

JUDICIAL SERVICE COMMISSION



SPEECH BY THE HONOURABLE MRS JUSTICE

MARY DUBE,

JUDGE PRESIDENT OF THE HIGH COURT OF ZIMBABWE,

ON THE OCCASION OF THE OFFICIAL OPENING OF THE 2022

LEGAL YEAR

HELD AT CHINHOYI HIGH COURT STATION ON 10 JANUARY

2022

MR TSORAI AND MR MABHAUDI, allow me to recognise the following dignitaries:

SALUTATIONS

1. DISTINGUISHED GUESTS, LADIES AND GENTLEMEN, it is my pleasure to welcome you all to this occasion which marks the official opening of the 2022 legal year. As I speak, the Honourable Chief Justice of Zimbabwe is presiding over a similar event in Harare whilst the Deputy Chief Justice, Justice Garwe and Justice Makarau are presiding over similar events in Bulawayo, Masvingo and Mutare respectively. The event has become an important and permanent feature on our legal calendar, and a first at Chinhoyi High Court, whereat the Judiciary takes stock of past achievements as well as charting the way forward.

2. This year's theme is – **“USE OF TECHNOLOGY TO ENHANCE EFFICIENCY AND THE RULE OF LAW IN THE JUDICIARY.”** The theme dovetails with the imminent launch of the Integrated Electronic Case Management System in the Constitutional

Court, Supreme Court, and Commercial Court Division of the High Court.

3. This High Court station was officially opened by His Excellency the President of the Republic of Zimbabwe, the Honourable Dr. E.D Mnangagwa on 3 September 2021. This was in furtherance of our thrust to decentralize the High Court in order to enhance access to justice. It has however operated with registry staff since its opening. Honourable Mrs Justice Muzofa was deployed by the Judicial Service Commission to the station with effect from 1 January 2022 as the pioneer judge and on a permanent basis. High Court Chinhoyi shall be commencing court sittings in this judicial term from today. Thus, the High Court here has been operational for a period of only four months.

4. **DISTINGUISHED GUESTS, LADIES AND GENTLEMEN**, the courthouse is an edifice in its own right. The multi-disciplinary building, contains a couple of storeys, the Magistrates' Court, the High Court and the Sheriff of the High Court. It is fitted

with customised equipment and furniture of superior quality, including modern technology for conducting virtual court hearings. The courthouse epitomises the direction which we want to take as the JSC in providing clean halls of justice for the people of Zimbabwe.

5. The previous two years (2020 and 2021) have seen a hiatus in our operations due to the coronavirus (COVID-19) that has ravaged many nations globally and did not spare us either. Its attendant devastating effects have caused massive disruptions in our court sittings. As you recall, the nation was put on lockdown as authorities sought to contain the spread of the deadly virus. There were a series of start-stops to our court sittings and adjudication of matters was disrupted. Cumulatively, the courts lost six (6) months of court operations as nothing was happening in the courts except for new cases and urgent matters.

6. The Honourable Chief Justice issued practice directions that made sure that we adapted to the new normal by rationalising

our operations to avoid a total shutdown. This saw our Honourable Judges deciding some matters in chambers and interactions were limited to virtual sittings.

7. Similarly, the registry held its meetings virtually to limit physical contact. I would like to take this opportunity to thank all the Honourable Judges who in the midst of the pandemic, had to deal with an increased number of matters that had been rolled over from the preceding terms. They did so with dedication and efficiency as the backlog was reduced significantly.

8. Whilst we are celebrating the manoeuvres that the Honourable Judges and support staff made to ensure that the backlog was kept in check, the COVID-19 pandemic left a trail of sad memories as we lost quite a number of our colleagues. May their departed souls rest in eternal peace.

9. To everyone, the menace of the fourth wave, the Omicron variant, is real, hence I call on you to avoid complacency and adhere to the WHO protocols on the prevention of COVID-19.

Nonetheless it is quite refreshing to note that most of our court stations boast of herd immunity. Most members were fully vaccinated except for a few who have not been able to do so because of medical advice.

JUDICIAL APPOINTMENTS AND COMPLEMENT OF JUDGES

10. The complement of the High Court was affected by the appointment and elevation of 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 to the Supreme Court as Judges of Appeal. The death of Hon. Phiri J and the removal from office of the then Hon. Ndewere J, saw a reduction of the complement on the High Court bench.

11. Consequently, the Judicial Service Commission conducted public interviews to fill in the gap that was created by the ascension of the six to the Supreme Court bench. The following acquitted themselves commendably during the rigorous

interview process and were subsequently sworn in as High Court judges:

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. Munamoto Mutevedzi J,

Hon. Elijah Makomo J and

Hon. Lucie-Annie Chipo Mungwari J.

12. They joined Hon. Gladys Mhuri J, Hon. Fatima Maxwell J and Hon. Emilia Muchawa J who were earlier elevated from the Labour Court to the High Court in accordance with section 180 (4a) of the Constitution of Zimbabwe.

13. As it stands the total complement of judges in the High Court now stands at 43 deployed as follows: 30 at Harare, 6 at Bulawayo, 2 at Masvingo, 2 at Mutare, 1 at Chinhoyi, 1 at the Zimbabwe Electoral Commission and 1 at the Zimbabwe Anti-Corruption Commission.

14 . My hearty congratulations to the recent appointees. I urge them to live up to the capability they exhibited during the rigorous interviews and subsequent selection.

THE INTEGRATED ELECTRONIC CASE MANAGEMENT SYSTEM

15. 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 Judicial Service Commission has been sharing with the nation its desire to introduce an integrated electronic case management system for the courts. I am glad to report that the process of digitising the courts is now a reality. The JSC IT team has in the last legal year engaged officials from Synergy International to put into

place a case management system. We have fully embraced the idea of digitising the courts as we are certain that this is the way forward. It ensures that our courts will become efficient in dispensing justice expeditiously. It is now time for all the other players in the justice delivery sector to embrace this system which has the effect of integrating justice delivery functions thereby ensuring access to justice .

