IN THE HIGH COURT OF MALAWI
LILONGWE DISTRICT REGISTRY (CIVIL DIVISION)
JUDICIAL REVIEW CAUSE NO. 48 OF 2022
(Before Honourable Justice Kenyatta Nyirenda)

BETWEEN

GEORGE KAINJA ……...…….... CLAIMANT

AND

DIRECTOR OF THE ANTI-CORRUPTION BUREAU …. 1ST DEFENDANT

DIRECTOR OF THE PUBLIC PROSECUTIONS ..... 2ND DEFENDANT

ATTORNEY GENERAL ……..……..……..... 3RD DEFENDANT

CORAM: HONOURABLE JUSTICE KENYATTA NYIRENDA
Mr. Nankhuni, Counsel for the Claimant
Mr. Saidi, Counsel for the 1st Defendant
Mr. Sakanda, Senior State Advocate, Counsel for the 2nd Defendant
Mr. Chisiza, Principal State Advocate, Counsel for the 3rd Defendant

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RULING

Kenyatta Nyirenda, J.

1. On 3rd October 2022, I delivered a ruling dismissing an application by the 1st Defendant for an order recusing myself from hearing the matter herein [hereinafter referred to as the "Ruling on Application for Recusal"]. Immediately after I had finished delivering the Ruling on Application for Recusal, the 1st Defendant, through

Counsel Saidi, made an application for an order staying the Ruling on Application for Recusal [hereinafter referred to as the "Application for Stay"].

2. The Application for Recusal was heard on 16th September 2022. Delivery of the Ruling on the Application for Recusal was scheduled for 3rd October 2022. As I was about to start reading the Ruling on the Application for Recusal, Counsel Saidi stood up and stated that he wanted to seek a clarification about what the Court was set to do because, according to him, the 1st Defendant had not made any application but had just sought directions from the Court regarding how the Application for Recusal was to be handled by the Court. He further stated that the 1st Defendant had wanted to seek the same clarification on 27th September 2022 when the Court had requested the parties to send to the Court soft copies of the documents that the parties had respectively filed with Court in this case.

3. It dawned on me that Counsel Saidi was just trying to be too clever because there was no question at all regarding the fact that the 1st Defendant had made the Application for Recusal and I had adjourned the case so that I could deliver my Ruling thereon. I, accordingly, decided to play along with Counsel Saidi's drama script by giving him an opportunity to narrate his recollection of the proceedings that took place on 16th September 2022. He gave his account of what happened. Thereafter, I asked Counsel for the other parties to also narrate their respective recollections and they did so.

4. The following is a written record of the notes that I took in long hand:

> *"Counsel Saidi*
>
> *When we went into chambers, we were given an opportunity to explain what the issues are. We said that we had 3 issues.*
>
> *Court*
>
> *I asked you to narrate what happened when we went into chambers and not your interpretation of what happened. Nothing was said about the three issues when we went into my Chambers.*
>
> *Counsel Saidi*
>
> *This is my recollection of what happened in chambers*
>
> *We said that we had not filed the application but the Notice. One of the issues is where we seek recusal of Your Lordship. The claimant raised issues that our Notice was not in tandem in law. He cited a provision and case law. He was saying our application was not consistent with the law. Therefore, it was as though there is no application. We clarified that the reason we did not file our application is because we said it had information that*

was not good to readers before seeking your directions. You said you needed time to read the record and you said you would give your ruling later on

Court

What did Counsel Khunga say?

Counsel Saidi

Counsel Khunga replied by responding to what Counsel Nankhuni said. He referred to provisions in Order 10, rule … of CPR. Let me refer to my record.

He referred to Order 2, rule 2 of CPR and O. 1, r. 5, of the CPR. He was saying that it was not wrong for doing what we did.

In conclusion, we did not make any application.

That it all.

Counsel Chisiza for 3rd Defendant

I jotted some notes, not detailed. The applicant said 'We have not filed papers because the information is sensitive. We should have filed but we thought of making oral application'. The Claimant objected to the oral application saying that the same would be incompetent as it would not comply with the requirements of O. 10, 9, and 4 of the CPR.

Counsel Nankhuni further stated that even if the Claimant had complied with the said provision, he had not filed skeleton arguments. He cited the case of ***NBS Bank v. Dean Lungu****. He prayed that the application be dismissed. There was no objection by the 2nd and the 3rd Defendants to the application.*

Counsel Khunga sought to rectify the irregularities.

