

JUDICIAL SERVICE COMMISSION

“A Zimbabwe in which world class justice prevails!”



ADDRESS BY

***THE HONOURABLE MRS JUSTICE ELIZABETH
GWAUNZA,***

DEPUTY CHIEF JUSTICE OF ZIMBABWE

**ON THE OCCASION OF THE OFFICIAL OPENING
OF THE 2022 LEGAL YEAR ON 10 JANUARY 2022**

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**THEME: USE OF TECHNOLOGY TO ENHANCE
EFFICIENCY AND THE RULE OF LAW IN THE
JUDICIARY**

SALUTATIONS,

- 1. Senior Judge Honourable Justice Makonese and Honourable Judges of The High Court**
- 2. Retired Judges Honourable Justice Kamocha and Honourable Justice Cheda**
- 3. Labour Court Judge Hon Justice Moya-Matshanga**
- 4. Minister of State for Bulawayo Metropolitan Province Honourable Judith Ncube**
- 5. His Worship the Mayor of The City of Bulawayo Councillor Mr Solomon Mguni**
- 6. City of Bulawayo Town Clerk Mr Christopher Dube**
- 7. Judicial Service Commissioner Mr Tandaza Masiyemoyo**
- 8. Acting Deputy Secretary, Mr Elias Muzenda**
- 9. Senior Regional Magistrate, Western Division Mr Mark Dzira and Other Magistrates Here Present**

- 10. The Chief Law Officer Mrs Takuva and Other Law Officers in The National Prosecuting Authority Office**
- 11. Acting Chief Law Officer Ms Hove Attorney Generals Office and Other Law Officers in The Attorney Generals Office**
- 12. Senior Advocate Mr Nkomo and Other Legal Practitioners Here Present**
- 13. Service Chiefs**
- 14. Bishop C Lunga**
- 15. Assessors of the High Court**
- 16. Registrar of the High Court Mr Donald Ndirowei, Deputy Registrars and Judicial Service Commission Staff**
- 17. Judicial Service Commission Stakeholders**
- 18. Press**
- 19. Ladies And Gentlemen,**

The Legal Year Opening Ceremony presents us, once again, with an opportunity to publicly set the tone for the impending judicial year and to discuss the key issues that are central to the efficient administration of justice in Zimbabwe. It also gives us a rare opportunity to take stock of our work as we report to the public, from whom we derive judicial authority, on our operations and performance in the preceding year.

Due to the prevalence of the deadly COVID–19 pandemic and the national lockdown that was in place last year during the period at which the Legal Year Opening Ceremony was supposed to be held, we could not congregate. Fortunately, due to the strategic and effective interventions of the Government as well as the meaningful cooperation of most citizens, this gathering has been made possible.

As we gather here today to commemorate the Opening Ceremony of the 2022 Legal Year, COVID–19, however, remains a significant global challenge. I, therefore, find it appropriate to say a few words about it in my address. Allow me at this juncture to take this opportunity to pay my and the Judiciary’s collective respects to

members of the Judicial Service and indeed thousands of Zimbabweans from all walks of life who passed on over the last two years due to COVID–19 related illnesses. These, and other members who also passed on during the course of 2021, including the late Mr Justice Clement Phiri and here in Bulawayo, the late Sihle S Ndhlovu, the Records and Information Assistant who died on 15 November 2021, will be fondly remembered for their contribution to the cause of justice in this country. Let me remember in addition, the late national hero and former Judge of this court, Advocate SKM Sibanda who died recently in Johannesburg. May their souls rest in eternal peace.

