HIGH COURT JUDGES WORKSHOP
PROCEEDINGS REPORT

Electoral Justice and the 2016 Parliamentary Election
Petitions: Lessons Learnt and the Way Forward for Zambia

Twangale Park, Lusaka, Zambia
3 February 2017
HIGH COURT JUDGES WORKSHOP PROCEEDINGS REPORT

Electoral Justice and the 2016 Parliamentary Election Petitions: Lessons Learnt and the Way Forward for Zambia

2017
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Introduction

Disputes are inherent in any electoral process. It is therefore imperative to put in place effective mechanisms to resolve disputes that arise at different stages of the electoral process in a manner that contributes to electoral integrity and results in electoral justice. Disputes relating to election results are mainly addressed through judicial mechanisms. Following Zambia’s 11 August 2016 general elections, one presidential petition, 86 parliamentary petitions and 58 local government election petitions were filed by losing candidates. The Judiciary of Zambia and the Electoral Institute for Sustainable Democracy in Africa (EISA) sought, through this workshop, to examine the High Court’s handling of the 2016 parliamentary election petitions with a view to enhancing future electoral dispute resolution in Zambia. The workshop was attended by 24 High Court Judges from Lusaka, Central and Copperbelt provinces.

Opening Ceremony

Mr. Denis Kadima, Executive Director, EISA, in his welcoming remarks thanked the Judiciary for partnering with EISA in hosting the workshop and emphasised the importance of the meeting. He stated that the enactment of new laws, often late in the electoral process; the cyclical nature of elections, usually every five years; and the introduction of new technologies, among others, make it difficult for judges to intimately be familiar with the electoral laws and procedures. Furthermore, the general political, social and economic context in which the courts operate impacts on the administration of and access to justice. This means that judges and other electoral stakeholders are continuously on a learning curve as far as electoral dispute resolution is concerned. He therefore expressed gratitude to the Chief Justice of the Republic of Zambia, Hon. Mrs. Irene Mambilima, for accepting to work with EISA towards enhancing electoral justice in Zambia.

Mr. Abdon Yezi, Senior Programme Manager, Zambia Accountability Programme (ZAP), explained that ZAP’s support to EISA was part of the electoral support programme financed by the United Kingdom’s Department for International Development (DFID) and the European Union (EU). He stated that while contestation of elections is not new to Zambia, there was a significant increase of 27% in the parliamentary election petitions in the 2016 polls compared to the 2011 elections. Although this might be viewed as a reflection of citizens’ confidence in pursuing peaceful recourse to their concerns, it also raised a number of questions that need to be understood. He applauded the Judiciary’s willingness to sit and reflect on disputes emerging from the 2016 polls adding that the workshop, together with the EISA research to understand issues pertaining to the election petitions, would help to obtain a more refined process going into the 2021 elections.
Keynote Address

Hon. Mr. Justice Marvin M. Mwanamwambwa, Deputy Chief Justice of the Republic of Zambia, expressed his heartfelt gratitude to the High Court Judges for availing themselves for the meeting. He also thanked EISA, ZAP and the British Council for supporting the workshop which he hoped marked the beginning of their collaboration with the Judiciary. The Deputy Chief Justice noted that the workshop was in line with the Judiciary’s programme of offering continuous professional development for adjudicators and support staff.

Electoral justice plays a critical role in the sustenance of democracy and peace. It is beyond question that the integrity of the judicial system impacts on the integrity of the electoral system. As a result, expeditious resolution of electoral disputes is cardinal to maintenance of confidence in electoral dispute resolution mechanisms. The workshop was both timely and essential as it provided a platform for judges to conduct a post-mortem of the hearing and determination of parliamentary election petitions arising from the 11 August 2016 elections.

Participants were urged to answer the following questions in the course of their deliberations:

- How did the changes in the electoral legal regime impact on your handling of parliamentary elections?
- Are the changes in the electoral law progressive?
- Is the new timeframe of 90 days for hearing and determining parliamentary election petitions adequate?
- Did you face any administrative challenges during hearing and determining of petitions?
- What proposals would you make for improving legal and administrative systems for hearing and determining election petitions?

