

# **JUDICIAL SERVICE COMMISSION**



**REMARKS BY THE HONOURABLE MR JUSTICE**

**LUKE MALABA,**

**CHIEF JUSTICE OF ZIMBABWE,**

**ON THE OCCASION OF RECOGNITION OF LONG  
SERVING JUDICIAL SERVICE COMMISSION MEMBERS**

**ON 10 JUNE 2020**

**Salutations.**

## **INTRODUCTION**

**Distinguished Guests, Ladies and Gentlemen,** it gives me great pleasure to welcome you all to this historic occasion to mark the 10<sup>th</sup> anniversary of the birth of the Judicial Service Commission (“the JSC”).

On 10 June 2010, after the promulgation of the Judicial Service Act, the JSC was weaned off from the Ministry of Justice, Legal and Parliamentary Affairs and given an extended mandate. Chief among its new functions was the JSC’s power to supervise the administration of all courts and to fix the conditions of service of members of the Judicial Service employed in all the courts. The JSC therefore became an employer in its own right. It assumed a new corporate status and commenced the journey that we are gathered to celebrate tonight. The occasion is important to us not only because we are celebrating a decade of our existence. It is also a celebration of the entrenchment of the rule of law and respect for the concept of separation of powers in Zimbabwe. The day reaffirms the political leadership’s commitment to

promoting the independence of the Judiciary and compliance with international best practices.

The Constitution of Zimbabwe decrees that judicial authority derives from the people of Zimbabwe and is vested in the courts. It follows that in their operations the courts must be guided by the aspirations of the people of Zimbabwe. To demonstrate the public's ownership of judicial processes, the courts must from time to time present themselves for scrutiny by the people. It is for that reason that the JSC made a deliberate effort to organise the Judicial Service Commission Open Day, during which members of the public, legal practitioners, litigants and other court users are afforded an opportunity to approach the courts and request for information on how the courts operate, the services that the courts offer and any other information that they may wish to obtain. The choice of 10 June as the day on which the public would be given access to the courts was only natural. It was an easy decision, which resulted in my declaration of that day as a JSC Day during my remarks on the occasion to mark the opening of the 2020 legal year.

I am happy to advise that, despite the challenges and restrictions caused by the need to comply with COVID-19 health requirements, we

witnessed earlier today members of the public across the country accessing not only the courts but also the offices of the Sheriff and the Master in their localities and obtaining information that will assist them in vindicating their rights in the courts.

**Distinguished Guests, Ladies and Gentlemen**, the theme for the JSC Open Day was chosen to coincide with the JSC theme for the year 2020, which is **TRANSPARENCY AND ACCOUNTABILITY**. The theme is informed by the JSC's desire to fulfil the key objectives of its 2016-2020 Strategic Plan. One of those strategic focus areas is the promotion of greater access to justice, particularly for the underprivileged and vulnerable in society. The Strategic Plan has been key in ensuring that the JSC fulfils its mandate. It is the radar that constantly keeps the organisation on track and enables it to self-introspect and correct any mistakes which may have been made in the past.

Access to justice is an issue that the JSC cannot separate itself from. It is impossible to talk of an efficient system of justice when the public are unable to access it. The Judiciary cannot claim to be efficient and effective when court users are unable to access the

courts or are not aware of how they can vindicate their rights in the courts.

It is for these reasons, **Distinguished Guests, Ladies and Gentlemen**, that we adopted the theme of **TRANSPARENCY AND ACCOUNTABILITY TO ENHANCE ACCESS TO JUSTICE AND THE RULE OF LAW** for the Open Day in order to allow people to visit the courts and learn more about how the courts operate and the services available therefrom.

The idea of Open Days was mooted by the JSC in 2015. The desire at the time was to increase the visibility of the courts. Having achieved that, it is imperative that we take the concept to an even higher level. The methods of disseminating information will improve through harnessing the benefits of technology and providing material on the operations of the courts in all national languages and other forms, such as braille, to cater for citizens living with disabilities. During the celebrations at court stations earlier in the day, the JSC distributed Compact Diskettes with judgments and statute law in fulfilment of that objective. It is my sincere hope that each member of the public who got an opportunity

to visit a JSC institution today had fruitful interactions with our members of staff and left with some key takeaways.

