



REPUBLIC OF ZAMBIA



JUDICIARY

ANNUAL REPORT

2017



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THE JUDICIARY

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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

I am pleased to present the Judiciary's Annual Report for the year 2017.

The Judiciary will, by no means, lose sight of the need for transparency and accountability in carrying out its mandate. This Report gives a window into the Institution's activities and experiences during the period under review.

Despite our meagre resources, we did record a few achievements, as well as gather lessons that now inform our plans for the future. One of our primary goals was to dismantle the backlog of cases, which has affected all our courts. For that purpose, I established an Advisory Committee on Court-annexed Mediation and Delay Reduction. Our efforts to tackle case backlog started to yield noticeable results. To highlight a few, the Supreme Court is now current in terms of the complete criminal records filed. Through the holding of mediation settlement weeks, we also saw a huge decline in the number of civil cases pending before our courts.

Also of note are the fruits of our computerisation drive. Members of the public were able to access court decisions on the Judiciary website soon after delivery. In addition, we made progress in digitalising case records for ease of access.

I am also proud to highlight that after the training of Court Clerks in financial topics, there was not a single audit query for Lusaka in the year under review.

In terms of infrastructure, we embarked on the construction of Gender-Based Violence fast-track courts in Ndola, Chipata, Choma and Mongu. This was done in partnership with the United Nations Development Programme.

I must emphasise, here, that no individual can claim exclusive credit for any of the achievements highlighted in this Report. As Nelson Mandela put it:

"If we are to accomplish anything in this world, it will, in equal measure, be due to the work and achievements of others."

Our triumphs in the year under review speak to the boundlessness of what people are capable of when they choose to unite in pursuit of a shared goal. Despite our many challenges, we achieved much, and we are determined to achieve much more, TOGETHER.

Irene C. Mambilima
CHIEF JUSTICE



ACKNOWLEDGEMENTS

Foremost, I am exceedingly grateful to the Honourable Chief Justice of the Republic of Zambia, Her Ladyship Mrs. Justice Irene C. Mambilima, for her invaluable leadership and guidance throughout the compilation of this Report.

My gratitude also goes to the Registrars of the different courts, the Directors and Deputy Directors, Research Advocates and the rest of the members of staff who worked long and hard to ensure the successful compilation of this Report. The Report is a product of the oneness and strength of purpose exhibited by the different players throughout the exercise. To them all, I am deeply thankful.

Nalishebo Imataa

CHIEF ADMINISTRATOR



EXECUTIVE SUMMARY

This Report highlights the activities and experiences of the Judiciary in the year 2017. The period was not without impediments. Notable among them were inadequate funding, shortage of infrastructure, transport and personnel in key areas of the Judiciary.

Despite having limited resources, the Institution not only stayed afloat, but also dared to achieve growth in a number of areas. Dismantling case backlog remained at the top of its agenda, hence the creation of an Advisory Committee on Court-annexed Mediation and Delay Reduction, to the extent that the Supreme Court became current with the complete criminal records filed. It also started cause-listing and hearing civil appeals filed in 2015.

Four mediation settlement weeks were held. These helped to reduce the number of civil cases before the courts. Further, an ad hoc commercial panel in the Supreme Court helped to speed up disposal of commercial appeals. At the end of 2017, the Court had only one pending commercial matter.

Under its computerisation programme, the Judiciary continued to strengthen its information dissemination tools. Its website was re-designed and made so user-friendly that court decisions were made available on the website as soon as they were rendered. Further, thousands of case records were digitalised across all registries in the period under review. This helped to rein back the phenomenon of missing records, and made records more easily accessible.

In the area of infrastructure, the Judiciary, supported by the United Nations Development Programme, embarked on a project to construct Gender-Based Violence courts in four provinces. It also rehabilitated the former National Housing Authority Building, which now houses the Commercial Court.

Finally, the Report makes recommendations and highlights its plans for the future, based on the lessons learnt during the year under review and before.



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1.0 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 period under review.

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 proposes solutions to those challenges. In addition, the Report outlines the Institution's plans for the future.

2.0 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 court are defined in Article 119 (2), na to:

- (a) *hear civil and criminal matters; and*
- (b) *hear matters relating to, and in respect of, this Constitution.*



3.0 INSTITUTIONAL STRUCTURE

The structure of the Judiciary is set out in Article 120 (1) of the Constitution. It consists of the Superior Courts and the following courts:

- (a) *subordinate courts;*
- (b) *small claims courts;*
- (c) *local courts; and*
- (d) *courts, as prescribed.*

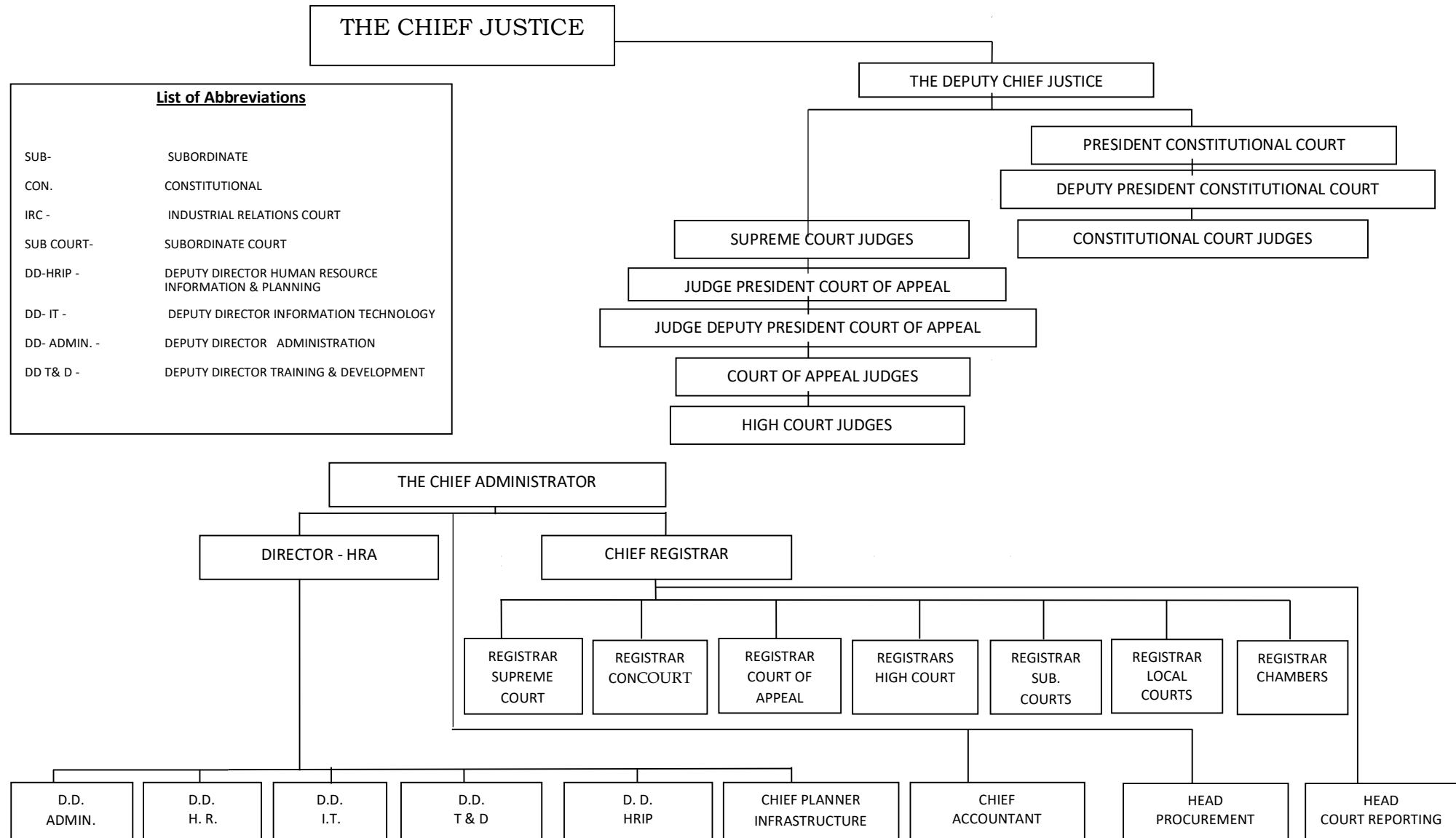
The Superior Courts comprise -

- (a) *The Supreme Court and Constitutional Court, which rank equivalently;*
- (b) *The Court of Appeal; and*
- (c) *The High Court.*

In addition, the Constitution establishes the Judicial Service Commission. Article 146 (1) of the Constitution creates the office of the Chief Administrator, who is responsible for the administration of the Judiciary. The diagram below shows the organisational structure of the Judiciary.



INSTITUTIONAL STRUCTURE





4.0 A GLANCE AT 2017

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. At present, the Honourable Mrs. Justice Irene Chirwa Mambilima is the Chief Justice.

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 the knowledge of the work of courts and prevailing social conditions, to advise her on matters relating to the Judiciary.

In the year 2017, the Honourable Chief Justice constituted the Advisory Committee on Court-annexed Mediation and Delay Reduction. She also reconstituted the following:

- (a) The Advisory Committee on Training and Continuing Education;
- (b) The Advisory Committee on Gender in Development;
- (c) The Advisory Committee on Court Operations and Administration;
- (d) The Advisory Committee on Establishment and Conditions of Service;
- (e) The Advisory Committee on Administration of Civil and Criminal Justice;
- (f) The Advisory Committee on Budget and Finance; and
- (g) The Advisory Committee on Public Relations and Information.

ACTIVITIES OF ADVISORY COMMITTEES

Advisory Committee on Court-Annexed Mediation and Delay Reduction

The Committee facilitated a seminar for Judges and legal practitioners, aimed at revitalising court-annexed mediation. It also initiated amendments to the High Court and the Subordinate Court rules, as well as circulated a checklist to guide Judges on referring matters to mediation. The Rules were submitted to the Ministry of Justice for finalisation.

Working closely with the Mediation Office, the Committee played a leading role in re-introducing settlement weeks during vacations in Lusaka, Ndola and Kitwe, as well as the holding of open days to promote other platforms in the Judiciary such as the Small Claims Court and the Commercial list.

