

Contents

2. From the Secretary's desk
3. World class High Court for Mutare
4. Chief justice Malaba the game changer
5. My passion is on access to justice: CJ
6. Justice Gwaunza sworn in as Deputy Chief Justice
8. Chikwana, new JSC secretary
9. Justice Gwaunza showers praises on High Court Judges
10. Anti-Graft Courts launched
12. Prison visits pay off: JP
13. Chief Justice swears in new President
14. Judges decry upsurge in murder cases
15. Give Magistrates more dollars: CJ
16. Sweet tale of dedication
18. President appoints 8 High Court Judges
19. Organisational cohesion moves mountains: Chikwana
20. After 47 years, Justice Kamocha signs off
22. Supreme Court, Con Court separated administratively
23. Sound bar-bench relations pay off
24. Minister brews shocker on maiden visit
25. Cash boost for justice sector
26. 2018 1st quarter in pictures
28. 2017 4th quarter in pictures
30. CJ's Mutare tour in pictures
31. Harare Civil Court get face-lift
32. Magistrates: Gatekeepers of the halls of justice
32. Room 51: Heartbeat of the High Court
34. Veteran clerk of court calls it a day
35. Litigant defecates on court entrance
36. Mutasa circuit, now permanent court station
38. JSC boosts NPA library
39. All court rules under review
40. Judge's clerk dies in an accident
41. Operation "Vhara Civil Court files" pays dividends
42. Orientation workshop for new Judges
43. Courts need comprehensive security policy
44. Entertainment corner
45. Notice Board

Miranda Team

HARARE

Ephraim Ncube (Harare Magistrates' Court)
Rufaro Marira (Labour Court)
Steven Gwatsvaira (High Court)
Anxious Mbalanga (Chitungwiza Court)
Francisca Malaba (Master's Office)

BULAWAYO

Phillip Makondo (Magistrates' Court)
Nqobile Mlotshwa (Labour Court)
Musiwa Manase (High Court)

MASVINGO

Rungano Victor Mahamadi (Magistrates' Court)

MANICALAND

Rumbidzayi Zimunya (Mutare Magistrates' Court)

MASHONALAND CENTRAL

Holder Mangumbi (Bindura Magistrates' Court)

MASHONALAND WEST

Takesure Gora (Chinhoyi Magistrates' Court)

MATABELELAND SOUTH

Servious Dube (Gwanda Magistrates' Court)

EDITOR'S MEMO



Welcome to our second edition of Miranda for 2008, I hope I find you well.

In this edition we give you information on developments in the justice delivery system and ongoing efforts by the Judicial Service Commission (JSC) to smoothen the operations of courts countrywide.

Chief Justice Luke Malaba has introduced an annual indaba where he listens and possibly finds solutions to problems being faced by magistrates countrywide. He is also in the process of introducing a car policy that will see the judicial officers rolling in new wheels soon.

This comes as Government has opened a state-of-the-art High Court station in Mutare, easing pressure on the people of Manicaland Province who, in the past, were losing lots of money travelling to Harare for High Court cases.

President Mnangagwa has unfrozen 233 posts in the JSC with adverts for magistrates, court interpreters and other support staff already being advertised. The move is expected to ease the backlog of cases at the courts and relieve workers who had to do a lot of work to cover up for current shortages.

On a lighter note, Hwange Court is facing teething problems with baboons that are disrupting court proceedings and damaging the building's roof. So serious are challenges being faced because of the primates that visitors to the courts are no longer comfortable after some have had their food stolen from them by the baboons.

Enjoy your read.

D. Nemukuru



From the Secretary's Desk

Mr Walter Chikwana

Secretary of the Judicial Service Commission

This edition of the *Miranda* took its time in coming. No use hiding that!

I however, find comfort in that finally, this edition is out. If you notice, this edition is unique. It is a double volume. That was our small way of proffering our most sincere apologies for starving you our valued readers of your *Miranda*. I hope once you dig into it, you will be able to say, "After all, the wait was worth it so apology accepted!"

In the past few months the Judicial Service Commission has undergone some changes in terms of both human resources and physical infrastructure. We bade farewell to the then Acting Secretary, Hon. Mrs Justice R. Makarau, JA in February 2018. The Secretariat moved house and we started revamping the Magistrates' Courts. We refurbished the

Harare Civil Court and Manicaland Province. We are working on Harare Magistrates Courts and have begun furnishing Mashonaland East Province.

As we stand at the cusp of the opening of a state of the art High Court in Mutare, we are heartened by the opening of the Anti-Corruption Courts in Harare and Bulawayo. Our vision of a Zimbabwe in which world class justice prevails, has made us realise the need to create courts conducive for dispensation of justice. Justice must not only be done but must be seen to be done through the state of our court premises.

On 29 March 2018 history was made. The first female Deputy Chief Justice of this country, Hon. Elizabeth Gwaunza DCJ was sworn into office.

To our new DCJ, we say welcome and we are at your service!



Chief Justice Malaba having a feel of the High Court Mutare's reception desk.

WORLD CLASS HIGH COURT FOR MUTARE

... Renovations complete
... Chief Justice charmed

MIRANDA WRITER

All is set for the official opening of Zimbabwe's fourth permanent High Court in Mutare following the completion of renovations at the double-storey structure, which is arguably the best courthouse in the land.

The modern glass-and-mortar structure has four fully-furnished courtrooms, two judges' chambers and offices for court officials and external stakeholders.

Chief Justice Luke Malaba described the building as wonderful during a recent tour.

He was all smiles as he toured the building in the company of Judge President George Chiweshe and Judicial Service Commission Acting Secretary Mr Walter Chikwana, among other officials.

Those who know Justice Malaba as

a no-nonsense judicial officer had an insight into his lighter side as he cracked jokes throughout the tour. The Judiciary boss expressed satisfaction with the work, describing

the structure as a magnificent and world class courthouse. "The building is of high standards, both in terms of the structure and facilities that it provides. The courtrooms are of international standards and you cannot expect any better. Furniture is of high quality and you cannot expect any better. The structure answers to the wellness of the users. It is user-friendly and it just goes on to show that a lot of attention was put into the structure," said the Chief Justice.

When he got to the fully-furnished reception area, the Chief Justice sat on the receptionist's chair wearing the receptionist's face.

"How can I help you? You want to file a maintenance case?" he jokingly said, to the delegation's applause.

When he got to the chambers of the Senior Judge for Mutare, the Chief Justice said: "That is what we call wellness. The judges are being taken care of. No judge will refuse to come here".

The Chief Justice said he will sit down with the other authorities and set the date for the official opening of the new permanent High Court.

Mutare High Court will be the fourth permanent High Court station in the country. The High Court in Harare was the first to be established, followed by the Bulawayo High Court. The High Court in Masvingo was third.



The magnificent High Court building in Mutare

CHIEF JUSTICE MALABA, THE GAME CHANGER

... introduces measures to boost workers' morale



Chief Justice Malaba greets Mutare staff during the tour of the new High Court

MIRANDA WRITER

CHIEF Justice Luke Malaba has leapt to the rescue of magistrates, who have been marginalised for a long time, by introducing measures to motivate them and improve their conditions of service. Magistracy is the core of the Judiciary, but for some reason, the members appeared a forgotten lot.

The Chief Justice, who assumed office at the end of last year, has embarked on a countrywide tour of the provincial court stations with a view to meet the magistrates, share his expectations and listen to their problems.

By March this year, the Judiciary boss had met judicial officers in Harare, Mashonaland East and Manicaland provinces.

Chief Justice Malaba said he had approved the payment of allowances to resident magistrates, provincial magistrates-in-Charge and senior regional magistrates as a way of motivating them.

All magistrates, according to the Chief

Justice, will receive mobile phones from JSC with resident magistrates, who perform administrative duties, getting a monthly airtime allowance. Each station, said Chief Justice Malaba, will receive a station vehicle for use.

Chief Justice Malaba said JSC had struck a deal with Nissan Clover Leaf for a vehicle loan scheme for magistrates at heavily subsidised prices.

"Nissan Clover Leaf has agreed to provide 200 brand new vehicles at \$12 000 each.

"We are now trying to get a bank to advance the money to the company. The banks are also willing to come in," he said.

Chief Justice Malaba told the gathering that he had directed the JSC Secretariat to ensure travel and subsistence allowances for magistrates and other staff members was paid quickly.

Priority will be given for those attending Circuit Court in the rural stations.

Wednesday, he said, was set as the day for payment of such allowances

while witnesses' expenses will now be paid out twice weekly.

The Chief Justice said magistrates were the reason for the existence of the Judicial Service Commission as they fall under one of the core departments.

He said the magistrates were being neglected to an extent of merely speculating on the goings on at the Commission.

"We have marginalised magistrates. We have neglected the magistrates for a long time. There is no much of a cake to eat but let the magistrates see for themselves.

"Marginalising people who matter so much to our system? We cannot talk about the Judiciary without the magistracy," he said.

Speaking at the same gathering, the Chief Justice warned the magistrates against corruption saying his office will not hesitate to accordingly deal with the perpetrators.

"I am saying to all of you who are doing it, Stop It!! If we catch you, you better bid farewell before we come," said Chief Justice Malaba.

“Access to justice is the hallmark of any civilised and democratic society. As the Chief Justice and chairman of the Judicial Service Commission (JSC), my passion is on access to justice. The people of Zimbabwe should have easy access to justice without any hindrance,” said Chief Justice Malaba while officially opening the 2018 Legal Year in Harare recently. This was the first time Chief Justice was presiding over such a grand event since taking over the reins in the Judiciary in an event that ran under the theme “Access to justice for all”. The theme dovetails with the JSC’s strategic plan which seeks to allow any person who wants to access the courts to have their day in court. It also seeks to ensure that all people are treated fairly.

On January 15, legal practitioners, top police officers, prison officers, judges, prosecutors, magistrates, ministers and senior Government officials thronged Mashonganyika Building in Harare to hear the Chief Justice’s speech.

The courtroom was filled to capacity, with an overflow that saw some judges and other guests being ushered into a big white tent from where they followed the proceedings.

The same obtained in Bulawayo where Deputy Chief Justice Elizabeth Gwaunza officiated on the same day. Judge President George Chiweshe addressed another gathering at the country’s third permanent High Court station in Masvingo.

Chief Justice Malaba read out a 17-page speech that touched on issues hinged on access to justice.

The Chief Justice pledged to work tirelessly towards promoting access to justice.

“I commit myself and the Judicial Service, as the custodians of the courts in the country, to avail well-equipped court facilities within reasonable proximity to all communities, including people with special needs.

