

JUDICIAL SERVICE COMMISSION

“A Zimbabwe in which world-class justice prevails!”



**CLOSING REMARKS BY
THE CHIEF JUSTICE OF ZIMBABWE**

THE HONOURABLE MR JUSTICE LUKE MALABA

**ON THE OCCASION OF
THE JUDGES' SYMPOSIUM – END OF FIRST TERM 2022**

**AT
GREAT ZIMBABWE HOTEL, MASVINGO
31 MARCH 2022 – 3 APRIL 2022**

**THEME: ENHANCING THE RULE OF LAW THROUGH
EXPEDITIOUS DELIVERY OF JUSTICE.**

SALUTATIONS,

We have now come to the conclusion of the formal sessions of the End of First Term Symposium. This Symposium conformed to its objectives of providing a platform for judges to learn and hone their skills in a collegial atmosphere. I consider not only the reception that we received to have been warm, but also regard the quality of presentations and intense discussions that we made over the past two days as having been meticulously done and immensely beneficial to our work.

In this Symposium, we intended to zero in on a range of issues that confront judges in various courts almost daily. These range from identifying the correct approaches to the principle of precedent to even certain features of our judicial attire. There was intentionality behind the Symposium. My desire, therefore, is that symposia can contribute to the formation of a whole judge in every

aspect of life. It is only when individual judges conform to the requirements of the judicial call of dispensing justice properly that the Judiciary will discharge its role with integrity. Obvious as that may sound, the formation of a whole judge is a rigorous process demanding nothing less than diligence, the humility to learn and an inclination to self-development.

I recall the theme of this occasion, which was “ENHANCING THE RULE OF LAW THROUGH EXPEDITIOUS DELIVERY OF JUSTICE”. For Judges that have been part of the judiciary for long periods, you will easily observe that the enhancement of the rule of law is a recurrent theme. The rule of law is central to everything that we do. As such, this term’s theme recognised expeditious delivery of justice as a means of the enhancement of the rule of law. The attainment of the rule of law is an indicator of our success in discharging our institutional purpose. All the topics

somewhat centred on further equipping judges, in one way or another, to deliver justice expeditiously. Therefore, I strongly believe that all of us have picked helpful knowledge from the various presentations and discussions that will bolster our ability to deliver justice in a timely manner.

As I opened the Symposium yesterday, I stressed the importance of the principle of judicial precedent in our primary role of decision making. I am happy that the constitutional imperative to follow judicial precedent was stressed in Professor Madhuku's presentation.

Equally, Dr Mavedzenge and Dr Mutangi crystallised the point that, as judges, we ought to be conscious of the socio-economic context in which we exist and the role we play in contributing meaningfully to socio-economic development. Delays in delivering justice are, by far, one

of the most prominent challenges interfering with our constitutional role to contribute to socio-economic development.

I also had the opportunity to be part of some of the breakaway sessions. The common feature presented in all the sessions was the meaningful engagement by Judges of a particular court in issues affecting the court to which they form part. I need to state that all the breakaway sessions have generated agendas of tasks aimed at improving the operations of judges in particular courts. Thus, Judges must remain alive to particular aspects of the operations in their courts that they resolved on their own to look into and possibly address.

For example, I am reliably informed that judges of the Supreme Court dug deep in the difficulties arising from the operation of the Rules of that Court including the unduly

long timeframes for performing certain acts and the inconveniences arising from the rule relating to raising of preliminary objections.

So too, I am told that there was an honest discussion on the importance of establishing collegiality among judges of the High Court. Judges recognised the tea-room as means to set out important legal issues. I must emphasise that collegiality is the soul of any court's identity. Without it, a court will definitely manifest a dearth of cohesion and embarrassing confusion. Collegiality is also the pedestal on which the efficiency and integrity of a court rest. Inherent in the need to cooperate, is the need for judges to rise above their subjective views and dislikes about other judges and cherish the richness of mutual interaction.

Earlier today, there was a compelling debate on wigs as a feature of the judicial attire of judges of some of our courts.

This must have drawn all of you to reconsider your views on judicial attire. May I also remind you that however strongly one may personally feel about the relevance of some features of our judicial attire, judicial attire whatever form it takes is ultimately a symbol of our function in society. It is a symbol of an impartial judge who acts in accordance with the rule of law.

I am happy that in no less than two presentations, the idea that a judge is not an individual entity but a constituent of an institution emerged. This, for me, would sum up one of the key takeaways of this Symposium. This reminds all of us that the shared attainment of the rule of law is tied to an individual's understanding of the role that he or she plays within the overall matrix of judicial operations. Resultantly, we are obliged to always situate our individual work as part of a broader scheme of judicial operations.

I would **therefore** like to express my most sincere gratitude to all of us for making this Symposium not only a reality but also a success. I heartily thank the various presenters and discussants who dedicated time to the distinctive roles and topics that they were assigned. I say the amount of time and effort you invested in preparing for this Symposium is invaluable. I am completely grateful for your commitment to contributing to the vision and dream of the Judiciary of attaining world-class justice for all in Zimbabwe.

I must single out the Honourable Mrs Justice Makarau JCC who, with admirable ability, ensured that the objectives of the programme were followed. I also wish to thank the J.T.I.Z. led by Dr Katsande and the Judicial Service Commission Secretariat led by Mr Chikwana for organising this very successful event. Your commitment and diligence on duty, indeed made the Symposium fruitful, memorable and worthwhile.

In winding up the Symposium, it is my expectation that from these interactions will all emerge better judges of the utmost virtue, who are representative of a judiciary that values the rule of law. I hope to see the evidence of this impartation of judicial education in various ways including robust collegiality among judges in any court and enhanced sensitivity to our role in delivering justice expeditiously. This requires you to continuously reflect on our preparedness for the fundamental constitutional task that confronts us every day.

Finally, I sincerely wish you and all of us safe journeys as well as the supporting staff from JSC Secretariat and the J.T.I.Z. as you travel back to their respective cities and homes. May you all have safe journeys.

I thank you.

HON. MR JUSTICE L MALABA

**Chief Justice of Zimbabwe
Masvingo – 2 April 2022**