

JUDICIAL SERVICE COMMISSION



ADDRESS BY THE HONOURABLE MRS JUSTICE

MARY DUBE,

JUDGE PRESIDENT OF THE HIGH COURT OF ZIMBABWE,

ON THE OCCASION OF THE OFFICIAL OPENING OF THE 2023

LEGAL YEAR

HELD AT CHINHOYI HIGH COURT STATION ON 9 JANUARY

2023

THEME: PROMOTING COMPETENCE AND QUALITY OF SERVICE

TO ENHANCE PUBLIC CONFIDENCE IN THE JUDICIARY

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

SALUTATIONS

DISTINGUISHED GUESTS, LADIES AND GENTLEMEN, it is my pleasure to welcome you all to this occasion which marks the official opening of the 2023 legal year. As I speak, the Honourable Chief Justice of Zimbabwe is presiding over a similar event in Harare whilst the Deputy Chief Justice, JCC Garwe and JCC Makarau are presiding over similar events at Bulawayo, Masvingo and Mutare High Courts respectively.

The legal year opening event has become an important and permanent feature on our legal calendar. It is an event where the judiciary recounts events of the past year, its achievements and plans for the coming year. Judicial independence entails that the judiciary accounts for its operations and performance to the people from whom it derives judicial power as dictated by the Constitution.

Whilst the Judiciary focuses on quantitative aspects of court operations, it prides itself in the quality of service it offers to the public and the competence of its judicial officers . Judicial officers have both a legal and moral obligation to provide quality service to the public as dictated by various constitutional provisions. It is only when judicial officers have the correct competences ,thereby producing quality work, that the public will have confidence in the courts and respect the decisions coming out of the courts.

In line with these constitutional obligations, this year, the judiciary has chosen to focus on the theme “PROMOTING COMPETENCE AND QUALITY OF SERVICE TO ENHANCE PUBLIC CONFIDENCE IN THE JUDICIARY .”

Training is at the heart of the Judicial Service Commission. In order to enhance the competence of judicial officers and provision of quality service, the Judicial Service Commission in the past year established the Judicial Training Institute of Zimbabwe to enable it to efficiently implement the

programmes of organising and managing the training of judicial and non-judicial members of the Judicial Service thereby equipping them to carry out their mandates. Magistrates and judges also benefit from regional and international conferences covering a wide range of subjects related to their work where they get to share information, best practices and rub shoulders with colleagues from other jurisdictions and learn new approaches to their work .

THE INTEGRATED ELECTRONIC CASE MANAGEMENT SYSTEM

DISTINGUISHED GUESTS, LADIES AND GENTLEMEN,

In a bid to promote competency and provide access to justice and quality service to the public, the judicial Service Commission introduced the integrated case management system in the courts in the year 2022. This thrust is in line with developments in other jurisdictions. Digitisation of the courts enhances transparency, accountability, effectiveness

efficiency, accessibility of justice, and aids in the fight against corruption, among other advantages .

The process of **digitisation** of the courts has entered part 2 of the phase. The first phase of the integrated case management system commenced with the digitisation of Constitutional Court, Supreme Court and the Commercial Court Division of the High Court in the year 2022.

These courts have gone electronic and paperless. Proceedings of these courts are now conducted virtually. Virtual hearings entail hearings conducted where the presence of the parties and their legal practitioners is no longer necessary at the courts. Our courts are fully equipped to support virtual hearings.

The launch of the system coincided with the launch of a digitalised stand-alone Commercial Court, a division of the High Court. The Commercial Court was commissioned by His Excellency the President, Dr Emmerson Dambudzo Mnangagwa on 6 May 2022. The Commercial Court is constituted of 6

judges who deal exclusively with matters of a commercial nature. It has its own set of rules of court which focus on expeditious resolution of matters by truncating timelines within which pleadings are to be filed and making provision for online filing of papers and virtual hearings. The focus of the court therefore is on expediency in commercial matters and is in line with the Government's thrust on the ease of doing business . The Commercial Court will therefore facilitate the ease of doing business and has paved way for flexibility in conduct of proceedings thereby enhancing access to justice and fostering the provision of quality justice.

The JSC continues to extend the integrated case management system to other courts . On 1st February 2023, we will see the roll-out of the system to the Labour Court and the Administrative Court. The General Division of the High Court will go digital at a subsequent stage.

All stakeholders are required to co-operate and positively contribute to the success of the project. We urge all

stakeholders to embrace the integrated case management system and to ensure that they invest in gadgets and procure adequate internet facilities for use with the system.

We thank the Law Society and its members for the support they have rendered to us in our quest to go completely digital. We value the positive feedback and input we are receiving on the operations of the integrated case management system from all stakeholders. This feedback has enabled us to improve the system. We trust that the lines of communication will remain open.

Distinguished Guests, Ladies and Gentlemen,

Our thrust has always been to engage all the important players in the justice sector. These players are the legal practitioners, NPA, office of the Attorney General, ZACC, ZRP, legal practitioners and the Zimbabwe Prisons and Correctional Services. This we do in order to promote quality justice.