The Advisory Committee also held a joint seminar on Ethics at the Bar and administration of justice.

In terms of case management, the Committee held a seminar for Judges of the High Court on Case Flow and Case Management Techniques. The seminar identified various case types and attached agreed timelines, defined what constituted backlog, causes of backlog and ways of reducing and avoiding it. The idea was to create, for the Judiciary, a system that can ascertain the number of cases in backlog and the number disposed of.



On behalf of the Judiciary, the Committee also managed to negotiate a Memorandum of Understanding with the National Centre for State Courts, relating to a case management system upgrade and provision of software.

Advisory Committee on Training and Continuing Education

In the year under review, the Advisory Committee on Training drafted a Development Policy and a Manual. These documents were meant to inform the conduct of training programmes going forward.

The Committee facilitated training programmes for Registry Clerks, Office Assistants, Marshalls, Probate Registrars and Lusaka-based staff of the Industrial Relations Division, among others. Local Court Clerks were also trained following complaints of financial mismanagement.

In conjunction with the World Bank and other stakeholders, the Training Committee also facilitated a training programme for Judges on the Movable Property (Security Interest) Act No. 3 of 2016.

Advisory Committee on Gender in Development

In 2017, the Judiciary did not participate in the march-past to commemorate International Women's Day and 16 days of activism against Gender-based Violence. This was due to financial constraints. However, the Committee did facilitate a donation of various items to the Female ward and the Children's ward at the Cancer Diseases Hospital in Lusaka.

Advisory Committee on Court Operations and Administration

The Chairperson of the Committee accompanied the Honourable Chief Justice and the Deputy Chief Justice on their tours of Central, Copperbelt, Southern and Eastern Provinces to ascertain the status of court buildings and the work environment generally. The exercise revealed that most of the courts were critically understaffed. Some were non-operational.

In 2017, the Committee facilitated the digitalisation of 16,446 new case records and updating of 29,521 old records. It also procured a variety of electronic equipment for use by Judges and support staff.

The Committee collaborated with other advisory committees in reviewing various laws and rules with a view to enhancing the justice system. It also facilitated the drafting of the Corporate Insolvency Rules. In addition, it restocked libraries with a variety of books.

Advisory Committee on Establishment and Conditions of Service

In an effort to enhance conditions of service for Magistrates, a proposed Statutory Instrument was drafted, and it is awaiting the Attorney General's approval.



Advisory Committee on Administration of Civil and Criminal Justice

The Committee began its work in September, 2017. It toured the registries at Lusaka, Copperbelt and Livingstone to appreciate their challenges. The tour revealed that shortage of storage space was a common experience.

Advisory Committee on Budget and Finance

The Committee carried out an inventory of houses owned by the Judiciary. It discovered that many of those properties were not being utilised to generate revenue. The affected houses are in Lusaka, Ndola, Kitwe and Livingstone.

Advisory Committee on Public Relations and Information

The activities of the Committee ranged from hosting of an interactive media workshop and facilitating media coverage of conferences and other events. It also monitored articles published in various media and elicited retractions where there was misinformation.

Other activities undertaken related to replacement of billboards and flags at headquarters and at the Subordinate Court Complex. The Committee also designed a dress code for support staff.

THE CHIEF ADMINISTRATOR

The Chief Justice is also assisted by the office of the Chief Administrator, who heads the support function. This office is, in turn, assisted by the Chief Registrar, who is in charge of Court Operations, and the Director of Human Resources, who heads Human Resources and Administration.

5.0 COURT OPERATIONS

This Part of the Report focuses on the operations of the different Courts that constitute the Judiciary. These are the Supreme Court, the Constitutional Court, the Court of Appeal, the High Court, the Subordinate Courts, the Small Claims Court and the Local Courts. Court Operations also includes the Sheriff's Office, the Mediation Office, the Research Advocates and the Court Reporters Unit.

The Courts are established under Part VIII of the Constitution, as amended by Act Number 2 of 2016. The table below shows the mandate of each Court as provided by statute:



COURT	MANDATE
Supreme Court	<ul style="list-style-type: none"> Established under Article 124 of the Constitution; Has jurisdiction to hear appeals from the Court of Appeal and jurisdiction conferred on it by other laws.
Constitutional Court	<ul style="list-style-type: none"> Established under Article 127 of the Constitution; 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; Sits as a final court of appeal in matters relating to parliamentary and local government election petitions; Also sits to determine matters referred to it by any Court in Zambia where a question relating to the Constitution arises.
Court of Appeal	<ul style="list-style-type: none"> Established under Article 130 of the Constitution; 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.
High Court	<ul style="list-style-type: none"> Established under Article 94 of the Constitution; The Court's operations are governed by the High Court Act, Chapter 27 of the Laws of Zambia and other relevant laws; Has a Principal and Criminal Registry at Lusaka, and District Registries at Kitwe, Livingstone, Ndola, Kabwe, Chipata, Mongu, Solwezi, Kasama and Mansa; Consists of the Commercial Court, Industrial Relations Court and Family and Children's Court Divisions in accordance with Article 133 (2) of the Constitution;



	<ul style="list-style-type: none"> Commercial Court Division is responsible for resolving disputes of a commercial nature; Industrial Relations Division has original and exclusive jurisdiction to hear and determine matters under the Industrial and Labour Relations Act, among others; Family and Children's Division has jurisdiction in all family and children's matters, including divorce petitions, custody and intestate succession disputes.
Subordinate Courts	<ul style="list-style-type: none"> Established under Article 120 of the Constitution; The Courts' operations and functions are regulated under the Subordinate Courts Act, Chapter 28 of the Laws of Zambia.
Small Claims Court	<ul style="list-style-type: none"> Established under Article 120 of the Constitution. These are courts of record under Article 120(2); 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 all personal suits where the value of the property, debt or damages claimed is not more than twenty thousand kwacha.
Local Court	<ul style="list-style-type: none"> Established under Article 91 of the Constitution; Constituted under Section 4 (1) of the Local Courts Act, Chapter 29 of the Laws of Zambia.

The Sheriff's Office

The Sheriff's Office is established under the Sheriff's Act, Chapter 37 of the Laws of Zambia. In the year under review, the Office successfully performed its mandate, namely securing the rights of individuals and institutions through debt recovery. This was done by enforcing court orders through the service of warrants on defaulting individuals and institutions and executing process in accordance with relevant laws.

It also conducted a number of public auctions, according to its mandate.



The Mediation Office

Order 31 of the Rules of the High Court, Chapter 27 of the Laws of Zambia provides for Mediation as an alternative dispute resolution mechanism. In the year under review, the Judiciary continued to use Court-Annexed Mediation to, among others, help decongest the court system.

In terms of staff, the Mediation Office at Lusaka had three (3) officers, while Ndola and Kitwe had one (1) each.

The Mediation Office embraced the use of technology in its operations. For instance, the office at Lusaka was able to conduct a mediation session via SKYPE. This involved a Plaintiff based in Sweden. The session was facilitated through the Information Technology Unit of the Judiciary. A partial settlement was reached.

The Judiciary also aired two documentaries on Zambia National Broadcasting Corporation television. The main aim of the documentaries was to sensitize members of the public on mediation as a quick form of dispute resolution.

Research Advocates

The role of Research Advocates is to undertake legal research in both criminal and civil matters on behalf of Judges to whom they are assigned in order to facilitate adjudication. Research Advocates prepare summaries of cases and provide legal opinions for judges. They draft speeches and presentations, and also prepare reports and minutes of meetings attended by their respective Judges.

During the year under review, Research Advocates accompanied Honourable Judges to various local and international meetings. Among the meetings attended are the following:

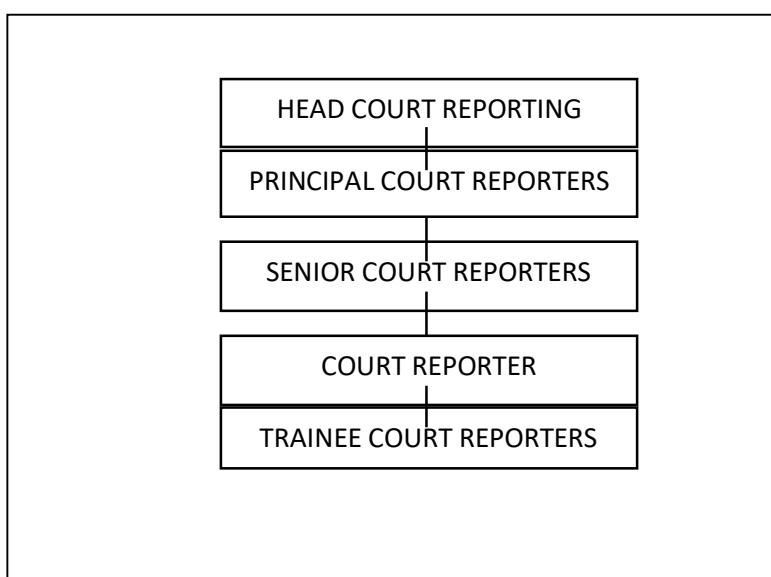
- (a) the 4th Congress of the World Conference on Constitutional Justice in Vilnius, Lithuania from 11th to 14th September, 2017;
- (b) a meeting held in Swakopmund, Namibia from 16th to 17th October, 2017, to prepare for the launch of the Global Judicial Integrity Network in Vienna, Austria in April, 2018.
- (c) a training organised by the Judicial Institute for Africa (JIFA) under the theme "*Core Skills for Newly Appointed Judges*" in Cape Town, South Africa, from 24th to 28th April, 2017; and
- (d) a World Bank-sponsored training programme involving forty (40) Judges on the Moveable Property (Security Interest) Act No. 3 of 2016 in Chisamba from 19th to 21st November, 2017.



Court Reporting Unit

Court Reporting is a Unit under Court Operations in the Judiciary of Zambia. The Unit provides real-time court reporting services to ensure that an efficient, effective and accurate verbatim record of proceedings is available to all stakeholders, namely the courts, counsel, litigants, Commissions of Inquiry, Tribunals and the general public.

