



REPUBLIC OF ZAMBIA

# JUDICIARY



**2019**  
**Annual Report**



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# **THE JUDICIARY**

**2019 ANNUAL REPORT**

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## **MISSION STATEMENT**

*"To adjudicate civil, criminal and constitutional matters in an independent, impartial and timely manner without fear or favour."*

## **VISION**

*"To provide timely and accessible justice to all"*

## FOREWORD

As always, I am privileged and honoured to present the Judiciary's Annual Report - in this case, for the year 2019.

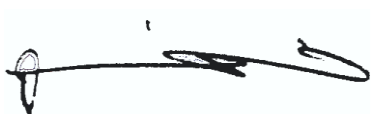
The activities of the Judiciary in the period under review continued to be guided by the Institution's consciousness that its authority derives from the people of Zambia, to whom it remains accountable. On behalf of the Judiciary, I wish to affirm our sense of loyalty to them.

In the year 2019, the Judiciary had its fair share of challenges and successes. With the Judiciary's funding being inadequate, the Institution continued to grapple with age-old issues of inadequate infrastructure, transport and unsettled bills, among others. And with only five per cent of the Judiciary's funding for capital projects being released, renovation and refurbishment of the Institution's buildings across the country was gravely hampered.

Despite the paucities encountered, the Judiciary stayed focused and endeavoured to acquit itself in accordance with its constitutional mandate. For example, all court sessions and circuits across the entire court system were held successfully. Dismantling of backlog remained among each court's top priorities and, as this Report will show, all but the Local Courts recorded noticeable progress in that area.

Through my office, fast-track courts under local authorities were established at Livingstone, Kabwe, Solwezi, Kitwe and Luanshya. I must also mention that during the year, registries were created in all provincial centres for the Family and Children's Court Division of the High Court. Further, Matrimonial Causes Rules, Intestate Succession Rules and Probate Rules were drafted and submitted to the Ministry of Justice for further action.

Over and above, mention must be made that many valuable lessons were learned from both the victories and adversities of the year. With the benefit of those experiences, the Judiciary now looks to the future with a better focus and heightened confidence in executing its solemn mandate of doing justice to all in a timely, fair and efficient manner. With the support of all concerned, the Judiciary is equal to the task.



Irene C. Mambilima

**CHIEF JUSTICE**

## ACKNOWLEDGEMENTS

From the outset, I wish to profoundly thank Her Ladyship, the Honourable Chief Justice of the Republic of Zambia Mrs. Justice Irene C. Mambilima for her counsel and stewardship throughout the year.

Special thanks to all Registrars, Directors and their staff, as well as the Secretariat, without whose contribution compilation of this Report would have been an unenviable task.

Last but by no means least, I would like to pay tribute to all members of staff for their sacrifice, dedication and hard work, even in difficult circumstances. As the legendary author, Helen Keller, once said: *"Alone we can do so little; together we can do so much"*. Indeed, collectively we achieved much to make 2019 a success.



Nalishebo Imataa (Ms)

**CHIEF ADMINISTRATOR**

## EXECUTIVE SUMMARY

This Annual Report, like those before it, gives an insight into court operations, the administration and financial affairs of the Judiciary. The Report is a window into a medley of events and activities of the Judiciary in the legal calendar of 2019.

One of the remarkable activities was the sustained reduction in the backlog of cases and pending judgments across all the courts, except the Local Courts, which had an upswing in the number of pending judgments. The increase is attributable to the closure of some of the Local Courts due to lack of infrastructure and human resources.

A Task Force established to dismantle the backlog of cases and pending judgments in the High Court made a significant contribution to the disposal of cases. The Task Force has been credited for 46.5 per cent of the civil cases disposed of in the General List.

It is also worthy of note, that the Judiciary continued to enhance its efforts to keep pace with technological advancements in the administration of justice. The Judiciary acquired software for the development of an automated Case Management System following the signing of a Memorandum of Understanding among the Judiciary of Zambia, the National Judicial Council of Nigeria, the National Judiciaries of the Caribbean Region and the National Centre for State Courts of the United States of America. The acquisition of the software is aimed at speeding up the disposal of cases. Once the Case Management System is customized and deployed, it will improve the delivery of justice through systems such as electronic filing and payment, record management and case workflow tracking.

The other important event which occurred was the retirement of former Deputy Chief Justice, the Honourable Mr. Justice Marvin Mwanamwambwa, after many years of service and sacrifice to the nation. The Honourable Mr. Justice Michael Musonda SC was appointed to take over as Deputy Chief Justice, as well as Commissioner on the Judicial Service Commission. Other appointments included eight Resident Magistrates who were deployed to various stations in Lusaka and Livingstone, and to Luapula, Northern and North-Western provinces. Overall, the Judiciary operated at 76 per cent of its human resource capacity due to treasury budgetary controls.

The main challenge was inadequate funding, resulting in the continued shortage of infrastructure, transport and human resources. This ultimately hamstrung the administration of justice.

Finally, the Report makes recommendations based on lessons learned in the year under review.

## Table of Contents

<b>1</b>	<b>INTRODUCTION .....</b>	<b>5</b>
1.1	ADMINISTRATION OF THE JUDICIARY .....	5
1.2	MANDATE OF THE JUDICIARY .....	6
1.3	INSTITUTIONAL STRUCTURE.....	6
<b>2</b>	<b>ACTIVITIES IN THE YEAR UNDER REVIEW .....</b>	<b>9</b>
2.1	COURT OPERATIONS .....	9
2.2	HUMAN RESOURCES AND ADMINISTRATION .....	15
<b>3</b>	<b>ACHIEVEMENTS .....</b>	<b>22</b>
<b>4</b>	<b>CHALLENGES.....</b>	<b>23</b>
<b>5</b>	<b>RECOMMENDATIONS .....</b>	<b>24</b>
<b>6</b>	<b>CONCLUSION .....</b>	<b>24</b>
<b>7.</b>	<b>APPENDIX.....</b>	<b>25</b>

## 1 INTRODUCTION

This Report is prepared in accordance with section 20 of the Judiciary Administration Act No. 23 of 2016. As required by the Act, the Report includes information relating to the financial affairs of the Judiciary and other information pertaining to the year 2019.

In particular, the Report discusses the activities undertaken by the Judiciary and the achievements recorded during the same period. It also highlights the challenges encountered and recommendations to strengthen the Judiciary's operations.

### 1.1 ADMINISTRATION OF THE JUDICIARY

The Judiciary of Zambia is one of the three Arms of Government, the others being the Executive and the Legislature. It is presided over by the Honourable Chief Justice or in her absence, the Deputy Chief Justice. At present, the Chief Justice is the Honourable Mrs. Justice Irene Chirwa Mambilima. The Deputy Chief Justice is the Honourable Mr. Justice Michael Musonda SC.

In administering the Judiciary, the Chief Justice is empowered by section 4(1) of the Judiciary Administration Act to constitute advisory committees, consisting of judges or persons with knowledge of the work of courts and prevailing social conditions, to advise her on matters relating to the Judiciary. In the year 2019, the Honourable Chief Justice reconstituted the following Advisory Committees:

- (a) **Advisory Committee on Court-annexed Mediation and Delay Reduction**
- (b) **Advisory Committee on Training and Continuing Education**
- (c) **Advisory Committee on Gender in Development**
- (d) **Advisory Committee on Court Operations and Administration**
- (e) **Advisory Committee on Establishment and Conditions of Service**
- (f) **Advisory Committee on Administration of Civil and Criminal Justice**
- (g) **Advisory Committee on Budget and Finance**
- (h) **Advisory Committee on Public Relations and Information**



The Chief Justice is also assisted by the Chief Administrator, who is responsible for the day-to-day administration of the Judiciary. The office of the Chief Administrator is, in turn, assisted by the Chief Registrar (in charge of Court Operations) and the Director of Human Resources and Administration. (See **Appendix** for the Organisational Structure).