## **LONG SERVICE AWARDS**

**Distinguished Guests, Ladies and Gentlemen**, whilst the interactions of the members of the public with JSC institutions remain a core activity during the Open Day commemorations, the highlight of this year's event is the recognition and acknowledgement of the extraordinarily long service offered by some members of the organisation.

There is no argument that the most valuable resource of any organisation is the employee. Without the members of staff, there will be no organisation to talk of. Efforts must therefore be made to ensure that members of staff who show unquestionable loyalty to the organisation are properly recognised. To some, long-service awards may appear like an ancient way of acknowledging employee loyalty but, to the contrary, such awards still carry an unbelievably motivating characteristic to members of staff.

In the modern world, the jobs market has significantly evolved. Employees have become extremely mobile. They invariably jump from

one job to another. That high employee turnover burdens organisations with heavy costs, as recruitment and retraining of staff is undertaken with unnecessary frequency. It is against this background that every organisation that really values its loyal employees must celebrate and reward long serving employees. It is a small way of saying thank you to those employees but at the same time illustrating to others that the organisation values their talents and desires to retain them.

It is a given that long service awards can come in various forms. That form is immaterial. What is important is the reason why the JSC is giving those awards. We are giving out the awards because the men and women the JSC is honouring tonight have immensely contributed to the administration of justice in this country.

**Distinguished Guests, Ladies and Gentlemen**, I wish to advise you that, despite the turmoil which obtains in the job market today, the JSC is proud to have **ninety-six (96)** members of staff who have dedicated almost their entire working lives to the cause of the organisation. These members of staff have been with the organisation before its separation from the Ministry of Justice, Legal and Parliamentary Affairs. They have each been in service for periods ranging from **30 to 42 years**. It

would have been wonderful to have all the **96** of them here tonight but as we are all aware the need to observe the restrictions imposed following the outbreak of the COVID-19 pandemic do not allow us to do so. The JSC has, however, managed to bring **14** representatives of all the long serving members of staff. The criterion used to choose the 14 is that they have all served for more than **39** years. In honour of the rest of the heroes, the Commission has organised small ceremonies in each of the ten Provinces, where they will all be presented with certificates and grocery vouchers by the JSC provincial leadership.

**Distinguished Guests, Ladies and Gentlemen**, allow me to pay tribute to these men and women for their dedication to duty, loyalty and discipline which have seen them serve the organisation for all these years. I say well done to all of you and I congratulate you most sincerely. It leaves me to ask all the other members of staff to be equally inspired.

Having said that, I do not for any moment underestimate the good work that all the other members of the Judicial Service are doing. The journey of a thousand miles began with a single step. You are all doing exceptional work which has seen the JSC being one of the best



performing public institutions in the country. If resources permitted, the JSC would not have hesitated to reward all of you. I am proud of all of you and urge you to keep up the good work.

**Distinguished Guests, Ladies and Gentlemen,** the journey that the JSC travelled over the last decade has been dramatic, revealing and exciting. Many markers which defined the terrain for the administration were laid.

I have already indicated that **10 June 2010** marked the complete separation of the administration of the affairs of the Judiciary from the Ministry of Justice, Legal and Parliamentary Affairs. Before then the management of the courts was fragmented. The various heads of courts operated and managed the courts independently of each other. The advent of the expanded JSC ushered in a unitary Judiciary and allowed for a more synchronised administration of the courts.

**Distinguished Guests, Ladies and Gentlemen,** it will be remiss of me if I failed to acknowledge the support that the JSC receives from the Ministry of Justice, Legal and Parliamentary Affairs. The Ministry represents the Judiciary in various fora and protects the interests of the Judiciary. The Judiciary does not attend Parliament. It is the

Honourable Minister of Justice, Legal and Parliamentary Affairs who speaks for the JSC in that forum. It was the Minister who spearheaded the legislation which created the JSC.

One of the important decisions made by the JSC was to craft five-year strategic plans to guide its operations, set working targets and keep it firmly focused on the mandate reposed in it by the Constitution. The first Strategic Plan was for the period 2012 to 2016. The second and current five-year plan is from 2016 and expires at the end of this year.