A proper structure was created to facilitate smooth flow of information and coordination of activities in the Unit. The Unit comprises the Head - Court Reporting, Principal Court Reporters, Senior Court Reporters, Court Reporters and Trainee Court Reporters, as shown in the Chart below.



The Court Reporters Association of Zambia (CRAZ) was registered and launched in an effort to raise the standards of court reporting in Zambia and to ensure that all Court Reporters undertake the necessary training as a prerequisite to certification.

Sessions

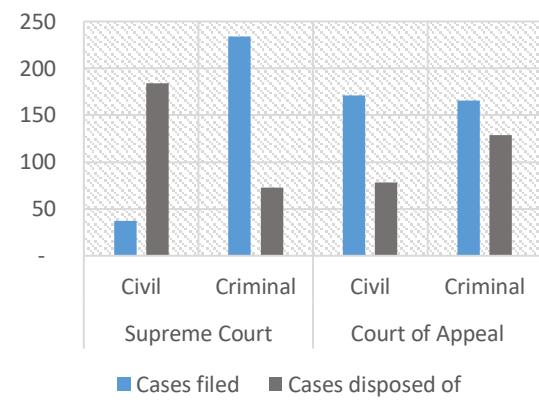
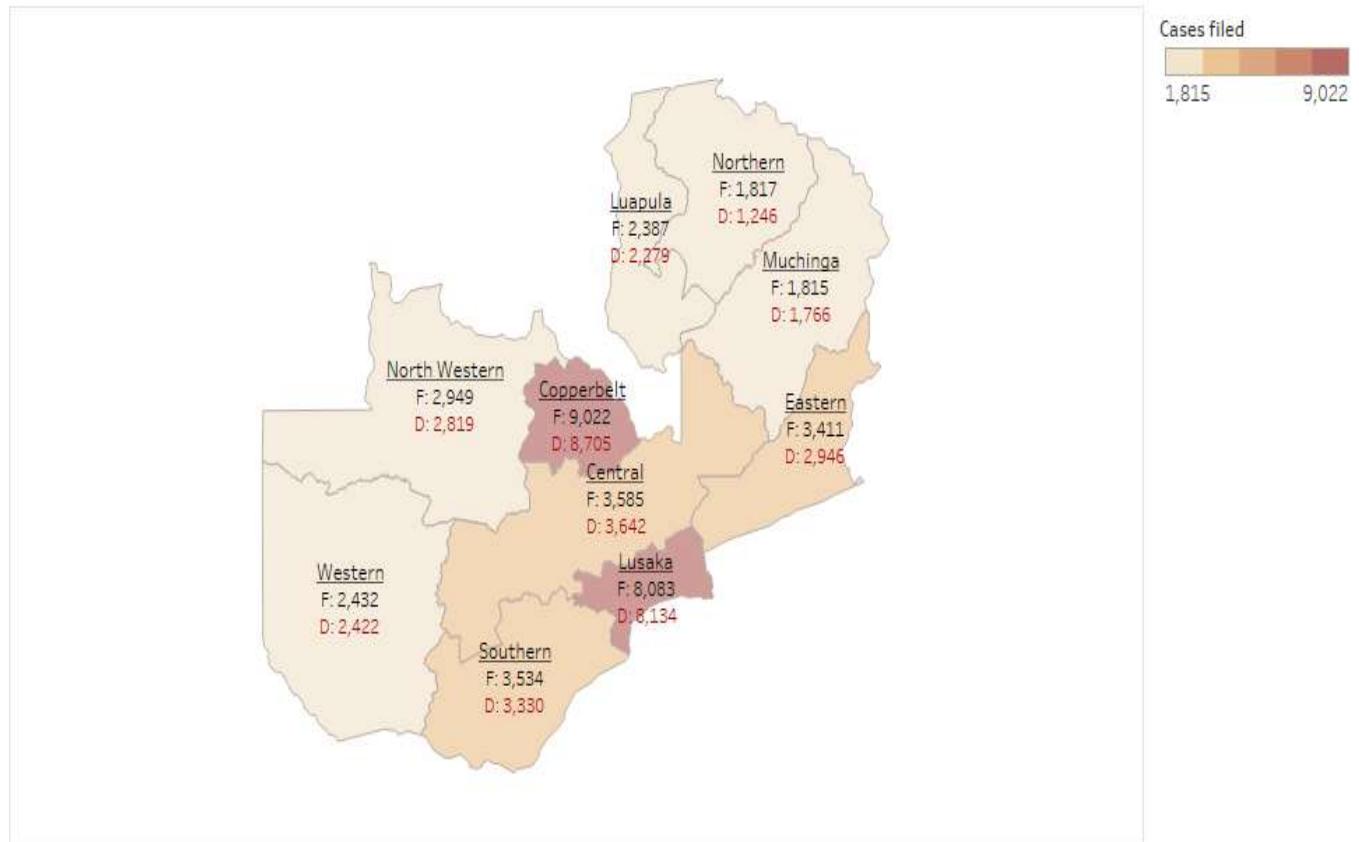
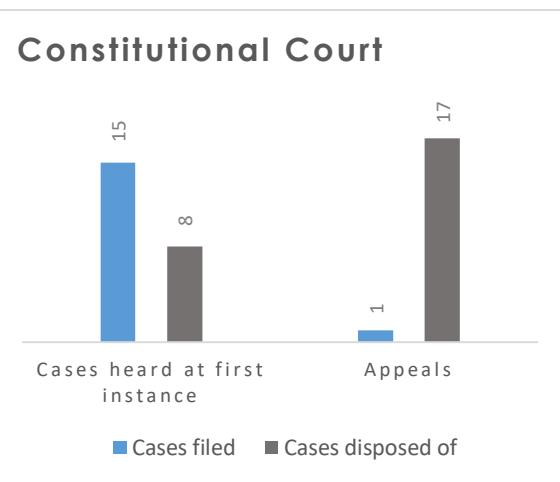
During the period under review, the Registrars of various courts assisted the Office of the Chief Administrator in coordinating and implementing the sittings of various courts as per Gazette calendar. In this regard, Administration provided logistical support for the holding of a number of court sessions and undertaking of various court circuits.

The total number of gazetted sessions for the superior courts was increased from 88 in 2016 to 118 in 2017 as shown in the table below:



NO.	NAME OF COURT	2016	2017
1.	Supreme Court	12	12
2.	Constitutional Court	-	12
3.	Court of Appeal	-	10
4.	High Court	76	84
	Total	88	118

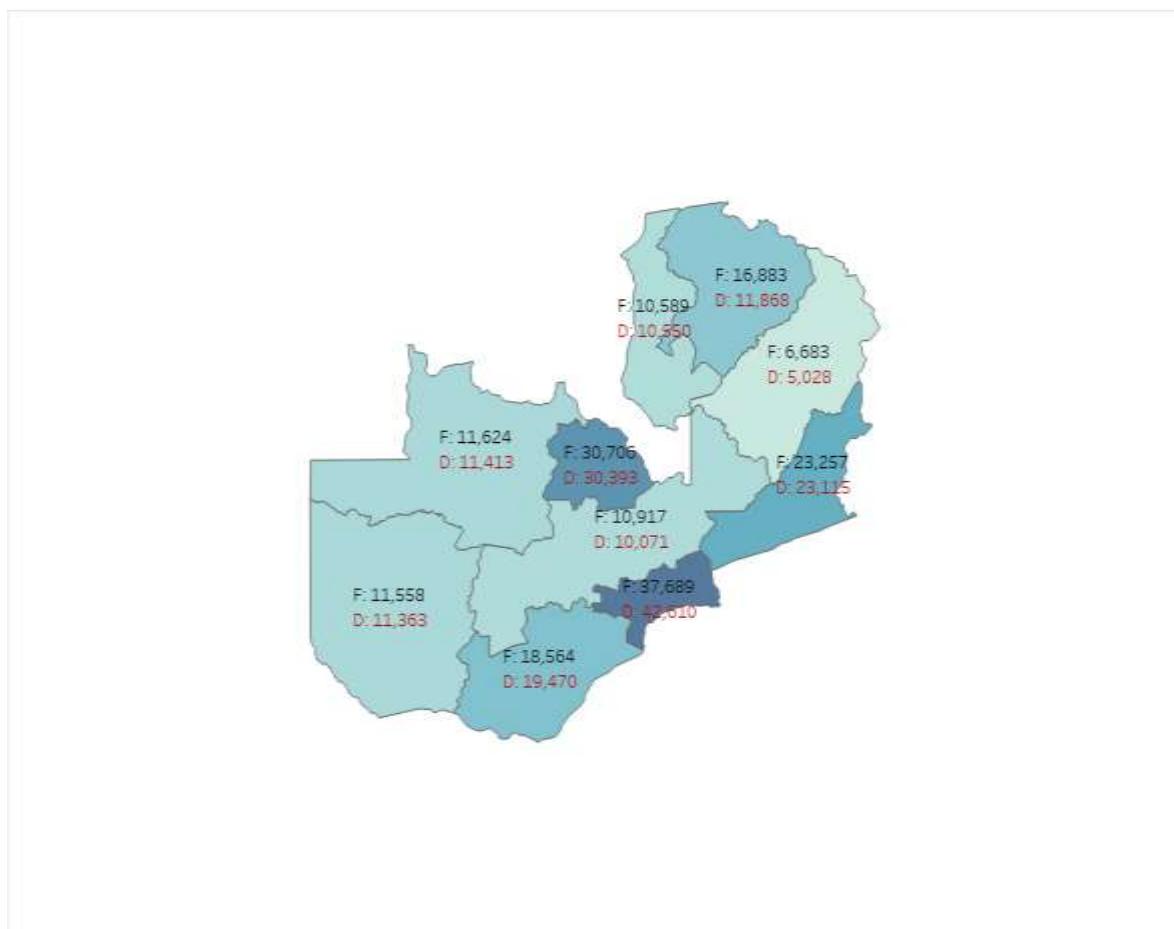
Further, all the courts heard criminal and civil cases as shown below, and tabulated in appendix II.