## 1.2 MANDATE OF THE JUDICIARY

The Judiciary is established under Article 118 of the Constitution, Chapter 1 of the Laws of Zambia. Article 118 (1) of the Constitution provides that *“The judicial authority of the Republic derives from the people of Zambia and shall be exercised in a just manner and such exercise shall promote accountability.”* Further, Article 118 (2) provides that –

*“In exercising judicial authority, the Courts shall be guided by the following principles:*

- (a) justice shall be done to all, without discrimination;*
- (b) justice shall not be delayed;*
- (c) adequate compensation shall be awarded, where payable;*
- (d) alternative forms of dispute resolution, including traditional dispute resolution mechanisms, shall be promoted, subject to clause (3);*
- (e) justice shall be administered without undue regard to procedural technicalities; and*
- (f) the values and principles of this Constitution shall be protected and promoted.”*

In addition, Article 119 (1) provides that the authority of the Judiciary vests in the courts and shall be exercised by the courts in accordance with the Constitution and other laws. The functions of the courts as defined by Article 119 (2), are to hear civil and criminal matters; and matters relating to, and in respect of, the Constitution.

## 1.3 INSTITUTIONAL STRUCTURE

The structure of the Judiciary is set out in Article 120 (1) of the Constitution. It consists of superior and lower courts. Superior Courts are the Supreme Court and the Constitutional Court, which rank equivalently; the Court of Appeal; and the High Court. The lower courts are Subordinate Courts; Small Claims Courts; Local Courts; and other courts, as prescribed.

The table below shows the mandate of each Court as provided by statute:

COURT	MANDATE
<b>Supreme Court</b>	<ul style="list-style-type: none"> <li>Established under Article 124 of the Constitution;</li> <li>Has jurisdiction to hear appeals from the Court of Appeal and jurisdiction conferred on it by other laws.</li> </ul>
<b>Constitutional Court</b>	<ul style="list-style-type: none"> <li>Established under Article 127 of the Constitution;</li> <li>Has original and final jurisdiction in all constitutional matters, except the enforcement of the Bill of Rights (Part III of the Constitution), over which the High Court has original jurisdiction;</li> <li>Sits as a final court of appeal in matters relating to parliamentary and local government election petitions;</li> <li>Also sits to determine matters referred to it by any Court in Zambia where a question relating to the Constitution arises.</li> </ul>
<b>Court of Appeal</b>	<ul style="list-style-type: none"> <li>Established under Article 130 of the Constitution;</li> <li>Has jurisdiction to hear appeals from the High Court, quasi-judicial bodies, except a local government elections tribunal. The Court also hears appeals from other courts, except matters under the exclusive jurisdiction of the Constitutional Court.</li> </ul>
<b>High Court</b>	<ul style="list-style-type: none"> <li>Established under Article 94 of the Constitution;</li> <li>The Court's operations are governed by the High Court Act, Chapter 27 of the Laws of Zambia and other relevant laws;</li> <li>Has a Principal Registry at Lusaka, and District Registries at Kitwe, Livingstone, Ndola, Kabwe, Chipata, Mongu, Solwezi, Kasama and Mansa;</li> <li>Consists of the General List, Commercial Division, Industrial Relations Division and Family and Children's Division in accordance with Article 133 (2) of the Constitution;</li> <li>Commercial Division is responsible for resolving disputes of a commercial nature;</li> <li>Industrial Relations Division has jurisdiction to hear and determine matters under the Industrial and Labour Relations Act, among others;</li> </ul>

	<ul style="list-style-type: none"> <li>• Family and Children's Division has jurisdiction in all family and children's matters, including divorce petitions, custody and intestate succession disputes.</li> </ul>
<b>Subordinate Courts</b>	<ul style="list-style-type: none"> <li>• Established under Article 120 of the Constitution;</li> <li>• The Courts' operations and functions are regulated under the Subordinate Courts Act, Chapter 28 of the Laws of Zambia.</li> </ul>
<b>Small Claims Court</b>	<ul style="list-style-type: none"> <li>• Established under Article 120 of the Constitution. These are courts of record under Article 120(2);</li> <li>• Processes and procedures of the Court are provided for in the Small Claims Court Act, Chapter 47 of the Laws of Zambia, as amended by Act No. 14 of 2008. The Court has jurisdiction in suits where the value of the property, debt or damages claimed is not more than twenty thousand kwacha.</li> </ul>
<b>Local Court</b>	<ul style="list-style-type: none"> <li>• Established under Article 91 of the Constitution;</li> <li>• Constituted under Section 4 (1) of the Local Courts Act, Chapter 29 of the Laws of Zambia.</li> </ul>

## 2 ACTIVITIES IN THE YEAR UNDER REVIEW

### 2.1 COURT OPERATIONS

This Part of the Report focuses on the operations of the different Courts that constitute the Judiciary.

Special mention must be made that the Supreme Court, the Constitutional Court and the Court of Appeal held all the gazetted sessions during the year under review. The High Court held sessions at Lusaka, Livingstone, Kabwe and Ndola. In addition, the High Court circuited to Mazabuka, Mongu, Chipata, Solwezi, Mansa, Kasama and Chinsali.

#### (a) SUPREME COURT

The Supreme Court had a total of **257** criminal cases, **196** of which were brought forward from 2018 and **61** were filed during the year under review. A total of **170** cases were disposed of and **87** cases were carried forward to 2020.

As for civil cases, **190** were brought forward from 2018, while **16** were filed during the year bringing the total number to **206**. Out of these, **148** were disposed of, leaving **58** cases at the close of 2019.

Figure 1 shows the caseload for the Supreme Court:

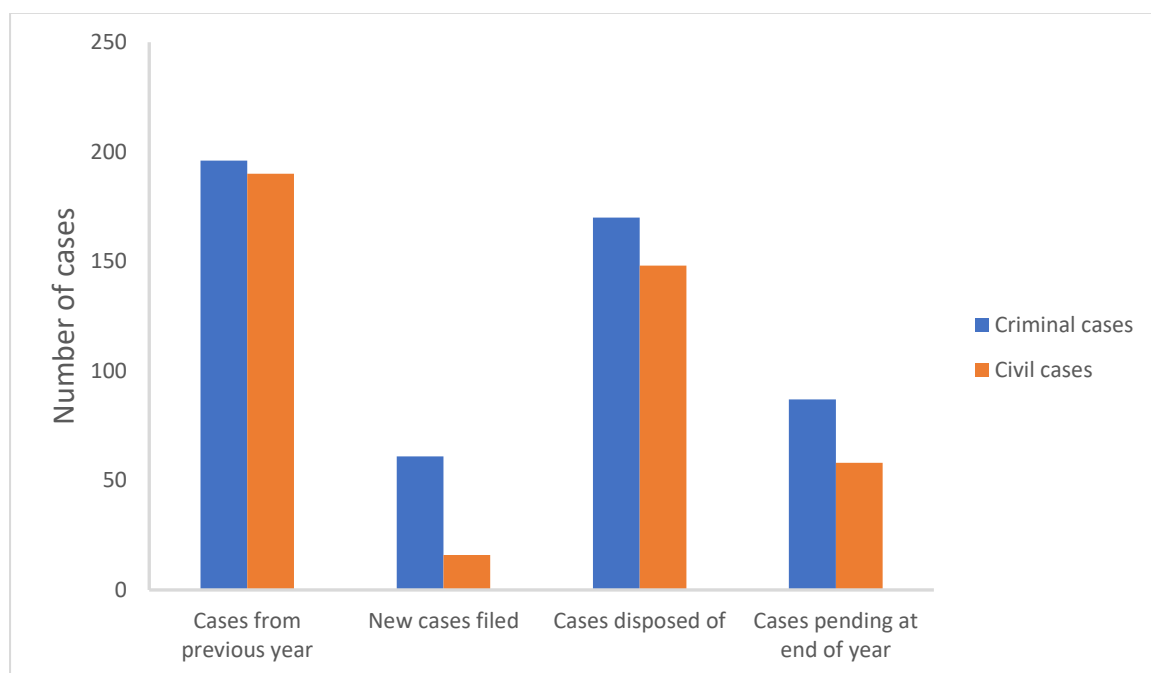


Figure 1: Supreme Court Case load

**(b) CONSTITUTIONAL COURT**

The Constitutional Court had a total of **38** cases. Of these, **17** were brought forward from 2018 and **21** were filed in 2019. The Court disposed of **21** cases, leaving **17** cases pending. The breakdown is as shown in Figure 2:

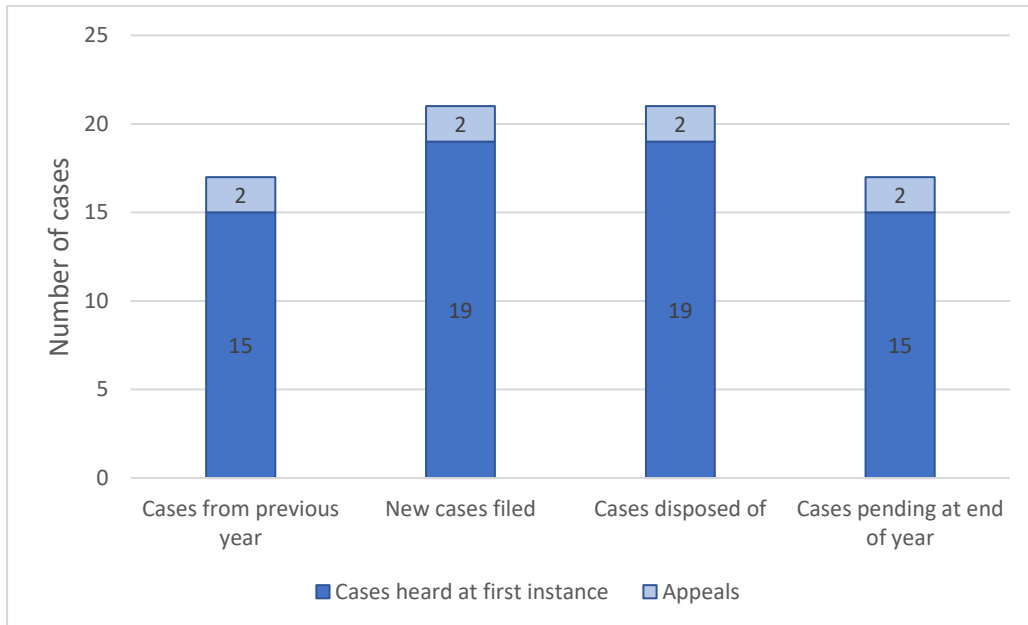


Figure 2: Constitutional Court Case Load

**(c) COURT OF APPEAL**

A total of **337** cases were brought forward from 2018, of which **229** were civil and **108** were criminal. Cases filed in 2019 were **341**. Of this number, **234** were civil and **107** were criminal. The court disposed of **143** civil cases and **139** criminal cases totalling **282**. At the end of 2019, **320** civil and **76** criminal cases were pending, translating into a carry-over of **396**.

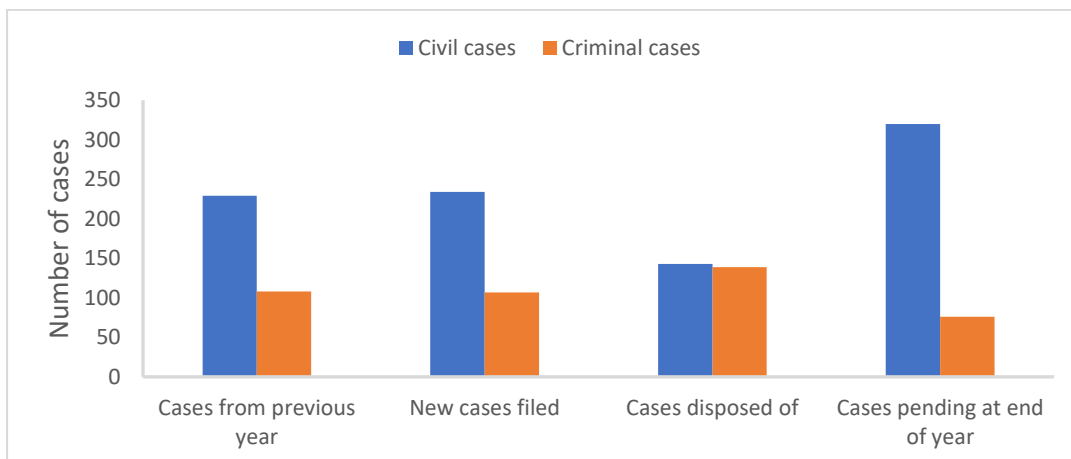


Figure 3: Court of Appeal Case Load

**(d) HIGH COURT**

The High Court recorded a total of **4,234** criminal cases. Of these, **1,690** cases were brought forward from 2018 and **2,544** were new. Cases disposed of were **2,444**, leaving **1,790** cases pending at the close of the year.

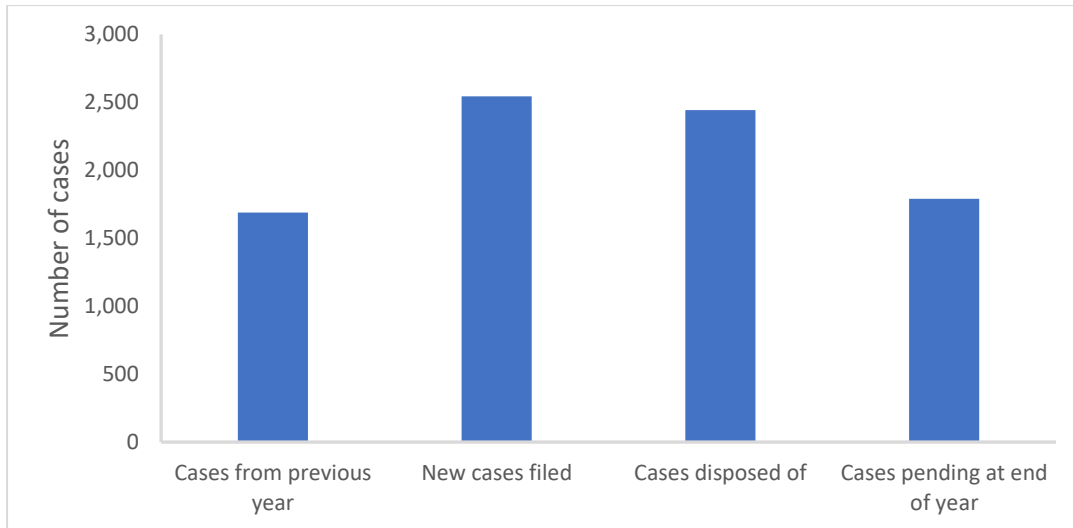


Figure 4 : Criminal cases handled by the High Court

In terms of civil cases, **8,854** were brought forward from 2018 across all divisions of the High Court. As can be seen from Figure 5 below, a total of **6,901** cases were filed in 2019. Of these, **5,556** were filed in the General List, **641** in the Commercial Division and **704** in the Industrial Relations Division.