The Court said that its ruling had been reserved. What happened in Court that day is not as what Counsel Saidi said.

We came here today for a ruling on whether or not the Court should recuse itself, per the application by the 1st Defendant.

Counsel Sakanda

The 1st Defendant made an application of your recusal. An application was made and a ruling has to be made thereon.

Counsel Nankhuni

My recollection is as said by Counsel Chisiza and Counsel Sakanda.

This is a court of record. The court can verify as to what happened.

Court: My recollection is that an application was made for my record. That is why we moved from "Open Court" to my Chambers so that the sensitive matters can be stated. In any case, my Ruling sets out what happened.

I will proceed to deliver my Ruling"

5. After I had finished delivering the Ruling on the Application for Recusal, I asked Counsel Saidi to address me on the other points contained in the 1st Defendant's **"NOTICE OF MOTION FOR PRELIMINARY OBJECTIONS**". Counsel Saidi responded as follows:

> *"We had three issues. We are not ready to proceed. Now that you have made your ruling, we are making oral application for a stay. We would like to appeal against the Ruling. Application is made under inherent jurisdiction. You have just said in your Ruling that any decision of this Court is appealable.*
>
> *The issues to do with recusal borders on the fear of the applicant. The determination you have made must be stayed until the Supreme Court hears our appeal.*
>
> *We pray for the stay."*

6. In his address, Counsel Chisiza said the following:

> *"We have been reminded our tasks as lawyers. We are officers of the court as reminded in your judgment.*
>
> *This application for stay does not meet Order 10, r. 9 of the CPR. It is incompetent. It should not be granted.*
>
> *The 1st Defendant seeks to appeal. What type of appeal is this? There are no facts. No chances of success. The appeal lacks merit. An appeal has to be supported by facts and there are no facts.*
>
> *No basis for application of stay. Counsel has not laid any basis for the application. It should be dismissed."*

7. The learned Senior State Advocate, Mr. Sakanda and Counsel Nankhuni adopted the address by the learned Principal State Advocate, Mr. Chisiza. Counsel Nankhuni added that the other preliminary points sought to be raised by the 1st Defendant cannot stand having regard to the Court's analysis in the Ruling on the Application for Recusal.

8. I fully agree with the learned Principal State Advocate, Mr. Chisiza, the learned Senior State Advocate, Mr. Sakanda and Counsel Nankhuni that the Application for Stay was not only improperly brought but it is also devoid of merit.

9. Firstly, as was rightly submitted by the learned Principal State Advocate, Mr. Chisiza, the oral application by Counsel Saidi does not meet the requirements of Order 10, rule 9, of the Courts (High Court) (Civil Procedures) Rules [Hereinafter referred to as the "CPR"]. The requirements in the said provision were discussed at pages 16 and 17 of the Ruling on Application for Recusal. It is expedient that I quote the relevant part of the Ruling on Application for Recusal:

"32. Order 10, rule 9, of the CPR deals with oral application. A Court may allow an oral application in a proceeding to be made where three conditions are met. Firstly, the application has to be for urgent relief. Secondly, there must be an undertaking by the applicant to file an application in a proceeding within the time directed by the Court. Thirdly and lastly, the Court has to consider allowing oral application appropriate for one or more of the following reasons:

(i) the need to protect persons or property;

(ii) to prevent the removal of persons or property from Malawi; or

(iii) other circumstances that justify making the order asked for.

33. It is important to note that Order 10, rule 9, of the CPR uses the conjunctive word "and" to connect paragraphs (a), (b) and (c). This being the case, an oral application has to meet all the conditions in rule 9 for it to be granted: see ***The State (On application of Lin Xiaoxiao and Others) v. The Director General – Immigration and Citizenship Services and Another,*** *Judicial Review Cause No. 19 of 2020 and* ***Phindu Hessian Scheme Limited v. Tobacco Commission and Another,*** *Civil Cause 507 of 2020.*

34. The Application for Recusal does not satisfy most of the conditions in Order 10, rule 9, of the CPR, if not all. This is the eighth reason why the Application for Recusal has to be dismissed."