I am glad to advise that the JSC has already commenced the process of drafting the 2021 to 2025 five-year Strategic Plan. The process is being undertaken with the support of our cooperating partners, particularly the International Commission of Jurists (ICJ). The Strategic Plan lays out the vision, the objectives, the values and the strategic focus areas of the organisation. Its entire achievements are anchored on those fundamentals. The themes which the JSC adopts at the commencement of each legal year are all informed by the JSC's goals as set out in the Strategic Plan. Needless to say, any institution that operates without a strategic plan may be groping in the dark and find it very difficult to meet its goals.

The JSC's notable achievements, anchored on its Strategic Plans, include the decentralisation of the High Court to Masvingo and Mutare. The desire to ultimately have the High Court present in every Province in the country is also one of the Strategic Plan focus areas. Over the past ten years we have constructed over thirty courthouses throughout the country. The construction of courthouses at many stations across the country is also attributable to careful planning. The magistrates' courts which were previously housed at District Administrators' complexes were regarded as the better ones because in the worst of cases courts were operating from disused general dealer shops and private houses. This, for instance, was the case at Esigodini, Norton and Guruve. The construction of suitable courthouses, refurbishment of some, and the procurement of state of the art equipment and furniture was prioritised. The JSC's facilities all over the country now compete with what obtains in other countries in the region and beyond.

May I reassure you **Distinguished Guests, Ladies and Gentlemen**, that these successes do not give us a false sense of satisfaction. A lot of work still needs to be done. For instance, the overcrowding and congestion of the two main court stations in Harare at Rotten Row and

Mbare is unacceptable. Plans are afoot to decentralise the operations of the magistrates' courts in Harare. The JSC secured land in Epworth after the Epworth Town Board agreed to work with us. The Ministry of Local Government and Public Works has since commenced the construction of a courthouse at the site. Barring any insurmountable challenges, it is hoped that the project will be completed by the end of the year. At the same time the JSC continues to look for resources to begin construction of more courthouses at places such as Budiro and Highfields.

In collaboration with the Ministry of Local Government and Public Works, various other construction projects are being undertaken at Lupane, Gwanda, Murehwa, Mount Darwin, Chiredzi and Mtawatawa. The JSC also purchased, with the support of the Ministry of Finance and Economic Development, Bristol House Building, which will house the Commercial Division of the High Court. The JSC's flagship project for 2020 remains the construction of the multi-purpose court complex at Chinhoyi. It is a massive project, the completion of which will be another important milestone, given that the project seemed impossible

to complete after it had been abandoned for fourteen years. If all goes well, the JSC will be opening the complex to the public later this year.

**Distinguished Guests, Ladies and Gentlemen,** during the course of the decade the technological advancements that occurred are threatening to leave any institution which does not strive to keep abreast dead in the water. Fortunately, the perennial challenges of corruption which at times saw records going missing made the JSC wiser. This saw us introducing a basic electronic case tracking system as a pilot project in the High Court in 2012. The system entailed converting all court records into electronic form which would in turn be stored in a server. The case tracking system is a home-grown system developed by the JSC's ICT team. It has now been decentralised to other courts. Apart from the electronic storage of records, it also boasts an information kiosk which caters for inquiries by legal practitioners and litigants seeking to know the status of their cases. The inquiries can be made by either physically visiting the kiosk or via email. The benefits of that system are more visible now in the face of the COVID-19 pandemic when litigants need to avoid physically attending at the courts. It was through realisation of what technology could provide

that the JSC mooted the introduction of a grander and more advanced version of that system. As a result, plans to introduce an Integrated Electronic Case Management System in the Courts are all but complete. In brief, the introduction of that system will see the advent of an e-justice in the country. It is a massive project that will certainly occupy all stakeholders' attention and time for the next few years. The Ministry of Finance and Economic Development have bought into the JSC's idea and has authorised us to recruit ICT staff to implement the project. In court operations, the work of all the courts speaks for them. The work ethics which now exist in all courts from the Constitutional Court, the Supreme Court, the High Court, the Labour Court, the Administrative Court and the Magistrates Courts, is a marvel for the country. Judicial officers at all levels have adopted a culture of hard work and accountability. They are all aware that they are servants of the Constitution. The output of the courts which resulted in unprecedented reduction of case backlogs in the last ten years bears testimony to this. I can only say thank you to all the Judges and magistrates and the support staff in all courts for a job well done!