Numerous changes to the electoral legal regime over time have necessitated preparatory workshops for Judges of the High Court. For example, a workshop was held on 2 September 2016 following the repeal and replacement of the Electoral Act No. 12 of 2006 with the Electoral Process Act No. 35 of 2016. A critical issue noted in that workshop was that the strict liability clause, which caused about 95% of the nullifications of parliamentary seats from the 2011 elections, no longer applied. The majority clause was however maintained. The legal implication of this is that the election of a candidate under the new electoral law could only be nullified if a petitioner proved that the majority of voters were, or may have been, prevented from electing a candidate of their choice. The Deputy Chief Justice expressed confidence in the ability of Judges to handle cases in a befitting manner and commended them for the manner in which they handled the 2016 parliamentary election petitions.
1. Overview of Electoral Dispute Resolution in Zambia

1.1 The Legal Framework Pertaining to Election Petitions and other Electoral Dispute Resolution Mechanisms, Forms of Evidence and Standard of Proof

Presenter: Hon. Mrs. Justice Mugeni S. Mulenga, Judge of the Constitutional Court

There are various electoral dispute mechanisms for different stages of the electoral process. The Electoral Process Act No. 35 of 2016 and Code of Conduct enforced by the Electoral Commission of Zambia (ECZ), provide for Conflict Management Committees to deal with disputes arising during nominations, campaigns and elections.

In terms of disputes surrounding nominations, Article 52(4) of the Constitution of Zambia (Amendment) Act No. 2 of 2016 provides for a person to challenge before a court or tribunal, the nomination of a candidate within seven days of the close of nomination and that the court must hear the case within 21 days of its lodgement. The nomination challenge process must be completed at least 30 days before the general election. The same time period is given to the challenge process of declared unopposed candidates. Breach of the Code of Conduct can result in a candidate or political party being disqualified from participating in elections.

With regard to post-election disputes, Section 98 of the Electoral Process Act provides that a parliamentary election petition may be presented to the High Court challenging an election not later than 14 days after declaration of results. After lodging the election petition, a petitioner is required to give security for costs, failure to which no further proceedings are to be heard on the election petition. The High Court is therefore required to hear and determine the petition within 90 days. It is important to note that while there is a set timeframe for determining election petition appeals for the High Court, there is no prescribed timeframe for the Constitutional Court to determine appeals.
There are three forms of evidence in election petitions, namely: direct evidence or eyewitness accounts, hearsay evidence and documentary evidence, which includes electronic evidence. In determining the weight of the credibility of witnesses, the court has to take into account categories of witnesses, which include:

- Independent election monitors or police officers who are neither party to proceedings nor political party members;
- Electoral officials who are supposed to be neutral;
- Witnesses belonging to the political party of either the petitioner or respondent who give evidence against their own party candidate; and
- Witnesses who are party members of the petitioner or respondent’s political parties.

The cases of *Mulondwe Muzungu v Elliot Kamwendo* 2010/HP/EP/001 (H.C) (unreported) and *Simasiku Kalumina v Geoffrey Lungwangwa and ECZ* 2006/HP/17 show the relevance of assessing the credibility of witnesses.

The burden of proof is always on the petitioner to prove his/her case and he/she cannot succeed merely because the respondent has not put forward a defence or that the defence has failed. In arriving at a decision nullifying an election, the court must bear in mind the standard of proof required in election petitions. Cases such as *Mazoka and Others v Mwanawasa and Others* (2005) ZR 138 (SC) and *Michael Mabenga v Sikota Wina and Others* emphasise the need for the court to carefully and diligently assess evidence presented before them at hearing of petitions if they are to pass just judgement. Significant jurisprudence is expected to arise from the 2016 election petitions as regards interpretation of various provisions of the Electoral Process Act No. 35 of 2016.
1.2 The Role of the Electoral Commission of Zambia in Electoral Dispute Resolution

Presenter: Hon. Mr. Justice Christopher S. Mushabati, Commissioner, ECZ

Beyond its constitutional mandate to register voters, conduct elections and referenda, and delimit election boundaries, ECZ is mandated to resolve electoral disputes through Article 229 (2) (d) of the Constitution of Zambia Act No. 2 of 2016, read in conjunction with the provision of Section 112 of the Electoral Process Act No. 35 of 2016. ECZ’s other powers are contained in Section 11 of the Code of Conduct which is aimed at levelling the playing field during campaigns. Minor electoral disputes constitute, among others: removal of campaign posters, disruption of rallies, issues of biased media coverage, violence and abuse of state resources.