USE OF TECHNOLOGY TO ENHANCE EFFICIENCY AND THE RULE OF LAW IN THE JUDICIARY

As has become customary, the 2022 legal year will also have a theme that will act as a beacon to guide the operations of the Judiciary during the course of the year. The theme is — **“USE OF TECHNOLOGY TO ENHANCE EFFICIENCY AND THE RULE OF LAW IN THE JUDICIARY.”** Most of you will recall that the issue of an efficient judiciary was partly discussed in last year’s theme. Its

inclusion in this year's theme is therefore not by coincidence. One reason for reaffirming efficiency is that it is not a momentary goal, neither is it self-perpetuating, but it depends on consistent and collective effort by critical players in the justice delivery system for its sustenance. One of the key principles that must guide the Judiciary as provided in section 165 (1) (b) of the Constitution is that justice must not be delayed, and to that end members of the Judiciary must perform their judicial duties **efficiently** and with reasonable promptness. The promotion of the rule of law and development of a culture of efficiency in the Judiciary are key strategic focus areas captured in the JSC 2020-2025 strategic plan. We must therefore continue to remind each other in the Judiciary on the need to maintain efficiency in the courts and we must not tire in pursuing the efficiency agenda.

Efficiency entails performance at the highest level possible using the available resources. In the context of the Judiciary, efficiency transcends the institution's aspirations or the accepted international standards. It is a legal imperative that is imposed on the courts. Section 164 of the Constitution of Zimbabwe requires the courts, in addition to

being independent and impartial, to apply the law **expeditiously** without fear, favour or prejudice.

Efficiency is also set out as a legal obligation on the Judicial Service Commission. Section 190 of the Constitution requires the JSC, among other functions, to promote and facilitate the independence and accountability of the judiciary and the **efficient** administration of justice in Zimbabwe. This guiding principle has a dual residual role- firstly, it obliges members of the judiciary to perform their judicial duties efficiently and secondly, it enjoins the JSC to promote and facilitate the efficient administration of justice in Zimbabwe. These obligations operated from the day when the Constitution was adopted and they remain in force.

The synergetic relationship between the judiciary and the rule of law has been extensively canvassed in prior years but at this point, it suffices to state that the rule of law is a vital cornerstone in the effective function of every democratic state. At its conceptual stage, it is the antithesis of arbitral rule. For some, the concept merely has a purely formal meaning. Under this concept of the rule of law, the State must

act in accordance with the laws it has promulgated and these laws must meet a certain number of minimum characteristics. For others, the concept has a wider, more substantive, meaning in that it incorporates ideals of justice and fairness. It is on the basis of the latter definition that this year's theme has been formulated. In order for the judiciary to perform its critical task, there is a need for litigants to be able to continuously access justice without any hindrance.

The Judiciary is mandated by the Constitution as the authoritative arbiter of the disputes between man and man; man and the State; and the State against man. From time to time, the courts are approached for the resolution of varying conflicts.

Thus, a court system that is characterised by inefficiency is unsuitable for the collective and constitutional objectives of the people of Zimbabwe. Where there is inefficiency, the courts unavoidably fail to give effect to the rule of law and to the objectives of the court system itself and this in turn undermines the attainment of peace. People may be forced to resort to self-help. Efficiency, therefore, becomes an

attribute and a goal that is borne out of the realities, jurisprudence and law of this country.

I, therefore, remind all members of the Judiciary to remain committed to the enhancement and attainment of efficiency in our courts. An indifferent and noncommittal judicial service is ultimately inefficient and it subverts the rule of law.

A key component of the administration of justice which gradually continues to gain prominence and relevance is the use of Technology. It has now been accepted as part of best practices that the use of technology in the courts goes a long way in enhancing the efficiency of the courts. With the advent of the COVID-19 pandemic and its restrictions on in-person interactions, the use of technology has assumed even greater importance as a means of fulfilling the role of the courts in the administration of justice.

I hasten to point out that the impact of the Covid – 19 pandemic, though traumatic and harrowing in many respects, has reflected a certain truth regarding the use of technology. Various professions have now embraced digitisation in their day to day activities. The legal profession

however appears to be slow in catching up with others as we find comfort in our traditional ways of doing things like reliance on hard copies of books, physically appearing in courts and filing of physical documents. We however do this at our own peril as it is increasingly becoming impossible to avoid being swept away by the technology tidal wave. Undoubtedly, these ever developing innovative technologies radically transform the way lawyers and courts operate. It is important to note that we have a formidable challenge ahead of us that will call for a major shift in our mentality. This is because these technologies do not generally support or exist tamely alongside traditional ways of working. Instead, they fundamentally challenge and change conventional habits. However, we ought to embrace this change as it is central and essential for our objectives as technology is here to stay and will continue to be the dominant force affecting the business of law.