**Appellate Courts****Subordinate Courts****Constitutional Court****Key**

F: Cases filed
D: Cases disposed of



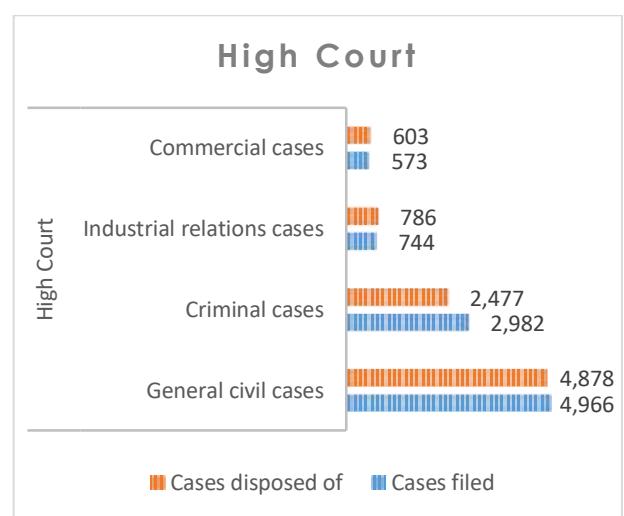
Local Courts

Key

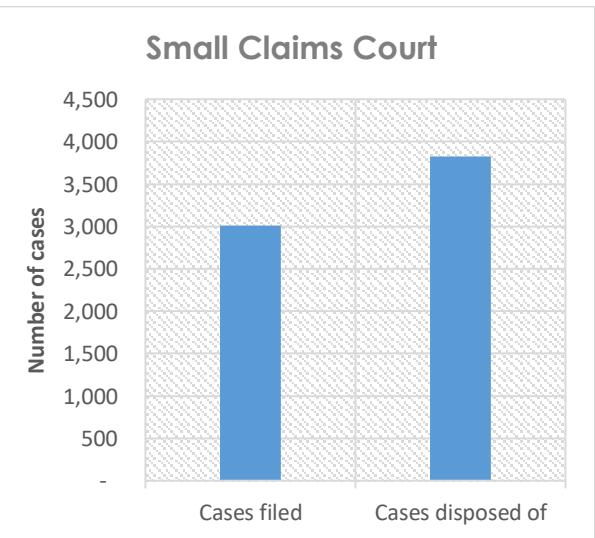
F: Cases filed

D: Cases disposed of

High Court



Small Claims Court





6.0 HUMAN RESOURCES AND ADMINISTRATION DEPARTMENT

The Human Resources and Administration Department is primarily concerned with providing support services to the core function of adjudication. It comprises the following Units:

- (a) Human Resources Management;
- (b) Human Resources Information and Planning;
- (c) Information Technology;
- (d) Training and Development;
- (e) Internal Audit;
- (f) Administration;
- (g) Procurement;
- (h) Security;
- (i) Infrastructure; and
- (j) Accounts.

6.1 THE HUMAN RESOURCES MANAGEMENT UNIT

At the end of 2017, the approved establishment increased from 6,234 to 6,728. The increase was as a result of the introduction of the Constitutional Court and the Court of Appeal. However, not all positions were filled as per establishment register. A total of 347 positions remained vacant because there was no fiscal space to reactivate the said positions. In addition, a total of 345 employees were separated during the period under review as per table below:

No.	Mode of Separation	2016	2017
1	Resignation	13	17
2	Death	45	35
3	Dismissal	50	39
4	Retirement on age	16	2
5	Retirement on Medical Grounds	01	-
6	Termination of Employment (Judges' workers)	23	21
7	Secondments	2	-
8	Non-renewal of contracts	65	16
	TOTAL	215	130



6.2 THE HUMAN RESOURCES INFORMATION AND PLANNING UNIT

The objective of the Unit is to maintain optimum staffing levels in the institution by identifying current and future human resource needs for the organisation to achieve its goals. Human resource planning serves as a link between human resource management and the overall strategic plan of the organisation. The Unit endeavours to satisfy these needs by ensuring that suitable employees are engaged for the available jobs while avoiding manpower shortages or surpluses.

In the year under review, the Unit was committed to forecasting human resource needs in order to accommodate the institution's expansion, recruiting people with suitable qualifications, encouraging high employee performance, and supporting a positive work culture.

6.3 INFORMATION TECHNOLOGY UNIT

The mandate of the Unit is to oversee information technological development of the Judiciary. It provides technical support and training in order to facilitate efficiency and smooth operation of the Institution. The Unit is responsible for providing solutions to information technology-related challenges faced by Judges and support staff in the course of duty.

In the period under review, the Unit undertook the following activities:

(a) Digitalisation of Case Records

Digitalisation of case records was extended to the newly-created registries of the Superior Courts, and to the IRD. A total of 180,179 and 356,465 individual documents were digitalised across all registries in 2016 and 2017 respectively. The total number of number records updated across all registries was 29,521.

(b) Electronic Resources

The Judiciary continued strengthening its internally developed electronic systems for managing its resources. These resources included an electronic asset management system used to monitor and track the institution's electronic assets, a staff attendance system to monitor staff attendance, and a prototype of the HRMIS.

(c) Enhancement of Information Dissemination Tools

The institution continued to strengthen its information dissemination tools aimed at improving communication with its members of staff and the general public. The following tools were enhanced:



(i) **Website**

During the period under review, the Unit provided information internally and to the public through the Judiciary website www.judiciaryzambia.com. The website was re-designed to make it more user-friendly, to the extent that court decisions are made available as soon as they are rendered. It also continued to be a source of materials generated by the Judiciary such as legal calendars, cause lists and public statements.

(ii) **Judgments Information System (JUDIS)**

Judgments Information System (JUDIS) is an online judgment information system specifically tailored for commercial matters. Actual copies of commercial judgments were uploaded on the system, accompanied by explanatory notes on each case. In the period under review, this enabled readers with little or no knowledge of the law to understand court decisions. The system could be accessed at www.judis.judiciaryzambia.com.

(iii) **Corporate Emails**

The Judiciary corporate emails were migrated from www.judiciary.gov.zm to www.judiciaryzambia.com. This improved the availability and reliability of the service.

In 2017, the Judiciary extended the use of its corporate email addresses to all its employees. The corporate emails were used to deliver memoranda and circulars to members of staff. They were deliver employees' electronic pay slips, which were introduced in 2017. Enquiries can also be made by members of the public through this facility, which allows for prompt response to queries.

(iv) **Electronic Information Displays**

The Judiciary updated and widened the scope of information available on displays installed at the Supreme Court, High Court and Magistrates' Court in Lusaka. The screens provided real-time cause lists and notices to litigants and the general public.



6.4 TRAINING AND DEVELOPMENT UNIT

The Training and Development Unit continued providing capacity building interventions aimed at attaining organisational goals, as well as improving employee competencies and performance. The capacity building programmes carried out during the period under review are as follows:

6.4.1 IN-SERVICE TRAINING

Fifty-six (56) Court Reporters were undergoing training at the Judicial Centre of Excellency, at 19 Tito Road, in Lusaka. Thirty-one (31) of these were in the final stage of the training, while twenty-five (25) were in the initial stage.

6.4.2 IN-HOUSE TRAINING AND DEVELOPMENT

(a) Training of Court Clerks

Six hundred fifty-eight (658) court clerks from Copperbelt, Lusaka, Central, Southern, Eastern, Western, Luapula and North-Western provinces were trained in Financial Management and skills related to their work. This was to address flaws in financial accountability, which were highlighted in the 2016 Auditor General's Report.

(b) Training of Probate Registrars

A two-day training workshop for Probate Registrars was held at Golden Peacock Hotel in Lusaka in June, 2017. Participants were drawn from all ten (10) provinces of Zambia. They comprised eighteen (18) Assistant Registrars and sixteen (16) Senior Clerks of Court. The purpose of the training was to enlighten the participants on the procedures and guidelines of the probate process.

(c) Training on Customer Care and Business Etiquette

Registry Clerks and Office Assistants from the Industrial Relations Division were trained in Customer Care and Business Etiquette. The purpose of the training was to equip the participants with skills that would help them to provide excellent customer service.



6.4.3 WORKSHOPS, CONFERENCES AND OTHER TRAININGS

6.4.3.1 LOCAL WORKSHOPS, CONFERENCES AND OTHER TRAINING

(a) Continuous Professional Development (CPD) Workshop

Two (2) Internal Auditors and twenty-two (22) Accountants attended the 22nd ZICA Annual General Meeting on 29th April, 2017. This was followed by a workshop on 30th April, 2017 under the theme "***Transformation and Professionalism - the Accountant in the New Age of Business***".

In addition, five (5) Internal Auditors attended a CPD workshop organised by the Institute of Internal Auditors. The workshop was held in Siavonga, and its objective was to enhance Internal Auditors' appreciation of audit issues generally.

(b) Training of Security Officers

Fourteen (14) Senior Security Guards and eleven (11) Security Guards underwent a four-week training in Basic Security at Lilayi Police Training College in Lusaka from 9th July, 2017 to 9th August, 2017.

(c) 5th Human Resource Regional Summit

Four (4) officers from the Human Resource Unit attended the 5th Human Resource Regional Summit held at Avani Hotel from 31st May to 2nd June, 2017. The Summit was organised by the Zambia Institute of Human Resource Management (ZIHRM) under the theme "***From Transactional to Strategic Human Resource***".

6.4.3.2 INTERNATIONAL WORKSHOPS, CONFERENCES AND OTHER TRAININGS

(e) Training on Legal Framework of Freedom of Expression, Access to Information and Safety of Journalists

Two (2) Honourable Judges participated in a three-day training on "***Legal Framework of the Freedom of Expression, Access to Information and Safety of Journalists***" in Pretoria, South Africa. The training was organised by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in partnership with the University of Pretoria.

(f) Human Rights Training

Two (2) Honourable Judges were nominated to attend a course in "***Human Rights***" organised by the Democratic Governance and Rights Unit (DGRU) at the Judicial Institute for Africa.



