

JUDICIAL SERVICE COMMISSION



**REMARKS BY THE HONOURABLE MR
JUSTICE L. MALABA, CHIEF JUSTICE OF
ZIMBABWE, AT THE OPENING OF
MAGISTRATES' TRAINING IN HANDLING
CASES IN THE SPECIAL ANTI-
CORRUPTION COURTS, CROWNE PLAZA
HOTEL, HARARE ON 16 NOVEMBER 2018**

Allow me to begin by welcoming you all to this workshop. The workshop has been organised for purposes of sharpening the skills of magistrates who sit in the specialised Anti-Corruption Courts. The training comes at a time when there is visible effort on the ground that Government is committed to effectively deal with the scourge of corruption in the country. Needless to say, the Judiciary has a crucial role to play in that fight.

I have indicated, in my previous addresses to you, that your designation as magistrates responsible for handling corruption offences during this crucial period is not only a vote of

confidence in your integrity but also reflects on your ability to effectively discharge your duties in the special courts as required.

Those onerous responsibilities must, however, serve as a red light to every one of you. The trust reposed in all of you comes with the temptation to improperly exercise your discretion as judicial officers. Opportunities for corruption will present themselves to you because of the pervasive nature of corruption cases. Corruption is perpetrated by those members of society who are usually well resourced. I therefore implore you to live lives that are beyond reproach. It is the only way you

will place yourselves beyond the reach of those who may attempt to corrupt you.

A few weeks ago I presided over the opening of three additional court rooms at Bulawayo High Court. I commented that there is a terrible scourge called corruption and that, as the Judiciary, we maintain our stance that cases of corruption must be dealt with decisively by the courts. I further made it clear to all and sundry, whether you are a law, Judge or magistrate, that it is our duty to deal decisively with cases of corruption. These words, these comments, apply with equal force today. If we do not come

together to fight corruption, we are doomed as a nation.

I recall commenting as well that we had embarked on an in-house training programme to curb the scourge within the organisation. We have embarked on a continuous judicial education and training to inculcate into judicial officers the necessary values for fighting corruption. This training being held today is one in-house training initiative.

I am informed that the topics which will be covered during your training will, among others, include judicial integrity. It is a topic that has gained global prominence. That signifies

the threat posed by lack of judicial integrity to the administration of justice across the world. If judicial officers lack integrity, it will be a waste of resources to set up special anti-corruption courts as the likelihood of justice being subverted will be high.

To put the global nature of the fight against corruption into perspective, an international expert, Mr Goredema, has been invited to speak on the international experiences of anti-corruption courts.

The other topics will centre on discussions of -

- Practical challenges faced by stakeholders in the criminal justice system;
- Implications of corruption on the security of Zimbabwe;
- Understanding economic crimes and criminal abuse of office; and
- Potential hurdles in management of criminal trials.

These topics are meant to provoke debate and sharpen your skills in presiding over corruption crimes and kindred offences. All the stakeholders in the administration of justice have been invited to this workshop and are represented at the highest level. This

demonstrates the seriousness with which all institutions view corruption. The engagements which will take place and the convergence of ideas must result in nothing but success. We all have a duty to fight and defeat this scourge.

I have said it previously and will not tire to say it again: Where an accused person has been properly convicted of corruption the sentences imposed by the courts must reflect the Government's and society's expectations on the punishment to be meted out to offenders. To that end, sufficiently severe penalties must follow every conviction of such offences.

My call for deterrent penalties is based on the assumption that every person accused of committing an offence will be afforded a fair trial in terms of the law. You are required to remain independent in the determination of cases brought before you. Such cases will invariably be difficult, as they may at times involve powerful people, sophisticated criminals and, at times, are perpetrated by organised syndicates.

A judicial officer must never be afraid of the extra-legal considerations attaching to a case before him or her. Always be guided by the law

and uphold the independence of the Judiciary in keeping with your judicial oath.

During my interactive meetings with magistrates countrywide, I underscored the need for magistrates to be independent in deciding cases before them. For emphasis, allow me to restate the same message here. A magistrate without independence is simply a caricature of a judicial officer.

For the avoidance of doubt, cases must be finalised as quickly as possible. The special Anti-Corruption Courts were established with the aim of streamlining graft cases from the routine life cycle of other ordinary court cases

to ensure their speedy finalisation. To that end, dilatoriness and tardiness in handling these cases will not be accepted. The cases must not be postponed unnecessarily.

In my last public address on the Anti-Corruption Courts, I disclosed the Judicial Service Commission's desire to cascade the special courts from the pilot stations at Harare and Bulawayo to other Provinces. You may have noticed that magistrates from outside these two stations are also attending this workshop. I have directed the Acting Secretary to ensure that the decentralisation of the special courts is finalised without further delay.

I expect the Judicial Service Commission to open Anti-Corruption Courts in Gweru, Masvingo and Mutare in the near future.

Allow me to conclude by expressing my profound gratitude firstly to the Minister of Justice, Legal and Parliamentary Affairs, the Honourable Ziyambi Ziyambi, for your presence today and for the support you always give to the Judiciary. I further wish to express my appreciation to our stakeholders - the Zimbabwe Republic Police, the National Prosecuting Authority, the Zimbabwe Anti-Corruption Commission, and the Office of the President and Cabinet - for joining hands with

us in this fight. I also wish to sincerely thank the external resource persons who are here to assist with the training for their selfless commitment. It is not easy to take time off your busy schedules and dedicate it to the cause of the Judiciary. Once again thank you very much to Mr J B Zowa, Mr O Chiperesa, Mr R T Shana and Mr C Goredema.

To our all-weather friends and cooperating partners, the International Commission of Jurists, thank you once more for readily coming on board at very short notice to assist us with funding for this workshop. We cherish your support and cooperation.

In my conclusion, I wish you fruitful discussions and robust engagements during the rest of your training workshop.

I THANK YOU.