Technology is now inevitable in our era and is emblematic of our future. Cloud computing, information and processing power are just but some of the benefits that can be reaped from this endeavour. The use of technology allows reliance on innovative ICT systems like virtual

hearings, e-filing, electronic payments and electronic case management, to name but a few.

The added advantage is that as technology continues to develop and improve, the costs for accessing justice will depreciate and by extension, this will aid the realisation of the rule of law. In this regard, the judiciary ought to be at the forefront of this evolution and lead the embrace of the digital era in performing its role as the vanguard of the rule of law and the last line of defence in the justice system. Access to the courts should not be impeded merely based on the impossibility of physical interaction.

During the course of 2021, the Hon Chief Justice of Zimbabwe, L Malaba had occasion to host the Southern African Chief Justices' Forum Conference and Annual General Meeting at Victoria Falls, and to also attend the 5th African Court Judicial Dialogue in Dar-es-Salaam. These two very important regional conferences had their discussions centred on the use of technology to enhance the administration of justice and the rule of law. With the turn of the millennium and in particular this decade, the need to embrace technology is evident for

the Judiciary to succeed in carrying out its perpetual duty of upholding the rule of law.

This, in itself, is a call to innovate and reconsider the modes of operations that we have been using, which in some areas are still marked by doing things manually and in a rote fashion. Particular positive attributes are expected to emerge as a result of the use of technology to conduct judicial business. Firstly, the overall performance of the judiciary is enhanced because of the efficiency brought about by ICT. Resultantly, there will be a correlative increase in output across all the courts. Secondly, there will be uniform efficiency across the different courts. This again will stem from the implementation of the same technologies in different courts, which will be less dependent on the subjective efficiency of the people manning the courts. In the absence of technology, the efficiency of each court station was dependent on the relative competence of the persons manning it.

THE INTEGRATED ELECTRONIC CASE MANAGEMENT SYSTEM

DISTINGUISHED GUESTS, LADIES AND GENTLEMEN, this year we stand on the precipice of the dawn of a new age as the Judiciary in Zimbabwe starts the process of digitisation of the courts. Over the last two years, the Hon Chief Justice has been sharing with the nation our desire to introduce an integrated electronic case management system for the courts. He advised of all the stages we were going through including the process of identifying a service provider who would be able to deploy the most suitable e-court system that would serve our needs. Suffice at this stage to mention now that we have fully embraced the idea of digitising the courts as we are certain that this is the way to go and it is only in this way that our courts would become efficient by dispensing justice expeditiously. I now make this clarion call to all the other players in the justice sector to embrace this system because it integrates them and at full implementation you can only access the courts through the system.

The flagship activity that the Judiciary has taken to enhance efficiency and the rule of law is the Integrated Electronic Case Management System – “the I.E.C.M.S.”. In the 2021 Legal Year opening address, the Hon. Chief Justice stated that the JSC had consummated the

contract for the implementation of the I.E.C.M.S. with an Armenian company — Synergy International Systems and also indicated that the first phase of the system which will involve the Constitutional Court, the Supreme Court and the Commercial Court would be ready for implementation in January 2022. The designing of the system for the three courts is now complete. We have now started the process of testing the system by our registrars working with the JSC ICT team and officials from Synergy International. We were however unable to deploy the system in the respective courts by 1st January as promised because of some challenges encountered during the course of the year which disrupted our work plans. The delays in deploying and testing the system were occasioned by the various lock downs and restrictions imposed to curb and curtail the spread of Covid 19 between January and July 2021. We have also commenced the procurement process of the DATA CENTRE that will house the entire system. We have been forced to reschedule the date for launching the system to 1st May 2022. The JSC team together with the experts are working flat out to meet this targeted date.

