



Malawi Judiciary

KEYNOTE ADDRESS

BY

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

AT

THE PRISON PLEA BARGAINING PROJECT LAUNCH

AT

MAULA PRISON - LILONGWE

Monday, 2nd March 2026

1. SALUTATIONS

2. Today is a momentous and historic day for the Criminal Justice System and access to justice for all in Malawi. The event we are witnessing this morning is truly groundbreaking as we launch the Prison Camp Court Plea Bargaining Project in the administration of justice. You will therefore understand why I am ecstatic about the business of the day, even as I extend a very warm welcome to you all. A special welcome to our foreign guests and friends who have generously joined us in support.

3. Distinguished participants, guests and friends, I would like to share with you a brief background to the Prison Camp Court Plea Bargaining Project we are launching today, if only to put everything in context. I know that previous speakers have done a fair share of explaining the background.

4. The period immediately prior to 2010 witnessed intense discussions on reform of the criminal justice system in the country. Of particular interest

was the question whether introduction of plea bargaining in the administration of justice would contribute to the decongestion of our prisons, reduction of backlog of cases and accelerated disposal of criminal cases, especially those involving persons on remand. I am aware that some of those involved in the discussions are here present with us today. Those discussions culminated in the introduction of section 252 A in the Criminal Procedure and Evidence Code through Act Number 14 of 2010. The legislative intent of S.252 A of the Criminal Procedure and Evidence Code was clear, that there shall be plea bargaining employed in the administration of criminal justice in this country to promote access to justice and efficiency in criminal justice delivery.

5. Sadly, a number of years passed without much movement towards implementation of the law as envisaged by the legislature. In the course of time, a Chilungamo 1 Programme of the European Union brought together key stakeholders in the criminal justice system under the umbrella of a Criminal

Justice Coordination Committee to discuss the implementation of plea bargaining in accordance with Section 252 A of the Criminal Procedure and Evidence Code, among the many challenges of the criminal justice system.

6. Section 252A (1) of the Criminal Procedure and Evidence Code provides that the Chief Justice shall make rules for plea bargaining in Malawi. The Criminal Justice Coordination Committee, which is Chaired by the Chief Justice, set in motion the work of drafting the rules for plea bargaining. Although the work stalled for some time, I am pleased to say that it is ongoing. Once that work is concluded, the relevant rules will be published for use.

7. Distinguished guests, prison congestion is stubborn. It continues to grow despite our best efforts. Backlog and delay in the disposal of criminal cases continue to increase even as we grapple with uses of inadequate resources available for the administration of criminal justice. Prison congestion, backlog and delay do not wait for rules

to be promulgated. The Criminal Justice Coordination Committee has overtime proposed various interventions for dealing with these challenges.

8. Challenges persist regardless. On 29th December 2025 I had some conversation with the Honourable Minister of Justice and Constitutional Affairs, Honourable Charles Mhango. He has a short while before visited some of our prisons, and was alarmed at the extent of prison congestion in the country. I indicated to him that this March 2026 we would have a plea-bargaining exercise through prison camp courts with a view to contribute to prison decongestion and reduction of criminal case backlog.

9. Distinguished quests, allow me at this point to appreciate Senior Vice President Danny Dewalt of Pepperdine University in the USA and his team, as well as the Chief Justice of the Republic of Uganda for convening a meeting of African Chief Justices for a Seminar on ADR in March 2024. For me, that seminar, which gave birth to Africa Chief Justices

ADR Forum, was a significant turning point in the appreciation of employment of Alternative Dispute Resolution even in criminal justice. The Judiciary of Uganda, the Head of Prison Services in Uganda, the Chief Justice of Rwanda, colleagues from Kenya and others gave compelling stories of how successfully plea bargaining was implemented in their jurisdictions. Rwanda showed that 13,000 cases had been resolved through plea bargaining in a period of two years. But Rwanda, trailed the success stories of Uganda.

10. Armed with the lessons from Uganda, I told a conference on Reforming the Administration of Criminal Justice in Malawi which had been convened by the Director of Public Prosecution in October 2024 that implementing plea bargaining as envisaged in section 252A of the Criminal Procedure and Evidence Code would be an important intervention for decongesting our prisons, reducing case backlog and accelerating disposal of criminal cases. I highlighted timeliness and cost-effectiveness in the disposition of criminal

cases for persons on remand coupled with the voluntary nature and victim participation in the plea bargaining process as some of the advantages.