10. Secondly, Counsel Saidi's attempt to base the Application for Stay on inherent jurisdiction is bound to fail. The doctrine of inherent jurisdiction helps the Court to achieve justice where it would not have been possible to do so: See **Grobbelaar v. News Group News Papers Ltd [2002] WLR 3024** wherein the House of Lords adopted the definition by Jacob in his article "The Inherent Jurisdiction of the Court (1970) 23 CLP 23" which state as follows:

> **"***The inherent jurisdiction of the court may be defined as being the reserve or fund of power, residual source of powers, which the court may draw upon as necessary whenever it is just and equitable to do so and in particular to ensure the observance of the due process of law, to prevent improper vexation or oppression, to do justice between the parties and to secure a fair trial between them."*

11. Another way of putting it is that inherent jurisdiction authority remains the means by which Courts deal with circumstances not proscribed or specifically addressed by rule or statute, but which must be addressed to promote the just, speedy, and inexpensive determination of every action.

12. Inherent jurisdiction has to be exercised in conformity with statutes and well-established rules of practice: see the Canadian case of **College Housing Co-**

operative Ltd. v. Baxter Student Housing Ltd. [1976] 2 S.C.R. 475 where the Supreme Court of Canada observed thus:

> *"Inherent jurisdiction cannot, of course, be exercised so as to conflict with statute or rule. Moreover, because it is a special and extraordinary power, it should be exercised only sparingly and in a clear case."*

13. Three principles emerge from the foregoing, namely, the so-called inherent jurisdiction (a) is equitable in nature, (b) is solely intended to ensure justice, and (c) has to be exercised with restraint and discretion. This means that a prayer based on the Court's inherent power cannot be granted as a matter of right. In short, it is not enough for a party seeking to invoke the Court's inherent jurisdiction to simply state that he or she will call in aid the principle of the Court's inherent jurisdiction. He or she is required to establish why resort to this principle is necessary in the case before the Court.

14. In the present case, Counsel Saidi did not explain why the 1st Defendant sought to rely on the principle of inherent jurisdiction in making the Application for Stay when Order 28, rule 48, of the CPR contains express provisions regarding suspension of enforcement of an order. In the circumstances, the invocation by the 1st Defendant of the inherent jurisdiction of the court is clearly misplaced. I am fortified in my view by the decision of the Supreme Court of Appeal in **The Registered Trustees of Youth and Society v. Greizeder Jeffrey and others** MSCA Civil Appeal No. 70 of 2018. The Supreme Court of Appeal held that reliance on a Court's inherent jurisdiction is inappropriate where one has identified statutory provisions under which the application can be grounded or indeed where there is a statutory provision under which the application can be brought.

15. Thirdly, the Application for Stay has been brought prematurely. In terms of section 21 of the Supreme Court of Appeal Act, an appeal against an order made in chambers by a judge of the High Court cannot lie without the leave of a member of the Supreme Court of Appeal or of the High Court or of the judge who made or gave the judgment in question. The Ruling on Application for Recusal was made in chambers. In this regard, the 1st Defendant should first of all have sought leave to appeal against the Ruling on Application for Recusal before making the Application for Stay. Having not done so, the 1st Defendant has jumped the gun by making the Application for Stay before seeking leave of the Court to appeal.

16. Fourthly, I am as puzzled as the learned Principal State Advocate, Mr. Chisiza, that the 1st Defendant wants to appeal to the Supreme Court of Appeal on a question

not supported by facts. We will re-quote what the learned Principal State Advocate, Mr. Chisiza, said:

> "*The 1st Defendant seeks to appeal. What type of appeal is this? There are no facts. No chances of success. The appeal lacks merit. An appeal has to be supported by facts and there are no facts."*

17. To my mind, in the absence of facts, the Supreme Court of Appeal will end up just rendering a legal opinion. It is not the duty of court to give gratuitous legal opinions but to decide real issues: see **James Phiri v. Dr. Bakili Muluzi and Attorney General (Interested Party)** Constitutional Case No. 1 of 2008 and **Maziko Charles Sauti Phiri v. The Privatization Commission & The Attorney General,** High Court of Malawi, Constitutional Case No. 13 of 2005

18. Fifthly, regarding the intended appeal, the 1st Defendant is not even sure what the intended appeal is all about. Counsel Saidi simply said that "*The issues to do with recusal borders on the fear of the applicant".* A party cannot simply say that he or she wants to appeal. He or she has to state the grounds of appeal and give reasons why he or she believes that the appeal has prospects of success.