“We undertake to provide and maintain affordable court costs. We promise the people of Zimbabwe simplified rules of court and



Chief Justice Malaba addresses the crowd at the 2018 Legal Year opening

MY PASSION IS ON ACCESS TO JUSTICE: CJ

procedures. We should be able to provide information in various languages on how to navigate within the judicial system, so that all who need justice can access it easily.

“We will endeavour to ensure that our members of staff are highly trained, motivated and corrupt free. In a nutshell, as the JSC we have an obligation to promote equitable access to justice through the elimination of technical, infrastructure and knowledge barriers,” he said.

The world’s best judicial systems, the Chief Justice said, are anchored on the attributes of accessibility, accountability, efficiency, transparency, independence and professionalism.

“A judicial system that is inaccessible, unaffordable, slow and whose procedures are incomprehensible to the people who are expected to benefit from them, effectively denies those people access to justice,” said the Judiciary boss.

Chief Justice Malaba spoke of the establishment of specialised anti-corruption courts as a way of

eliminating corruption.

JSC has introduced an integrated electronic case management system that is expected to improve efficiency in the court, eliminate corruption and to assist in reducing backlogs.

The Chief Justice said he will ensure the judicial officers and other officers of court get proper training.

“I strongly believe that a Court that is manned by a well-trained judicial officer will be efficient and likely produce the best results. I also believe that jurisprudence can only develop when Judges write judgments with the benefit of well-prepared pleadings and well researched heads of argument.

“It is for these reasons that, despite my busy schedule, I have made myself available whenever the Council for Legal Education or the Law Society of Zimbabwe have requested me to be a resource person when they conduct training courses for legal practitioners,” he said.

Chief Justice Malaba said he was impressed with the performance of all courts throughout the country.



Deputy Chief Justice Gwaunza takes oath of office before President Mnangagwa at State House

JUSTICE GWAUNZA SWORN IN AS DEPUTY CHIEF JUSTICE

MIRANDA WRITER

VETERAN judicial officer Justice Elizabeth Gwaunza has been appointed

Deputy Chief Justice of Zimbabwe, a development that flew the country's flag higher for championing gender equality.

Justice Gwaunza, the second most senior judge in the Judiciary, recently landed the top post and took judicial oath before President Emmerson Mnangagwa.

History shows that the positions of Chief Justice and Deputy Chief Justice, appeared to have been a preserve for men.

However, President Mnangagwa proved to be gender sensitive by

appointing Justice Gwaunza to the higher office.

For the first time in history, a woman has been promoted beyond the position of a judge of the Supreme Court.

Relatives of the new Deputy Chief Justice broke into wild celebrations at State House as they broke into song and dance.

In an interview, Justice Gwaunza said she felt honoured to be appointed Deputy Chief Justice.

"I am overwhelmed, excited and very happy. I feel honoured and humbled to be appointed Deputy Chief Justice of Zimbabwe.

"It shows that so much trust has been bestowed on me. I undertake to execute my duties diligently and I will not disappoint," said Justice Gwaunza.

The Deputy Chief Justice said her

vision was to ensure efficiency in the justice delivery system.

"I intend to carry forward effective justice delivery. Effective justice delivery does not envisage delays and ignorance of the law. That is my vision," said Justice Gwaunza.

Gender and Media Connect director Ms Abigail Gamanya hailed the appointment saying the new dispensation had brought new opportunities for women.

"We are elated by such a development where we see women with competences being elevated within their specific professions.

"In Zimbabwe, the number of women in high ranking position is much lower and compared to men. It does not mean women are less competent but at times, patriarchy just comes into play.

"This appointment is timely in our

national development in the new dispensation," she said.

Women Action Group (WAG) executive director Mrs Edinah Masiyiwa applauded President Mnangagwa for considering women for higher positions.

"The appointment is a positive move towards elevation of women to leadership positions.

"It is in line with the women's international theme for this year 'Pressing for progress.

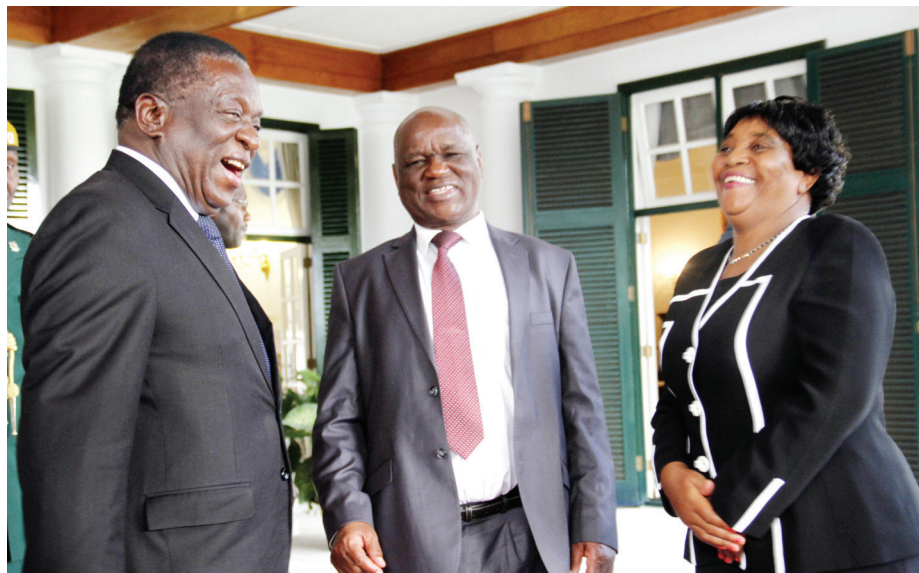
"We hope she will perform to expectation and our dream is to see the appointment of a woman as a Chief Justice in future," she said.

Prior to her latest appointment, Justice Gwaunza was a judge of the Supreme Court and Constitutional Court.

Justice Gwaunza attended St David's Bonda High Schools and St Faith Mission in Manicaland before studying law at the University of Zimbabwe.

She also holds a diploma in legal drafting from the same university.

Her appointment was made in terms of the constitution following the gazetting of Constitutional Amendment (Number One) in September last year, which gives the President powers to appoint Chief Justice, Deputy Chief Justice and the



President Mnangagwa shares a lighter moment with Chief Justice Malaba and the new Deputy Chief Justice

Judge President after consultation with the Judicial Service Commission (JSC).

Justice Gwaunza joined Government in 1977 as an Examiner of Deeds at the Deeds Office before joining Home Affairs ministry on 1981 as a senior administrative officer (legislation). She worked for the Ministry of Community Development and Women's Affairs as assistant secretary (legal affairs) between 1981 and March 1984.

Justice Gwaunza worked as a legal officer in the Ministry of Justice,

Legal and Parliamentary from March 1984 to December 1989.

She was registered as a legal practitioner in 1987.

Justice Gwaunza was appointed judge of the High Court in August 1998 and in November 2002 was promoted to the Supreme Court.

She was the second woman to sit on the Supreme Court bench after Retired Justice Vernanda Ziyambi.

Justice Gwaunza is filling the post left vacant by Chief Justice Luke Malaba who held the position before his elevation last year.



Gwaunza family members celebrate the appointment with President Mnangagwa and Vice President Constantino Chiwenga



Mr Chikwana



Mr Msipa

CHIKWANA, NEW JSC SECRETARY

MIRANDA WRITER

The Judicial Service Commission (JSC), with effect February, appointed Mr Walter Chikwana as its Acting Secretary, taking over from Justice Rita Makarau who has stepped down.

Mr Chikwana, a veteran magistrate, served in various capacities and rose through the ranks to be at the helm of the JSC Secretariat.

Prior to his latest appointment, Mr Chikwana was Deputy Secretary.

He once served as Deputy Chief

Magistrate before being elevated to Chief Registrar of the superior courts. Mr Sithembinkosi Msipa, who was Chief Registrar, was also in February this year promoted to Deputy Secretary.

The JSC structure has two Deputy Secretaries and Mr Msipa joined Mr Munamoto Mutevedzi who has been occupying the same post.

Justice Makarau stepped down early February and reverted to her position as judge of the Supreme Court.

In an interview, Mr Chikwana hailed his predecessor Justice Makarau for her leadership qualities that took the Commission to greater heights.

Mr Chikwana said he will remain guided by the vision and the aspirations of the Chief Justice, who chairs the JSC.

“We are grateful for the leadership of Justice Makarau (JA) regarding where she left the organisation.

“As the Secretariat, we remain guided by the vision and aspirations of Honourable Chief Justice Malaba.

“Our mandate is clear in that we are required to provide support service to the Judiciary, both the upper and the lower judiciary.

“The support will ensure that our courts remain as efficient as possible,” said Mr Chikwana.

MIRANDA WRITER

THE second most senior judge in the Judiciary, Deputy Chief Justice Elizabeth Gwaunza has showered praises on judges of the High Court for a satisfactory performance in the 2017 Legal Year.

Officially opening the 2018 Legal Year in Bulawayo recently, the Deputy Chief Justice commended the judges for expeditiously presiding over cases. Justice Gwaunza said Bulawayo High Court remarkably reduced the backlog of cases last year, a development that will go a long way in improving litigants' access to justice.

"I am happy to observe that sterling efforts have been made by judges of the High Court to reduce the heavy backlog of cases that had accumulated in that court.

"The year 2017 saw an impressive reduction of the backlog in the High Court at Bulawayo. The judges deserve commendation for their hard work in this respect. It is clear therefore that the judges of the High Court are seriously taking it upon themselves to improve and promote litigants' access to justice by disposing disputes that they preside over expeditiously.

"I commend the judges together with the rest of the members of staff for a job well done. I sincerely hope that they will start the 2018 judicial year with the

JUSTICE GWAUNZA SHOWERS PRAISES ON HIGH COURT JUDGES

same spirit," she said.

The Bulawayo High Court received 3 157 criminal cases and 3 164 civil cases, including applications and appeals.

The judges, Justice Gwaunza said, managed to conclude 2 543 and 2 925 criminal and civil cases respectively.

"Compared to the 1 160 criminal cases that remained pending as at 31 December 2016, the Bulawayo High Court closed 2017 with 621 pending criminal cases.

"In the civil division, the Bulawayo High Court closed 2017 with 232 pending cases as opposed to the 1 295 cases that remained incomplete as at 31 December 2016," she said.

Hwange Circuit Court received 32

cases in 2017 and managed to clear 23. During the High Court's periodic visits to Gweru, the judges disposed of 33 cases out of a total of 36 received matters.