(g) **2017 Weinstein JAMS International Fellowship**

One (1) Honourable Judge attended the 2017 Weinstein JAMS International Fellowship in the United States of America (USA) from 6th August to 23rd September, 2017. The purpose of the training was to study dispute resolution processes and practices in the USA in order to expand the use of Alternative Dispute Resolution in participating countries.

(h) **Conference for Chief Justices & Presidents of Supreme Courts**

The Honourable Chief Justice and one (1) Senior Research Advocate attended a Conference for Chief Justices and Presidents of Supreme Courts in Khartoum, Sudan from 2nd to 3rd April, 2017. The main objective of the conference was to strengthen bilateral brotherhood relations among African states.

(i) **4th Congress of World Conference on Constitutional Justice**

The Honourable Chief Justice, one (1) Honourable Judge and one (1) Senior Research Advocate attended the 4th Congress of the World Conference on Constitutional Justice in Vilnius, Lithuania from 11th to 14th September, 2017.

(j) **Arbitration Meeting**

Two (2) Honourable Judges attended an arbitration meeting in Johannesburg, South Africa from 19th to 20th July, 2017.

(k) **Southern Africa Chief Justices' Forum**

A delegation led by the Honourable Deputy Chief Justice attended a Regional Preparatory Meeting in Swakopmund, Namibia from 16th to 17th October, 2017, ahead of the Global Judicial Integrity Network launch in Vienna, Austria in April, 2018. The meeting presented an opportunity for judiciaries in Anglophone and Lusophone countries in Africa to learn from each other ways of tackling issues relating to judicial integrity.

(l) **Conference on Community Justice Institutions and Paralegals**

Some Honourable Judges attended a conference on Community Justice Institutions and Paralegals from 22nd to 24th August, 2017 in Nairobi, Kenya.

(m) **International Legal Forum**

The President of the Constitutional Court and a Senior Research Advocate attended a conference at the St. Petersburg International Legal Forum in Russia from 16th to 20th May, 2017.



(n) **Core Skills Training for Newly-Appointed Judges**

Two (2) Honourable Judges and one (1) Senior Research Advocate attended a training organised by the Judicial Institute for Africa (JIFA) under the theme ***“Core Skills for Newly Appointed Judges”*** in Cape Town, South Africa, from 24th to 28th April, 2017.

(o) **4th Regional Conference on Human Rights and HIV Exposure**

One (1) Honourable Judge attended the 4th Regional Conference on Human Rights and HIV in Johannesburg, South Africa, from 20th to 22nd June, 2017. The aim of the conference was to share experiences, challenges and new developments in HIV-related jurisprudence in order to uphold the rights of all people, including populations at high risk of HIV exposure, and to support and sustain judicial excellence on HIV and the law.

(p) **20th Commonwealth Law Conference**

The Honourable Chief Justice and two (2) Honourable Judges attended the 20th Commonwealth Law Conference in Melbourne, Australia, from 20th to 24th March, 2017. The conference was held under the theme ***“Thriving in a Global World; Building the Rule of Law”***.

(q) **10th World Congress by INSOL International**

Four (4) Honourable Judges attended the 10th World Congress organised by INSOL International in Sydney, Australia in March, 2017.

(r) **Human Rights Law and Practice**

Two (2) Honourable Judges attended a course on ***“Human Rights Law and Practice: An Introductory Course for Judges in Africa”*** at the University of Cape Town in South Africa in September, 2017.

(s) **2017 International Association of Women Judges and Kenya Women Judges Association (IAWJ)**

Nine (9) Honourable Judges, one (1) Registrar and one (1) Magistrate attended the IAWJ African Region Conference under the theme ***“Women Judges Enabling Sustainable Development Goals: Opportunities, Challenges and Strategies”*** from 16th to 20th May, 2017. The purpose of the conference was to provide a platform for comparative enquiry into the special roles played by women judges in promoting global and municipal development.



(t) **Commonwealth Magistrates & Judges Association Conference**

The Honourable Deputy Chief Justice, four (4) Honourable Judges and one (1) Registrar attended a Commonwealth Magistrates and Judges Association (CMJA) Conference in Dar-es-Salaam, Tanzania from 24th to 28th September, 2017. The theme of the conference was "***Building an Effective, Accountable and inclusive Judiciary***".

(u) **The Global Network on Electoral Justice Conference**

The Honourable Deputy Chief Justice, one (1) Honourable Judge and the Registrar of the Commercial Court attended the first plenary session of the Global Network on Electoral Justice Conference in San Miguel De Allende, Mexico from 9th to 11th November, 2017.

6.4.4 INDUCTION

Induction for various categories of staff

Management organised a two-day in-house induction for two hundred seventy-six (276) newly-recruited officers. These included twenty-two (22) Court Reporters, twenty-five (25) Interpreters, twenty-two (22) Marshals, six (6) Librarians, five (5) Network Support Staff, one (1) Webmaster, one (1) Telecoms Officer, twenty-six (26) Data Entry Clerks, twenty-one (21) Court Ushers, forty-nine (49) Registry Clerks, seven (7) Stenographers, six (6) Typists, two (2) Plumbers, two (2) Electricians, thirty-five (35) Office Assistants, thirteen (13) General Workers, eleven (11) Senior Security Guards, three (3) Senior Security Officers, fifteen (15) Security Guards and two (2) Security Officers. The purpose of the induction was to enable the participants to understand their roles and responsibilities in relation to the operations of the Judiciary.

6.4.5 SHORT COURSES

(a) **Systems Application and Products (SAP) - Business Process Audit Module**

Five (5) Internal Auditors attended training in SAP Business Process in Johannesburg, South Africa, from 14th to 23rd June, 2017. The objective was to train the participants how to conduct audits in financial business process in SAP.

(b) **SAP Business Process Accounting 1 & 2**

Four (4) Accountants and four (4) Cashiers attended training in SAP Business Accounting 1 and 2 in Johannesburg, South Africa from 3rd to 14th July 2017.



The purpose of the training was to enlighten the participants on the SAP Business Process.

(c) Overview and Authorisation in SAP Business Process

The Chief Administrator and the Director – Human Resource and Administration were trained in Overview and Authorisation in SAP Business Process in Johannesburg in October, 2017 and June, 2017 respectively. The objective was to familiarise the participants with the authorisation concepts in the SAP Business Process.

6.4.6 OTHER PROGRAMMES AND ACTIVITIES

(a) Workshop on Electoral Justice and the 2016 Election Petitions

The Judiciary, in collaboration with the Electoral Institute for Sustainable Democracy in Africa (EISA), held a one-day workshop for twenty-four (24) High Court Judges from Lusaka, Central and Copperbelt provinces in Lusaka on 3rd February, 2017. The theme of the workshop was ***"Electoral Justice and the 2016 Parliamentary Elections: Lessons Learned and the Way Forward for Zambia"***.

The workshop examined how the High Court handled the 2016 parliamentary elections, with a view to enhancing future electoral dispute resolution in Zambia.

(b) Training on Gender Based Violence (GBV) Case Management

The Judiciary, in partnership with GRZ-UN Joint Programme on Gender Based Violence (JP-GBV), held a workshop in Ndola from 18th to 21st September, 2017. Fifty-two (52) participants drawn from the Judiciary, National Prosecutions Authority, Department of Social Welfare, the Police and Ministry of Health attended the workshop. The workshop was aimed at enhancing access to justice for victims of GBV through a multi-sectoral approach.

(c) Training on Moveable Property (Security Interest) Act

The Judiciary, with support from the World Bank, trained forty (40) Honourable Judges on the Moveable Property (Security Interest) Act No. 3 of 2016 in Chisamba from 19th to 21st November, 2017. The objective of the training was to introduce the Judges to the Act.



(d) Sensitisation of High Court Labour Division Judges Tribunal to International Labour Standards (ILS)

Two (2) Supreme Court Judges, two (2) Court of Appeal Judges and five (5) Judges from the IRD attended a sensitisation workshop on ILS for Judges, which was held in Livingstone from 15th to 19th May, 2017. The purpose of the workshop was to contribute to the improvement of the International Labour Standards.

6.4.7 STUDY TOURS

a) Study Tour by Court of Appeal

A delegation led by the Judge President of the Court of Appeal visited London in May, 2017, on a study tour. The purpose of the tour was for the Court of Appeal in Zambia to familiarize itself with the operations of the Court of Appeal of England and Wales.

b) Study Tour by Family Division

The Family Division undertook a study tour to the United States of America and the United Kingdom in June, 2017. The purpose of the tour was to familiarise delegates with the operations of the Family and Children's Division in the two jurisdictions.

Processing of Applications for Study Leave

The Training Unit also continued to manage the applications and approvals for study leave. During the period under review, 30 judicial staff were authorised to sit for the Legal Practitioners Qualifying Examination at the Zambia Institute of Advanced Legal Education. In addition, the Training Committee granted study leave to one (1) member of staff to pursue a Master's Degree in Intellectual Property and two (2) to pursue a ZICA qualification.

6.5 INTERNAL AUDIT UNIT

The Internal Audit Unit is designed to be an independent unit whose core function is to provide an independent, objective assurance and consulting service aimed at adding value to, and improving, the organization's operations. The staffing structure of the Internal Audit Unit is as follows:

- (a) Principal Internal Auditor (1), based at Central Administration;
- (b) Senior Internal Auditor (2), based at Central Administration;
- (c) Internal Auditors (2), based at Central Administration;
- (d) Internal Auditors (6), based in North Western, Copperbelt, Central, Western, Southern and Eastern provinces; and



- (e) Assistant Internal Auditors (2), based at Central Administration.

The Unit has a dual reporting structure; that is, administratively to the Controlling Officer and functionally to the Audit Committee.

Audit Committee

The Audit Committee is composed of members who are independent from the Judiciary. They are selected from various professions in Zambia. The current composition is: a member representing the Law Association of Zambia (LAZ), a member representing the Zambia Institute of Chartered Accountants (ZICA), a member representing the Economic Association of Zambia (EAZ) and two (2) members representing the public service. These members report to the Secretary to the Treasury, who is the appointing authority. The table below shows the performance of the Audit Committee in the period 2015 to 2017:

S/N	Period	Planned Sittings	Sittings held
1	2015	4	2
2	2016	4	4
3	2017	4	3

In 2017, the Committee took a ten-day familiarisation tour of selected courts in Central and Lusaka provinces. The objective was to acquaint the members with the operations of the Judiciary, especially at Local Court Level. It was also meant for the members to appreciate the challenges faced by the officers in these courts which result in audit queries. The Committee further undertook some spot checks of the Judiciary infrastructure and a report was sent to the Secretary to the Treasury.