In accordance with Section 113 of the Electoral Process Act No. 35 of 2016, read with Section 13 (1) of the Code of Conduct, ECZ established Conflict Management Committees at both national and district levels to resolve electoral disputes through mediation. Any party not satisfied with the outcome at the district level can refer the dispute to the National Conflict Management Committee or petition the High Court/Constitutional Court for redress. Where possible, disputes must be settled within 24 hours of receipt of a formal complaint submitted in writing to ECZ, as provided for in Section 13 (3) of the Code of Conduct. During the 2016 general elections, the National Committee handled complaints from the Patriotic Front (PF), the United Party for National Development (UPND) and the Forum for Democracy and Development (FDD) regarding abuse of state resources and violence against each other. The Zambia Police also lodged a complaint against Muvi TV for an advert depicting the police as brutal. The District Conflict Management Committees which ECZ has established in every district also resolved several disputes during the 2016 polls.

ECZ also deals with electoral disputes administratively. ECZ is empowered by Sections 110 (2) and 76 of the Electoral Process Act No. 35 of 2016 to disqualify a political party or candidate in breach of the Electoral Code of Conduct and correct mistakes committed by electoral officers in tabulation of results within seven days after declaration of results, respectively. The Commission exercised these powers in a council chairperson by-election held in November 2016 in Mushindamo District. Although the Constitutional Court has no specified time within which to decide an appeal, ECZ is optimistic that the Court will meet the ends of justice over the 32 petitions on appeal.
1.3 Discussion

- *Joseph Chitonge v Maybin Mubanga*’s case was cited to demonstrate the influence of traditional leaders on voters, election results and subsequent nullification of results. A named candidate in the case received support from *Mwata Kazembe* and won the elections in 2006. The losing candidate petitioned the courts alleging electoral malpractice and claimed that the support from *Mwata Kazembe* contributed to his loss. The *Mwata* was also accused of intimidation of witnesses in the case. The Supreme Court nullified the election.

- Concern was expressed over judges being subjected to writing long and extensive reports after making an election petition court ruling. It was suggested that other officials be assigned to write reports on behalf of judges as their jobs were done by virtue of presiding over the cases alone. However, a different view was that the report writing exercise was not as tedious and strenuous as imagined. Judge Cullinan’s brief style of reporting was cited as an example to highlight the ease of reporting.

- It was probed whether the Electoral Petition Rules of 1968 were still in force. Statutory Instrument (SI) No. 426 of 1968 typifying the procedure for withdrawing petitions and Section 103 of the Act, highlighting the procedure of electoral petition rules, were the central points of discussion. Clarification was provided to the effect that the 1968 rules were still valid and the need for Judges to follow them was emphasised. Judges were encouraged to learn from each other’s experiences.
2. Issues and Emerging Concerns Raised by the Parties

A brief background of the 82 parliamentary petitions and breakdown of occurrences in the Judiciary before and after the 11 August 2016 polls demonstrated how hard the judges worked in order to determine petitions within 90 days as per the law. A review of 66 election petitions revealed that the losing candidates who contested the outcome of the elections cited bribery and corruption. Other offences cited included violence, undue influence, illegal practices, and publishing false information on candidates. It was highlighted that candidates did not make use of the ECZ Conflict Management Committees to address some of these issues in the pre-election phase as their focus was on campaigning.

The idea of having a level playing field in a competition is simply to accord any willing and capable competitor a shot at the prize. However, if such an idea is almost impractical then alleviation of most of the hindering factors is imperative. The same goes for elections and politics. There must be an aim to achieve less bribery and corruption.

