



Malawi Judiciary

OPENING REMARKS

BY

**THE HONOURABLE THE CHIEF JUSTICE RIZINE R.
MZIKAMANDA, SC**

AT

**THE INDUCTION OF SENIOR RESIDENT
MAGISTRATES**

AT

**SUNBIRD MOUNT SOCHE HOTEL, BLANTYRE
25TH MAY 2026**

1. Salutations

- 2.** It gives me pleasure this morning to make opening remarks at the two-day induction training organized for Senior Resident Magistrates here at Sunbird Mount Soche Hotel. Admittedly, this important induction training has been delayed considerably as most of you have been in your post for some time now. We have had resource constraints that impeded early administration of the training. I must thank the Irish Rule of Law International who have assisted us with resources for this capacity building event.
- 3.** An induction training is important for every new member who joins an organisation like the Malawi Judiciary. It bridges the gap between legal theory and practical courtroom experiences. The study of law tends to be removed from practical skills in the administration of justice. The realities of active case management, judgment writing, evidence handling and judge craft generally are far more complex than academic theory would have prepared a judicial officer. Sentencing skills require a practical touch and practical experience.
- 4.** An induction training prepares the judicial officer in the mastery of court procedures, an understanding of practical aspects associated with upholding of judicial ethics and conduct that demand impartiality, integrity, transparency, accountability, so as to build and uphold public confidence and trust in the administration of justice. Through judicial induction training, judicial officers learn practical aspects of judicial independence, as a constitutional imperative and a public good.
- 5.** One critical aspect of induction training is to foster consistency in the administration of justice and administration of courts throughout the country. It is at the induction that the judicial officer is familiarised with

the need for uniformity in the administration of justice, including the imposition of sentences for similar offences throughout the jurisdiction. An induction training raises the level of discipline on the part of every judicial officer to ensure that everyone adheres to the discipline and sanctity of the law. Everyone is subject to the rule of law and no person is above the law. Every judicial officer is as much subject to the law as every person is.

- 6.** The judicial officer is invested with enormous powers and responsibilities and no judicial officer should take this lightly. It requires the highest degree of maturity, impartiality, accountability, transparency and integrity, among positive attributes. Justice demands fairness and uprightness on the part of the judicial officer. Public expectations are ever-rising and the need to uphold public confidence and trust is ever-present. I am reminded of the solemn oath that you all took at the time you entered upon your office. That oath is extremely important and you must constantly bear it in mind. You must remain committed to the oath to administer justice to all manner of people without fear or favour, affection or ill-will. You must at all times discharge your judicial functions diligently and with the highest degree of honesty and integrity.
- 7.** Although, this induction training programme is coming well into your service, I am comforted by the fact that you spent considerable time sitting with an experienced judicial officer from whom you learnt many practical skills in the management of courts and cases. You did not take oath immediately upon your appointment. You had to demonstrate to the experienced judicial officer that you had sufficiently acquired the necessary skills for you to sit and manage court and cases on your own before you were sworn in. This induction training, therefore, builds on these practical skills you initially acquired. It would be most unfortunate if you abandoned the practical skills soon after you were sworn in.

8. On occasions like this I speak of the attributes of **“The Ideal Judge.”** The functions that you are performing and continue to perform are similar to those which a Judge perform, and that makes you good candidates to possess attributes of an ideal Judge at all times in the administration of justice.
9. My starting point is the Constitutional Mandate of the Malawi Judiciary. Section 9 of the Constitution sets out the role of the judiciary as follows:

“The judiciary shall have the responsibility of interpreting, protecting and enforcing this Constitution and all laws and in accordance with this Constitution in an independent and impartial manner with regard only to legally relevant facts and prescriptions of law.”

This provision emphasizes the separate status, function and duty of the judiciary in the Constitution that entrenches the doctrine of Separation of Powers among the three branches of State. The independence of the judiciary is further given prominence in section 103(1) of the Constitution which provides that:-

“All courts and all persons presiding over those courts shall exercise their functions, powers and duties independent of the influence and direction of any other person or authority.”

This means that the Constitution entrenches both institutional and individual independence of the judiciary in the administration of justice in Malawi.