Justice Gwaunza added her voice on the "access to justice for all" theme saying it should go beyond physical access to the courts.

"The concept demands that there be no physical, technical or other barrier that frustrates litigants' ability to access justice.

"As the JSC, we have a responsibility and a constitutional obligation to promote equitable access to justice through the elimination of technical, infrastructural and knowledge barriers," she said.

Visits by the JSC Secretariat to various provinces last year, Justice Gwaunza said, yielded positive results.

"Through these visits, a lot of renovations and repairs have been carried out at most of our courts. "These include replacement of old furniture, painting of court buildings and provision of various tools of trade that are required at the courts by litigants and members of staff," Justice Gwaunza said.

Justice Gwaunza said JSC was working on the expansion of the Bulawayo High Court, which will see the deployment of more judges to deal with the rising number of court cases in the province.



Deputy Chief Justice Gwaunza reads out her speech in Bulawayo

ANTI-GRAFT COURTS LAUNCHED



Police Commissioner General Godwin Matanga and Justice Legal and Parliamentary Affairs Secretary Mrs Virginia Mabhiza celebrate as Chief Justice Malaba cuts the ribbon at the opening of Anti-Corruption Courts

MIRANDA WRITER

THE first two specialised Anti-Corruption Courts opened their doors to the public in Harare and Bulawayo on March 29 this year with a view to expeditiously deal with the vice that is sabotaging the country's economy.

Judicial Service Commission is working on establishing the specialised courts at each of the country's 10 provinces in line with Government's stance against graft. President Mnangawa, since his appointment last year, has taken a leading role in the fight against the scourge.

Chief Justice Luke Malaba declared the two courts open at a groundbreaking ceremony held in Harare.

Officially opening the courts, Chief Justice Malaba said JSC had refurbished three courtrooms at Harare Magistrates Court and two others in Bulawayo to deal with corruption related matters.

The magistrates, together with selected prosecutors, have received thorough training on handling corruption cases.

"We have identified seven magistrates for Harare, who include the chief magistrate (Mr Mishrod Guvamombe) and his deputy (Mr Gibson Mandaza), two regional magistrates and three provincial magistrates to preside over these courts," said Justice Malaba.

"In Bulawayo, we have identified five magistrates, together with a team of prosecutors selected by the Prosecutor General, who have

"In Bulawayo, we have identified five magistrates, together with a team of prosecutors selected by the Prosecutor General, who have undergone training to prepare them for the task ahead."



undergone training to prepare them for the task ahead."

Chief Justice Malaba said the JSC had met its target to set up the courts by end of March this year.

"During the occasion of the opening of the 2018 Legal Year, I committed and made a promise to the people of Zimbabwe that JSC will provide specialised Anti-Corruption Courts before the end of the first quarter of 2018.

"The courts are here and ready for use," he said.

He said the courts were a product of a protocol crafted by stakeholders to the Against Corruption Together (ACT) campaign that was launched in 2016.

Chief Justice Malaba urged magistrates to deal with corruption without fear and deny any form of influence from other quarters.

"I expect our magistrates to preside over cases brought before them independently, impartially and efficiently," he said. "There should be no undue influence to bear on any of the stakeholders involved in the administration of justice from any



quarter."

Permanent Secretary for Justice, Legal and Parliamentary Affairs, Mrs Virginia Mabiza, said the opening of the courts was a milestone achievement for the ministry.

"To us in the ministry, this is a milestone towards the attainment of our vision," she said. "Setting up of anti-corruption courts is one of our goals and we have partially met our target in terms of the 100-day Rapid Results Initiative (RRI)."

Mrs Mabiza said the latest development was a sign of commitment by the stakeholders to fight corruption under the national

anti-graft movement initiated by President Mnangagwa.

Speaking at the same occasion, Prosecutor General Advocate Ray Goba urged magistrates at the anti-graft courts to order forfeiture of assets purchased from proceeds of corruption according to the law, as a deterrent measure to the vice.

Adv Goba said the laws of the country allowed for forfeiture of assets upon conviction of criminals. He urged investigators of corruption to should go beyond investigating the suspects and move towards targeting their assets.

PRISON VISITS PAY OFF: JP

MIRANDA WRITER

JUDGE President George Chiweshe has hailed the High Court in Masvingo for engaging stakeholders and visiting prisons in the province, a development that has helped reduce the number inmates.

Addressing Masvingo residents at the official opening of the 2018 Legal Year in the country's oldest city, Justice Chiweshe said the three prisons in Masvingo, Masvingo Remand, Mutimurefu and Buffalo Range, have been decongested following visits that triggered speedy conclusion of court cases.

The Judge President said initiatives by Justices Garainesu Mawadze and Joseph Mafusire were paying off.

"Engagement with stakeholders continue to bear positive results for the justice delivery sector. A joint taskforce composed of all stakeholders and led by the Senior Judge Hon Justice Mawadze, conducted prison visits at Masvingo Remand, Mutimurefu and Buffalo Range. The visits conducted at these prisons have yielded positive results, namely the significant reduction of the population of inmates at the three prisons.

"The taskforce agreed after the visits, to prioritise the set down of matters involving prisoners who had been in custody for more than six months as well as mental patients. The move produced the intended results," said the Judge President.

The head of the High Court could not hide his joy at the overall performance of his judges countrywide that saw the reduction of the backlog of cases by 57 percent last year.

The backlog was reduced from 10 082 to 4 303 cases as at November 30 last year.

There was a moment of silence in memory of Mrs Mawadze, wife to the Senior Judge for Masvingo High Court Justice Mawadze, who died in a car crash last year.

Justice Chiweshe also consoled relatives of all staff members that passed away in 2017.

"During the course of the year under review, we sadly lost Mrs Mawadze, wife to the Senior Judge at this station following a horrific traffic accident at Mvuma on 23 September.

"That accident claimed the lives of two others, namely the judge's sister-in-law and the judge's driver. May their

dear souls rest in peace and may the Lord console the affected families," he said.

He commended Justice Mafusire for supporting his colleague and taking care of the station singlehandedly during the time of bereavement.

"For a considerable length of time the station was effectively run by one judge as Justice Mawadze had to attend to the aftermath of that tragedy. I must commend Justice Mafusire for the manner in which he assisted his colleague in that time of bereavement and also for his sterling efforts in managing, single-handedly, the workload at this station during that trying period," said the Judge President.

The Judicial Service Commission (JSC) also lost Retired Chief Justice Godfrey Chidyausiku, Ms Precious Chimiti (an Assistant Registrar) and three drivers---Messrs Edward Kuziyamisa, Archiford Chivanda and Threetimes Mudziviri.

The Commission also lost three assessors ---Mr Dube of the Hwange Circuit Court, Mr Chogugudza (High Court Harare) and Mr Chidawanyika, Mutare Circuit Court.



From Left --Judge President Chiweshe (third from left) poses for a photograph with Justices Mawadze (second), Muzenda (in black suit) and Mafusire (fourth) at the opening of the 2018 legal year in Masvingo.



President Mnangagwa takes oath of office before Chief Justice Malaba

MIRANDA WRITER

NOVEMBER 24, 2017 marked a historic moment on the Judicial Service Commission (JSC) calendar when Chief Justice Luke Malaba presided over the inauguration of Zimbabwe's newly-appointed leader, President Emmerson Mnangagwa.

In terms of the Constitution, the Chief Justice swears in new Presidents into office.

President Mnangagwa, who is now the second executive President of independent Zimbabwe, took oath of office before the Chief Justice at the 60 000-seater National Sports Stadium in Harare.

The facility was filled to capacity. President Mnangagwa's inauguration followed the resignation of former President Cde Robert Gabriel Mugabe on November 21.

The momentous event attracted

CHIEF JUSTICE SWEARS IN NEW PRESIDENT

scores of people from different parts of the world and all walks of life.

Chief Justice Malaba adorned the new President with the sash, before congratulating him with a handshake.

Judges of the superior courts took turns to congratulate President Mnangagwa at the podium after the inauguration.

Former President Cde Mugabe had ruled Zimbabwe for 37 years.

As the country's new leader, President Mnangagwa rang changes to Cabinet, which saw Cde Ziyambi Ziyambi being appointed new Minister of Justice, Legal and Parliamentary Affairs, taking over from Retired Major-General Happyton Bonyongwe.



Justice Musakwa (seated) with Manicaland magistrates after the 2018 Legal Year opening

JUDGES DECRY UPSURGE IN MURDER CASES

... call to upgrade circuits into permanent courts

BY RUMBIDZAI ZIMUNYA

JUDGES have voiced concern at the upsurge in murder cases, calling for speedy upgrading of Circuit Courts into permanent High Court stations to effectively deal with the serious offence.

Officially opening the 2018 Legal Year for the High Court Circuits in Mutare, Gweru and Hwange, three judges separately bemoaned high murder cases, mainly arising from family disputes and love triangles.

Justice Joseph Musakwa officiated at the opening of the Mutare Circuit, while Justices Martin Makonese and Loice Matanda-Moyo were in Hwange and Gweru respectively.

Justice Musakwa urged the people of Manicaland to desist from violence.

Justice Musakwa said it was everyone's responsibility to preserve the sanctity of human life.

"We still urge the citizenry to uphold the sanctity of human life. People

"A judge does not have much time to engage in research when he attends Circuit Court. One is compelled to ensure that trials are disposed of expeditiously but taking into account the need to do justice to the accused persons. More reason a permanent court is the cure to such a congested roll, ..."

must not yield to anger and resort to violence against others. It is better to be labelled a wimp than to carry the stigma of a criminal conviction for the rest of one's life. Men also run the risk of being sentenced to death."

The judge said murder cases could not be adequately dealt with by

Circuit Courts which sit for six weeks termly, hence the need to set up permanent courts.

"A judge does not have much time to engage in research when he attends Circuit Court. One is compelled to ensure that trials are disposed of expeditiously but taking into account the need to do justice to the accused persons. More reason a permanent court is the cure to such a congested roll," he said.

Despite handling an average of 10 cases per quarter, the circuit had a backlog of 63 cases.

Out of 10 criminal cases handled by the circuit in the first term of 2017, eight were cleared while two others were postponed due to the unavailability of witnesses.

In the second term, five out of 10 cases were completed.

The third term of 2017 saw the court completing nine out of 10 cases.

In Hwange Justice Martin Makonese

"Love triangles, spousal misunderstandings, parent-child disputes many, a time end in tragedy. There is need in our society for those in the fields of psychology to study the current volatility in families and assist by coming up with ways that will help families resolve disputes, ..."

decried an upsurge in murder cases in the province arising from love triangles.

