



**KEY NOTE ADDRESS BY THE MINISTER OF JUSTICE,
LEGAL AND PARLIAMENTARY AFFAIRS**

HON ZIYAMBI ZIYAMBI (MP)

ON THE COMMISSIONING OF VIRTUAL COURTS

7 FEBRUARY 2022

Salutations

Let me acknowledge the presence of all guests at this auspicious event, were we are gathered here to witness the dawn of a new era in the history of the Judiciary. As government we have adopted a policy through **Vision 2030** which is implemented by the **National Development Strategy 1, (NDS 1)** that the judiciary must be accountable and efficient but most importantly that the judiciary must ensure that there is access to justice to all manner of people in this Country. The efforts by the JSC therefore to take justice to prisoners and ensure that our inmates continue to access the courts at all times even if the health conditions are discouraging direct physical contact, can only be applauded.

Honorable Chief Justice, Distinguished Guests, Ladies and Gentlemen we always refer to vulnerable groups of our society who would require generous protection of the law and from State institutions such as women, children and persons with disabilities. I would argue further however, that there is group of persons who are equally vulnerable and are always in need of serious protection of the law and these are our prisoners. Unlike others, their rights are deliberately taken away by the law because of the allegations they will be facing. Rights like freedom of movement, expression and protection of the law amongst others would no longer be readily available. These persons would at all times need to have

access to courts so that their issues are attended to without delays. The move therefore by JSC to establish virtual courts is a good one and it bodes well with international best practices and is in line with what other jurisdictions are doing, both within the region and beyond. To then go further and start the program by connecting the system with inmates in our prisons is really historical and exhibits our awareness on the need to ensure that our inmates have easy access to justice at all times. I congratulate you Chief Justice for this progress innovation.

Ladies and Gentlemen, we all bear witness to the damage which has been inflicted on the flow of our lives by the Covid-19 pandemic. It has affected every part of our lives and the operation of our institutions. In the context of the judiciary, this pandemic has continued to be the chief enemy of court operations. The space within which the Judiciary finds itself is nothing less than a fast-paced, ever-evolving and uncertain environment. These advances are evidence of massive technological and operational developments that have occurred over the years. They continue to occur. No one can turn a blind eye to these evolutions and the uncertainty posed by technology and unforeseen pandemics such as COVID-19. In this light, the Judiciary has to be prepared for the unforeseeable changes in order to guarantee its relevance within our constitutional democracy.

I was recently in Geneva where I was presenting the country's national report for the third Universal Periodic Review cycle (UPR). UN member

states made their recommendations which will be reviewed at the end of the fourth UPR cycle. Chief among the recommendations made was the need for Zimbabwe to continue strengthening its legislative and administrative measures to ensure equal access to avenues of economic participation, health, justice, education as well as the protection of children and women's rights. It was recommended that Zimbabwe should continue with its efforts to fulfil international obligations by further developing and implementing comprehensive national plans and programs under the Sustainable Development Goals. Through **vision 2030 and the National Development Strategy 1** we are way ahead in the implementation of these recommendations and we will continue with this same trajectory until the vision envisaged by our leader His Excellency President E D Mnangagwa is realized.

Forced by the ruthless hand of the pandemic, many courts around the world have started transitioning into virtual court systems to save justice delivery from a total collapse, many of them, like Zimbabwe, for the first time. As we all know, the Zimbabwean judiciary has been persistent in the quest for solutions to bring about efficiency and enhance access to justice in the face of this pandemic and other threats. The launch of a web based electronic system called the **Integrated Electronic Case Management System (IECMS)** which will be launched in May 2022, is a tangible and practical results to this relentless search for sound alternatives. This kind of system was identified as an efficient tool

designed to achieve this desired outcome of efficiency and viable justice delivery despite covid-19 disruptions. As such we are here today to commission the first phase of the IECMS, which are the virtual courts.

I am informed Chief Justice that virtual court systems are now ready for use in some of the courts and prisons. The equipment has already been installed at Harare Magistrates' Court and at the Harare High Court. The system connects the two courts with Harare Remand Prison and Chikurubi Maximum Prison. I am further advised that some provincial courts like Chinhoyi, Bindura and Mutare are now equipped. I was happy to hear you Chief Justice stating that all the other provincial courts will be equipped with virtual court system equipment soon. It's also gratifying to hear that the broad objective is to have all our courts including those in the districts benefit from the virtual court sitting program. This move resonates with the vision of the second republic. Access to justice must not be discriminatory. The principle must apply equally, irrespective of whether one resides in the provincial center or district, or one is a prisoner, woman or child. Access to justice must be available to the people of Zimbabwe and bias must be towards the vulnerable.

Honorable Chief Justice, Distinguished Guests, Ladies and Gentlemen, the paradigm shift from the conventional way of physically appearing at court to institute and defend lawsuits as well as making submissions is a new normal which we cannot shy away from. Virtual courts will not only be invaluable in this time of the pandemic but even

beyond. Without necessarily exhausting the list of its benefits, it will clearly bring convenience and most importantly, cut the time and costs required in litigation. Litigants will no longer need to always travel and attend courts physically. Rather they will be able to litigate and present and argue their cases at the comfort of their homes and offices. The **Integrated Electronic Court Management System (IECMS)** and virtual courts will enable us to accomplish the option to work remotely and paperless without any major disruptions, and even with increased productivity for our citizens. It is my fervent hope that this is not the end but the beginning of future developments and innovative ideas in the judiciary.

Allow me **Chief Justice**, to continue repeating this fact because it is so fundamental, that the **IECMS**, coupled with virtual courts, will create a fertile and suitable environment for the achievement of **vision 2030**, enshrined in our **National Development Strategy No 1**, which has the object of achieving an upper middle class income economy by 2030 for the benefit of our citizenry. Furthermore, digital justice will ensure the ease of doing business in our country by significantly reducing costs associated with dispute resolution and litigation in our jurisdiction. This is an important ingredient in attracting thriving businesses and will improve Zimbabwe's ranking on the Ease of Doing Business index. In turn, this will substantially help Zimbabwe towards the achievement of the **United Nations Sustainable Development Goals**.

Allow me **Ladies and Gentlemen**, to also advise that my Ministry is in the process of aligning the current legislative framework to provide for virtual court sittings in both civil and criminal cases. As I speak, the Judicial Laws Amendment Bill seeking the amendment of the Constitutional Court Act, Supreme Court Act, High Court Act, Labour Court Act, Administrative Court Act and the Magistrates' Court Act to provide for virtual sittings was peer reviewed and will be placed before the Cabinet Committee on Legislation. However as a stop gap measure, the Public Health (COVID-19 Prevention, Containment and Treatment)(National Lockdown) (No. 2) (Amendment) Order, 2021 (No. 34) published in **Statutory Instrument 228B of 2021** will be used as the legal framework allowing Criminal Courts to sit virtually in the period of the Covid 19 lockdowns.

As I conclude my remarks, I wish to exhort the courts and prison stations that have had the virtual court equipment installed in their institutions to look after the equipment well and keep it in good condition. It would be a shame if I am to receive reports of misuse of the equipment.

I also wish to thank you Chief Justice, for leading the Judiciary in this digital revolution in the courts. This is the way to go and I am certain that soon we will have other jurisdictions coming to this Country to benchmark on what our judiciary is doing. I further acknowledge the

various efforts put in by other institutions and government departments in supporting this project to ensure that it becomes a reality.

With these few remarks, allow me **Chief Justice, Distinguished Guests, Ladies and Gentlemen** to declare the virtual court system duly commissioned.

I THANK YOU.