The Court disposed of a total of **9,176** cases broken down as **7,785** (General List), **852** (Commercial Division) and **539** (Industrial Relations Division). Out of the **7,785** cases disposed of in the General List, **46.5** per cent (**3,619**) were disposed of by the Task Force on Backlog. Cases carried forward to 2020 were **6,579**.

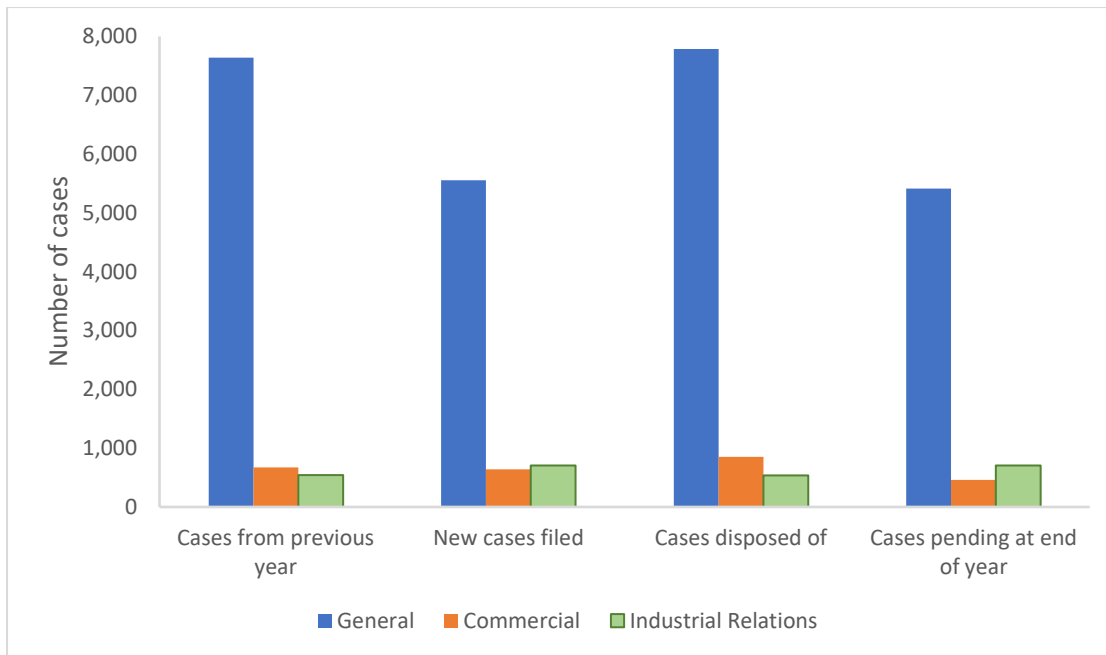


Figure 5: Civil cases handled by Divisions of the High Court

#### (e) SUBORDINATE COURTS

A total of **24,148** cases were brought forward from 2018, comprising of **13,885** criminal cases and **10,263** civil cases.

Cases filed in 2019 were **43,949**. Of the new cases, **29,127** were criminal and **14,822** were civil.

The record of cases disposed of shows that **30,215** were criminal and **14,128** civil. Pending at the close of 2019 were **12,797** criminal cases and **10,957** civil cases. See Figure 6 below.

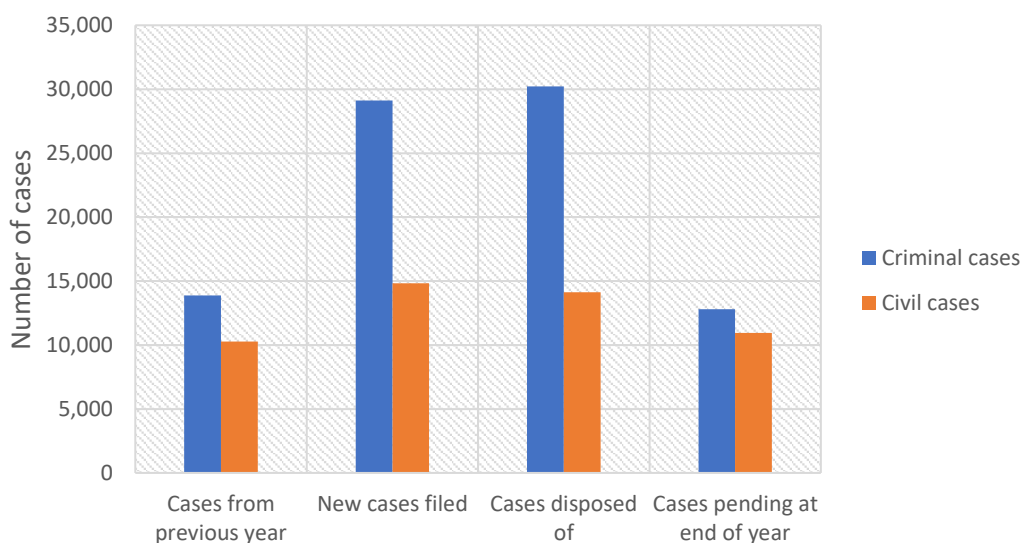


Figure 6: Subordinate Courts Case Load

**(f) SMALL CLAIMS COURT**

There were **2,531** cases brought forward from 2018 and **3,554** new cases. The total of cases was **6,085**. Of these, **4,479** were disposed of and **1,606** were carried forward to 2020.

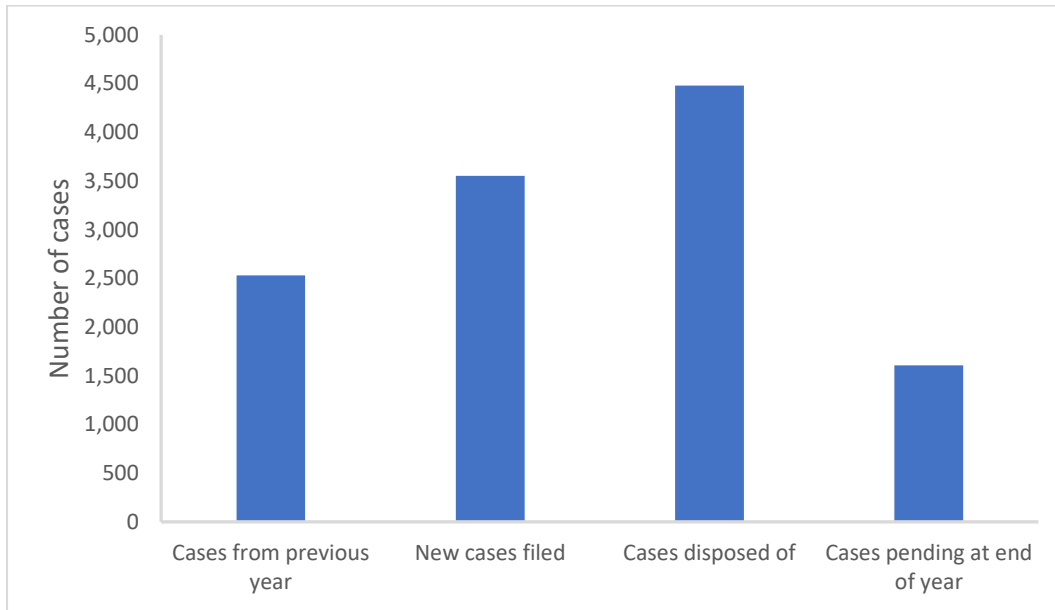


Figure 7: Small Claims Court Case Load

**(g) LOCAL COURTS**

The Local Courts had **30,057** civil cases brought forward from 2018 and **126,870** new cases. Those disposed of were **125,370**, and **31,557** were carried forward to 2020.