Election challenges are a fundamental part of the electoral process. The electoral process is a realisation of the principle of sovereignty of the people of Zambia and it is underpinned by a set of political rights granted to citizens (both voters and candidates).

The main issues and emerging concerns raised by the parties were:

- Where the courts would sit: The issue of where court proceedings would be conducted was raised by petitioners because there were concerns about the safety of judges, petitioners and witnesses. This was an issue especially in Mongu where the highest number of petitions (19) was heard.

- Costs for witnesses: Who would cover transport and accommodation costs for witnesses in the event that they were required to travel to a district outside their constituency?

- Whether or not the court had discretion to extend the time for furnishing security for costs: The imposition of security for costs is a statutory mandate in terms of Section 102 of the Electoral Process Act No. 35 of 2016. The High Court’s position was that dismissal
of a petition was not automatic and that orders for direction were issued for orderly conduct proceedings. Thus lack of payment of security for costs on the day contained in the order was not fatal to the petition given that trial had not commenced.

- Whether or not the respondent's case would be prejudiced by lack of certain information: Some respondents applied for further and better particulars. Pleadings set the foundation of any case and as such they must be clear. Pleadings are meant to give fair notice of the case which has to be met and to define the issues on which the court will have to adjudicate in order to determine the matters in dispute between the parties. The particulars sought were dates when certain events mentioned in the petition took place, places where these events occurred, and the time and specific names of persons responsible for carrying out allegations contained in the petition.

- Computation of time: This issue was raised by respondents who applied for dismissal of a petition for want of jurisdiction. The court does not entertain petitions filed out of time. Section 100 (3) of the Electoral Process Act No. 35 of 2016 does not give the court any discretion to vary or extend time within which the petition should be filed. Election petitions were to be submitted 14 days from the date of declaration of results. Where an application to dismiss was made by the respondents stating that the petition was filed out of time, the courts turned to the provisions of Section 35 of the Interpretation and General Provisions Act Chapter 2 of the Laws of Zambia, Order II of the High Court Act Chapter 27 of the Laws of Zambia and Article 269 of the Constitution of Zambia (Amendment) No. 2 of 2016.

During the period when the election petitions were being heard, majority of the Lusaka-based High Court Judges met often as a group to consult one another on problematic areas. The team spirit exhibited by the judges during the petition period was lauded and judges were urged to view challenging results as strengths and not weaknesses in the political system. Preparations before the hearing of the elections petitions such as the orientation workshop on the new Electoral Process Act No. 35 of 2016 held in September 2016, contributed to the proper handling of the petitions. The EISA draft election petitions report expressed admiration for the manner in which the Judges of the High Court managed the petitions.
3. Jurisprudential Issues Arising from the Courts

3.1 Emerging Jurisprudence on the 2016 Parliamentary Election Petitions: Preliminary Findings from EISA Research

Presenter: Mr. Isaac Mwanza, Consultant

A research commissioned by EISA and conducted by a team of five consultants documented, reviewed and analysed the court decisions on the 2016 election petitions. It examined prominent issues around the petitions arising from judgements and trends in the decisions. The research also assessed the extent to which the petitions process met principles of electoral dispute mechanisms; highlighted key issues in the appeals process; and provided recommendations for electoral justice in Zambia.

Out of the 86 parliamentary election petitions in 2016, six were nullified, 53 upheld, 25 withdrawn, two dismissed and 37 appeals made. A further review of parliamentary petition trends reveals that in 2011, 10 of the 68 petitions (15%) were successful compared to six out of 86 petitions in 2016 (7%). The reason for the 8% drop in the number of successful petitions is found in Section 97 (2) of the new Electoral Process Act No. 35 of 2016, which when paralleled to Section 93 (2) of the Electoral Process Act of 2006, stipulates a rather incompromising process of nullifying a particular election. There are however a few disparities between Sections 97 and 93 of the Electoral Process Act. Unlike Section 97 (2), Section 93 (2) is not explicitly specific about associating a candidate or candidate’s agent to the misconduct to influence majority voters’ decision.