We routinely hold meetings with the different stakeholders in the criminal justice system at provincial and district levels .These meetings are instrumental in the smooth running of the justice delivery system as they are a platform to thrash out issues at play in the criminal justice system.

It has been observed that the prosecution and finalisation of robbery and murder cases is slow. In order to address this and other shortcomings in the criminal justice system and enhance cooperation of the role players in the criminal justice system, the Honourable Chief Justice recently set up a National Council on the Administration of Criminal Justice comprising the following stakeholders:

1. The Judge President of the High Court - **Chairperson**
2. The Prosecutor-General - **Vice Chairperson**
3. The Commissioner General of Police
4. The Head of the Bulawayo High Court
5. The Head of the Criminal Division of the Harare High Court
6. The Commissioner General, Zimbabwe Prisons and Correctional Services

7. The Chairperson of the Zimbabwe Anti-Corruption Commission
8. The Secretary, Judicial Service Commission
9. The Chief Magistrate
10. Secretary of the Law Society of Zimbabwe

Distinguished Guests, Ladies and Gentlemen, the rationale for the setting up of the National Council on the Administration of Criminal Justice is the fact that the finalisation of criminal cases is dependent on inter-institutional cooperation. Needless to say, one other reason for the development is the enhancement of public confidence in the criminal justice system. The criminal justice system represents the most basic form of the law and one of the essential means within the judicial system for the protection of fundamental human rights and freedoms. Under the Constitution, the criminal justice system is designed to guarantee the respect and protection of the rights of persons brought before the criminal courts.

The main objective of the National Council on the Administration of Criminal Justice is to ensure a coordinated, efficient, effective, and consultative approach in the administration and reform of the criminal justice delivery system in Zimbabwe. It is anticipated that the Council will offer guidelines and support in tackling the issue of backlogs in criminal matters at all levels. The Council will carry out its functions without impinging on the independence of the different stakeholders. It is set to start engagements and having meetings beginning early this year.

Distinguished Guests, Ladies and Gentlemen, another interesting development is the formation of a Sentencing Council set up in terms of s 334A of the Criminal Procedure and Evidence Act, Chapter 9:07 to organize and manage the affairs of a Sentencing Conference. The said Council produced draft sentencing guidelines with the objective of reducing sentencing disparities as well as promote

transparency, uniformity, consistency and proportionality in the sentencing process thereby enhancing public confidence in the sentencing process.

Subsequently, the JSC convened a sentencing conference of all relevant stakeholders in the justice sector in terms of **s 389 of the Code** from 5-7 December 2022 at Kadoma to discuss the draft guidelines. The sentencing guidelines were extensively discussed by the conference and once finalised will be published in the form of regulations.

Distinguished Guests, Ladies and Gentlemen, the new High Court Rules, 2021 are still under review and are currently being amended to address the gaps and shortcomings identified that require attention. The Rules Committee is currently seized with the suggested amendments.

The Hon Chief Justice issued Practice Direction number 1 of 2022 with the objective to ensure proper management of summons cases that are lying idle in our civil registries. The

Practice Direction empowers the Registrar to dismiss the idle matters. This is one of the tools we use to manage backlogs in civil matters and thereby improve access to justice. Use of the Practice Direction has seen a reduction of backlogs in our registry's country wide .

DISTINGUISHED GUESTS, LADIES AND GENTLEMEN, on Christmas day this past year, we lost the Honourable Justice Elijah Makomo on 25 December 2022. We do acknowledge his diligence and dedication as a member of both the magistrates bench and the High Court bench. May his dear soul rest in eternal peace.

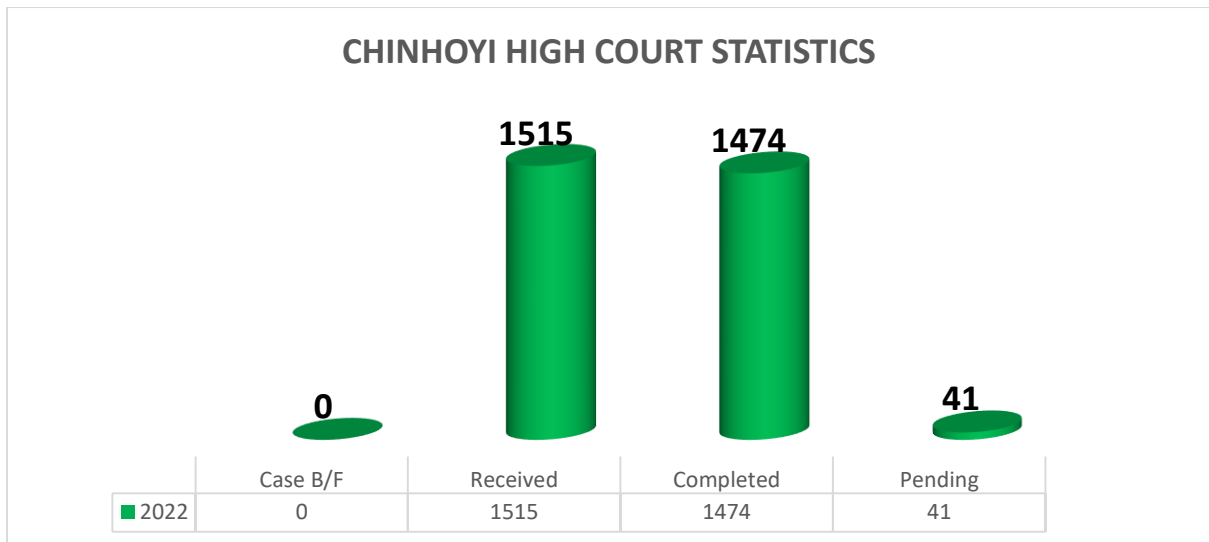
As it stands the total complement of judges in the High Court now stands at 40 judges deployed as follows: 28 at Harare, 5 at Bulawayo, 2 at Masvingo, 2 at Mutare, 1 at Chinhoyi, 1 at the Zimbabwe Electoral Commission and 1 at the Zimbabwe Anti-Corruption Commission. We look forward to recruiting more judges so that we are adequately equipped to deal with the ever-increasing number of matters filed in the High Court