The judge preferred to call them "crimes of passion".

Justice Makonese said spouses and lovers were killing each other daily over infidelity and other misunderstanding.

"The real causes for the upsurge in these crimes of passion are diverse but misunderstandings arising from "love triangles" and extra-marital activities are usually at the centre of these horrendous crimes.

"It is usually the case that when one partner who has heavily invested in another both financially and

emotionally discovers that the other has been cheating, sudden rage and anger erupts causing the aggrieved party to react in violent fashion against his spouse, boyfriend or girlfriend," he said.

Justice Makonese said the court will continue playing its part by imposing stiff and deterrent sentences against perpetrators of violent crimes.

In her keynote address at the opening of the Gweru Circuit Court, Justice Matanda-Moyo said murder statistics in the Midlands Province were alarming.

She called for the speedy establishment of a permanent court in Gweru to deal with murder cases.

"The Officer Commanding Midlands Province has briefed me on the crime statistics for this province with specific regard to murder cases. There are 96 murder cases in which investigations have been completed, and are awaiting set down.

"I am also informed that there are 65 murder cases still under investigations. The rate at which the circuit court which only sits for 6 weeks per year can clear such cases is insignificant and we can only emphasise the urgent need of a High Court in this province," she said.

Justice Matanda-Moyo urged stakeholders to preach safe conflict resolution ways to the masses to avert loss of life.

"Love triangles, spousal misunderstandings, parent-child disputes many, a time end in tragedy. There is need in our society for those in the fields of psychology to study the current volatility in families and assist by coming up with ways that will help families resolve disputes," the judge said.

MIRANDA WRITER

CHIEF Justice Luke Malaba has called for an upward review of magistrates' salaries and conditions of service to levels befitting their esteemed and highly demanding office.

Officially opening the 2018 Legal Year in Harare this quarter, Chief Justice Malaba, who also chairs the Judicial Service Commission (JSC), decried poor conditions of service and paltry salaries magistrates were getting.

Chief Justice Malaba said a review of the salaries and conditions of service would go a long way in reducing cases of corruption in the Judiciary.

"Salaries of magistrates are still not commensurate with the important judicial positions they hold. It is acceptable that low salaries cannot be a justification for lack of judicial integrity, but payment of a living wage can go a long way towards enhancing that integrity," he said.

The Chief Justice appealed to Treasury to consider increasing salaries for the rest of

GIVE MAGISTRATES MORE DOLLARS: CJ

support staff in the Judicial Service.

"Might I also add my voice to the call to review conditions of service for all members of staff in the judicial service, as this will not only cushion them from financial hardships but also boost their morale in the workplace," he said.

The Judiciary boss said shortage of magistrates and other staff in the Judicial Service posed a threat to the operation of the courts.

"There is a critical shortage of magistrates, which is threatening to paralyse operations in that court. Out of a total establishment of 250, only 191 magistrates are in post.

"There are 59 vacancies," he said.

To that end, the Chief Justice appealed to Treasury to allow JSC to recruit

magistrates urgently.

"We thus plead with the Treasury to grant the JSC a special dispensation to recruit magistrates to ensure that the lower courts do not go back to the era where the backlog of cases was uncontrollable," he said.

Despite shortage of staff, the few available magistrates countrywide have managed to clear a whopping 171 370 cases, to the satisfaction of the Chief Justice.

"The total number of cases received by magistrates in 2017 stands at 171 845.

"Out of these cases, the court finalised 83 303 criminal and 88 067 civil cases, making a total of 171 370. The backlog of both criminal and civil cases stands at only 3 714 cases," said Chief Justice Malaba.



Mr Muchongwe, the typist

MIRANDA WRITER

All for the love of the job!

An elderly Mr Kreto Muchongwe is always the first to report for duty at Kariba Magistrates' Court, as early as 7am daily.

He starts his day by cleaning offices and the courtroom ahead of court sessions.

The fruits of his cleaning services are always there for everyone to see. The red and ever-shinning floors bear testimony to great work done by the old man.

The white walls are spotlessly clean, while a well-manicured green lawn and beautiful flowers, decorate the premises.

The Judicial Service Commission (JSC), like any other public institutions, is grappling with the effects of Government's recruitment freeze.

Having the nation at heart, the patriotic Mr Muchongwe assists the Clerk of Court with clerical duties.

SWEET TALE OF DEDICATION

... janitor, typist and orderly all rolled in one

Despite having dropped out of school at primary school level, the ambitious Mr Muchongwe learnt how to use a computer.

His self-acquired computer skills enable him to do all the typing work at court, an office that is currently vacant.

For all appeals, Mr Muchongwe does the typing, prepares court records and other necessary documents.

As if that is not enough, Mr Muchongwe rides his bicycle and delivers mail and other

correspondences to various destinations in the resort town.

At the end of the day, Mr Muchongwe proves to be a typist, janitor, messenger and clerk of court on an office orderly's salary.

His, is a unique tale of dedication to duty and love for one's nation.

In an interview, the 57-year-old said multi-tasking was a sacrifice to counter staff shortages and ensure the smooth flow of justice.

"I have no option but to sacrifice and do everything possible to ensure the nation gets justice. We

“I started by playing computer games before I mastered the typing skills. I kept on practising until I became an experienced typist. I am now a computer wizard in my own way and the station now relies on me for typing and computer-related work.”

are short-staffed but through multi-tasking, we have managed to keep the wheels of justice moving here in Kariba,” said Mr Muchongwe.

Explaining how he became a typist, Mr Muchongwe said: “Since we do not have a typist here, our former Resident Magistrate here Mr Felix Chauromwe, in 2009, encouraged me to familiarise with the computer. “I started by playing computer games before I mastered the typing skills. I kept on practising until I became an experienced typist.

“I am now a computer wizard in my own way and the station now relies on me for typing and computer-related work.”

Mr Muchongwe requested JSC to recognise his services through an allowance for the extra work he does.

“I know the economic situation is not good enough for hefty packages, but a token of appreciation will put a smile on my face.

“At least a small allowance for the extra work that I do will motivate me more,” he said.

While multi-tasking is globally viewed as a sign of failure, Mr Muchongwe has defied the odds and offered satisfactory service in all the portfolios he holds.

Mr Muchongwe grew up in Chinhoyi where he dropped out of school while in Grade Seven owing to financial challenges.

He worked as a butcher in the small town before joining the Ministry of Justice, Legal and Parliamentary Affairs as an office orderly in 1981.

He worked at Chinhoyi and Kariba courts in his 36-years of service.



Mr Muchongwe (fifth from left) and his colleagues at Kariba Magistrates Court

PRESIDENT APPOINTS 8 HIGH COURT JUDGES

MIRANDA WRITER

PRESIDENT Emerson Mnangagwa has appointed eight new judges of the High Court, in a move expected to help the bench cope with the ballooning workload.

Justices Pisirayi Kwenda, Sylvia Chirawu, Neville Wamambo, Isaac Muzenda, Philda Muzofa, Jacob Manzunzu, Thompson James Mabhikwa and Benjamin Chikowero took Judicial oaths before Chief Justice Luke Malaba at a colourful

ceremony organised by the Judicial Service Commission (JSC) in Harare. The judges started working on February 1 2018.

The swearing-in of the eight increased the number of High Court judges from 30 to 38.

Speaking on the sidelines of the ceremony, Judge President George Chiweshe welcomed the development and indicated that the number could also be increased.

“We welcome the development and we hope the addition of the new judges will go a long way in easing pressure on the bench and reducing the backlog of cases,” he said.

“Workload at the High Court is

getting higher every day. Our people have become very litigious and they all prefer to come to the High Court. They now know their rights to sue. “Again, we are in the process of decentralising the High Court and recently we opened the third High Court in Masvingo.

“We will soon establish another one in Mutare and later on, Gweru,” the JP said.

The JP said the High Court may lose more judges considering that a number of them, who participated in selection interviews for the Supreme Court and Constitutional Court posts.

The new judges, who have been practicing law in different capacities, yesterday could not hide their joy as they crossed over to the High Court bench.

They were appointed after public interviews held by the Judicial Service Commission (JSC) last year.

The eight were on the list of top performers, whose names were recommended for appointment by the JSC.



Seated from left, Judge President Chiweshe, Justice Makarau, Chief Justice Malaba, Minister Ziyambi, and Mrs Mabhiza pose for a photo group photo with new High Court Judges

ORGANISATIONAL COHESION MOVES MOUNTAINS: CHIKWANA

MIRANDA WRITER

FOR any organisation to be successful, all members must have a unity of purpose. Everyone involved must have the same purpose or aim and be of the same mind.

Judicial Service Commission (JSC)'s departments and individuals must play their roles to achieve the common goal of adequately supporting the Judiciary to dispense world class justice.

For the first time in history, JSC has convened a team building workshop in Kariba, which brought together all its departmental heads.

Managers and middle managers attended the three-day maiden gathering at Carribea Bay Hotel in the resort town.

The meeting, which ran from February 22 to 25 this year, was a follow up to Chief Justice Malaba's interface with middle managers and supervisors in Harare.

The purpose of the grand event was to preach Chief Justice Malaba's gospel of unity and to strategize on how his vision for the JSC can successfully be implemented.

Chief Justice Luke Malaba's dream is to have an efficient JSC. A Commission that successfully bring justice to the people and removes all barriers hindering access to justice for all. A Commission that satisfies the needs of the clients. He wants the clients to be happy with the services offered.

Prior to the meeting, some fissures could be noticed within JSC with each department doing its own things independently.

Such a development prompted the newly-appointed Acting Secretary Mr Walter Chikwana into action.

He called for the unusual meeting, which resulted in the crafting of the "Kariba Resolutions" which are expected to bear fruit, if properly implemented.

Speaking at the Kariba meeting, Mr Chikwana called for unity of purpose and urged the staff to pull in one direction.

"All departments must unite and

"The team building workshop was timely and proved to be fruitful. We learnt a lot and we all realised the need to work together as a team.

"The workshop was interactive and we gathered as a family for the first time. I believe this was one of the best workshop we have ever had," said Mr Madhega.

Additional Master of the High Court Mr Reuben Mukavhi, who also attended the Kariba meeting, said the vision of the Chief Justice, if implemented, would take JSC to greater heights.

"We discussed a lot. Everything was in line with the Chief's Justice vision.



Let us break the departmental silos within JSC and have one winning team. We want a situation where a member of staff can easily be moved from one department to the other without any challenges, . . . "

build a strong team that efficiently supports the Judiciary to dispense quality justice expeditiously.