The new Electoral Process Act No. 35 of 2016 raised the bar for nullifying an election compared to the Electoral Act No. 12 of 2006 as it demands a ‘three tier process’ to nullify an election. Firstly, the petitioner, according to Section 97 (2) (a) (i) and (ii), must prove that the candidate was personally involved in an electoral malpractice. Secondly, it must be proved that he/she had knowledge and consented to or indeed approved of the corrupt practice, illegal practice or other misconduct by the candidate’s election agent or polling agent. Even when the above factors are proved, it is still not enough to nullify an election until the third tier is satisfied. It must be proved that the majority of voters in a Constituency, District or Ward were or may have been prevented from electing their preferred candidate in that Constituency, District or Ward.
The standard of proof in election petitions is higher than in ordinary civil cases. Several cases including Jonathan Kapaipa v. Newton Samakayi – 2016/HP/EP/0030 explain the downward trend of nullified petitions. The case of Rose Salukatula v. Victor Lumayi – 2016/HP/EP/0028 exemplifies what the majority threshold for the court was to consider an act as having influenced voters. A key conclusion arrived at in the EISA study is that the High Court was deemed to have been on firm grounds in their findings when arriving at decisions in the unprecedented number of petitions filed by losing candidates.

3.2 An External Perspective on the High Court’s handling of the 2016 Parliamentary Petitions

Presenter: Mr. Rueben Lifuka, Director, Dialogue Africa

The high number of election petitions after the 11 August 2016 polls can largely be attributed to a combination of trends over the last decade, the political culture and unclear constitution reforms. Zambia has had five presidential elections in the past 10 years and since 2006 the margin of victory for the declared winner has become small. Corruption, abuse of office and political impunity have become more common; succession wrangles and political violence are on the rise; traces of regional politics and the entrenchment of the ‘win-at-all-cost’ political mentality have been observed; and there is growing dissatisfaction with the electoral system and processes among average citizens. All of these, together with elements of neopatrimonialism, have come to define the political culture.

With regard to constitutional reforms, there seems to be a growing feeling among the citizenry that the amendment of the constitution was rushed. Mistakes, ambiguities and misinterpretations have emanated because electoral stakeholders had limited time to fully comprehend the provisions of the amended constitution and other electoral laws, as well as the new institutions established by the document.

An external assessment of the performance of the Judiciary against the criteria for election dispute resolution mechanisms – integrity, transparency, efficiency and clarity of judicial decisions made – is that they scored highly in the first three but were perceived to be inconsistent and mute over several pertinent issues, thus raising concerns about
the clarity and consistency of court decisions. Some of the issues the public wished the courts would have voiced their stance on include:

- Candidates using unfair and illegal means to ascend to office;
- Flaws in electoral management which could have affected some candidates;
- Abuse of government resources during campaigns;
- Administration of the Public Order Act;
- Access to the public media;
- Political violence/harassment of political opponents; and
- Bribery and corruption in elections.

The following two recommendations were made:

- The constitution needs refining, especially on provisions dealing with elections, so that there is clarity and coherence; and
- There is need for more discussion on the requirements of Section 97 of the Electoral Process Act No. 35 of 2016 which relate to acts committed by a candidate, or with the knowledge and consent or approval of a candidate, or of that candidate’s election agent.

### 3.3 Discussion

- A question was posed on whether a comparative study has ever been done on how many countries are using the majority clause. However, no study could be cited.

- On whether 90 days was reasonable enough to determine petitions, it was argued that if the days were not increased, a lot of pressure would be put on judges during the period. Conversely, if petition periods are too long, this would derail the progress of criminal cases thereby delaying justice for victims.

- A clarification was made that four election petitions were dismissed after being filed instead of two as recorded in EISA’s draft research report. It was recommended that this be corrected.
4. Lessons for Electoral Justice and the Way Forward

The High Court Judges reflected on lessons from the 2016 parliamentary election petitions through in-depth group discussion of the issues and emerging concerns raised by the parties outlined in Section 2. Participants highlighted the following issues and recommendations:

- **Timeframe for hearing and determining petitions:** It was proposed that this be changed from 90 days to 120 days to lessen the pressure on High Court Judges. Alternatively, it was suggested that each petition should be given 90 days for determination.