Execution of the Audit Work Plan in the past three (3) years

S/N	Period	No. of Planned Audits	No. of Audits Undertaken	No. of Audit Reports Responded to
1	2015	42	9	1
2	2016	21	19	13
3	2017	35	17	15

Special Assignments Conducted in the past three (3) years

S/N	Period	No. of Planned Audits	No. of Audits Undertaken	No. of Audit Reports Responded to
1	2015	Time	None	None
2	2016	Time	6	6
3	2017	Time	3	3



6.6 ADMINISTRATION UNIT

The Administration Unit comprises, among others the Transport section. That section is primarily concerned with managing the fleet of vehicles for the Judiciary. It is also responsible for the servicing of motor vehicles. The Unit has a workforce of more than two hundred (200) drivers.

The table below shows the Judiciary's fleet.

No.	Description	2017
1	Personal-to-holder	58
2	Duty Vehicles	41
3	Session Vehicles	18
4	Pool Vehicles	93
5	Non-runners	18
	Total	228

It is noteworthy that the total fleet of 228 vehicles, 180 were on comprehensive insurance cover, whereas 30 were on third-party insurance cover.

6.7 PROCUREMENT AND SUPPLIES UNIT

The main function of the Procurement and Supplies Unit (PSU) is to undertake, coordinate and manage all procurement-related activities (goods, services and works) for the Judiciary so as to support the overall goals of the institution.

In the year under review, the Unit carried out conditional site surveys and developed Bills of Quantities for rundown court buildings in order to ascertain the most critical works needed. This included improvement of water and drainage systems by drilling boreholes and erecting water tanks; replacement of leaking roofs; and construction of shelters for litigants, and holding cells.

In an effort to effectively manage purchases of goods and services, Management decided to have one-year running contracts for the supply and delivery of stationery, toner and ink cartridges, printing services, cleaning materials, supply of tyres and travel services. Management further decided to have rate contracts with various vehicle dealers for repair and maintenance of vehicles.

6.8 SECURITY UNIT

The Unit was established in 2016. It is headed by the Chief Security Officer and has officers, including watchmen, countrywide. Its functions are to -



- (a) maintain law and order by ensuring that offenders such as trespassers on Judiciary premises are apprehended;
- (b) protect Judiciary premises, property, staff and visitors; and
- (c) liaise with state security agencies on matters of breach of the law.

During the period under review, the Judiciary recorded isolated incidents of arson, which threatened the safety of personnel and left property damaged. The following were the courts affected:

- (a) Monze Subordinate Court in Monze District;
- (b) Kanyama Local Court in Lusaka District;
- (c) Katondo Local Court in Kabwe District;
- (d) Mweemba Local Court in Chikankata District;
- (e) Suulu Local Court in Mongu District; and
- (f) Nkambo Local Court in Ndola District.

The foregoing cases brought to the fore the need to secure Judiciary premises with perimeter walls and to employ watchmen.

6.9 INFRASTRUCTURE UNIT

The Infrastructure Planning Unit is responsible for contract management and administration of construction and maintenance works for all court buildings. This Unit comprises the Chief Planner - Infrastructure, the Principal Planner - Civil and the Principal Planner - Quantity Surveyor.

From 2012 to 2017, the Judiciary awarded two hundred sixteen (216) contracts for capital projects across the country, of which four (4) were Subordinate Courts, two (2) were Provincial Local Court Offices, one hundred ninety (190) were Local Courts, four (4) were low-cost staff houses, two (2) were minor construction works, two (2) were refurbishment works and twelve (12) were renovation and water supply improvements works (*See Appendix I*).

Out of the 216 capital projects, one hundred and thirty eight (138) were completed. Seventy-Eight (78) projects were not completed due to inadequate funding from the Treasury, and this negatively impacted the Judiciary as an institution. In particular, office space and courtrooms remained inadequate, resulting in delayed dispensation of justice. The non-completion of the projects also had a negative impact on project implementation. It naturally increased the cost of execution of the projects as delayed payments attracted interest. It also compromises the quality of the works undertaken as projects are not consistently monitored to ensure compliance with the contract terms and conditions.



6.10 ACCOUNTS UNIT

The Unit oversees the budget processes and financial operations of the Judiciary in order to ensure effective financial management systems and applications. In the course of the year, the Accounting Unit was converted to a directorate, as approved by Cabinet, and was budgeted for in 2018.

The 2017 budget allocation for the Judiciary amounted to K431, 290, 735.00, of which K316, 387, 449.00 was for Personal Emoluments. This left a balance of K114, 903, 286.00 for Recurrent Departmental Charges (RDCs). The budget allocation represented only 0.67% of the National Budget for the year in question. The Judiciary was granted authority to supplement the Personal Emoluments budget amounting to K19, 000, 000.00.

2017 Budget Consumption Analysis

ITEM	BUDGET PROVISION	TOTAL FUNDING	VARIANCE
Personal Emoluments	316,387,449.00	316,387,449.00	-
Recurrent Departmental Charges	114,903,286.00	111,700,036.34	3,203,249.66
TOTAL AS PER YELLOW BOOK	431,290,735.00	428,087,485.34	3,203,249.66
Add Supplementary (Salaries)	19,000,000.00		
GRAND TOTALS	450,290,735.00	428,087,485.34	22,203,249.66

2017 Revenue Collection

In the Estimates of Revenue and Expenditure for the financial year ended 31st December, 2017, a provision of K24, 434, 965 was made for the collection of revenue, against which a total of K26, 104, 679 were collected, resulting in an over-collection of K1, 669, 714. See the table below:

Revenue Type	Provision (ZMW)	Collections (ZMW)	Over/(Under) Collection (ZMW)
Fines of Court	5, 920, 117	9, 726, 841	3, 806, 724
Court Fees	18, 179, 350	16, 076, 057	(2, 103, 293)
Library Services	335, 498	301, 781	(33, 717)
Total	24, 434, 965	26, 104, 679	1, 669, 714

The over-collection of 2, 103, 293 is attributable to countrywide training of Court Clerks and the regular monitoring and inspection of revenue collection stations.



7.0 ACHIEVEMENTS

7.1 ACHIEVEMENTS BY COURT OPERATIONS

- (a) The Supreme Court recorded a marked reduction in the backlog of appeals, had resulted from prolonged election petitions against former presidents Fredrick Chiluba and Levy Mwanawasa.

In 2014 the Court was listing and hearing matters filed in 2010, representing a delay of four years. To address this problem, the Court increased the number of appeals listed for hearing and introduced on-the-spot judgment delivery for Ndola sessions. By 2017 the Court was hearing 2015 appeals, representing a decline in backlog of civil appeals to two years. It managed to deliver judgments in all 78 appeals cause-listed for Ndola in 2017;

Regarding criminal appeals in the year under review, the Supreme Court became current in terms of the complete records filed in that it was listing appeals filed in that year;

To address the problem of incomplete criminal records (matters in which notices of appeal were filed, but no further progress had been made), officers were sent to Livingstone, Mansa, Mongu, Kabwe, Kitwe, Ndola, Solwezi and Chipata districts to process and transfer records to the Court. From that exercise, more than forty (40) records were processed, cause-listed and heard.

- (b) The continuation of an ad hoc commercial panel in the Supreme Court helped to dispose of appeals expeditiously. The Court only had one pending commercial matter at the end of 2017.
- (c) In order to enhance revenue collection, management introduced point-of-sale machines. The revenue collected increased from K755, 147.38 in 2016 to K756, 177.00 in the year under review.
- (d) The Commercial Court Division, through the office of the Chief Justice, signed a Memorandum of Guidance with the Dubai International Financial Centre Courts, making enforcement of money judgments obtained from the two Courts easier.
- (e) A special session was successfully held in Chipata in October, 2017. The session was aimed at tackling backlog.



- (f) Four (4) mediation settlement weeks were successfully held.
- (g) Four District Registrars were appointed, and this resulted in the quick disposal of interlocutory applications at Lusaka.
- (h) The services of Realtime Court Reporters and Research Advocates helped to quicken disposal of appeals by the Honourable Judges;
- (i) The Court Reporting Unit managed to cover 28 courts by the end of 2017 as compared to the 12 covered in 2016.
- (j) The Judiciary continued digitalising all documents filed. The objective was to make the records easily accessible and to avoid instances of missing records. As shown in the Table below, there was a general increase in the number of scanned copies in 2017.

STATUS OF DIGITALISED RECORDS FOR THE PERIOD 2016 TO 2017

LUSAKA

	Registry	2016			2017		
		Records Filed in 2016 (Scanned)	Backlog (Records Filed before 2016)	Total Scanned	Records Filed in 2017 (Scanned)	Backlog (Records Filed before 2017)	Total Scanned
1	Supreme Court Civil Registry	404	462	866	50	1726	1776
2	Supreme Court Criminal Registry	44	77	121	178	454	632
3	Constitutional Court Registry	85	0	85	17	30	47
2	Court of Appeal Civil Registry	115	0	115	526	45	571
4	Court of Appeal Criminal Registry	6	0	6	46	181	227
5	High Court Commercial Registry	599	358	957	549	158	707
3	High Court Principal Registry	3102	75	3177	2628	95	2723
6	High Court Criminal Registry	383	94	477	481	107	588
7	High Court Industrial Relations Division Registry	0	0	0	666	321	987
4	High Court Family Division Registry	0	0		338	0	338



8	Subordinate Court Civil Registry	717	48	765	1797	482	2279
9	Subordinate Court Criminal Registry	597	178	775	3123	1261	4384

KITWE

	Registry	2016			2017		
		Records Filed in 2016 (Scanned)	Backlog (Records Filed before 2016)	Total Scanned	Records Filed in 2017 (Scanned)	Backlog (Records Filed before 2017)	Total Scanned
1.	High Court Civil Registry	409	132	541	208	83	291
2.	High Court Criminal Registry	0	0	0	45	4	49
3.	High Court Commercial Registry	3	2	5	0	0	0

NDOLA

	Registry	2016			2017		
		Records Filed in 2016 (Scanned)	Backlog (Records Filed before 2016)	Total Scanned	Records Filed in 2017 (Scanned)	Backlog (Records Filed before 2017)	Total Scanned
1.	High Court Civil Registry	546	63	609	557	40	597
2.	High Court Criminal Registry	83	31	114	183	59	242

The general decrease in the number of records scanned each year is due to the reduction in the backlog of scanned documents in all registries.