PERFORMANCE OF THE HIGH COURT GENERALLY

Chinhoyi High Court is one of the seats of the High Court of Zimbabwe . Performance of the High Court as a whole for the year 2022 was very good. The Judiciary applauds the Honourable Judges for the good work done.

CHINHOYI HIGH COURT'S WORK LOAD AND OPERATIONAL STATISTICS

DISTINGUISHED GUESTS, LADIES AND GENTLEMEN, Chinhoyi High Court was officially opened on the 3rd of September 2021 and started sitting on 10 January 2022. The Honourable Mrs Justice Muzofa was deployed as the resident judge. There are plans to second another judge to this station in due course. This development has been necessitated by the increased number of matters being filed at this court and a general increase in the workload at this station. As a result, two judges based at Harare High Court have been carrying out relief duties at this court during the course of the year 2022.



A total of **1515** cases were received during the year 2022. A total of **1474** cases were completed during the legal year under review, giving a completion rate of **97%**. **41** cases remained pending at the end of the year and were carried over into the 2023 legal year.

Distinguished Guests, Ladies and Gentlemen,

I want to take this opportunity to applaud Justice Muzofa and Justices Kwenda and Bachi-Mzawazi, who relieved at the court from time to time, for the good work they put in. Well done judges .

STAKEHOLDER RELATIONS

The bulk of the work currently carried out at this court is criminal in nature. There is a high incidence of robbery and murder cases in the area under review . The number of murder cases in this province is disconcerting as murder has serious effects on the lives of surviving family members. The police do their best to curb crime . The police cannot on their own prevent and protect the public from crime. It is our responsibility as members of our different communities to report crime to law enforcement agencies and actively discourage crime.

The Zimbabwe Republic Police despite transport and other logistical constraints they face from time to time always endeavour to police the area and ensure that all parties are advised and served for attendance at criminal trials.

It would be remiss of me not to acknowledge the effort put in by the other stakeholders in the criminal justice system. This first term of the 2023 legal year, the National Prosecuting

Authority has indicted and set down for trial 25 murder cases. These cases are drawn from the following areas, Chinhoyi, Kadoma, Karoi, Mutorashanga, Zvimba, Chemagamba, Magunje, Kariba, Mhangura and Kenzamba. The NPA has worked attentively to make the operations of the criminal court flow smoothly. I applaud them for their good and hard work.

We appreciate the role played by the Correctional Services department of housing and looking after inmates .The judiciary monitors the prison population and routinely visits prison facilities. A team from the High Court visited Chinhoyi Remand Prison, on 7 October 2022. It made observations and recommendations that were meant to capacitate the Zimbabwe Prison and Correctional Services. It is my fervent hope that future visits will see an adoption of the recommendations. We have plans to continuously visit all prison facilities in the province during the course of 2023 .

Distinguished Guests, Ladies and Gentlemen, the cordial relationship that we have enjoyed with our stakeholders from the beginning has remained intact. It is my humble plea to everyone concerned to play ball and ensure that cases proceed as scheduled. To the Civic Society, the Magistracy, the Ministry of Justice Legal and Parliamentary Affairs, media and the Law Society of Zimbabwe, I also urge you maintain the constant and consistent engagement with the courts to ensure a competent, efficient and effective judiciary in the country

Our quest for *“a Zimbabwe in which world Class justice prevails”* remains . We will need your collective support to ensure quality justice thereby incalculating public confidence in the judiciary. We as the judiciary undertake to live up to our vision to provide quality service.

In conclusion, I wish once again to thank you all for joining us in celebrating the 2023 legal year and taking time off your busy schedules to attend this ceremony. With these remarks,

it is now my honour and privilege to declare, as I hereby do, the 2023 Legal Year officially opened.

Thank you all for your attention.

May we all rise as I call upon Reverend Mafukidze of Faith Ministries to lead us in prayer.

As we stand for the prayer, may I ask you all to observe a minute of silence in memory of the late Justice Elijah Makomo, who died on 25 December 2022.

[Adjourn after prayer]