The I.E.C.M.S mostly underpins the use of technology as a measure of enhancing efficiency and the rule of law in the courts. It will be a record management tool that will remove the storage challenges that have been faced by court registries in all the years gone by. In addition to virtual hearings, it will also enable electronic–payments, electronic filing and service as well as end–to–end management of a case life cycle. The system is expected to assist in managing court backlogs and in decisively dealing with the vice of corruption, as it contains components such as automatic case allocation.

As already mentioned, this system integrates all the players in the justice sector. These players are the legal practitioners, NPA, office of the Attorney General, ZACC, ZRP and Zimbabwe Prisons and Correctional Service. It is important that each of these institutions embraces and gets to know how the system operates. We have on our part arranged intensive training that will be conducted by the service provider and JSC ICT team and this will happen between now and the next two months. The JSC will be requesting each of these institutions

to second members of staff who will be involved in accessing and using the system so that they are trained.

Filing of documents into the system may be done using any of the available electronic gadgets like a smart phone, IPad or tablet, laptop or computer. We are also opening e-filing centres at every court house in Zimbabwe. These centres will be manned by skilled members of staff who will assist litigants including members of the public to lodge their matters into the system. What this entails is that if one wants to file any matter or documents in any of the three courts mentioned above and they lack the skill or gadget to perform the task they only need to visit the court nearest to where they reside and make use of the e-filing centre and equipment at that station.

As indicated already a key component of the IECMS system is the use of virtual courts. In view of the ravages of Covid 19 pandemic, we have taken the position that the virtual courts must be established without delay even before the launch of the system. To that end JSC has partnered with the UNDP, UNICEF and ICJ to set up virtual courts in each of our ten provincial centres and the High Court. Virtual court

equipment has already been installed at Harare Magistrates' Court and at the High Court in Harare. The system connects the two courts with Harare Remand Prison. It is expected that the commissioning of this equipment will be done without delay, at least during the course of this term.

Distinguished Guests, Ladies and Gentlemen, the use of technology in our everyday lives is here to stay. We should never allow ourselves to be left behind. During the course of this term the JSC will be interacting and engaging with you in your various capacities with more information on how the system operates as we prepare to go live in May.

JSC ACTIVITIES DURING THE YEAR 2021

DISTINGUISHED GUESTS, LADIES AND GENTLEMEN, allow me at this moment to share with you the activities undertaken by the Judiciary in 2021, primarily through the JSC, as follows: —

JUDICIAL APPOINTMENTS

2021 was a phenomenal year for the judiciary and the nation as a whole as it built on the formal separation of the Constitutional Court and the

Supreme Court from 2020. Our evolution was concluded by the enactment of the **Constitutional Court Act** [CAP 7:22] and the historic events of 20 May 2021 as it marked the substantive appointment of Constitutional Court judges in fulfilment of our constitutional imperative.

Five of the Constitutional Court Judges who were appointed are **Hon. Mr Justice Paddington Garwe JCC, Hon. Mrs. Justice Rita Tambudzai Makarau JCC, Hon. Mrs Justice Anne Mary Gowora JCC, Hon. Mr Justice Ben Hlatshwayo JCC and Hon. Mr Justice Bharat Patel JCC**. We congratulate them on their ascension to this significant position as wardens and guardians of the supreme law of our land. As the first substantive appointments to our Constitutional Court, their vital role in shaping our constitutional jurisprudence for eons to come cannot be understated. They are representatives of the people's will to have a robust framework for the protection and vindication of their entrenched fundamental rights and freedoms.

Their substantive appointment to the Constitutional Court necessitated the subsequent appointment of six new judges to the Supreme Court bench. The recently appointed Judges of Appeal from the High Court

who were sworn in on the 3rd of June 2021 include **Hon. Mr Justice George Chiweshe JA**, the immediate past Judge President of the High Court; **Hon. Mr Justice Alphas Chitakunye JA**, **Hon. Mr Justice Samuel Kudya JA**, **Hon. Mrs Justice Feliciah Chatukuta JA**, **Hon. Mr Justice Joseph Musakwa JA** and **Hon. Mrs Molly Mwayera JA**.