**Distinguished Guests, Ladies and Gentlemen,** I publicly speak about the JSC's successes not in a bid to show off but simply to retrace the journey that has been travelled in the last decade and to put all future plans into proper perspective. We also share the experiences to enable the JSC to express appreciation for the priceless support extended to it by various Government departments, cooperating partners, stakeholders and civic organisations. Without that support, all our efforts would have been in vain. Allow me therefore to mention some of those institutions who have stood with the JSC throughout the period under review.

I have already indicated that 10 June 2010 marked the complete separation of the administration of the affairs of the Judiciary from the Ministry of Justice, Legal and Parliamentary Affairs. Without the support of the Ministry of Justice, Legal and Parliamentary Affairs, the clamour for a unitary Judiciary would never have seen the light of day. I wish, Honourable Minister Ziyambi Ziyambi, to publicly thank you, the Permanent Secretary Mrs V Mabiza, and all members of staff in the Ministry. The Acting Secretary of the JSC advises me that relations between the Ministry and the JSC have never been more cordial than

they are now. I regularly get updates on the various interventions that you make to ensure the smooth operations of the courts. It is a fact that whilst the JSC is in charge of the courts the Ministry of Justice, Legal and Parliamentary Affairs remains in charge of the larger spectrum of the administration of justice in the country.

In my earlier remarks, I made several references to the many projects that the JSC has undertaken over the years and those that it is currently engaged on. The JSC does not have the technical expertise to undertake construction projects. It has neither engineers in their various categories nor electricians and bricklayers. As a result, we created an unshakable relationship with the Ministry of Local Government and Public Works. Honourable Minister July Moyo, and all your officials, thank you for all the support you have given and continue to give the JSC. I am advised by the Acting Secretary that your doors are always open and that you do not hesitate to attend to JSC projects even when you are given short notice. We are still counting on your continued interventions, Honourable Minister, as there still remains a lot of work to be done.



Projects such as the construction or refurbishment of courthouses, purchase of furniture and equipment do not succeed on the basis of brilliant ideas and technical expertise alone. They need massive financial support. Without the involvement of the Ministry of Finance and Economic Development, all the JSC's grand plans would not have succeeded. I also wish to publicly thank Honourable Minister Dr Mthuli Ncube, together with the Permanent Secretary Mr G Guvamatanga, and all predecessors for the financial support you have extended to the JSC. I am sure that you look at the successes scored by the JSC with satisfaction that the public funds you gave us were well spent. Allow me to publicly request you not to tire in supporting the cause of the courts. The JSC will always put public funds to good use and account for the money.

**Distinguished Guests, Ladies and Gentlemen,** the JSC has come this far with a number of cooperating partners. Chief among these partners are:

The Royal Danish Embassy, who poured in millions of dollars to fund the construction of courthouses under the JSC's project of access to justice before termination of its participation.

The International Commission of Jurists (ICJ) has been our all-weather friend in the promotion of the rule of law project. With them countless projects, which include the training of Judges and magistrates, the crafting of the JSC Strategic Plan and others, have been undertaken.

The Law Society of Zimbabwe is the regulator of the legal profession in the country. The JSC and the Society have enjoyed a cordial and professional relationship over the last decade. That relationship is one of mutual respect. It resulted in the birth of the annual Bar-Bench Colloquia, which enhanced interaction of the Judiciary and the profession on matters related to the operations of the courts. It fostered the exchange of ideas between Judges and legal practitioners outside court.

We thank all other stakeholders who have worked with the JSC over the years. These are the Attorney-General's Office, the National Prosecuting Authority, the Zimbabwe Prisons and Correctional Services, the Zimbabwe Republic Police, and the Zimbabwe Anti-Corruption Commission.

With such relationships, I can assure you that the winner will be the administration of justice.

In conclusion, I wish to express my sincere gratitude to all of you for accepting our invitation and joining in the celebration today. We do not take your presence for granted. We value the relationships that you have with the JSC.

I wish you a pleasant and enjoyable evening.

**THANK YOU; MAZVITA; SIYABONGA!!!**