7.2 ACHIEVEMENTS BY HUMAN RESOURCES AND ADMINISTRATION

- (a) Management developed a strategy to dismantle Personal Emoluments-related arrears to serving employees on province-by-province basis (*See the table below*).



Description	Date	Amount	No. of officers paid
PEs-Mixed Files for Special Cases	19.12.2017	274,264.64	34
Loading And Off-Loading	07.11.2017	126,053.82	29
PES- Mixed Files in CA's Office	28.08.2017	3,449,990.03	126
PEs- Western Province	11.08.2017	763,828.74	139
PEs- Muchinga Province	09.06.2017	397,708.32	69
PEs- Eastern Province	21.03.2017	1,023,128.33	167
PEs- Central Province	21.03.2017	1,296,341.50	166
PEs- C/belt Province(Additional)	21.03.2017	834,861.86	118
PEs- Luapula Province	21.03.2017	712,774.89	105
PEs- Southern Province	21.03.2017	789,113.69	121
PEs- C/belt Province	15.02.2017	1,493,664.64	194
PEs- N/Western Province	23.01.2017	980,616.96	145
TOTAL		12,142,347.42	1, 413

The payment of **K12, 142, 347.42** reduced the balance from **K108, 763, 593.22** to **K96, 621, 245.78**.

- (b) The Contributory Group Funeral Insurance Scheme was implemented. The scheme was meant to cushion bereaved families against funeral expenses and loss of income.
Further, it afforded decent logistics for bereaved families, and post-retirement packages for retirees and those separated on expiry of contracts.
- (c) The Department managed to develop a prototype of a Human Resource Management Information System (HRMIS) intended to improve management of employee data.
- (d) Six hundred sixty-eight (668) positions were filled following Treasury authority granted in 2016.
- (e) A Draft Training & Development Policy and a Training Manual were developed.
- (f) Following the training of six hundred fifty-eight (658) Court Clerks in financial management, there was a reduction in the number of audit queries, with Lusaka recording zero audit queries in 2017. This intervention, coupled with increased monitoring of revenue collection stations, resulted in an over-collection of K1, 669, 714, exceeding the projected target of K24, 434, 965; and



- (g) The Judiciary procured thirty (30) utility vehicles, to ease the transport challenge, and two (2) thirty-six-seater buses to cater for sessions.
- (h) During the year under review, the Institution purchased one hundred forty-one (141) laptop computers for Lusaka, Central and Copperbelt-based Magistrates. The aim was to make it easy for Magistrates to research online and to store research materials in soft copy form.
- (i) The Judiciary rehabilitated and furnished the former National Housing Authority Building, which now houses the Commercial Court; and
- (j) The Judiciary, working with the United Nations Development Programme (UNDP), embarked on the construction of GBV Court buildings in Ndola, Chipata, Choma and Mongu.

8.0 CHALLENGES

8.1 COURT OPERATIONS

(a) Inadequate Infrastructure

Inadequate court infrastructure and office accommodation remained critical challenges for the Judiciary. This contributed to delays in the dispensation of justice. Below is a summary of the Institution's infrastructure needs:

		COURTROOMS			JUDGES' CHAMBERS		
		NUMBER REQUIRED	NUMBER AVAILABLE	DEFICIT	NUMBER REQUIRED	AVAILABLE	DEFICIT
1	Supreme court (Lusaka Ndola)	6	2	4	26	1	25
2	Constitutional court	3	0	3	13	-	13
3	Court of appeal(Lusaka + Kabwe)	10	1	9	38	3	35
4	High Court(headquarters)	20	12	8	40	16	24
5	Provincial High courts	20	8	12	40	12	28
6	Subordinate courts	348	95	253	348	95	253
7	Local courts	750	529	221	3,000	1,587	1,413



Other Facilities

	Description	Required	Available	Deficit
1	Chief Justice's Lodge	1	0	1
2	Sherriff (Warehouses)	52	4	48
3	Local Court Staff houses	250	0	250

Due to limited space, most courts shared registries. For example, the Court of Appeal Registry and the High Court Criminal Registry shared space, while the Family Division and the Constitutional Court shared with the High Court Principal Registry. Specific problems included the following:

- (i) The IRD in Lusaka had only one courtroom available against three (3) Judges. At Ndola, the Court used the High Court building for its sittings. Further, support staff at Ndola operated from a building more than five hundred (500) metres away from the Judges' Chambers in the High Court building. This posed a great challenge to the coordination of duties and the security of court records;
- (ii) The Court of Appeal experienced inadequate office space for Judges and staff while on sessions;
- (iii) Mediation sessions were conducted subject to availability of space. This resulted in numerous adjournments which, in some cases, led to parties losing interest in the process. At Ndola and Kitwe, mediation sessions were sometimes conducted in the library;
- (iv) There was lack of interest by lawyers generally in matters referred to mediation;
- (v) Almost all Subordinate Courts had inadequate space for chambers, exhibit rooms, registries, archive rooms and courtrooms. The situation was worse in provincial centres, which were circuited by the High Court every other month. The limited office and courtroom space had to be occupied by the circuiting Judges;
- (vi) One hundred eleven (111) Local Courts had completely no infrastructure;



- (vii) The Ndola High Court had only two (2) courtrooms for the General List, against six (6) Judges. One courtroom was used for Criminal Sessions every month, leaving the other to be shared for civil cases. Further, High Court hearings had to be suspended when the Supreme Court, Constitutional Court or the Court of Appeal was on session in Ndola;
- (viii) Subordinate Courts such as Luangwa, Sinazongwe, Chambishi, Nyimba and Mufumbwe had no court buildings. They used Local Court buildings for their sittings;
- (ix) The Family Division had to hear matters in the courtrooms used for criminal and other matters. The setup of these courtrooms was not conducive for discussion and settlement of family disputes due to their sensitive nature; and
- (x) Kanyama Local Court in Lusaka District, Mwenda Local Court in Chikankata District, Suulu Local Court in Mongu District, Nkambo Local Court in Ndola District and Kabwe I Local Court, in Kabwe District, were burnt down in unclear circumstances.

Research Advocates and other support staff also had inadequate office space. The Judiciary also experienced a serious shortage of space for both active and inactive case records, including space for filing cabinets. Further, there was a critical shortage of toilets for staff and the public.

(b) Inadequate Funding

The Judiciary's budget was restricted to the ceiling given by the Treasury, which did not adequately address the needs of the Institution. Due to the K3, 203, 249.66 deficit in the Recurrent Departmental Charges released in 2017, the Judiciary was unable to dismantle outstanding obligations such as paying retirees, suppliers and utility bills.

Further, the following operational needs could not be met:

- i) Maintenance and rehabilitation of existing structures at the Supreme Court, Subordinate Courts and all other Courts. The roof for one of the IRD's courtrooms in Lusaka was leaking. In addition, the gutters for the entire building were completely worn out;
- ii) Extension works for the Ndola Small Claims Court office building failed to begin. The station did not get the required number of staff because



there was inadequate space to accommodate them. The situation was the same at Kitwe;

- iii) Reference materials for Constitutional Court Judges could not be purchased;
- iv) Office equipment could not be purchased; and
- v) The computerisation of records and linking of the Ndola High Court to the Lusaka main server, through the Zamtel optic fibre, could not be completed.

(c) Office Equipment and Furniture

All Courts experienced inadequate office equipment such as scanners, laptop computers, printers and shredders. Additionally, the Judiciary continued to have a shortage of courtroom furniture, particularly for the Subordinate Courts. There was also obsolete or no furniture at most of the Local Courts.

In addition, the Lusaka Small Claims Court lacked lockable cabinets, tables and chairs, while the Ndola and Kitwe Small Claims Court Commissioners did not have computers, a telefax machine and furniture.

(d) Transport

The Judiciary faced transport constraints at district level. This hampered service delivery and monitoring of revenue collection.

(e) Shortage of human resource

Courts countrywide were understaffed, resulting in low output. Subordinate Courts remained understaffed despite the recruitment of twenty-five (25) Magistrates and support staff. The following were some of the problems arising from the shortage of staff:

- (i) Support staff, mostly untrained, were poached from Local Courts. This adversely affected both Local and Subordinate Courts. Chambishi Subordinate Court relied solely on Local Court staff. Stations like Solwezi Subordinate Court also had their skeleton staff attached to the High Court General List and the IRD Registry, which had no staff of their own;



- (ii) There was a shortage of Interpreters, Research Advocates, Caretakers, Court Reporters, and Information Technology Officers, Data Entry Clerks, Registry Clerks and Office Orderlies;
- (iii) There was a shortage of adjudicators in Local Courts;
- (iv) Eighty-one (81) Local Court Magistrates retired but could not be replaced as they had remained on the payroll in accordance with the Constitution, as amended in 2016. This led to closure of some courts;
- (v) The distribution of Magistrates to other Local Courts which had no manpower was a challenge because of the existence of the Grade A and B system;
- (vi) There was a challenge in identifying certain positions such as Local Court Registrar, Provincial Local Courts Officer and Senior Local Courts Officer;
- (vii) The staffing levels at the Ndola and Kitwe Small Claims Court remained low. This was partly due to the Court not being included on the Staff Establishment Register.
- (viii) Livingstone had no Mediation Officer. Kitwe and Ndola had one (1) each. Lusaka had three (3), but only one (1) of whom was trained.

The table below shows the number of adjudicators, the establishment and the shortage arising from lack of fiscal space.