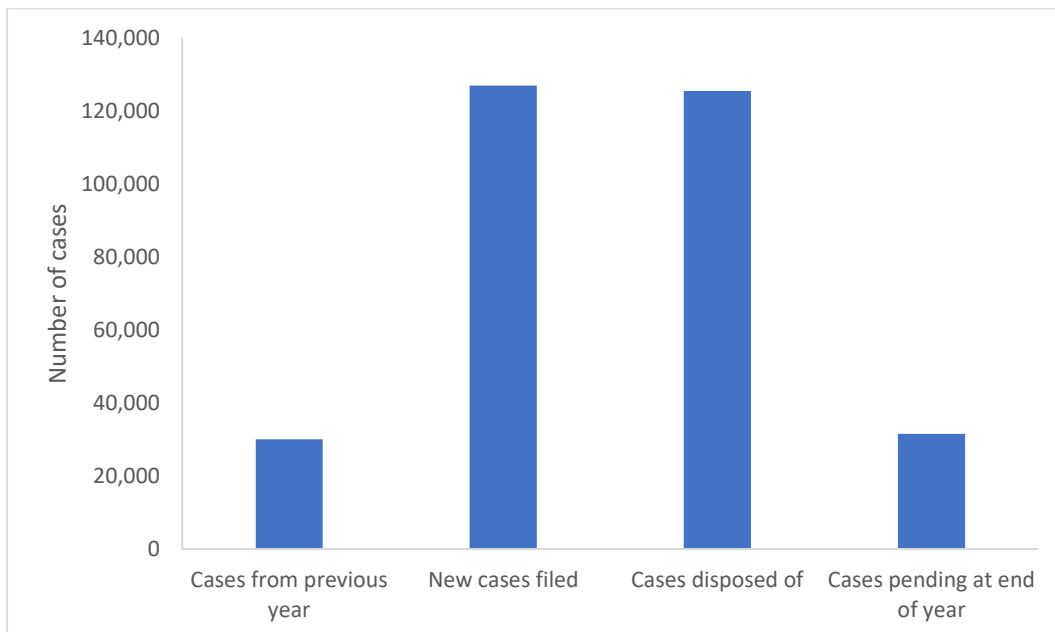


Figure 8: Civil cases before the Local Courts



Criminal cases brought forward were **3,695** and **13, 806** were filed during the year. The number of criminal cases disposed of was **14,583**, while **2,918** were carried forward, as shown in Figure 9.

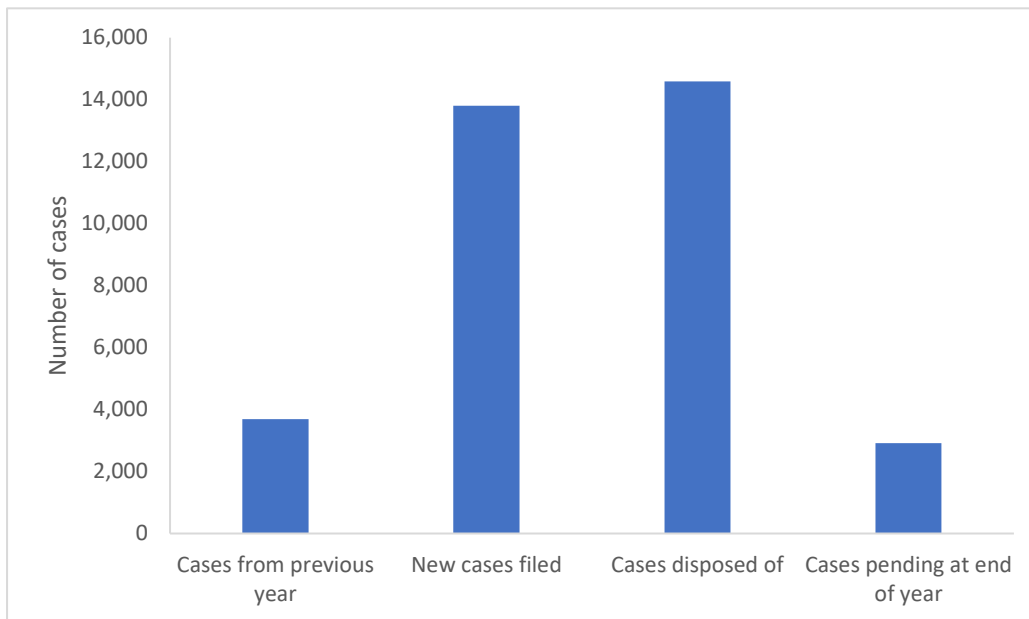


Figure 9: Criminal cases before the Local Courts

#### (h) THE SHERIFF'S OFFICE

The Sheriff's Office received **1,325** writs. Of these, **982** were executed, leaving **343** pending at the end of the year under review.

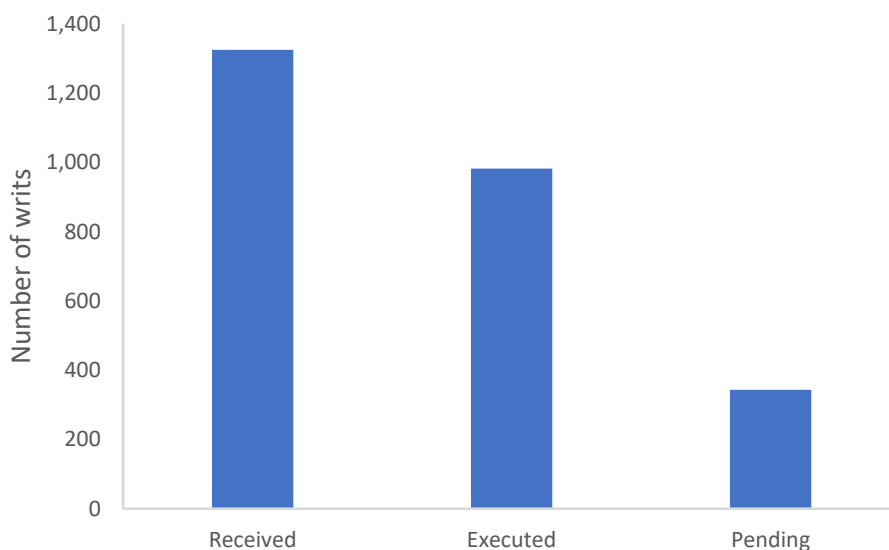


Figure 10: Writs executed by the Sheriff's Office

**(i) COURT-ANNEXED MEDIATION**

Pursuant to Statutory Instrument No. 72 of 2018, Judges of the High Court continued to refer matters to mediation. In addition, settlement weeks were held from 5<sup>th</sup> August to 6<sup>th</sup> September and 4<sup>th</sup> November to 6<sup>th</sup> December, 2019. The table below shows mediation statistics in the year under review:

Cases brought forward from previous year	265
Cases referred to mediation during year under review	1,194
Cases mediated and fully settled during year under review	381
Cases mediated and partially settled during year under review	17
Cases mediated and not settled during year under review	308
Cases not mediated	187
Cases carried forward to following year	566

**(j) OTHER ACTIVITIES**

A delegation comprising three Judges of the Constitutional Court, Registrar and a Research Advocate undertook a study tour of the Constitutional Court of Zimbabwe for purposes of bench-marking. This was from 19<sup>th</sup> to 20<sup>th</sup> September, 2019.