- **Number of judges assigned to each petition:** In order to promote efficiency, it was recommended that the number of judges assigned to each petition should be increased to two. In addition, there should be proper allocation of petitions to specific judges residing in a specific constituency or district to avoid judges moving back and forth.

- **Security measures:** It was felt that proper security measures needed to be put in place to safeguard judges, petitioners and witnesses in locations where the courts would be sitting.

- **Infrastructure:** There is need for better infrastructure and increased staff capacity particularly court reporters and researchers.

- **Security deposits:** It was proposed that a non-refundable security deposit of K20,000 should be paid by petitioners upon filing of petitions to limit invalid cases and provide funds for judicial processes required to determine the cases.

- **Orientation workshops:** Two kinds of orientation workshops were proposed: one for judges to be held before elections to serve as a refresher on the electoral laws and/or enlighten them on new laws and precedents, and another workshop for interested legal practitioners prior to the elections to help them understand and interpret the laws better.

- **Regular publishing of law reports:** To keep adjudicators informed about the latest judicial trends and precedents, it was proposed that following workshops and other important Judiciary gatherings, reports should be published.

- **Threshold of majority rule:** It was unanimously agreed that it be maintained.

- **Sensitisation of political parties on electoral dispute resolution mechanisms:** It was suggested that ECZ proactively undertakes sensitisation on the Conflict Management Committees to political parties in future elections during the nominations and campaigns. This would contribute to fewer election petitions.

- **Review of some electoral rules:** It was observed that Section 118 of the Electoral Process Act No. 35 of 2016 could inadvertently cause judges to slow down the pace of hearings to avoid the potential of perjured evidence and continuous appeals. Therefore, it was recommended that this section be reviewed in order to enhance it.
Vote of Thanks and Official Closure

Dr. Catherine Musuva, Country Director, EISA Zambia, and Hon. Mr. Justice Evans Hamaundu, Judge of the Supreme Court, gave a vote of thanks on behalf of EISA and the Judiciary respectively to all who made the workshop a success. In his closing address, Hon. Mr. Justice Hamaundu reiterated the words of Hon. Mr. Justice Mwanamwambwa in his keynote address expressing his hope that the workshop was only but the beginning of more collaborative efforts between EISA and the Judiciary. He highlighted that the Judiciary was now more confident and equipped to handle petitions going forward.
Annex 1: Programme


HIGH COURT JUDGES WORKSHOP

TWANGALE PARK, LUSAKA

3 February 2017

08:30-09:00  Arrival and Registration

OPENING CEREMONY

Chairperson:  Dr Catherine Musuva, Country Director, EISA Zambia

09:00-09:05  National Anthem and Prayer

09:05-09:20  Welcome Remarks and Introductions

Mr Denis Kadima, Executive Director, EISA

Mr Abdon Yezi, Senior Programme Manager, Zambia Accountability Programme

09:20-09:45  Official Opening Remarks

Hon. Mr Marvin Mwanamwambwa, Deputy Chief Justice of the Republic of Zambia

09:45-10:15  GROUP PHOTO FOLLOWED BY A HEALTH BREAK

SESSION 1:  OVERVIEW OF ELECTORAL DISPUTE RESOLUTION IN ZAMBIA

Chairperson:  Hon. Mr Justice Martin Musaluke

10:15-10:45  The Legal Framework Pertaining to Election Petitions and Other Electoral Dispute Mechanisms, Forms of Evidence and Standard of Proof

Presenter: Hon. Mrs Justice Mugeni S. Mulenga

10:45-11:05  The Role of the Electoral Commission of Zambia in Electoral Dispute Resolution

Presenters: Hon. Mr Justice Christopher S. Mushabati, Commissioner, Electoral Commission of Zambia