"The vision of the Chief Justice is to have an efficient JSC, which plays its role as mandated by the Constitution of Zimbabwe.

"Let us break the departmental silos within JSC and have one winning team. We want a situation where a member of staff can easily be moved from one department to the other without any challenges," said the Secretary.

In an interview, the Sheriff of the High Court Mr Mcduff Madhega described the exercise as a success.

All departments spoke of challenges they were facing and we came up with resolutions.

"For example, everyone, from the administration, human resources, finance, magistrates, interpreters and others, must play their role to ensure Circuit Court succeeds.

"Travel and subsistence allowances, transport, stationery and adequate human resources should be in place ahead of any Circuit Court session to ensure it becomes a success," said Mr Mukavhi. If JSC staff put the clients' interests ahead of everything, Mr Mukavhi said, the Commission's flag will fly higher.

AFTER 47 YEARS, JUSTICE KAMOCHA SIGNS OFF

"Honesty, hard work and determination can take you far in terms of rising through the ranks. I joined the Ministry of Justice, Legal and Parliamentary Affairs as a court interpreter in 1970. I pursued my studies until I was sworn in as a magistrate 10 years later.



MIRANDA WRITER



As a judicial officer, never get involved in politics. Keep out of politics as much as you can and leave politics to the politicians. That way, you will live happily. "Stay away from

politicians because they can mislead you and compromise your integrity and professionalism . . ."

This wise counsel came from seasoned High Court judge Justice Lawrence Kamocha, who called it quits on November 15, 2017 after serving the Judiciary for a record 47 years.

Justice Kamocha retired from the bench at the ripe age of 70 when he was now stationed at Bulawayo High Court.

His was a typical "rags to riches" story that saw him rising from being a court interpreter to an honourable judge of the High Court.

In an interview, Justice Kamocha said "honesty, hard work and determination" was the hallmark of the profession, which propped him up the ladder to the apex of the Judiciary.

Due to hard work and commitment to duty, Justice Kamocha was at one point,

offered promotion to the highest bench in the land, the Constitutional Court.

However, for health reasons, the humble judge turned down the offer, creating an opportunity for the elevation of younger and more energetic colleagues.

"Honesty, hard work and determination can take you far in terms of rising through the ranks. I joined the Ministry of Justice, Legal and Parliamentary Affairs as a court interpreter in 1970. I pursued my studies until I was sworn in as a magistrate 10 years later.

"As an interpreter, I performed exceptionally well. Being of Tonga origin, I was the only one handling cases of the minority language. I was also important in the department because I could speak eight other languages fluently.

"I used to work hard and always strive to upgrade myself professionally and academically. I remained focussed towards my goals while working hard. As a magistrate, I worked hard until I was elevated to become a Senior Magistrate. During that time, no one could be promoted beyond that position without a law degree.

"I had to go back to school and study law. I was then promoted to become a



Justice Kamocha and Mrs Kamocha show off the retirement present

"I used to work hard and always strive to upgrade myself professionally and academically. I remained focussed towards my goals while working hard. As a magistrate, I worked hard until I was elevated to become a Senior Magistrate. During that time, no one could be promoted beyond that position without a law degree.

provincial magistrate, and later on a regional magistrate. When I was a regional magistrate, I worked hard, now aiming to become a chief magistrate . . ." he said.

At independence in 1980, Justice Kamocha was sworn-in as a magistrate and worked in various parts of the country, including Beitbridge, Bulawayo and Hwange before being appointed Chief Magistrate of Zimbabwe.

He was appointed judge of the Administrative Court in 1993 and later joined the High Court bench in 1997.

Justice Kamocha's retirement coincided with his 70th birthday and the celebrations were done at once.

Judicial Service Commission

(JSC) Acting Secretary Mr Walter Chikwana and his delegation comprising Deputy Secretary Mr Sithembinkosi Msipa, head of Information Technology Mr Obey Manyenga, Human Resources manager Mr Sam Mutendamambo, Deputy Registrars of the High Court—Mr David Dodzo and Mrs Renika Dzikiti — joined the Kamocha family in the celebrations. The team handed over the Commission's present to Justice Kamocha and his wife in appreciation of his 47 years of dedication and commitment to duty.

Justice Kamocha said he has served for long and he now wanted to rest without involving himself in any form of work after retirement.

"Forty-seven years is not a joke. I have not thought of anything else to do after retirement. What I want to do now is to rest. I need a good rest," said Justice Kamocha.

Justice Kamocha retired on November 15 2017 and the day coincided with his 70th birthday.

To the delegates' surprise, Mr Chikwana emerged a talented singer as he led the family into singing the "Happy Birthday" song.

While the gatherers expected the two women in the house to lead them in song, Mr Chikwana was quick to take the leading role after the women appeared hesitant.

It was indeed a big day for the JSC family and Justice Kamocha cut his birthday cake with the assistance of his loving and supportive wife.

SUPREME COURT, CON COURT SEPARATED ADMINISTRATIVELY

... legal separation timeline set at 2020
... JSC HQ moves to Causeway Building

MIRANDA WRITER

IN a giant step towards administratively and legally separating the Constitutional and Supreme Courts, the Judicial Service Commission (JSC) Secretariat, with effect from March 5, 2018, moved out of the Old Supreme Court building to pave way for judges of the Supreme Court.

“We (the Secretariat) have already moved out of the Old Supreme Court to Causeway Building here in Harare. The Supreme Court is now coming back to its original court and we are going to re-customise the building into a courthouse, ...”

JSC is expected to have legally separated the two courts by 2020, but the Chief Justice, using his discretionary powers, has set the ball rolling by administratively separating the two courts.

Under the latest development, the Constitutional Court remains at Mashonganyika Building, while judges of the Supreme Court will move into the Old Supreme Court

building at corner Kwame Nkrumah

Avenue and Third Street in Harare. The Supreme Court will now sit in its original court for all its sessions, while judges of the Constitutional Court will be conducting their business at Mashonganyika Building.

The JSC Secretariat packed its belongings and set up a new base at Causeway Building along Central Avenue where it is occupying the second floor.

JSC Deputy Secretary Mr Munamoto Mutevedzi confirmed the development, saying refurbishment of the Old Supreme Court building was already underway.

“We (the Secretariat) have already moved out of the Old Supreme Court to Causeway Building here in Harare. The Supreme Court is now coming back to its original court and we are going to re-customise the building into a courthouse,” said Mr Mutevedzi.

The process of splitting the two superior courts started in September 2013 when the two courts started sitting separately at Mashonganyika Building.

The judges had left the Old Supreme Court building, which had limited space to Mashonganyika Building, which was more spacious.

SOUND BAR-BENCH RELATIONS PAY OFF

MIRANDA WRITER

CORDIAL relations between the legal profession and the Judiciary have immensely contributed to improved efficiency at courts, Chief Justice Luke Malaba has said.

The head of Judiciary Justice Luke Malaba said this while addressing judges and the legal practitioners at the 2017 Bar-Bench Colloquium in Vitoria Falls recently.

The Judiciary and those in the legal profession meet at the end of every year to take stock and engage on issues affecting the administration of justice.

The tradition of holding colloquia has endured since the inaugural meeting in 2009.

Early December 2017, the parties met at Elephant Hills Hotel in Victoria Falls where they discussed the best ways of strengthening the administration of justice in the country.

The 2017 colloquium ran under the theme “The Future of Zimbabwean Jurisprudence: Colony Barriers and Opportunities in the Superior Courts’ Practice and Procedure”.

In his remarks, Chief Justice Malaba said cooperation between the two has yielded positive results.

“The cordial professional relationship fostered between the Judiciary and the profession has greatly contributed to the improved efficiency witnessed in our courts in the last few years. It is heartening to note that legal practitioners have embraced the Judiciary’s vision on enhancing efficient delivery of justice,” he said.

The Chief Justice said the judiciary has always welcomed contributions from the legal profession towards the improvement of justice delivery.

“In turn, the Judiciary remains open to any suggestions by the Profession on issues which the Profession genuinely believes improvement is required.

“It has become policy in both the Judicial Service Commission and the Judiciary that whenever we intend to



Chief Justice Malaba



Mr Hogwe

introduce changes which impact on the administration of the courts, we seek the input of the Profession through the Law Society of Zimbabwe,” he said.

For instance, the Chief Justice said, the Judiciary benefited from invaluable contributions from the profession during the exercise of reviewing the rules of the various courts.

University of Zimbabwe (UZ) law lecturer and legal practitioner Professor Lovemore Madhuku facilitated the discussions which included the topics of

the need on continuing legal education among others. The Chief Justice underscored the need for continuing legal education saying it helps in developing jurisprudence to aspired heights. The colloquium was firstly held in 2009 when relations between the bench and the profession were frosty.

Past leadership of the Law Society of Zimbabwe (LSZ) and the late Retired Chief Justice Godfrey Chidyausiku came up with the noble idea with a view to mending ties.

The Chief Justice hailed the previous leadership for bringing the parties together.

“It will be remiss of me therefore not to express my profound gratitude to the late Retired Chief Justice Godfrey Chidyausiku, Mr Lloyd Mhishi and Mr Tshuma, past presidents of the Law Society of Zimbabwe, for having the vision, wisdom and indeed the courage to bring us all into this bilateral cooperation at a time when relations between the Bench and the Bar were unnecessarily frosty,” he said.

MINISTER BREWS SHOCKER ON MAIDEN VISIT



Minister Ziyambi shares lighter moments with JSC staff

MIRANDA WRITER

“A great man is always willing to be little”, wrote American poet Ralph Waldo Emerson. Ministers are known for cruising in chauffeur-driven top-of-the-range vehicles while ensconced on the back seat. They are also popular for “shouting” visits that draw the attention of every Jack and Gill. A red carpet is usually rolled out in preparation for a high-profile visit.

However, on February 2 2018, the newly-appointed Justice, Legal and Parliamentary Affairs Minister Ziyambi Ziyambi chose to walk than drive to an inaugural meeting with judges at the High Court in Harare. His decision left ushers who had been positioned at the entrance to the High Court building to open the doors of his ministerial vehicle bemused.

That was the minister’s maiden official visit to the High Court since his appointment to the post in December last year.

Although the High Court staff were aware of his visit, they least expected to see him walking to the meeting venue.

The minister sought to interact with judges for the first time since his appointment.

He met the judges to hear their concerns, expectations and in turn, share with them the ministry’s expectations.

The minister was received by Judge President George Chiweshe, who took him for a briefing with the Chief Justice. They later joined the judges of the High Court who were patiently waiting for the minister in Court A.