Their ascent to the highest appellate court in non – constitutional matters is meant to ensure that both the Supreme Court and Constitutional Court are amply occupied with the foremost judicial minds in our jurisdiction. We again convey our congratulations and hope that our goal for effective access to justice is met by these significant appointments.

The composition of the High Court was also affected as a result of the knock-on effect of the promotion of some of its judges to the Supreme Court bench. Consequently, the Judicial Service Commission conducted an elaborate interview process to identify sharp and inquisitive minds that could be entrusted with manning the operations of inarguably the most demanding and frequently accessed judicial forum in the land. The following acquitted themselves commendably during the rigorous interview process and were subsequently sworn

into the High Court- **Hon. Rodgers Manyangadze J, Hon. Joseph Chilimbe J, Hon. Kate Catherine Bachi-Mzawazi J, Hon. Bongani Ndlovu J, Hon. Samuel Deme J, Hon. Never Katiyo J, Hon. Munamato Mutevedzi J, Hon. Elijah Makomo J and Hon. Lucie-Annie Chipso Mungwari J.** They joined **Hon. Gladys Mhuri J, Hon. Fatima Maxwell J and Hon. Emilia Muchawa J** who were elevated from the Labour Court to the High Court in accordance with section 180 (4a) of the Constitution.

These significant promotions and changes to the composition of the Superior Courts of the land are meant to ensure that the judiciary is suitably equipped to administer justice.

The administration of justice in its purest forms entails that there should be no undue delays in the ability of litigants to access justice. I therefore lay down the gauntlet for all senior judges in the Superior Courts to be leading lights and exemplary in ensuring that there is no undue delay in the fulfilment of their core mandate which is intrinsically linked to this theme. The judges are also implored to take the lead in fighting corruption both through their deeds and dealing with such matters expeditiously when they are placed before them. Judges and

Magistrates are the guardians of the law of the land. Their integrity and indeed that of the court should never be questionable. We have a responsibility as Judges to inspire confidence to all those who appear before us that justice will always be done irrespective of whether one wins or loses a case. The Hon Chief Justice has noted with concern the rise in complaints against certain Judges during the year under review. Admittedly, some complaints would not be merited but there are some which would raise eye brows and those that would amount to gross misconduct. The JSC has had to be forced to refer a few Judges for the setting up of a disciplinary tribunal in terms of section 187 of the Constitution. The JSC also has had to discharge some Magistrates from employment again because of questionable conduct. Being a Judge and indeed a Magistrate is a calling. It goes beyond the idea of coming to work and receiving a salary. You become a judicial officer every day of your life. It is therefore important that we conduct ourselves in an exemplary manner at all times.

ENACTMENT OF THE NEW HIGH COURT RULES, 2021.

This past year finally saw the enactment of the new High Court Rules, 2021. It had been a longstanding ambition of the judiciary to bring the High Court Rules into conformity with the other recently legislated rules of the Superior Courts such as the Supreme Court Rules, 2018 and to also ensure that these Rules which had last been reviewed decades ago are in conformity with the new constitutional provisions. This move will undoubtedly bolster the operations of the Court whilst ensuring that Judges can effectively and efficiently dispense justice. In the interim, growing pains are to be expected as judicial officers, legal practitioners and litigants come to grips with the full import of the changes to the Rules. This adaption phase is key to the enhancement of efficiency in the administration of justice. During these initial stages of applying the Rules, we are bound to identify gaps and inconsistencies that would require to be attended to. The Hon Chief Justice to this end resuscitated the Rules Committee that will be constituted by members from various other institutions in the profession. One of the immediate tasks of the committee would be to attend to all the identified imperfections in the High Court Rules.

It is vital to appreciate that the input and feedback from stakeholders are always important if the newly adopted Rules are to be of assistance to the Court and the profession including the litigating public. On this note, I would like to thank the Ministry of Justice, Legal and Parliamentary Affairs, the Office of the Attorney General, the Law Society of Zimbabwe, civic organisations and other stakeholders who partnered with the JSC to review these Rules before their enactment. May we always find unity in achieving our common purpose of delivering justice to the citizenry.