19. Sixthly, authorities abound for the legal position that the granting or refusal of an application for stay pending appeal is made upon the Court's exercise of its discretion: see **Mike Appel & Gatto Ltd v. Saulosi K. Chilima and another** [2013] MLR 231, **Airtel Malawi PLC v. Competition & Fair Trading Commission,** MSCA Civil Appeal No. 57 of 2021 (unreported) and **Anti-corruption Bureau v. Atupele Properties Ltd,** MSCA Civil Appeal No. 27 of 2005 (unreported). Being a judicial discretion, the discretion must be exercised based on legal principles and sound reasons, not on preference or convenience. Legal principles do not apply in a vacuum: they have to be applied to the facts of the particular case. With due respect to Counsel Saidi, he made no submissions at all regarding legal principles applicable in applications of this nature.

20. In view of the foregoing and by reason thereof, the Application for Stay is disallowed with costs. I so order.

21. I would have been glad to stop at this point. However, it is necessary that before I conclude I should express my great concern at the conduct of Counsel Saidi. It will be recalled that in his address to the Court on 3rd October 2022, Counsel Saidi

claimed that the 1st Defendant did not make the Application for Recusal: see paragraphs 2 and 4 of this Ruling. Implicit in that claim is an allegation that this Court proceeded to make a ruling on a non-existent application. Needless to say, this is a very grave allegation by Counsel Saidi.

22. The sherry effrontery of the claim by Counsel Saidi is quite astounding. The claim is simply untrue and just another incredibly wild and unsubstantiated allegation. As will be noted in the Ruling on the Application for Recusal, an application for my recusal was made by the 1st Defendant. This fact is supported by the Court record of the proceedings and the narratives by learned Principal State Advocate, Mr. Chisiza, learned Senior State Advocate, Mr. Sakanda and Counsel Nankhuni respectively. These three noble legal practitioners must be highly commended for standing up for the truth. In any case, what does Counsel Saidi mean by saying that they made no application? What were they doing? Testing the waters or what? As explained in the Ruling on Application for Recusal, the Court moved from open court into chambers at the instance of the 1st Defendant for purpose of making the Application for Recusal: see paragraph 54 of the Ruling on Application for Recusal.

23. Just like in other professions, a legal practitioner is bound to make a mistake once in while in handling a case before the Court. However big or embarrassing the mistake might be, the legal practitioner who makes such a mistake must own up the mistake and move on. The last thing the legal practitioner can do is to start accusing the Court for the mistake of his or her making.

24. While a legal practitioner must be fearless in advancing the cause of his or her client, there are certainly boundaries, be it through rules of civil procedure, the code of professional conduct or normative limits which inform legal practitioners and their role in our system of justice. It seems to me that Counsel Saidi is either not aware of these limits or he deliberately decided not to abide by these limits.

25. In terms of these limits, a legal practitioner has, among other matters, a duty to use tactics that are legal, honest and respectful. This duty is often referred to as the duty of candour. Under the duty of candour, legal practitioners are primarily responsible for ensuring that they do not employ strategies that will mislead the Court. Misleading the Court includes misleading the Court on evidentiary and legal points as well as making use of tactical strategies that are likely to adversely affect a case.

26. Prohibited acts by a legal practitioner under the duty of candour include:

(a) knowingly assisting or permitting a client to do anything that the legal practitioner considers to be dishonest or dishonourable;

(b) attempting or allowing anyone else to attempt, directly or indirectly, to influence the decision or actions of a court or any of its officials by any means except open persuasion as a legal practitioner;

(c) knowingly attempting to deceive or participating in the deception of a court or influencing the course of justice by:

(i) offering false evidence;

(ii) misstating facts or law;

(iii) presenting or relying upon a false or deceptive affidavit;

(iv) suppressing what ought to be disclosed; or

(v) assisting in any fraud, crime or illegal conduct;

(d) knowingly misstating:

(i) the contents of a document;

(ii) the testimony of a witness;

(iii) the substance of an argument; or

(iv) the provisions of a statute or like authority.