Earlier on the same day, the minister had met judges of the Supreme and Constitutional Courts.

Speaking after the meetings, Minister Ziyambi described the discussions as

fruitful.

“I met the judges for the first time since my appointment and we had fruitful discussions,” he said.

“I listened to their concerns and promised to address them. As Government, we will support the judges and make sure that they enjoy their independence and in return, we expect them to uphold the rule of law to boost investor confidence in our justice system. We expect them to deliver justice without fear or favour.”

He said the meetings were part of his interaction with the Judiciary to hear their concerns and possibly coming up with solutions.

“We got to know each other and to share information on the challenges and successes in the system. At the same time, I got to know their expectations.

“I will continue with the visits until I get to the lower courts. I intend to meet the magistrates soon.”

MIRANDA WRITER

IN its quest to strengthen the rule of law and to make justice more accessible, the European Union (EU) has injected 14 million Euros into Zimbabwe's justice system.

The funds will be split among stakeholders in the justice delivery system.

The donation was announced during the launch of the "European Union -International Commission of Jurists (ICJ) Support to the Zimbabwe Justice Sector Programme" on January 30, 2018 in Harare.

A memorandum governing the programme was signed in November 2017 and runs up to 2020.

On January 30 this year, EU Ambassador Mr Philippe Van Damme launched the first three projects that will draw funding from the 14 million Euros donated to Zimbabwe.

The Judicial Service Commission (JSC), through ICJ, got 1,85 million Euros for the project titled "Strengthening the Rule of Law in Zimbabwe and Protection of Human Rights for All".

Another project set to support the customary court manned by traditional leaders was allocated 500 000 Euros.

The project will be implemented by the Chiefs' Council in partnership with the Legal Resources Foundation (LRF).

The third project focuses on supporting the role of lawyers in improving justice delivery.

It got 500 000 Euros.

JSC, according to a statement issued by the EU, will mainly benefit through capacity-building programmes.

"Over 36 months, the JSC will be supported with capacity-building measures for judges, magistrates, court researchers, clerks of court and other justice sector actors to enhance the independence, accountability, competence and integrity of the Judiciary."

The funds will also be spread to other stakeholders like the Law Society of Zimbabwe (LSZ), LRF, the Ministry of Justice, Legal and Parliamentary



The high table follow proceedings at the Justice Sector launch

CASH BOOST FOR JUSTICE SECTOR

Affairs and the Chief's Council. Chief Justice Luke Malaba hailed the EU and the International Commission of Jurists (ICJ) for the support.

"The partnership has lasted for so long and achieved its objectives because it is based on the principle of mutual respect. The EU and the ICJ respect the principle that the Judiciary and the JSC are independent institutions with the right to conceive and decide on the appropriate course of action to be taken to achieve specific goals," said Chief Justice Malaba.

"Our partners have not attempted to foist programmes on us. They appreciate that their role is to support us with funding and expertise to attain our objectives," he said.

"In turn, we have recognised and respected their position by committing all support funds and other resources to the purposes for which they are intended. We have and will continue to ensure that there is maximum transparency and

accountability in the management of such resources," he said.

EU Ambassador to Zimbabwe Mr Philippe Van Damme said the launch of the projects was timely.

He reiterated the EU's willingness to cooperate with Government.

Mr Van Damme said:

"I am encouraged by the fact that the ongoing political dispensation found the JSC, LSZ and other justice actors on the right footing and in the right direction towards implementing reforms.

"Even at a time when there was only limited political will to implement constitutional reforms, you all tried to improve justice delivery and remained resolute under less favourable conditions. I urge you to continue the hard work with renewed vigour and determination for the rule of law to prevail and for the people to enjoy the quality of justice they deserve."

2018 1ST QUARTER IN PICTURES





2017 4TH QUARTER IN PICTURES





CHIEF JUSTICE'S MUTARE TOUR IN PICTURES





Harare Civil Court staff enjoy the new working environment

HARARE CIVIL COURT GET FACE-LIFT

BY WADZANAI MUGADZA

The Judicial Service Commission (JSC) has embarked on a major revamp of the Harare Civil Court building that had become an eyesore.

Despite being condemned as inhabitable years back, the Civil Court complex --- nestled at the corner of Kwame Nkrumah Avenue and Simon Muzenda Street (formerly Fourth Street) --- houses various Government departments including the Zimbabwe Prisons and Correctional Services (ZPCS), the Zimbabwe Republic Police (ZRP), Messenger of Court and the JSC.

Were it not for the accommodation crisis, the bedraggled complex which was formerly used as stables, ought to have been demolished years back. Ceiling boards had fallen down, while paint was peeling off. Termites had had their way on wooden doors, while shattered windows

and tattered furniture had become synonymous with the building, which is in the heart of the city.

Chief Magistrate Mr Mishrod Guvamombe told The Miranda that a lot was being done to spruce up the premises.

“Harare Civil Court was in a bad state, but we have since started refurbishing it so that it becomes friendly to the litigants. We are painting walls,

partitioning the offices, repairing the floors among others. You better go there and see it for yourselves,” he said.

The partitioning of the offices, Mr Guvamombe said, was line with JSC’s idea of splitting Harare Civil Court into four sections for efficiency.

The project began in October 2017 and is expected to end this year.



MAGISTRATES: GATEKEEPERS OF THE HALLS OF JUSTICE

BY NYASHA LEE VITORINI

I was on one of these defacto getaway weekends that come courtesy of the Judicial Service Commission (JSC) capacity-building workshops at Pandhari Lodge in Harare.

One of the presenters, a respected legal mind of our time, Advocate Thabani Mpofu said, obiter, magistrates are the gatekeepers of the halls of justice. I fell in love with the gatekeeper metaphor.

The statement seems to flow with the general sentiment in which the name “magistrate” conjures up images of serious-faced presiding officers presiding over criminal and civil disputes.

The fight against the ever present threat of a rising backlog in the lower courts also reinforces this justifiable stereotype of magistrates as courtroom warriors.

For once it is pertinent that we peep into the magistrate’s office outside court.

Among their many other administrative duties and out of court, magistrates double up as Zimbabwean coroners as provided for by the Inquests Act Cap 7:07.

The Act governs the investigation of sudden deaths, death by violence or any unnatural death.

It is interesting to note that this is one of the few statutes that give the magistrate an unusual inquisitorial role in investigations of matters outside the civil disputes.

The starting point is the requirement that that police report any sudden, unnatural or violent death to the gatekeeper of the halls of justice

without delay.

In practice, the police prepare a summary of the facts surrounding the death and submit to the magistrate.

Thereafter, the police compile a sudden death docket which they submit to the magistrate, who may give directives on further investigations.

Upon completion of investigations, the magistrate peruses the sudden death docket and makes a decision as to the cause of death or, if need be, directs that an inquest to establish the cause of death be held.

The magistrate then sends his or her decision as to the cause of death to the Prosecutor-General.

The involvement of the Prosecutor-General is an internal review mechanism providing for indispensable checks and balances.

There are current efforts to produce a Coroners’ Bill which, if

approved, will replace the current Inquest Act.

It is hoped that the contributions being made do not forget to critically appreciate the role of magistrates in the status quo.

There seems to be an overwhelming pathological argument informing the consultations.

Investigations of sudden deaths are not a pathological question but a quasi-judicial inquiry in which the role of pathologists, like any expert witnesses, is central but cannot be the only factor to carry the day. While the creation of a separate coroner’s office may help to improve service delivery by allowing magistrates to concentrate on criminal and civil disputes, the role of the magistracy in managing sudden deaths and related issues deserves its appropriate place in the history justice delivery system.

ROOM 51: HEARTBEAT OF THE HIGH COURT

BY FRANCIS MASIMBIRA

WALKING into Mapondera Building, which houses the High Court in Harare, Room 51 is the first port of call.

It is from this room, the Civil Registry reception, where litigants and visitors will be referred to various specialised sections.

The room, which is the most popular and arguably the busiest at the High Court, provides solutions and answers to the masses’ questions.

Despite work-related pressure and other personal challenges facing the officers, they strive to always wear happy faces and hospitably listen to the clients’ stories.

Surely, the team's conduct can make or unmake the image of the superior court, listing the job among the essential services.

Indeed, they are the face of the High Court.

Litigants from all walks of life, be they drunk, mentally-challenged or elderly, throng the office with high expectations of getting a service.

Emotional litigants at times turn violent to an extent of exchanging blows but the client relations officers chip in to calm them down and possibly offer counselling.

Being the room where civil matters are filed, Room 51 officers at times, go out of their way playing the legal adviser's role to ensure the papers are filed in compliance with the Rules of the Court.

To the naughty legal clerks from various law firms who disregard queues and create confusion at the office, Room 51's disciplinarian Mr Learnmore Zimbeva, popularly known as Mhofu, does what he knows best.

He surely whips them into line and ensure the prevalence of peace and order at the office.

After all is said and done, litigants and other stakeholders get the best and leave the building with satisfaction.

As a feedback mechanism, clients are asked to

write their comments on the service.

A perusal of the clients' comments largely praise the team for high standards of professionalism and hospitality although a handful may pass negative comments.

Public relations are a key component of any operation. Although the majority of the officers are not trained public relations officers, they strive to offer the best service to the public.

Room 51 has six officers, who divided into two different units—the Registry and the Information Technology units.

The office is the hub of information. The officers interrelates with all sections of the High Court.

Registry pleadings are filed in the room. The officers also receive incoming correspondents and electronic data capturing starts from the same office.

When files are opened, they are also allocated case numbers which will be used throughout the legal process.

Clients also visit the office with requests to peruse of hardcopy files.

Correspondences directed to the Registrar or her deputies are received in Room 51 before being dispatched to relevant offices.



Room 51 staff

VETERAN CLERK OF COURT CALLS IT A DAY



Ms Aisam

After serving the Ministry of Justice Legal and Parliamentary Affairs and the Judicial Service Commission (JSC) for a combined 30 years, a veteran Clerk of Court Ms Abigail Aisam (AA) retired on October 31 2017 at the age of 57. She was stationed at Concession Magistrate's Court. JSC staff hosted a farewell party in her honour a fortnight after her retirement. Being a passionate farmer, Ms Aisam received a wheelbarrow, a knapsack sprayer and other tools as a present. The Miranda correspondent for Mashonaland Central HOLDER MANGUMBI (HM) sat down for an interview with Ms Aisam on the side lines of the bash. She talks of her work experience before advising younger colleagues on how to serve diligently and blamelessly.