Mr Eric Kamwi, Commission Secretary, Electoral Commission of Zambia

11:05-11:35  Discussion
## SESSION 2: ISSUES ARISING FROM THE PARLIAMENTARY ELECTION PETITIONS

**Chairperson:** Hon. Mrs Justice Betty M. Mungomba  
11:35-11:55 Issues and Emerging Concerns Raised by the Parties  
*Presenter: Hon. Mrs Justice Gertrude C. Chawatama*  
11:55-12:15 Discussion  
12:15-13:30 LUNCH

## SESSION 3: JURISPRUDENTIAL ISSUES ARISING FROM THE COURTS

**Chairperson:** Hon. Mr Justice William Mweemba  
*Presenter: Mr Isaac Mwanza, EISA Consultant*  
13:50-14:10 An External Perspective on the High Court’s handling of the 2016 Parliamentary Petitions  
*Presenter: Mr Rueben Lifuka, Director, Dialogue Africa*  
14:10-14:30 Discussion

## SESSION 4: LESSONS FOR ELECTORAL JUSTICE AND THE WAY FORWARD

**Chairpersons:**  
- Group 1 – Hon. Mrs Justice Gertrude Chawatama  
- Group 2 – Hon. Mr Justice Martin Musaluke  
- Group 3 – Hon. Lady Justice Mwamba Chanda  
14:30-15:30 Group Work: Lessons Learned and Suggested Areas of Improvement  
15:30-15:45 HEALTH BREAK  
15:45-16:30 Group Reporting: Lessons Learned and Suggested Areas of Improvement  
16:30-16:50 Recommendations and Way Forward

## SESSION 5: OFFICIAL CLOSURE

16:50-17:00 Vote of Thanks and Closing  
*Hon. Mr Justice Evans M. Hamaundu*  
*Dr Catherine Musuva, Country Director, EISA Zambia*
### Annex 2: List of Participants