No.	Department	Positions	Establishment	Actual	Shortage
1.	Supreme Court	Judges	13	13	0
2.	Constitutional Court	Judges	13	7	6
3.	Court of Appeal	Judges	19	12	7
4.	High Court	Judges	60	50	10
5.	Subordinate Court	Magistrates	248	193	55
6.	Local Court	Local Court Magistrates	1,143	537	606
Total			1,496	812	684



8.2 HUMAN RESOURCE AND ADMINISTRATION

- (a) SAP was consistently on and off. That is to say:
- ❖ Reconciliation of statement C was a challenge as information for October to December 2017 could not be accessed through SAP we had to use Financial Management System (FMS);
 - ❖ The system usually closes at the year end and opens in second or third week of January during that period no payments are done;
 - ❖ Creation of bank details for vendors and customers is done by Ministry of Finance, as a result payments are delayed;
 - ❖ Confirmation of payments is done by Ministry of Finance as they are the ones who generate transmission copies; and
- (b) Inability to pay outstanding terminal benefits. Following the amendment of the Constitution in 2016, retired and deceased employees remained on the payroll due to lack of funding to pay their benefits. This contributed to under-staffing because replacements could not be made; and
- (c) Existing Information Technology infrastructure at the Judiciary headquarters was not upgraded and equipment was not installed in provincial centres to create a Judiciary Wide Area Network (WAN).

9.0 RECOMMENDATIONS

9.1 COURT OPERATIONS

- (a) Acquiring, constructing or expanding court buildings;
- (b) Increasing funding to meet operational and training needs, as well as rehabilitating existing structures. In addition, there is need to improve the funding of Recurrent Departmental Charges;
- (c) Construction of staff houses;
- (d) Building or procuring alternative storage facilities for case records, such as 40-foot containers. A long-term archiving measure would be to digitalise case records that have been disposed of;
- (e) Procurement of more reference materials;
- (f) Procurement of additional utility vehicles for court operations. Local Courts also require motorcycles, bicycles and speedboats for hard-to-reach areas;
- (g) Increasing staffing levels;
- (h) Procuring office equipment and furniture for all courts;
- (i) Increasing the number of Judges in the Commercial Court;
- (j) Completion of two (2) guard houses at Ndola High Court;



- (k) Drilling boreholes at all court premises that have erratic or no water supply;
- (l) Training Registry Clerks to mitigate the problem of misfiling, missing or misplaced court documents;
- (m) There is need to train more staff to support the mediation function;
- (n) There is need to amend the Mediation Rules so as to compel litigants and counsel to be present during mediation sessions;
- (o) The Attorney-General's Chambers and Law Association of Zambia need to be engaged so that lawyers participate fully in mediation;
- (p) Treasury authority should be sought to fill the positions of Magistrates and support staff, which are still frozen, in order to alleviate the current shortage of Subordinate Court staff. Treasury authority should also be sought to expand the existing Subordinate Court establishment;
- (q) Provision of alternative energy sources such as solar;
- (r) Equipping Local Courts with safes;
- (s) Payment of emoluments owed to retired Local Court Magistrates to facilitate their replacement; and
- (t) Building public conveniences where there is a shortage or none at all.

9.2 HUMAN RESOURCES AND ADMINISTRATION

- (a) Timely release of adequate funds by the Ministry of Finance for efficient implementation of Judiciary programmes and projects;
- (b) The Ministry of Finance should work on SAP to minimise delays in processing payments;
- (c) Treasury authority should be granted for the Judiciary to harmonise differences between the payroll and the establishment;
- (d) Staff generally need training and capacity building programmes to maximise efficiency;
- (e) There is need to lobby for increased funding to expedite dismantling of the Personal Emoluments bill;
- (f) Conditions of service for Resident Magistrates and Research Advocates need to be improved in order to attract and retain more of them;
- (g) Training of drivers in defensive driving needs to be prioritised;
- (h) There is need to –
 - (i) roll out the digitalisation of court records to all High Courts and Subordinate Courts;



- (ii) strengthen the RMS scope by introducing new modules and subsystems;
 - (iii) roll out the computerisation of courtrooms to all High Courts and Subordinate Courts in provincial centres;
 - (iv) sensitise employees on the use of information dissemination tools; and
 - (v) build capacity in officers charged with the maintenance of Information Technology infrastructure such as steno machines and scanners;
- (i) Adequate funding should be provided for purchase and installation of radio communication, access control and surveillance systems;
 - (j) Insurance of institutional property should also be prioritised;
 - (k) The Security Unit needs adequate transport for effective patrols and rapid response;
 - (l) A countrywide security risk assessment should be conducted in order for the Security Unit to identify needs and threats;
 - (m) There is need for countrywide issuance of identification cards;
 - (n) There is need for the presence of security officers during court sessions;
 - (o) Security supervisors need to attend training in current global security trends;
 - (p) Court premises need electricity for enhanced security, especially at night;
 - (q) There is need to fence court premises countrywide; and
 - (r) A Security Policy needs to be put in place.

10.0 FUTURE PLANS

1.1.1 The Judiciary intends to build upon its achievements as well as put in place measures to address some of the challenges encountered in the year under review.

10.1 COURT OPERATIONS

In this area, the Judiciary plans to:

- (a) construct a new and modern Supreme Court building;
- (b) construct a modern and electronic registry for receipt and storage of active appeal documents and an archives room for case records that have been disposed of;
- (c) procure more utility motor vehicles for court programmes;



- (d) procure personal-to-holder vehicles for Honourable Judges;
- (e) to establish permanent High Courts in all provincial centres with infrastructure and accommodation for Judges and staff;
- (f) construct new High Court buildings at Lusaka, Kitwe and Ndola;
- (g) formulate a practice manual for the IRD;
- (h) sink a borehole at the former IRD building in Lusaka;
- (i) improve the drainage system at the former IRD building in Lusaka;
- (j) construct a courthouse at Ndola;
- (k) build houses for adjudicators, especially in rural areas;
- (l) harmonise conditions of service;
- (m) establish Small Claims Courts at Kabwe and Livingstone;
- (n) construct courtrooms specifically for the Small Claims Courts;
- (o) construct and rehabilitate courthouses and ablution blocks in rural areas;
- (p) sink boreholes at courts located in rural areas;
- (q) paint all Sheriff's offices and warehouses; and
- (r) complete the slab at Chinika Sheriff's yard.

10.2 HUMAN RESOURCES AND ADMINISTRATION DEPARTMENT

The Judiciary plans to:

- (a) lobby the Treasury to release funds timely for implementation of Judiciary programmes;
- (b) establish a special unit or constabulary;
- (c) revise the Terms and Conditions of Service in order to attract and retain key personnel;
- (d) review and develop the 2016-2021 Strategic Plan;
- (e) develop a Performance Management System;
- (f) introduce a contributory Medical Scheme;
- (g) develop a Human Resource Policy; and
- (h) develop a Human Resources Manual e.g. Recruitment and promotion manuals.



11.0 CONCLUSION

This Report highlights information pertaining to the Judiciary's activities and experiences in the year 2017. The Report has been compiled in line with the requirements of the Judiciary Administration Act No. 23 of 2016. It is also compiled in way which demonstrates the Judiciary's commitment to upholding the highest standards of integrity and morality to increase public confidence.

The Report discusses the mandate and institutional structure of the Judiciary, which are provided by the Constitution of Zambia, as amended by Act No. 2 of 2016. It also discusses the financial aspect of the operations of the Institution, its achievements, and the challenges encountered in the period under review.

It culminates into recommendations and plans for the future. These are all aimed at helping the Judiciary live up to its commitment to providing effective, efficient, and timely dispensation of justice accessible to all.



12.0 APPENDIX I

Subordinate Courts

Year	Total Number of Projects awarded	Completed	Ongoing
As at 2015	4	1	3
As at 2016	0	0	3
As at 2017	0	0	3

Provincial Local Court Offices

Year	Total Number of Projects awarded	Completed	Ongoing
As at 2015	2	0	2
As at 2016	0	0	2
As at 2017	0	1	1

Local Courts

Year	Total Number of Projects awarded	Completed	Ongoing
As at 2015	190	90	100
As at 2016	0	0	100
As at 2017	0	121 (Cumulative Total)	69



Low-Cost Staff Houses

Year	Total Number of Projects awarded	Completed	Ongoing
As at 2015	4	2	2
As at 2016	0	0	2
As at 2017	0	0	2

Minor Construction Works As at end of year 2017

Year	Total Number of Projects awarded	Completed	Ongoing
As at 2015	0	0	0
As at 2016	1	1	0
As at 2017	1	1	0

Refurbishment Works As at end of year 2017

Year	Total Number of Projects awarded	Completed	Ongoing
As at 2015	1	0	1
As at 2016	1	0	2
As at 2017	0	2	0

Renovation and Water Supply Improvement Works As at end of year 2017

Year	Total Number of Projects awarded	Completed	Ongoing
As at 2015	1	0	1
As at 2016	3	2	1
As at 2017	8	11	1



13.0 APPENDIX II

CASE RETURNS

Court	Cases	Cases brought forward from previous year	New cases filed	Cases disposed of	Cases pending at end of year
Supreme Court	Civil	451	37	184	304
	Criminal	4	234	73	165
	Total	455	271	257	469
Constitutional Court	Cases heard at first instance	11	15	8	18
	Appeals	45	1	17	29
	Total	56	16	25	47
Court of Appeal	Civil	-	171	78	93
	Criminal	-	166	129	37
	Total	-	337	207	130
High Court	General list	7,232	4,966	4,878	7,320
	Commercial	635	573	603	605
	Industrial relations	716	744	786	674
	Criminal	764	2,982	2,477	1,269
	Total	9,347	9,265	8,744	9,868
Subordinate Courts	Civil	7,300	10,897	9,964	8,233
	Criminal	12,068	28,138	27,325	12,881
	Total	19,368	39,035	37,289	21,114
Small Claims Court	Small claims	2,062	3,006	3,823	1,245
Local Courts	Civil	56,306	128,091	127,298	57,099
	Criminal	6,213	11,344	11,294	6,263
	Total	62,519	139,435	138,592	63,362