JUDICIAL TRAINING INSTITUTE OF ZIMBABWE

DISTINGUISHED GUESTS, LADIES AND GENTLEMEN, you will be aware that the JSC recently launched its 2020-2025 Strategic Plan. An Institution especially a public institution like ours cannot function without a strategic plan for to do so would be like a ship sailing without its compass. A key component and strategic focus area of the JSC Strategic Plan is the establishment of the Judicial Training Institute of Zimbabwe. This institute has now been established and became operational during the period under review.

The Institute, which operates under the auspices of the JSC, facilitates and promotes the training and capacity development of all staff members within the Judicial Service including Judges and Magistrates. The formation of the JTIZ is also a fulfilment of the provisions of section 165(7) of the Constitution which place an important obligation on members of the Judiciary to take reasonable steps to maintain and enhance their professional knowledge, skills and personal qualities, and in particular to keep themselves abreast of developments in domestic and international law. It is in skills development that you will have an efficient Judiciary that has the capacity to rely on the latest technology to enhance the rule of law, protect the fundamental rights and freedoms of our people and ensure access to justice to all manner of people. Last year alone, the Institute successfully organised and ran an induction programme for the recently appointed Judges of the High Court and training workshops for Magistrates, Research Officers and Judges' Assistants. I am happy to state that the JSC has already procured a building to house the J.T.I.Z. This institute should be a centre of excellence. We want to see quality justice being churned out of our courts through the efforts of the JTIZ.

The J.T.I.Z.'s mandate quite resonates with the theme for this year. There is no doubt that one of the causes of an inefficient justice system, or what some academics have monikered the “misrule of law”, is incompetence and a lack of knowledge on the part of judicial officers and their supporting staff. The Institute will, therefore, contribute to the forestalling of inefficiency and the “misrule of law” by equipping members of the Judiciary and their supporting staff members with the fundamental skills for the efficient administration of justice as well as maintaining their professional knowledge – which is a prerequisite for the enhancement of the rule of law.

INFRASTRUCTURE DEVELOPMENT AND PROJECTS

Distinguished Guests, Ladies and Gentlemen, you will be aware that it has become customary to take advantage of this annual occasion to share with nation the work that the JSC would have been doing during the year under review aimed at improving access to justice and the

administration of justice in general. Allow me therefore to share with you some of these infrastructural developments;

In May 2021 the JSC completed the construction of a district courthouse at Mt. Darwin. The courthouse was officially opened by the former Chief Magistrate, who is now a Judge of the High Court – the **Honourable Mr Justice Mutevedzi**. Since the beginning of the year the JSC had been working on refurbishment of Bristol House in Harare. The refurbishment exercise is yielding a state-of-the-art courthouse which stands ready to accommodate the Commercial Division of the High Court. As pronounced before, this court will be paperless and will solely deal with commercial disputes. We are happy to announce that the refurbishment of the building is nearing completion and it will be officially opened this year – paving way for legal practitioners and litigants alike to experience quality delivery of justice that will be undergirded by the I.E.C.M.S.

We also have two outstanding and very important projects in Matabeleland North Province at Lupane and Matabeleland South Province at Gwanda. Lupane is the Provincial capital for the Matabeleland North Province. It was an anomaly that in our court

structures we did not have Matabeleland North as a Province. This was rectified in 2019 as it became our tenth Province. We did not have our own court house at Lupane as we have been renting offices from the District Administrator. We immediately commenced construction of a court house in 2019. The progress of the project has been fairly good as the main court, the prison cells and ablution facilities are all covered by roof. We have now commenced work on finishings like plumbing, electricity, floor tiling and painting. It is expected that the project will be completed by the end of the first legal term of 2022.

The slow progress at Gwanda where we are constructing a multi-purpose court house that will house the various departments of the JSC has previously been mentioned. The Hon. Chief Justice has shared with the nation the interventions which we have made together with the Minister of Local Government and Public Works and this included having to secure a new contractor. This has since been done. The contractor has now moved on site and work will commence in earnest soon and is expected to be completed in 12 months.