10. The point must be made that our society is firmly founded on the Rule of Law. The judiciary is the bulwark in the protection and upholding of the rule of law and the Constitution. The judiciary has the Constitutional prominence in holding together society and ensuring societal order, peace and security through the

administration of justice in accordance with the law. As neutral arbiters in dispute resolution and constitutional interpretation, Magistrates play a critical role in the consolidation of democracy and good governance. The judiciary has as important role in curbing mob justice and other forms lawlessness.

11. The office of a magistrate is a public office. It is an office held in trust for the people. It demands fidelity to the Constitution, loyalty to the law, independence of mind, humility of service and an unwavering commitment to justice. It is not an office that belongs to the individual who occupies it. It belongs to the constitutional order and to the people in whose name judicial authority is exercised
12. You have joined a highly demanding service of adjudicators who wield enormous powers at law and sit highly above legal practitioners and other Court users in the administration of justice. With this enormous judicial power, comes enormous responsibility for which you are duty bound to ensure that the nobility of the profession of law is preserved. Society expects, and is entitled to, nothing less than the highest levels of professionalism, integrity and hard work by holders of the judicial office. It is no secret that society has expressed dissatisfaction in the delays and backlogs that continue to characterize the delivery of justice in this country. That phenomenon is not a recent invention as some cases remain outstanding sometimes for a decade or more. While we continually put measures in place to address the problem of backlog and delay, we are relieved that Your Worships have added on to the number of judicial officers in position so that you may contribute to efforts of backlog and delay reduction.
13. Let me emphasize that your appointment as Magistrates was a result of rigorous and merit-based process, aimed at appointing only the most deserving ones to be SRMs. We looked at your professional background, experiences and your ability to perform. You do not

therefore owe your appointment as Magistrate to any individual or group of individuals but to the entire society of the Malawian people. No one should ever come to you and say it is because of them that you are now a Magistrate. Your selection and appointment recognized your being most suitably qualified among the so many who were also qualified. You were selected and appointed on the belief that you are fit and proper individuals in possession of the required education, training and experiences, more so than any other individuals who had made the list. To be an ideal magistrate, you will have to exude the necessary competences and behaviours that are above board.

14. Your conduct and character will be expected to be beyond reproach. Your standards as judicial officers are above the standards applicable, not only to ordinary persons, but also above those of colleagues in the legal profession. You will be expected to abide by our restrictive Judicial Code of Conduct. You will have to forgo certain behavioural patterns you may have enjoyed being engaged in before the appointment. Now that you are an embodiment of justice in our society, you will have to abandon petty behaviours and indiscretions which you hitherto might have taken pleasure in engaging into.

15. This takes me to the sacred oath of allegiance and the oath of office that you took and subscribed to before yours truly. The Judicial oath is the constitutional act binding every individual who steps into judicial office for the duration of his or her tenure to the principles that define that office. It is not a ceremonial act, but a creed of justice. It is the internal instrument through which the rule of law is made operative in the daily life of the Judicial Officer. Its obligations are continuous; they do not cease when the courtroom adjourns. Remain true to the oaths that you took and subscribed to in all your judicial dealings.

16. Skills and abilities are important attributes to your work. You shall endeavor, where appropriate, to leverage the diverse life skills, experiences and education acquired overtime to enable you work as a Magistrate. It will be expected that you perform your duties with the highest skill, competence and diligence. You should also endeavour to enhance your professional skills, competences and diligence throughout your career.

17. In the administration of justice, the judicial officer must make a decision, however difficult that may appear. There is no room for indecision. And timely decision making is an important attribute of the ideal Magistrate. The decision must be sound, practical and timely on the basis of the law and legally relevant facts. I have no doubt that Your Worships have developed intellectual analytical and decision-making skills. An ideal magistrate must possess the ability to keep an open mind while hearing all sides of an argument, remaining impartial while demonstrating good judgment even in the face of actual or perceived conflict of interest, or in the face of the most fierce criticism.

18. As to professional skills, you must possess the ability and the willingness to learn at all times. Technological advancement now increasingly used in the justice system should never be avoided in this learning. The ideal magistrate will spare no effort to effectively manage a heavy workload while working independently without supervision. The ideal magistrate must possess the ability to work at an appropriate speed for early disposal of matter as she or he handles the stress, pressure and isolation that come with the judicial role. Continually update knowledge of the law and where to find the law must be a priority for the ideal magistrate.