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<tr>
<th>NAME</th>
<th>ORGANISATION</th>
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<tbody>
<tr>
<td>1 Hon. Deputy Chief Justice Mr M. Mwanamwambwa</td>
<td>Supreme Court Judge</td>
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<td>2 Hon. Mr Justice E.M. Hamaundu</td>
<td>Supreme Court Judge</td>
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<td>3 Hon. Mrs Justice M.S. Mulenga</td>
<td>Constitutional Court Judge</td>
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<td>4 Hon. Mrs Justice G. Chawatama</td>
<td>High Court Judge</td>
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<td>5 Hon. Mrs Justice F. M. Lengalenga</td>
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<td>6 Hon. Mr Justice J.M. Siavwapa</td>
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<td>7 Hon. Mrs Justice G.M. Salasini</td>
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<td>8 Hon. Mrs Justice P. C. Ngulube</td>
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<td>9 Hon. Mrs Justice A.B. Bobo</td>
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<td>10 Hon. Lady Justice B.M. Mungomba</td>
<td>High Court Judge</td>
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<td>11 Hon. Mr Justice W.S. Mweemba</td>
<td>High Court Judge</td>
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<td>12 Hon. Mr Justice M.P.C. Chitabo, S.C</td>
<td>High Court Judge</td>
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<td>13 Hon. Lady Justice M. Chanda</td>
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<td>14 Hon. Mr Justice M. Musaluke</td>
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<td>16 Hon. Mr Justice M.K. Chisunka</td>
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<td>17 Hon. Mr Justice M.D. Bowa</td>
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<td>18 Hon. Mrs Justice I.I.Z. Mbewe</td>
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<td>19 Hon. Mrs Justice P.L.K. Yangailo</td>
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<td>20 Hon. Mrs Justice M.M Kawimbe</td>
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<td>21 Hon. Lady Justice G.B. Lungu</td>
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<td>22 Hon. Lady Justice S.F.M. Wanjelani</td>
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<td>23 Hon. Mr Justice M.L. Zulu</td>
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<td>24 Hon. Mrs Justice S.K. Newa</td>
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<td>25 Hon. Mrs Justice M. Mulanda</td>
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<td>26 Hon. Mr Justice I.T.C. Chali</td>
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<td>27 Hon. Mr Justice C. Zulu</td>
<td>High Court Judge</td>
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<td>28 Mr Charles Kafunda</td>
<td>Chief Registrar</td>
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<td>29 Mr Evaristo Pengele</td>
<td>Registrar-Supreme Court</td>
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<td>30 Ms Etambuyu Zimba</td>
<td>Registrar-Commercial Court</td>
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<td>31 Mr Lekeshya Kaunda</td>
<td>Protocol Officer-Judiciary</td>
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<td>32 Ms Gwen Mumba</td>
<td>DD-Training &amp; Development-Judiciary</td>
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<td>33 Ms Juliet Ilunga</td>
<td>Senior Research Advocate-Judiciary</td>
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<tr>
<td>34 Mr Casper Habasonde</td>
<td>Senior Research Advocate - Judiciary</td>
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<tr>
<td>35 Mr Masiye Banda</td>
<td>Chief Human Resource Dev. Officer - Judiciary</td>
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<tr>
<td>36 Ms Kalumba Slavin</td>
<td>Public Relations Officer - Judiciary</td>
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<tr>
<td>37 Ms Bridget Mulenga</td>
<td>Senior Human Resource Dev. Officer - Judiciary</td>
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<tr>
<td>38 Ms Naomi Moono</td>
<td>Asst. Human Resource Dev. Officer - Judiciary</td>
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<tr>
<td>39 Ms Alice Manunga</td>
<td>Secretary - Judiciary</td>
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<td>40 Hon. Mr Justice C.S. Mushabati</td>
<td>Commissioner - ECZ</td>
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<td>41 Mr Eric Kamwi</td>
<td>Commission Secretary - ECZ</td>
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<tr>
<td>42 Mr Isaac Mwanza</td>
<td>Consultant</td>
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<tr>
<td>43 Mr Rueben Lifuka</td>
<td>Governance Activist - Dialogue Africa</td>
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<tr>
<td>44 Mr Abdon Yezi</td>
<td>Senior Programme Manager - ZAP</td>
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<tr>
<td>45 Ms Monica Kanjimana</td>
<td>Programme Officer - ZAP</td>
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<tr>
<td>46 Mr Denis Kadima</td>
<td>Executive Director - EISA</td>
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<tr>
<td>47 Dr Catherine Musuva</td>
<td>Country Director - EISA Zambia</td>
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<tr>
<td>48 Mr Austin Mwale</td>
<td>Finance Manager - EISA Zambia</td>
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<tr>
<td>49 Mr Patulino Manyoni</td>
<td>Finance &amp; Admin Assistant - EISA Zambia</td>
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About EISA

Since its inception in July 1996, EISA has established itself as a leading institution and influential player dealing with elections and democracy-related issues on the African continent. The vision of EISA is “an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment”. This vision is executed through the organisational mission of “striving for excellence in the promotion of credible elections, participatory democracy, a human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa”.

Having supported and/or observed over 100 electoral processes in Africa, EISA has extensive experience in formulating, structuring and implementing democratic and electoral initiatives. It has built an internationally recognised centre for policy, research and information and provides this service to electoral management bodies, political parties, parliaments, national and local governments, and civil society organisations in a variety of areas such as voter and civic education, and electoral assistance and observation. Besides its expanded geographical scope, the Institute has, for the past several years, been increasingly working in new in-between election areas along the electoral and parliamentary cycle, including constitution-building processes, legislative strengthening, conflict management and transformation, political party development, the African Peer Review Mechanism (APRM) and local governance and decentralisation.

EISA provides technical assistance to inter-governmental institutions such as the African Union, the Pan-African Parliament and Regional Economic Communities (RECs), to reinforce their capacity in the elections and democracy field. The Institute has signed Memoranda of Understanding with the African Union (AU), the Economic Community of Central African States (CEEAC); the East African Community (EAC); and the Common Market for East and Southern Africa (COMESA). EISA also works on an ad hoc basis with the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS).

EISA has current and former field offices in Angola, Burundi, Central African Republic, Chad, Côte d’Ivoire, the Democratic Republic of the Congo, Egypt, Gabon, Kenya, Madagascar, Mali, Mozambique, Rwanda, Somalia, Sudan, Zambia and Zimbabwe.