Finally, but certainly not least, the Chinhoyi Courthouse in Mashonaland West was completed and officially opened by His

Excellency, the President of Zimbabwe, Dr E.D. Mnangagwa on 3 September 2021. It is an edifice in its own right. The multi-disciplinary building, containing a couple of storeys, houses the Magistrates' Court, the High Court and the Sheriff of the High Court. The Commission has already deployed a Judge of the High Court to Chinhoyi and she will be commencing court sittings in this judicial term. The Chinhoyi Courthouse is fitted with customised equipment and furniture of superior quality, including modern technology for conducting virtual court hearings. The Chinhoyi Courthouse exemplify the direction which we want to take as JSC in providing clean halls of justice for the people of Zimbabwe.

CHALLENGES FACED BY THE JUDICIARY

DISTINGUISHED GUESTS, LADIES AND GENTLEMEN, the 2021 judicial year had its own fair share of challenges. These challenges would obviously militate against the smooth operations of the courts. Allow me to share some of the challenges hereunder;

DISRUPTIONS DUE TO COVID – 19 INFECTIONS

The Covid 19 pandemic continues to be the major disrupter of court operations and the smooth administration of justice over the last two years. The continued spikes in the infections on members of staff and the public in general caused the government to impose various forms of restrictions to contain the spread of the disease. The Hon. Chief Justice also issued various practice directions aimed at controlling the movement of people in our courts and to protect staff and other court users from possible infections. The disruptions meant that we lost almost 6 months of court operations as nothing was happening in the courts except for new cases and urgent matters. As demonstrated later , Covid 19 impacted negatively on the operations of the courts and in some instances we saw the backlog of cases rising in some courts. The time has now come for us to take the challenges presented by Covid 19 as opportunities. We need to put all our efforts towards digitising the courts.

It is also important to appreciate and indeed accept that the only way to fight and defeat this disease is through vaccinations. We all need to protect ourselves and each other by being vaccinated. In the JSC,

almost all of our members have now been vaccinated except for some few who have not been able to do so because of medical advice.

WORKING CONDITIONS OF MEMBERS OF THE JUDICIAL SERVICE

In view of the volatile economic environment that is afflicting the Country at the moment, workers especially in the public sector continue to bear the brunt and the JSC members are no exception. It is therefore important that the Government should constantly review the salaries of the workers so that they remain relevant to the prevailing economic situation.

In the JSC, we have had a high staff turnover because of low salaries. During the year under review we lost a total of **88** members of staff through resignations of which **18** were Magistrates. The main cause for such resignations is that of poor salaries. It is important that as an employer we ensure that the employees are fairly remunerated; that keeps them motivated.

We sincerely acknowledge the steps that the Government has faithfully taken in ensuring the improvement of the working conditions of

members of the Judicial Service. However, the abruptly changing economic conditions have continued to dilute the positive steps taken by the Government in this regard, thus, necessitating advertence to the challenge of poor working conditions again in this address.

INADEQUATE FUNDING

The JSC also experienced the challenge of inadequate funding. Time and again, a range of the activities that are carried out by the Judiciary, from the day-to-day administration of the courts to the construction and upgrading of infrastructure were hindered by the challenge of inadequate funding. In certain instances, the Judiciary has had to cut-down on its operations or rely on support from development partners.

PERFORMANCE OF THE COURTS

DISTINGUISHED GUESTS, LADIES AND GENTLEMEN, allow me at this moment before I conclude my remarks to address you on the performance of the Courts for the period under review. Whilst the judicial officers applied themselves commendably, the courts could not perform at optimum levels because of the constant lockdowns announced by Government due to Covid 19 pandemic. As already

indicated, for more than 6 months of the year, the courts were offering very limited services to litigants and the public and even for those limited services, members of the public did not have access to the courts. Such limitations in court operations resulted in fewer cases being finalised as compared to the last two years and in certain instances, the backlog of cases would unavoidably rise.

CONSTITUTIONAL COURT ZIMBABWE

The Court had **9** outstanding cases from the year 2020 and it received **34** cases making the total **43**. The Judges managed to complete **26** fewer cases leaving a balance of **17** cases. The backlog increased by a number of **8** cases by year end 2021.