19. Judicial temperament is another important attribute of the ideal Magistrate. This is the ability to apply the law to the facts and to understand how judicial decision making will affect the human beings or the persons appearing before the Court. Proper judicial temperament needs to be cultivated and exhibited at all times when performing judicial functions. Calmness, courtesy and a show of attention to the parties are important in the administration of justice.
20. Judicial temperament and a display of good interpretational skills matter a lot in the administration of justice. Patience, open mindedness, courtesy, compassion, empathy, respect, tact, moral courage, punctuality, firmness, but fair understanding, humility and confidence have all got a place in the administration of justice. Pomposity, arrogant or authoritarian tendency distort the administration of justice. There is nothing to brag about where a magistrate is notorious for being as angry magistrate.
21. The ideal magistrate will exercise forbearance under provocation. He or she will approach parties with sensitivity and without taking offence, while accepting new knowledge coming to him or her without bias and without undue difficulty or stress. The ideal magistrate should be able to handle personal stress without unloading it on to others. He or she will not complain all the time and will endeavour to find solutions on every matter that is brought to his or her attention or that which affects him or her.
22. Stressful as the position of a magistrate is, it is also a position of public trust which must engender public confidence. That is why for the most part court business is in open Court. That is also why the law has inbuilt judicial accountability mechanisms, including the appeal process. That judicial services be rendered transparently for purposes of accountability only goes to reinforce the

need for public confidence in the administration of justice. The ideal magistrate will recognize that criticisms and scrutiny are inherent in the position of a judicial officer. We must accept that position and deal with it accordingly.

23. Judicial conduct and ethical behaviour are to be observed by the ideal magistrate at all times. Both professional and personal ethics must be observed at all times. Minimum standards are set out in disciplinary rules extensively covered in the Code of Conduct for Judicial Officers. While serving as a magistrate, you shall not get involved in political activism, be it on or off the bench. Do not discuss any judgment, yours or of another judicial officer in public and do not criticize colleagues. Do not engage in conduct that would bring the judiciary in disrepute, including getting hopelessly drunk.
24. Courage and integrity are important attributes of the ideal magistrate. Administration of justice is such a serious matter that it has far reaching implications to individuals, persons and society generally. Situations may arise where powerful individuals may want to influence the outcome of a case. That is when the courage and integrity of the judicial officer come to the test. The ideal magistrate will stand firm in defence of the law and will not allow anyone to hold sway in the administration of justice through partiality.
25. Communication skills in the form of superior listening, superior written and superior oral communication skills in English are vital for the administration of justice. They, together with superior interpersonal skills facilitate the proper administration of justice. The ideal magistrate needs to acquire superior communication skills for application in the administration of justice.

26. The ideal magistrate will be corrupt-free. The perception that corruption in this country is rampant has extended to the judiciary. I have said in no uncertain terms that corruption in the judiciary will not be tolerated.

The Judiciary has a functional and dedicated Judiciary Institutional Integrity Committee which spearheads anti-corruption efforts in the Judiciary. It is doing commendable work and it has my full support. The ideal magistrate will join in the anti-corruption efforts in the Judiciary to ensure that there is no room for corruption in the institution.

27. You must endeavour to familiarize yourself with the existing Judiciary policies. These include the Judiciary Strategic Plan 2025 – 2030, The Judiciary Training Policy, The Judiciary Anti-Corruption Policy, The Judiciary Communication Policy and others. There are also relevant and applicable Government Policy documents including those produced by the National Planning Commission. A general understanding of how Government machinery works is important for the ideal magistrate.

28. This induction training is intended so that you get familiarized with basic knowledge, working tools and processes to your work. I have had a look at the programme for this training and the list of resource persons. I am confident that you will have a comprehensive coverage. I implore you to grasp as much as possible for your use on the job.

29. As I conclude, allow me to express my deepest appreciation to the Chair of the Judiciary Training Committee and her entire Committee for working closely with the Chief Registrar in organizing this induction training in the face of serious resource constraints. Once again, I thank the Irish Rule of Law International for supporting us financially in this capacity building

initiative. I thank the esteemed resource persons for sparing time to come and share their experiences and expertise. I must thank you all the distinguished participants for availing yourselves for this training. Last but not least, I thank all those who have played a role in ensuring that this induction training takes place.

30. It is now my singular honour and privilege to declare this Training officially opened.

I thank you all for your kind attention.