27. Much as a legal practitioner also owes a duty to his or her client, the duty of a legal practitioner to the Court is the dominant duty. One of the most often cited quotes on this issue comes from Lord Denning in the case of **Rondel v. Worsley,** [1976] 3 All ER 993 in which he states:

> "[The advocate] *has a duty to the court which is paramount. It is a mistake to suppose that he is the mouthpiece of his client to say what he wants: or his tool to do what he directs. He is none of these things. He owes allegiance to a higher cause. It is the cause of truth and justice. He must not consciously mis-state* [sic] *the facts. He must not knowingly conceal the truth…He must produce all the relevant authorities, even those that are against*

him. He must see that his client discloses, if ordered, the relevant documents, even those that are fatal to his case. He must disregard the most specific instructions of his client, if they conflict with his duty to the court. The code which requires a barrister to do all this is not a code of law. It is a code of honour. If he breaks it, he is offending against the rules of the profession and is subject to its discipline." - Emphasis by underlining supplied

28. An instructive authority on the duty of candour from our jurisdiction is provided by the case of **The State v. Zomba City Council & Roads Authority ex-p. Sajib Mohamed**, HC/PR Judicial Review 26 of 2016. In this case, the lawyers for the Claimant sought to blame the Court for delaying delivery of the judgment when it was them who had delayed in filing submissions with the Court. The lawyers were not being honest and the Court dealt with the matter as follows:

"Before resting, a word or two on the Applicant's sworn statement and skeleton arguments might not be out of place. As already mentioned herein before, these two documents contain some falsehood in so far as the explanations for the delay herein are concerned.

It might be that falsehood was being employed in a desperate attempt to salvage the Applicant's case. Such conduct, however, must be deprecated in the strongest terms. A legal practitioner has a duty to use only tactics that are legal, honest and respectful. This duty is often referred to as the duty of condour. In the apt observation by the learned authors (John H. Tinney and Robert A. Lockhart) of the publication "The Duty of Candor: Where were the Lawyers and Why Didn't They Come Forward?" at page 8:

> *"An attorney owes his first duty to the court. He assumed his obligations towards it before he ever had a client. His oath requires him to be absolutely honest even though his client's interest may seem to require a contrary course. The [lawyer] cannot serve two masters and the one [the lawyer has] undertaken to serve primarily the court.*
>
> *In fulfilling ethical duties, the lawyer has an ethical obligation to avoid misleading the court and to take steps to protect the court from misrepresentations by others, even if the misrepresentations would aid the lawyer's client. While some who criticize a lawyer's underhanded tactics may also protest when those same tactics are not used in their behalf, the public's confidence in the legal system and its practitioners will be bolstered by observing the duty of candor. Strict compliance with this and other ethical obligations will allow one to achieve the lawyer's mission of zealous representation within the bounds of the law." – Emphasis by underling supplied*

Needless to say, a legal practitioner also owes his or her client a duty of candour. Legal practitioners have to be truthful to their clients. They cannot afford to be economical with the truth. In this regard, a legal practitioner who has messed up conduct of a case must not conceal this fact from his or her client: see ***Jones Lazaro Kanthomba v. Speedy's Limited, HC/PR Civil Cause 2854 of 2006 (unreported)****. I am not amused at all at the spurious claim by M/s Ritz Attorneys at Law that the delay herein was caused by the Court. To the contrary, it is M/s Ritz Attorneys at Law that are fully to blame for the inordinate and inexcusable delay: they slumbered on the job."*

29. Just as was the case in **The State v. Zomba City Council & Roads Authority ex-p. Sajib Mohamed**, Counsel Saidi is being economical with the truth when he claims that the 1st Defendant did not make the Application for Recusal and I am not amused at all at his spurious allegation.

30. In addition to the duty of candour, there are a number of things a Judge is entitled to expect in the relationship between a Judge and a legal practitioner. Firstly, a Judge is entitled to expect that the legal practitioner will treat the Court with candour, fairness and courtesy. Needless to say, Counsel Saidi was neither frank nor fair in alleging that the 1st Defendant did not make the Application for Recusal when the said application was actually made.

31. Secondly, a Judge is entitled to expect that the legal practitioner is by training and experience competent to handle the matter before the Court. To be fair to Counsel Saidi, I do not recall his appearing before me in any other case. It could well be that the way he conducted himself in this case is not the norm. I will, therefore, give him the benefit of the doubt by regarding what he did in this case as just one instance, and not a trend or generality, of his professional conduct as a legal practitioner. That said, Counsel Saidi seemed out of depth when it came to handling the two applications so far dealt with by the Court in this case. It could be that Counsel Said's forte lies in criminal matters, which I believe is the core business of the Anti-Corruption Bureau.