SUPREME COURT BULAWAYO

The court had a backlog of **66** uncompleted cases from the year 2020 including both applications and appeals. It received a total of **6** cases taking the total to **127**. The Judges managed to complete **101** cases in 2021, leaving a total of **26** uncompleted cases. The backlog of cases in 2021 is reduced by **47%** cases as compared to the previous year. This

could be attributed to the fact that the court received fewer cases than the previous year due to Covid-19 lockdowns that saw the courts offering limited services to the public.

HIGH COURT BULAWAYO

The High Court received **1 655** civil cases including both applications and appeals in 2021 whilst carrying forward a backlog of **73** cases. The total stood at **1 728**. The court completed **1 666** cases by the end of the year leaving a backlog of **62** uncompleted cases. The backlog of cases was lower standing at **62** cases as compared to **73** of the previous year.

The criminal court received a total of **2 466** cases against a backlog of **124** cases. The total workload stood at **2 590** cases. Of the **2 590** cases, the Judges managed to conclude **2 559** cases leaving a balance of **31** incomplete cases.

LABOUR COURT BULAWAYO

The performance of the Labour Court was similar to that of the High Court in that it was subdued due to the pandemic. The court received a total of **169** cases including appeals and applications. This was against a backlog of **53** cases making the total 222. A total of **159** cases were completed by year end 2021 leaving a balance of **63** incomplete cases. More cases were carried forward in 2021 compared to the year 2020.

MAGISTRATES` COURT BULAWAYO

The temporary closure of Courts at the beginning of the year as well as at the end of July to August 2021 affected both the number of cases received and completed in the Magistrates' Courts. The Magistrates' Courts are the busiest criminal courts in the country because the majority of all criminal cases are heard in this court. Most of these trials however did not take off due to the temporary closure of the courts. This invariably caused increases in the backlog.

REGIONAL COURT BULAWAYO

During the period under review, the Regional Division received **1 033** cases. It had a backlog of **83** cases making the total Completed cases were **997** leaving **119** cases unfinished. There were more uncompleted cases in 2021 as compared to the year-end 2020.

CRIMINAL COURT BULAWAYO

The criminal court had **509** cases as at 1 January 2021. It received a total of **6 945** matters making the total **7 454**. The court completed **6 441** cases making the number of unfinished matters **1 013**. The backlog increased by **102 %**.

CIVIL COURT BULAWAYO

The Civil Court had a total of **20** cases as at 1 January 2021. It received **4 683** matters in 2021 taking the total to **4 703**. A total of **4 339** matters were concluded leaving a balance of **328** matters.

CONCLUSION

The statistics on the performance of the courts as outlined clearly show that the pandemic has had a serious negative effect on the administration of justice during the year under review as the efficiency of the courts was seriously undermined. This realisation fortifies the choice of our theme for the current legal year and the clarion call that we all have no option but to embrace technology and the digitisation of the courts. We cannot allow the pandemic to undermine the efficiency of the courts, to compromise the quality of justice that the populace would have to access and to interfere with the rule of law and the fundamental human rights of our people. As we move forward, we will be engaging with various players in the administration of justice and share with you our expectations on the roles that you can perform in our journey towards the total digitisation of the courts.

Finally, this address will not complete without showing our gratitude to our various stakeholders who aid our efforts in the administration of justice. These include the Ministry of Justice, Legal and Parliamentary Affairs; the Ministry of Finance and Economic Development; the National Prosecuting Authority; the Zimbabwe Republic Police; the

Zimbabwe Anti-Corruption Commission, the Zimbabwe Prisons and Correctional Service; the Law Society of Zimbabwe; and law-based civil society organisations. Your support and dedication to ensuring that the rule of law is maintained in our country also fuels our drive. We are eternally grateful for your assistance and cooperation.

We shall now officially close this address with a prayer as we beseech the Lord to grant us the wisdom to deliver justice between man and man in the forthcoming year. To that end, I now call upon **Bishop C Lunga** for a word of prayer after which this special sitting will adjourn.

I THANK YOU