In addition, the Constitutional Court Registrar attended an ICT course for e-Court Service in Seoul, South Korea from 28<sup>th</sup> October to 6<sup>th</sup> November, 2019. This was at the invitation of the Constitutional Court of Korea, and the programme was fully sponsored by the host.

**2.2 HUMAN RESOURCES AND ADMINISTRATION**

The Human Resources and Administration Department is primarily concerned with providing support services to the core function of the Judiciary, namely, adjudication. The Department is responsible for human resource recruitment, planning, training and development, and ensuring a conducive work environment for all staff and the general public that access the courts. The Department comprises the following units: Human Resource Management, Training and Development, Human Resource Information and Planning, Finance, Procurement and Supplies, Infrastructure Development, Information Communication Technology and Administration. The Department also includes the Internal Audit unit, which provides oversight functions by ensuring that controls are put in place and adhered to.

**(a) Staff Welfare**

During the year under review, negotiations for improved salaries and other conditions of service were successfully conducted between Management and the Judicial and Allied Workers Union of Zambia (JAWUZ). Among the outcomes was a salary increment of 4 per cent across the board and revision of the utility allowance from K 200.00 to K 300.00 per quarter.

In addition, rental allowances for Subordinate Court Magistrates and other judicial officers were revised upwards.

**(b) Personal Emoluments (other emoluments)**

The outstanding bill for personal emoluments (other emoluments) for the year 2019 stood at K 111, 803, 025.41, of which K 7,506,238.63 was paid towards separation benefits, settling-in allowance, leave travel benefits and commutation. The Judiciary was unable to clear the entire bill due to budgetary constraints.

**(c) Recruitment and Separations**

At the beginning of 2019, there were 571 vacant positions. The Judiciary filled only 233 vacancies due to Treasury budgetary controls. This impaired the Judiciary's capacity to provide access to justice to all, especially in the remote parts of Zambia.

As at 31<sup>st</sup> December, 2019, there were 5, 206 members of staff against the authorized establishment of 6, 843 employees. This means that the Judiciary was operating at only 76 per cent of its human resource capacity, resulting in a large number of courts, especially local courts, remaining closed or understaffed, as well as increased workloads in all the courts.

A total of 386 members of staff were confirmed in their positions. Further, a total of 133 members of staff were promoted, whereas 4 positions were re-graded.

**(d) Appointments**

On 19<sup>th</sup> March, 2019, His Excellency the Republican President appointed the Honourable Mr. Justice Michael Musonda SC as Deputy Chief Justice of the Republic of Zambia, following the retirement of the Honourable Mr. Justice Marvin Mwanamwambwa. The Honourable Mr. Justice Musonda was also appointed as a Commissioner of the Judicial Service Commission.

**(e) Separations**

During the period under review, a total of 119 members of staff were separated from the Judiciary through retirement, death, resignation, dismissal and non-renewal of contract, as shown in the pie chart below.

### Attrition

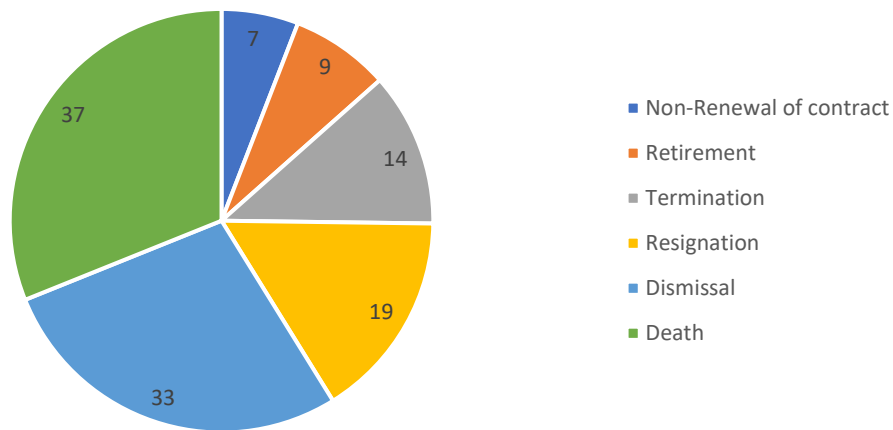


Figure 11: Staff separation

#### (f) Digitalisation of Court Case Records

In 2019, a total of 16,636 case records were filed in the computerized registries and added to the Electronic Record Management System, the HP Records Manager. As at 31<sup>st</sup> December 2019, 18 registries had been computerized, and these included registries for superior courts, and the Subordinate Courts and the Small Claims Court at Lusaka.

In addition, a total of 3,745 records filed prior to 2019 were added to the system. This translated into a total of 322,000 new documents being added to the system. The graph below illustrates the number of court records digitalised in the last three years.

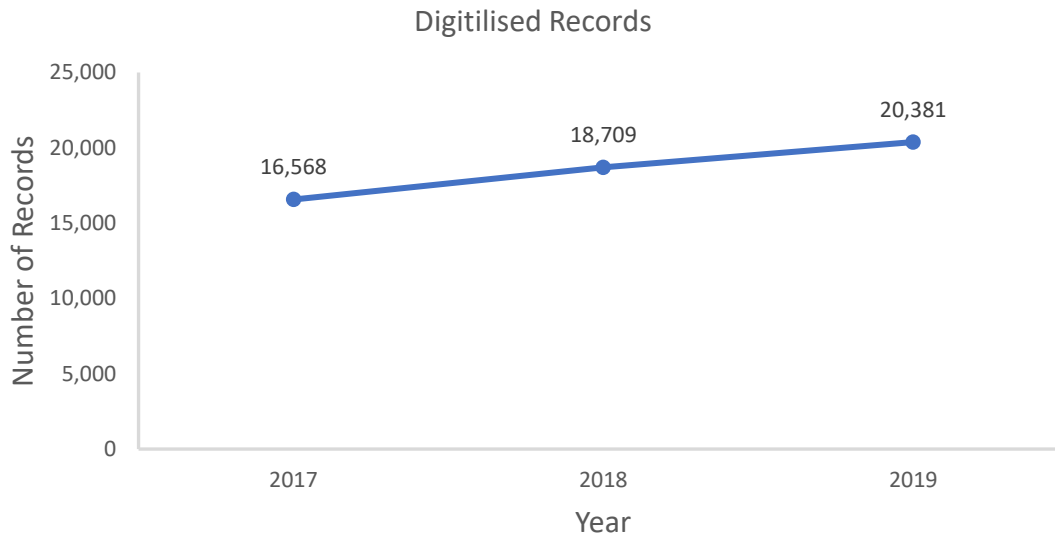


Figure 12: Number of case records digitalised in the Judiciary

#### (g) Case Management System

In order to keep pace with technological advancements in the administration of justice, the Judiciary acquired software to develop an Automated Case Management System. This follows the signing of a memorandum of understanding (MOU) on 20<sup>th</sup> September, 2019, among the Judiciary of Zambia, the National Judicial Council of Nigeria, the National Judiciaries of the Caribbean Region and the National Centre for State Courts (NCSC) of the United States of America. The acquisition of the software developed by the NCSC was aimed at improving delivery and administration of justice. It is envisaged that once customized and deployed, the system will introduce systems such as electronic filing and payment, record management and case workflow tracking, which services are beneficial to all institutions in the justice sector and the general public.