16. In the 2021 Legal Year opening address by the Honourable Chief Justice, the Chief Justice stated that the JSC had consummated the contract for the implementation of the IECMS with an Armenian company – Synergy International Systems. The first phase of the system will involve the Constitutional Court, the Supreme Court and the Commercial Court Division of the High Court which will 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 together with the JSC ICT team and officials from Synergy International.

17. We were however unable to deploy the system in the respective courts by 1st January as promised because of 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 we will launch the system to 1st May 2022. The JSC team together with the experts are working flat out to meet this targeted date.

18. The IECMS 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.

19. 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.

20. 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 you lack the skill or gadget to perform the task, you only need to visit the court nearest to where you reside and you can make use of the e-filing centre and equipment at that station.

21. As indicated, a key component of the IECMS system is the use of virtual courts. In view of the ravages of the 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. We expect the commissioning of this equipment to be done without delay, at least during the course of this term.

22. 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.

COMMERCIAL COURT DIVISION OF THE HIGH COURT

23. It is my fervent hope that the Commercial Court Division of the High Court will start operations during this legal year. Work on Bristol House that houses the Commercial Court is almost complete. As you might recall, a moratorium was placed on the operations of the Commercial Court by the Minister of Justice, Legal and Parliamentary Affairs in Statutory Instrument 249 of 2020 on 23 October 2020. The Commercial Court could not have ensued in the absence of the requisite infrastructure and attendant automation of the division. Consequently, the effective date of the High Court (Commercial Division) Rules, was suspended to a date that the Honourable Minister will in

consultation with the Chief Justice fix, by way of a statutory instrument. The reprieve has allowed us to put in place all the required infrastructure before re-operationalising the division. This court will be paperless and will solely deal with commercial disputes paving way for legal practitioners and litigants alike to experience quality delivery of justice that will be underpinned by the Integrated Electronic Case Management System (IECMS).

STATION'S WORK LOAD AND OPERATIONAL STATISTICS

24. Distinguished Guests, Ladies and Gentlemen, the registry at Chinhoyi High Court has so far received 63 cases. This first term of the 2022 legal year, the National Prosecuting Authority has set down for trial 19 murder cases drawn from the following areas, Chinhoyi, Kadoma, Karoi, Mutorashanga, Zvimba, Chemagamba, Magunje, Kariba, Mhangura and Kenzamba. These areas cover almost every area within the catchment area for this High Court station. The number of cases is high and is testimony that the sanctity of life is not important to others as

precious life is unnecessarily lost. Nonetheless, be rest assured that my fellow Honourable Judge shall deal decisively with the matters.

25. It would be remiss of me not to acknowledge the effort put in by stakeholders in the criminal justice system particularly the National Prosecuting Authority and the Zimbabwe Republic Police, in coming up with a criminal cause list within a short period since our last all stakeholders meeting. It is my humble plea to everyone to play ball and ensure that cases proceed as scheduled.

26. The following are the registry statistics as at 31 December 2021:

CIVIL MATTERS

NATURE	RECEIVED
SUMMONS	8
COURT APPLICATIONS	12

CIVIL APPEALS	3
CHAMBER APPLICATIONS	1
URGENT CHAMBER APPLICATIONS	0
GRAND TOTAL	24

CRIMINAL MATTERS	
NATURE	RECEIVED
CRIMINAL APPEALS	20
CRIMINAL TRIALS	19
BAIL APPLICATIONS	0
CRIMINAL APPLICATIONS	0
REVIEWS	0
GRAND TOTAL	39

SUPPORT SERVICES AND DEVELOPMENTS IN THE LAW

27. Distinguished Guests, Ladies and Gentlemen, this past year saw the enactment of the new High Court Rules, 2021. It has 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.

28. 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 attention. The Honourable Chief Justice has to this end

resuscitated the Rules Committee that will be chaired by the Honourable Deputy Chief Justice and also constituted by members from various other institutions in the profession. One of the immediate tasks of the committee will be to attend to all the identified imperfections in the High Court Rules.

29. It is vital to appreciate that the input and feedback from stakeholders is important especially if the newly adopted Rules are to be of assistance to the Court and the profession including the litigating public.

30. On this note, on my behalf and the Honourable Chief Justice's, 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.

STAKEHOLDER RELATIONS

31. Distinguished Guests, Ladies and Gentlemen, the cordial relationship that we have enjoyed with our stakeholders has remained intact. A team from the High Court visited Chinhoyi Remand Prison, on 24 November 2021. It made observations and recommendations that were meant to capacitate the Zimbabwe Prison and Correctional Service. It is my fervent hope that future visits will see an adoption of the recommendations. We also have plans to visit other prisons in Kadoma and Karoi during the year.

32. To the Zimbabwe Republic Police, National Prosecuting Authority, Attorney General's Office, the Magistracy, Prison Services, Civic Society, Ministry of Justice Legal and Parliamentary Affairs, media and the Law Society of Zimbabwe, may you keep up the constant and consistent engagement with the courts to ensure that there is an efficient and effective judiciary in the country. With your support, we guarantee you

that collectively we will create “a *Zimbabwe in which world Class justice prevails*”.

CONCLUSION

In conclusion I wish once again to thank you all for taking time off your busy schedules to attend this ceremony. It is now my singular honour and privilege to declare, as I hereby do, the 2022 Legal Year officially opened.

May we all rise as the Right Reverend Bishop Mupandasekwa of the Roman Catholic Church leads us in prayer.

[Adjourn after prayer]