HM: When did you join the Judicial service?

AA: I was employed by the Ministry of Justice, Legal and Parliamentary Affairs in 1987 as a clerk in the Chief Magistrate's Office. Prior to joining the Justice Ministry, I had served as a clerk in the Ministry of Home Affairs.

HM: Can you briefly take us through some of the stations you worked at?

AA: I started off at the Chief Magistrate's Office before moving to the Harare Magistrate's Court at Rotten Row Building. I also worked at Chitungwiza, Mbare, Gweru, Chinhoyi and Zvishavane courts.

Concession became my final destination. I once worked with the likes of Justice Paddington Garwe, Justice Lawrence Kamocha, Justice Maphios Cheda and the late Justice Wilson Sandura among others.

HM: Can you share with us some of your happy moments in your employment history?

AA: There is no day that I was disappointed with my work because I was executing my duties with passion.

HM: Briefly outline challenges you encountered as a clerk?

AA: I was manning a one-man station, hence the workload was heavy. It was also difficult to take a rest even when my leave or off days were due under these pressing circumstances.

HM: How do you feel that you are going on retirement?

AA: I feel great. I have really fought a good war. I worked well for three decades without being charged for misconduct. My record is clean. I still have the energy to get another job, but I now want to concentrate on other things.

HM: What advice can you give to the younger colleagues in JSC?

AA: Be loyal to your superiors. Relate well with the public and give due respect to all litigants and visitors who step into your office.

HM: After retirement, what is your next move?

AA: I am getting into farming. I will be a full-time farmer. I have always had passion for farming but due to commitments at JSC, I could not fully utilise my talent during the 30 years of service.

JSC REDEPLOYS 52 MAGISTRATES

MIRANDA WRITER

THE Judicial Service Commission (JSC), has - with effect from January 2018 - transferred 52 magistrates countrywide in a development that resulted in seasoned and more efficient judicial officers being moved to busier stations.

Former JSC Acting Secretary Justice Rita Makarau attributed the redeployment to a shortage of magistrates owing to a freeze on recruitment. The rationalisation of magistrates, it is expected, will serve as a stopgap measure to clear the backlog of cases and to ensure world-class justice is dispensed with the few available staff.

Justice Makarau said the most experienced magistrates will be strategically moved from smaller stations where three to five simple cases of pickpocketing are received daily to busy stations where they preside over huge volumes of complex matters.

Harare Civil Court, according to Justice Makarau, was the busiest station in Zimbabwe, receiving close to 50 cases daily. Harare Magistrate's Court (criminal), according to JSC, is the second busiest station, followed by Bulawayo Magistrates' Court (Tredgold).

Other provincial court stations also receive numerous cases, spelling the need for more-experienced judicial officers to manage and clear the backlog.

In an interview, Justice Makarau said she had to set the record straight amid speculation from some sections of the media that the process was a disciplinary measure against those perceived to be a problem.

Others, Justice Makarau said, wrongly perceived their transfer to bigger stations as a form demotion.

"The redeployment of magistrates is

aimed at strengthening and restructuring the magistracy for enhanced efficiency.

"We are trying to make sure that all the important and high volume cases are manned by senior magistrates. Contrary to other media reports, we are in fact, doing it in recognition of seniority and efficiency. The most efficient and experienced according to the records that we have,

are being transferred to busy courts," said Justice Makarau. Justice Makarau hailed those being moved to the busy courts saying their hard work and efficiency had been recognised.

"I would like to commend those who are being moved to the busy centres and hope they will live to the expectation and reduce the backlog of cases."

Litigant defecates on court entrance

BY NYASHA LEE VITORINI

An aggrieved litigant staged an unusual protest that left workers and visitors at Mutoko Magistrates Courts dumbfounded.

She felt she was being treated unfairly by her relatives and the Clerk of Court and defecated at the gate to the court premises.

The woman (name withheld) sought to file an application for upwards variation of maintenance against her husband whose whereabouts are unknown.

All hell broke loose when the Clerk of Court Mr Confidence Dandara told her that she had to provide an address at which the police could serve the respondent with papers. She argued that since her estranged husband's brother was making sexual advances

on her, he could now be cited as the respondent in the maintenance matter.

Mr Dandara told the woman that her suggestion was not legally acceptable.

The woman then walked out shouting at what she termed unjust treatment at the court house.

Woman Constable Mitchell Chiweshe, who is stationed at the courthouse, unsuccessfully tried to restrain the woman since she was now disrupting business at the court.

Without warning, the woman emptied her bowls in full view of the public.

Cst Chiweshe had a torrid time trying to cover the woman with her child's wrapping towel.

Female prison officers had to intervene.

The woman has since been sent for mental examination in terms of the Mental Health Act.

MUTASA CIRCUIT, NOW PERMANENT COURT STATION

...Chipinge, Plumtree get regional court status

By Wadzanai Mugadza

The Ministry of Justice, Legal and Parliamentary Affairs has upgraded a circuit court at Mutasa to a permanent Resident Magistrate's Court station, which officially opened its doors to the public in February 2018.

Government also appointed Chipinge and Plumtree Magistrates' Courts as stations where regional matters are tried.

Mutasa Magistrate's Court becomes the seventh court station in Manicaland.

The two announcements were

“We are receiving about eight criminal cases daily and we are working hard to ensure there is no backlog. As we speak, we do not have any backlog and we will maintain the standards to ensure justice is dispensed in time, ...”

gazetted under Statutory Instruments 135 and 136 of 2017.

The Magistrates Court (Resident Courts) Notice, 2017 reads:

“The Minister of Justice, Legal and Parliamentary Affairs, in terms of

Section 4 (3) of The Magistrates Court Act (Chapter 7:10), hereby makes the following notice:--

“Mutasa is hereby appointed as a Resident Court for Manicaland Province”

The notice for the regional courts reads:

“...Plumtree and Chipinge are hereby appointed as places for holding regional court in the Western and Central Divisions respectively.”

Mutasa Resident Magistrate Mr Innocent Bepura said his team has already hit the ground running handling at least eight criminal cases daily.

Mr Bepura said the new broom was



Mutasa Court Staff



Mutasa Court building

“As a new court, we have more challenges than advantages but we are managing. Firstly, we need landline telephone for communication. We do not have holding cells and we are appealing to the relevant authorities quickly come up with a solution.”

indeed sweeping clean with matters being cleared as they come.

“We are receiving about eight criminal cases daily and we are working hard to ensure there is no backlog.

“As we speak, we do not have any backlog and we will maintain the standards to ensure justice is dispensed in time,” he said.

Mr Bepura said they were mostly dealing assault and theft cases.

“We are receiving assault and theft cases from Ruda Police Station in Honde Valley and Mutasa Police Station.

“Penhalonga Police Station will soon be bringing their cases here as well. We are always busy but we make sure all cases are cleared as they come. We are managing and so far, there is no backlog to talk about,” said Mr Bepura.

However, Mr Bepura said Mutasa being a new station, a lot still needs to be done administratively to ensure the best results.

“As a new court, we have more challenges than advantages but we are managing. Firstly, we need landline telephone for communication.

“We do not have holding cells and we are appealing to the relevant authorities quickly come up with a solution.

“Suspects will be seated outside, awaiting appearing before a magistrate,” he said.

Mutasa Court also needs a station vehicle for banking, transporting the court for inspection in loco and other errands.

“At times we use own transport or we board buses to Mutare for banking and other business errands,” he said. Mr Bepura has one clerk of court, one interpreter, an office orderly and two security guards.

The National Prosecuting Authority has since deployed Mr Sherpherd Chavarika as prosecutor-in-charge of the station.

The Mutasa community has over the years been serviced by magistrates who used to drive from Nyanga Magistrate’s Court weekly for circuit court sittings.

The gazettement of a Resident Court at Mutasa followed a one-week tour of Manicaland Province by Judicial Service Commission Secretariat in August 2017.

JSC boosts NPA library

MIRANDA WRITER

THE Judicial Service Commission (JSC) has donated bound copies of cyclostyled judgments to the newly-opened National Prosecuting Authority library.

Chief Justice Luke Malaba pledged to boost the NPA library at the official opening ceremony held at Corner House on March 9 this year.

Thick volumes of several cyclostyled judgments capture the latest judicial decisions vital for research by prosecutors and other officers of the courts.

The Chief Justice whispered the generous development to Prosecutor-General (PG) Advocate Ray Goba at the function before the good news was publicly announced.

Chief Justice Luke Malaba pledged to

boost the NPA library at the official opening ceremony held at Corner House in Harare early March this year.

In an interview, Adv Goba hailed the Chief Justice and his team for the good gesture.

The PG said the donation will go a long way in improving the quality of arguments by his officers in court.

“Cyclostyled judgments are very important for our library. We use them and cite them in our cases at court.

“They are the very latest and that is why the donation is fortuitous to us. We will certainly add them to our library and rely on the latest judicial pronouncements when arguing our matters.

“At the end, the donation will improve on the quality of arguments, hence benefiting us as NPA as well as the courts,” he said. From the

cyclostyled judgments, the JSC editorial team will identify landmark cases that qualify to be part of the Zimbabwe Law Reports.

JSC published its inaugural edition of the Zimbabwe Law Reports 2015 (Volume 2), in 2016 and the editorial team continued publishing more.

Prior to the launch of the NPA library, prosecutors used to be accommodated in the Judicial Service Commission libraries.

The NPA set up the library with the support of the British Government and the International Commission of Jurists (ICJ).

They also benefited from another library at the Attorney-General’s office.

JSC Acting Secretary Mr Walter Chikwana and one of his deputies Mr Sithembinkosi Msipa accompanied the Chief Justice to the launch of the law library.



From left--Prosecutor General Advocate Ray Goba, Minister Ziyambi, British Deputy Ambassador to Zimbabwe Mr Simon Thomas and Chief Justice Malaba – tour the new NPA library



Chief Justice Malaba (right) addresses the crowd at the opening of the 2018 Legal Year in Harare

BY STEVEN GWATSWAIRA

The Judicial Service Commission (JSC) is reviewing the rules of all courts in line with the Constitution as part of measures to ensure access to justice for all.

The Commission realised that some of the rules had the effect of locking out litigants, thereby denying them justice.

Addressing a gathering at the opening of the 2018 Legal Year in Harare recently, Chief Justice Luke Malaba said the review process was underway and much ground had been covered.

He told the gathering that rules governing the Supreme Court and the Magistrates' Court had been reviewed and submitted to Government.

The Labour Court rules, the Chief Justice said, had since been gazetted into law.