The Judiciary, in consultation with various stakeholders, is in the process of customizing the system.

#### (h) Staff Training and Professional Development

There were capacity building interventions made in the year under review, aimed at improving employee competences and performance. A total of 356 judicial officers, Management and support staff attended various local and international trainings, workshops, conferences, and inductions. Some of the conferences and inductions worth noting were the following:

- (i) The 21<sup>st</sup> Commonwealth Law Conference, which was held in Livingstone from 8<sup>th</sup> - 13<sup>th</sup> April, 2019, under the theme ***“The Rule of Law in Retreat? Challenges for the Modern***

**Commonwealth**". The Conference was attended by the Honourable Chief Justice, 10 Honourable Judges, the Chief Administrator and the Chief Registrar.

- (ii) The 2019 Judicial Conference held at Avani Hotel in Livingstone from 17<sup>th</sup> - 19<sup>th</sup> December, 2019 under the theme **"Enhancing Capacity for Improved Access to Justice"**, which was attended by 162 participants comprising, among others, Judges, Magistrates, Registrars and Judiciary Management.
- (iii) An induction for Subordinate Court Magistrates, which was held at Ndozo Lodge in Lusaka from 19<sup>th</sup> - 24<sup>th</sup> August, 2019. The induction was attended by 62 Magistrates based in Lusaka, Southern, Eastern, Central and Western provinces.

#### (i) Fleet Management

As at 31<sup>st</sup> December, 2019, the Judiciary had a total of 198 (runner) motor vehicles, as shown in the graph below.

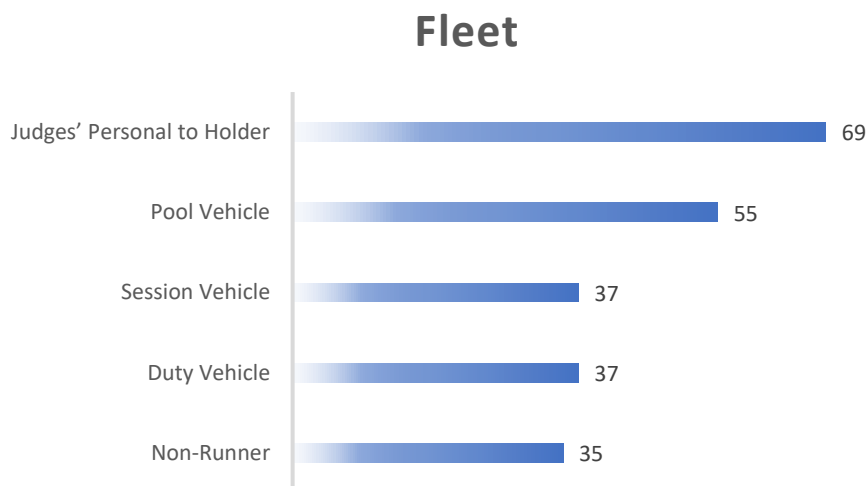


Figure 13: Judiciary Fleet

#### (j) Capital Projects

The major projects completed and handed over in the year under review include the following –

1. Four (4) Gender Based Violence (GBV) Fast Track and User-Friendly Courts at Ndola, Choma, Chipata and Mongu. The Courts were constructed with support from the United Nations Development Programme (UNDP); and

## 2. The Chadiza Urban Local Court in Chadiza, Eastern province.

As at 31<sup>st</sup> December, 2019, there were 88 capital projects not completed and at various stages of construction. Below is a graph showing the status of capital projects since 2012.

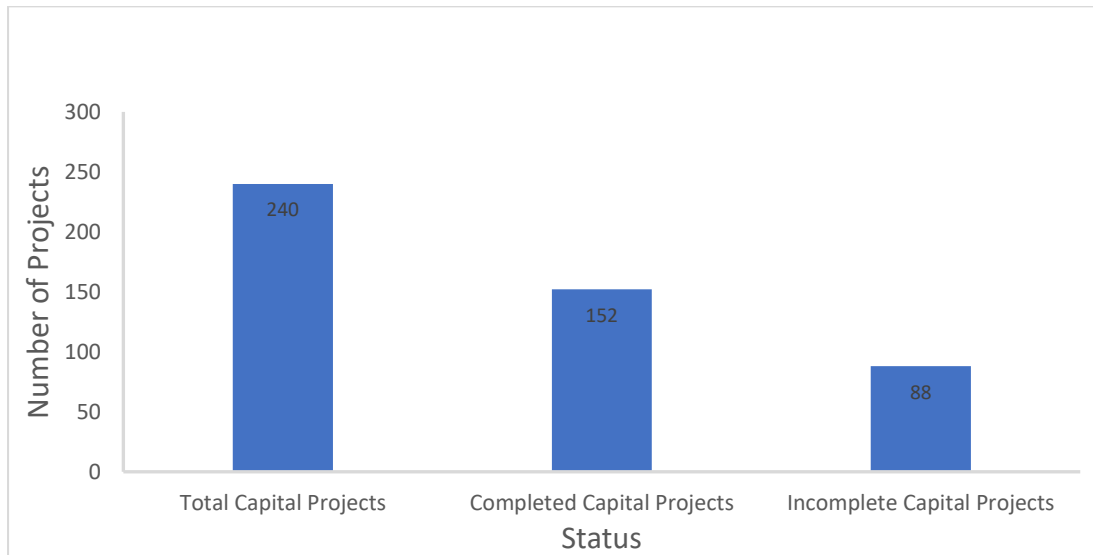


Figure 14: Capital Projects undertaken in the Judiciary from 2012 to 2019

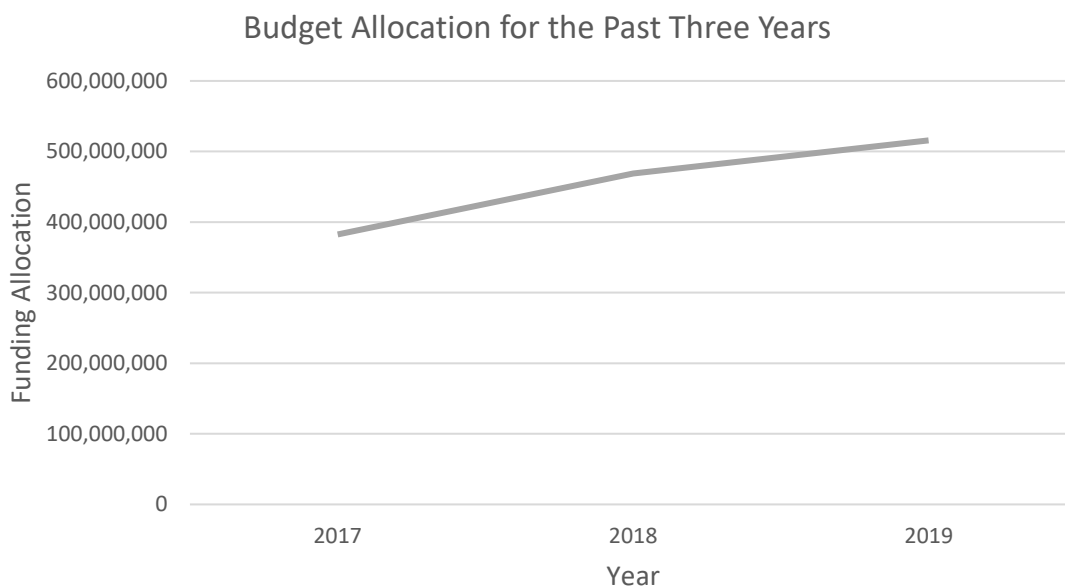
### (k) Renovation and Refurbishment of Court Buildings