32. Thirdly, when a Judge has made a ruling on a matter, it is expected that the legal practitioner should in no way attempt to re-argue the point or attempt to circumvent the effect of the ruling by other means. To my mind, the actions by Counsel Saidi were only meant to circumvent the effect of my Ruling on the Application for Recusal.

33. Fourthly, it is a settled rule that except in very exceptional circumstances, a legal practitioner of a party should not meet the Judge in the absence of a legal practitioner of the other party. I was, therefore, very much surprised that Counsel for the 1st Defendant wanted to meet me on 27th September 2022 in the absence of Counsel for the other parties. According to the Court Clerk, Mr. Kumwenda, Counsel for the 1st Defendant came to seek clarification on the following e-mail:

> *"Date: Sun, Sep 25, 2022 at 3:11 PM*
> *Subject: George Kainja v. Director of Anti-Corruption Bureau, Director of Public Prosecutions & Attorney General*

To: Giftnankhuni <giftnankhuni@me.com>, Chrispin Khunga <ChrispinKhunga@gmail.com>, Neverson Chisiza <neverchisiza@gmail.com>
Cc: llcivilregistry@gmail.com

Good afternoon Counsel

Could you please send to me, in word, soft copies of the documents whose hard copies were already filed with the Court in the above-mentioned case, that is, Judicial Review Case No. 48 of 2022.

Regards

Kenyatta Nyirenda, J"

34. I really do not know what one would want clarified in such a straight forward e-mail. The parties, including the 1st Defendant, had filed with the Court their respective documents: see paragraphs 4, 11, 12 and 16 of the Ruling on the Application for Recusal. It is soft copies of these documents that I wanted the parties to send to me. For this reason and the fact that Counsel for the other parties were not present, I declined to meet Counsel for the 1st Defendant. In retrospect, I did well not to give them an audience because according to Counsel Saidi what they wanted was not a clarification on my e-mail but clarification on the nature of proceedings that took place before the Court on 16th September 2022. To complete the story on this point, the 1st Defendant submitted to me the requested documents on 28th September 2022. They all along knew the documents wanted by the Court.

35. Fifthly, it would appear Counsel Saidi refuses to accept the wise counsel that a legal practitioner should not be emotionally involved and charged with his client's case: see **Lingston M. Phekhani v. NBS Bank**, Commercial Cause No. 151 of 2014, Commercial Division, Blantyre Registry, at page 9. In the Ruling on Application for Recusal, I quoted at lengthy from this case: see paragraphs 68, 69 and 70 of the said Ruling. It goes without saying that Counsel Saidi is not a party to this case. He is just Counsel to a party to this case, namely, the 1st Defendant. He cannot, therefore, start behaving as though he is a party to the case.

36. The decision whether or not to appeal or indeed to seek stay of the execution of the judgment is a decision to be made by a party, of course with the advice of his or her legal practitioner. This explains the prudent approach taken by well-seasoned legal practitioners who, after a judgment has been delivered, state that "I will sit down with my client to go through the judgment with a view to determine whether or not to appeal against the judgement". I very much doubt that the 1st Defendant has given a carte blanche to legal practitioners representing the Anti-Corruption

Bureau to make appeals and/or applications for stay of judgments before analyzing the judgments and getting a greenlight from her.

37 All in all, my well-meaning advice to Counsel Saidi is that he should desist from accusing a court of lying and/or making up court proceedings unless he is definite that there are good grounds for doing so and, more importantly, he can prove the allegation. The telling of lies by a legal practitioner is at great variance with the noble practice of law. Counsel Saidi appears to be young with potential to practice the legal profession for many years to come. It would be a great shame if his practice of the law were to be cut short due to his failure or inability to conform to the duty of candour specifically and the code of honour generally. Needless to say, it is important that Counsel Saidi should ensure that he conducts himself properly from now onwards.

38. As the Application for Stay has been dismissed, the Court will now proceed to hear from Counsel on the other two points contained in the 1st Defendant's **"NOTICE OF MOTION FOR PRELIMINARY OBJECTIONS**", that is":

> "*b. An application to discharge the 2nd and 3rd Defendants from the case on the grounds that they do not have authority to supervise the 1st Defendant in the execution of her investigative powers.*
>
> *c. An application that the claimant cannot make an application on behalf of unknown people."*

Pronounced in Chambers this 31st day of October 2022 at Lilongwe in the Republic of Malawi.

Kenyatta Nyirenda
JUDGE