"We have completed reviewing the Supreme Court Rules, the Labour Court Rules and the Magistrates'

ALL COURT RULES UNDER REVIEW

Court Rules. We have submitted these rules to the Ministry of Justice, Legal and Parliamentary Affairs for the process of promulgation into law. I am happy to announce that through Statutory Instrument 150/17, the new Labour Court Rules are now law.

"We now await the promulgation of the Supreme Court rules and the Magistrates' Court Rules," he said.

Chief Justice Malaba said the review of High Court rules was almost complete.

Reviewing the rules, the Chief Justice said, was being done in consultation with relevant stakeholders with

an intention to make justice more accessible.

"This is one way by which we ensure that access to justice is enhanced through rules that are in conformity with the new constitutional dispensation. As we carry out the process, we consult all stakeholders in the justice delivery system.

"We have taken into account and adopted some of their comments and contributions," he said.

JSC partners the European Union (EU), while the International Commission of Jurists supports the programme through funding and expertise.

JUDGE'S CLERK DIES IN AN ACCIDENT

BY RUFARO MARIRA

THE Judicial Service Commission has lost a dedicated and hardworking employee, Cathrine Nyakurukwa-Sai, who died in a car crash along the Harare-Mutare Road recently.

Nyakurukwa-Sai, who was a judge's assistant at the Labour Court in Harare, succumbed to the accident injuries while admitted at Parirenyatwa Hospital in Harare on October 18 2017.

The untimely death came as a shocker to her family, friends and colleagues.

The Registrar of the Labour Court Mr Donald Ndirowei described the late staffer as a respectful workhorse who was dedicated to duty.

"Catherine was hardworking, well-mannered and respectful. She was respectful both to judges and colleagues.

"She was a reliable employee who used to perform her duties to expectation. May her dear soul rest in peace," said Mr Ndirowei.

Born in Mutare on the 5th of

May 1990, Nyakurukwa-Sai attended Mushunje primary and secondary schools in Manicaland.

She attended Kuwadzana 1 High School in Harare for Advanced Level.

Seeking to upgrade her career, she enrolled with the University of London for a law degree but she died before completing the course.

She is survived by her husband, Blessing Sai and her one-year-old daughter Atiropafadzaishe Mariah Sai.

Nyakurukwa-Sai was a devoted member of the Zimbabwe Assemblies of God Africa (ZAOGA FIF) and she held various influential positions like deacon, youth chairperson among others.

Mr Blessing Sai described his late wife as hardworking, loving and caring woman.

"She had a loving heart and was also a caring wife and mother and a unifier in the family"

"She was strong, outgoing, determined, prayerful, and courageous woman who believed in achievement through hard work and education" he said.



The late Catherine Sai



Master of High Court's office staff

OPERATION “VHARA CIVIL COURT FILES” PAYS DIVIDENDS

MIRANDA WRITER

THE Master of High Court's office in Harare has embarked on an operation dubbed “Operation Vhara Civil Court Files” with a view to clearing 37 000 deceased estates files it took over from the Harare Civil Court in September last year.

Magistrates had all along been delegated to perform duties of the Master of High Court countrywide, but the responsible office, officially took over its functions late last year. While the magistrate were performing the function well, JSC decided to ease pressure on them and allow them to concentrate on court business that equally required their attention.

At least 13 000 other files were moved from the Bulawayo Magistrates Court to the Master's Office in Bulawayo, while 6 000 files were handed over to the same office in Masvingo. The operation will soon cascade to other provinces.

Seized with the files, the Master of the High Court Mr Eldard Mutasa, with the support of the Judicial Service Commission Secretariat, launched

the operation that has resulted in officers working after hours to clear the backlog.

In an interview, Mr Mutasa said Operation Vhara Civil Court Files was progressing well and positive results were already showing.

“As a result of Operation Vhara Civil Court Files, thousands of files have since been worked on with at least 15 000 letters having been dispatched to various executors for speedy finalisation of the estates.

“JSC authorised us to work overtime and we are working round-the-clock to clear the backlog,” said Mr Mutasa.

The Master said his team will not rest until the cases were all closed.

In Bulawayo, Mr Mutasa said, his office has moved out of the High Court Building to Bambanani/Kingdom Building as part of JSC's strategy to expand the High Court.

This followed an address by Justice Elizabeth Gwaunza at the opening of the 2018 Legal Year in Bulawayo that expansion of the High Court in Bulawayo was now on the cards.

The expansion, Justice Gwaunza said, would see more judges being deployed to the Bulawayo High Court.



Officers at work



CJ Malaba (seated centre) poses for a group photo with new High Court Judges and trainers at a workshop in Nyanga recently

ORIENTATION WORKSHOP FOR NEW JUDGES

MIRANDA WRITER

Eight new judges of the High Court have undergone a one-week training workshop in Nyanga to sharpen their skills ahead of their new duties.

Justices Pisirayi Kwenda, Sylvia Chirawu, Neville Wamambo, Isaac Muzenda, Philda Muzofa, Jacob Manzunzu, Thompson James Mabhikwa and Benjamin Chikowero, who were sworn into office in December last year, attended the orientation workshop that ran from March 21 to 25.

The judges assumed office on February 1, 2018.

Chief Justice Luke Malaba, Judge President George Chiweshe, Judicial Service Commission Acting Secretary Mr Walter Chikwana and attended

the training workshop together with selected presenters.

Among the presenters was High Court judge Justice Charles Hungwe who talked about management of criminal reviews in the High Court.

Justice Nicholas Mathonsi presented a paper on assessment of damages while Justice Antonia Guvava dealt with the topic of pre-trial conferences. Justice Lavender Makoni presented on how to organise the court and the court roll.

Dean of law at Midlands State University Dr Gift Manyatera presented a document on judicial independence, while Justice Samuel Kudya presented a paper on understanding the peculiar needs of women and children in criminal proceedings.

COURTS NEED COMPREHENSIVE SECURITY POLICY

BY NYASHA LEE VITORINI

On September 2, 2014 we woke up to a horror Herald Newspaper headline; "Burglars broke into Chief Justice Chidyausiku's chambers".

While this shocked all and sundry, a look at similar stories in the media shows a worrisome trend.

In July 2012, NewsDay reported that court records and office property worth thousands of dollars were gutted by fire at Masvingo Magistrates' Court following a suspected arsonist attack.

In 2015, burglars struck at Gutu Magistrates' Courts where they blew the safe and made off with an undisclosed sum in public funds.

It appears that the fire at Masvingo and the burglary at Gutu Magistrates' Court had clear motives.

In Masvingo, the attacker appears to have sought to destroy documents, while in Gutu the intention was to steal cash as suggested by the blowing up of the safe.

Recently, two female litigants made headlines for turning the Master of High Court's office into a boxing ring, destroying property because the place lacked the usual restraining ropes to mark the ring.

Another Manyuchi epic duel was staged at Masvingo Magistrates' Court around 28 April 2017. Only that this time it was an unsuspecting lawyer against a viciously aggrieved relative of a litigant who resorted to the use of brute force to register his

disapproval of the lawyer's role in judicial proceedings.

A related security concern arose in Chivi last year when a respondent in a maintenance matter committed suicide in Mr Chineka's (the resident magistrate) house. In Kariba the Resident Magistrate Mr Toendepi Zhou received a written a warning that his car and house would be petrol-burnt (Herald, 21 Nov 2016 edition).

In Plumtree, magistrate Mr Mark Dzira received a letter threatening him with death after he had denied three suspects bail. Such physical attacks and threats confront the magistrate as an individual.

The above incidents should be read in the context of standard security measures befitting an institution like the Judicial Service Commission. While the presence of the police at courthouses is laudable, it is time we adopt a Gulliver's perception where we zoom our systems with critical lenses. Is it not time to ask ourselves whether we have a comprehensive security policy?

At its inception, the JSC took an unusual step to train its own security officers. These are responsible for general security of our premises on a 24 hour basis. It is pertinent to constantly capacitate them in view of emerging threats. The arson at Masvingo Magistrates' Court and the burglary at Gutu Magistrates' Court suggest that we may have to increase the number of security officers per station. Given the daring attacks reported in the media, perhaps it's time we even consider armed responses.

Is a baton stick wielding female

security officer the proper night security for our courthouses in Mvuma, Victoria falls or Beitbridge? Is it not time to consider CCTV at all our premises? Recent reports of a robbery at Mabvudzi Secondary School in Nyazura, Rusape call for introspection. Courthouses store invaluable property, records and, at times, cash. Security for these can never be overemphasised.

The use of plastic money is a leap in the right direction. Where possible, banking could also be done towards the end of the day to minimise losses in the event of an attack. Huge sums of money tend to attract wrong 'visitors'.

The unfortunate attack on a legal practitioner at Masvingo Magistrates' Courts highlights the absence of vigilance on the part of the police. There is a need for a business unusual approach in the manner in which the police details working at the courthouse conduct themselves.

It is warming to note that all the new courthouses have fire extinguishers installed.

Such fire fighting equipment should be installed at all our premises. The equipment needs regular servicing.

Finally there is an urgent need to train staff on safety procedures which include the use of fire fighting equipment. Does the busy magistrate sitting in court six at rotten know what to do if a fire breaks out?

Does the clerk of court know how to use a fire extinguisher in the event of a fire in the records room? Does our staff know the numbers to call in the event of a fire? Do we have assembly points at our premises?



LEGAL CODEBREAKER 5

SET BY MAYOR 0776367719

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8			9		5		10	11	5	12
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	21		15	4	6	21	16	18	1	9
22	4	18	23		24		9			2
	25				14	20	6	4	10	16

CLUES

Find not guilty(6)	
Embrace(3)	
Legal practitioner(8)	
Christian denomination(8)	
The.....(UK prosecution)(5)	
Blend(3)	
Panel of judges(4)	
Wide (angle)(6)	
A frivolous case lacks this(5)	
Jump(4)	
Convict's punishment(8)	
Mineral(3)	
Out-of-court.....(agreement)(10)	
Bible book(5)	
The.....(Zimbabwean prosecution)(5)	
Number(3)	
Without legal permission(10)	
Criminal act(8)	

WORKING SPACE

1	2	3	4	5	6	7	8	9
10	11	12	13	14	15	16	17	18
19	20	21	22	23	24	25	26	

SOLUTIONS FOR PREVIOUS ISSUE

1	2	3	4	5	6	7	8	9
D	L	J	S	C	O	R	U	P
10	11	12	13	14	15	16	17	18
T	A	E	I	G	W	K	X	B
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V	M	Q	H	N	F	Y	Z	