11. Friends, I must say that from that point on the key stakeholders in the administration of justice have worked hard and collaboratively to get us to where we are today. What we are launching today is a pilot project. I have in the past week issued Practice Direction No. 1 of 2026 on the Handling of Plea Bargaining in Prison Camp Courts. I have issued that Practice Direction pursuant to Section 252A of the Criminal Procedure and Evidence Code. Under Part III of the Judicial Service Administration Act in section 11(2)(a) the Chief Justice may issue such orders and practice directions as are necessary for justice delivery and efficient administration of courts. We are therefore on sound legal footing to carry out this exercise.

12. Distinguished guests and friends, I earlier referred to success stories from Uganda, Rwanda and Kenya. Ghana too has its own success stories. The Gambia is in the early stages of implementing

plea bargaining in their criminal justice system. I am informed that Namibia too is attracted to implementation of plea bargaining in their criminal justice system. That explains why we have our dear colleagues from the Namibian Judiciary with us today in an observation status. We will share the learning together in this Malawi's pilot project. Through the head of delegation from Namibia, I must sincerely thank the Honourable the Chief Justice of Namibia for allowing the team to come to Malawi. For us, the lessons we learn will feed into the rules that are being worked on.

13. What is reassuring for us is that plea bargaining in a structured manner is an important vehicle for improving access to justice and for achieving justice for all, something we continue to painstakingly undertake in our delivery of criminal justice in the face of the many challenges we confront. Plea bargaining allows the accused person and the prosecutor in appropriate criminal cases to work out a mutually satisfactory disposition of the case with the participation of the

victim and subject to court approval. We must dispel any suggestion that plea bargaining amounts to justice on sale, compromised justice or justice of a lesser quality. Plea bargaining is justice based on the law and on set principles, administered in an open or transparent manner and which is voluntarily engaged in. The victim and the community have the opportunity of expressing their views in the case, the subject of plea bargaining, and the accused person is given the opportunity to own up to his criminal conduct, to take responsibility for criminality. The victim is not a mere witness or spectator in plea bargaining. The victim is a participant whose input is taken into account.

14. Distinguished guests and friends, I must say with all sincerity that the activity we are launching today would not have happened without the financial and technical support of the Senior Vice President of Pepperdine University, Professor Danny Dewalt, and his team. Pepperdine University have contributed a significant amount of money towards the expenses of the event besides

meeting all their travel and accommodation expenses. We say thank you for such a compassionate heart and for a gesture words would not describe. Put simply, we cannot thank you enough. Similarly, let me thank the Irish Rule of law who have supported us financially and have been our long time partners, especially in the holding of previous Prison Camp Courts.

15. We want to thank the African Chief Justices ADR Forum, through Honourable Justice Professor Khauka for all the technical and moral support towards this launch. Consultations between our Task Team and the African Chief Justices ADR Forum Secretariat were invaluable. Please accept our deep appreciation.

16. We must thank our colleagues from the Judiciary of Namibia for coming to join and give us the support while you are observing the processes in learning. You have given this event the Regional and Continental touch that raises the profile of the exercise.

17. Friends, it will be remiss of me if I do not wholeheartedly acknowledge the tremendous work

done by the key stakeholders in the criminal justice system through our Task Team, very ably chaired by the Honourable Justice Gondwe who was deputized by Honourable Justice Dr Chifundo Kachale. It is unfortunate that there were last minute changes to Honourable Justice Gondwe's travel plans on doctor's advice. We wish her quick recovery. Ours was a very strong Task Team that included public officers and NGOs like PASI with a enviable and extended experience in dealing with indigent inmates. PASI and such like NGOs CARER boast of an incredible experience working with inmates and collaborating with us in the criminal justice sector over the years, particularly in supporting the holding of prison camp courts.

18. In a very special way, I must thank the prison authorities for hosting the Prison Camp Court and for putting the various facilities at our disposal. We want to assure you that we will behave so that we avoid being an additional burden to you by increasing prison congestion.

19. At the risk of repeating myself, I am particularly delighted that the law on plea

bargaining in Malawi having been on the Statute book for nearly 16 years is today being operationalized through this launch of plea bargaining. I encourage all judicial officers and all stakeholders to continue working hard and collaboratively so as to decongest our prisons while reducing backlog and delay in the administration of justice.

20. As I conclude, let me wish all involved in this historic event every success. I wish all our foreign guests the best of experience in this warm heart of Africa. It is with these remarks that I have the honour and privilege to declare the Prison Camp Court Plea Bargaining Project here in Malawi officially launched.

Thank you