- (i) In April, 2019, the court building which formerly housed the Industrial Relations Court (IRC) at Lusaka was refurbished and given to the Court of Appeal, which had no buildings of its own from the time it was established in 2016. However, the Court remained without a holding cell and, therefore, only civil appeals were heard within its premises. The magnitude of this challenge has been discussed under Part 4 (i).
- (ii) One courtroom was renovated at the Industrial Relations Division, at Chikwa in Lusaka.
- (iii) Water supply at the Subordinate Court Complex in Lusaka was improved. Due to leakages, the underground water supply was changed to surface layout and a booster pump was installed.
- (iv) The Judges' entrance foyer at the Lusaka High Court was partitioned with aluminium to enhance security for Judges.
- (v) A grill door and burglar bars were installed at the Supreme Court library to enhance security.

- (vi) A 330KVA generator was installed at the Judiciary Headquarters in Lusaka to mitigate the effects of increased ZESCO load management.

## (I) Finance

The Judiciary was allocated the sum of K515, 740, 938 for the year ending 31<sup>st</sup> December, 2019. The graph below shows the Judiciary's funding over the past three years.



*Figure 15: Funds allocated to the Judiciary*

The main drivers of expenditure were salaries, court sessions and circuits, judges' fuel, rentals for judicial officers and recurrent departmental charges (RDCs). The following table shows the budget allocation and budget releases.



**(m) 2019 Budget Consumption Analysis**

<b>Expenditure Item</b>	<b>Budget Provision</b>	<b>Total Funding</b>	<b>Variance</b>	<b>% Funding against Budget</b>
Personal Emoluments	316,053,447.00	316,053,447.00	-	100.00
Other Personal Emoluments				
Judge's Fuel	52,092,103.00	48,208,697.38	3,883,405.62	92.55
Grants	3,527,860.00	3,192,455.00	335,405.00	90.49
Capital Projects	3,212,300.00	160,615.00	3,051,685.00	5.00
Rentals for Adjudicators & Buildings	47,083,988.00	47,070,312.00	13,676.00	99.97
Court Sessions & Court Circuit	63,835,731.00	63,710,693.00	125,038.00	99.80
RDCs	29,935,509.00	23,106,995.62	6,828,513.38	77.19
Total as per Yellow Book	515,740,938.00	501,503,215.00	14,237,723.00	97.24
<b>Grand Total</b>	<b>515,740,938.00</b>	<b>501,503,215.00</b>	<b>14,237,723.00</b>	<b>97.24</b>

Although the Judiciary only received 97.2 per cent funding of its budgetary allocation, the institution managed to sustain court operations and all the court sessions and circuits across the entire court system. With regard to the budgetary allocation for capital projects, it is worth noting that only 5 per cent funding was released, and this severely compromised the Judiciary's ability to renovate and refurbish the many dilapidated court buildings, especially the Local Courts across the country.

**3 ACHIEVEMENTS**

- (i) All Courts, except the Local Courts, continued to record a reduction in backlog. The Local Courts closed with **31, 557** pending cases in 2019, compared with **30, 057** pending civil cases at the close of 2018, representing a difference of **1,500** pending cases. This was attributable to closure of some of the courts due to lack of infrastructure and low staffing levels.
- (ii) The Supreme Court, the Constitutional Court and the Court of Appeal successfully held all the gazetted sessions for the year under review.
- (iii) A total of eight (08) Resident Magistrates were appointed and posted to various stations in Lusaka and Livingstone, and to Luapula, Northern and North-Western provinces. The appointments helped in alleviating the shortage of adjudicators.
- (iv) With the permission of the Honourable Chief Justice, fast-track courts under local authorities were established at Livingstone, Kabwe, Solwezi, Kitwe and Luanshya.
- (v) The Family and Children's Court Division of the High Court created distinct registries in all provincial centres during the period under review. The Division also appointed

its own Registrar and support staff. This assisted in the handling of family related matters.

- (vi) The Family and Children's Court Division also drafted the Matrimonial Causes Rules, Intestate Succession Rules and Probate Rules. The drafts were submitted to the Ministry of Justice for further action.

#### 4 CHALLENGES

The Judiciary continued to face challenges which affected both court operations and the human resources and administration function. The challenges included the following:

- (i) Inadequate budgetary allocation, which hampered the institution's ability to construct new courthouses and rehabilitate old and dilapidated ones. Most critically affected by the challenge of infrastructure were the Constitutional Court, the Court of Appeal and the Local Courts, as explained below:
  - (a) From the time the Constitutional Court was established in 2016, it has had no infrastructure of its own. Therefore, the Court had to share courtrooms and office space, among others, with the Supreme Court;
  - (b) The Court of Appeal, despite having its own infrastructure at the former IRC building, had no holding cell and was, therefore, restricted to hearing civil appeals in its premises. Criminal appeals had to be heard at the Supreme Court, thereby exerting more pressure on the already stretched Supreme Court resources. In addition, given the criminal jurisdiction of the Court, the security of Judges was compromised by the Court's location in a busy area with a consequently high concentration of potential wrongdoers; and
  - (c) Poor or lack of infrastructure affected the operations of the Local Courts;
- (ii) Low staffing levels, especially at the Local Courts. Due to non-grant of treasury authority, the Judiciary was unable to fill vacancies and create additional positions in all the units;
- (iii) Inadequate transport. Some stations especially Subordinate Courts had old utility vehicles, which needed regular repairs. Others had none at all;
- (iv) Inadequate office furniture and equipment;
- (v) Insufficient storage facilities;
- (vi) Lack of industrial photocopiers and printers;
- (vii) Inconsistent funding regarding Recurrent Daily Costs; and
- (viii) Limited training of members of staff due to budgetary constraints.

## 5 RECOMMENDATIONS

- (i) The Judiciary recommends increased and consistent funding to meet its operational and infrastructure needs. There is also need to improve funding of Recurrent Departmental Charges; and
- (ii) There is need to increase fiscal space to fill vacant positions.

## 6 CONCLUSION

This Report has highlighted the Judiciary's activities and experiences in the year 2019. The Report has also discussed court operations, the administration and financial affairs of the Judiciary, and the institution's achievements and challenges encountered in the period under review. At the end of the Report are recommendations, the implementation of which will assist the Judiciary in its delivery of justice to the full extent of its mandate.

## 7. APPENDIX

### INSTITUTIONAL STRUCTURE

