugural celebrations of the International Day for Judicial Well-being proclaimed by United Nations General Assembly in March 2025. The day recognizes the importance of physical, mental and emotional health of judges and judicial staff as being crucial for maintaining judicial integrity, effectiveness and the rule of law. The UN Special Rapporteur on the Independence of Judges and Lawyers, Professor Margaret Satterthwaite, supported the establishment of the International Day for Judicial Well-being and its focus on addressing stressors faced

by the judiciary to ensure strong and independent legal systems. She also expressed strong support for establishing January 11 as an International Day of Judicial Independence, an initiative by the International Association of Judges which has observes status with the United Nations General Assembly.

28. As I draw towards the end of my address, allow me to highlight some of the strategic goals that we have set for ourselves in the coming year and beyond. I will be quite brief because our 2025-2030 Strategic Plan is almost ready, and will be shared with all key stakeholders in the administration of justice and our partners soon after its launch. The theme of that Strategic Plan is **“Harnessing Technology for Improved Service Delivery”**. It reflects our aspiration to increasingly adopt digital solutions to effectively implement our mandate under section 9 of the Republic of Malawi Constitution.

Allow me at this point to state that within the past year our Financial Crimes Division in Lilongwe received a considerable number of ICT equipment from GIZ to help in the administration of justice. The Judge-in-Charge

of that Division indicated to me two days ago that the equipment, which is of very high quality, has assisted a great deal in timely disposal of cases. Again, within the same year, the EU delivered state-of-the-art recording and transcribing equipment to the High Court Criminal Division at Lilongwe to ease and speed up criminal justice delivery.

29. We realize that the world is rapidly changing and becoming dynamic with the use of technologies, including Artificial Intelligence, as an inescapable reality. It is quite disturbing that we continue lagging behind in the use of technology in our justice system while the rest of the world is making strides. We believe that most of the inefficiencies we experience today in the administration of justice can be addressed through the use of appropriate technology. A number of judicial officers are already getting used to employing use of technology to ease justice delivery. Virtual hearings are on the increase alongside the in-person hearings. Yet, we are all acutely aware that in the administration of justice, the human judge will not be replaced with an artificial or machine judge, at least not in the

foreseeable future. The advantages and the risks of using Artificial Intelligence must constantly remain on our minds and guide our operations. The responsibility for judgments remains with the human judge.

30. Likewise, legal practitioners will have to take responsibility for their submissions even if these be generated with the help of Artificial Intelligence. The judges have been sufficiently sensitized thus far to look out for the dangers associated with Artificial Intelligence generated submissions, which sometimes contain non-existent case authorities. The judges are aware that sometimes Artificial Intelligence hallucinates. The point of emphasis here is that nothing will replace thorough preparation, both for the bench and the bar. Lack of thorough preparation will easily be exposed and that might be quite embarrassing. As for the Judiciary, we are working with e-Government, the UNDP and the EU for a comprehensive digitalization of the Judiciary for better service delivery. This is an area where all stakeholders, including the Malawi Law Society, would also channel their energies.

31. We will shortly be publishing the **Judiciary Digitalization Strategy**, developed with support from the European Union Chilungamo Programme. It is a forward-looking strategy for integrating technology across judicial functions, enabling us to transform significantly in justice delivery. As we all might be aware, digitalization goes beyond automation, representing the reimagining of our processes and a shifting towards data-driven decision-making. It is an opportunity to open new pathways for access to justice that promote transparency, accountability and professionalism. That is part of our design for achieving a responsive, proactive and a fully modernized Judiciary, equipped to address challenges of our time in the administration of justice.

Through secure and user-friendly platforms, we will aim to reduce backlog and delay while we bridge the justice gap for remote communities and ensure that justice is delivered in a timely, inclusive and equitable manner.

I, therefore, invite all members of the Judiciary, relevant government agencies, the Malawi Law Society, civil

society, development partners and the private sector to join efforts with us in the implementation of our digitalization strategy soon to be published for us to foster a judicial system that is digitally empowered, transparent and anchored in the values of integrity, equity and the rule of law.

32. In the coming year, we want to stay the course with the Malawi Judiciary transformation agenda that seeks to enhance access to justice for all through open and people-centred justice. In the performance of our core functions and fulfilment of our mandate, we want to exude our core values of independence, impartiality, transparency, accountability, meritocracy, competence, innovation and inclusion.

Our strategic goals are strengthening service delivery, ensuring an adequately resourced and a fiscally responsible judiciary and increased public confidence in the judiciary institutional capacity.

Our focus shall remain to provide an administration of justice which commands public respect. We reaffirm our commitment to delivering justice to all manner of

people professionally and efficiently, without fear or
fever, affection or ill-will.

I thank the Chief Registrar and those who worked with
him for a much improved and excellent organization of
this year's event. I thank the Malawi Police Service for
a splendid display and parade. Thank you all for being
part of this historic event.

It is now my singular honour, privilege and pleasure to
declare the New Judicial Year of 2025/2026 officially
commenced.

I thank you all for attention.