

# **JUDICIAL SERVICE COMMISSION**

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



**ADDRESS BY**

**THE HONOURABLE MR JUSTICE LUKE MALABA,  
CHIEF JUSTICE OF ZIMBABWE**

**ON THE OCCASION OF THE OFFICIAL OPENING  
OF THE 2025 LEGAL YEAR**

**ON**

**13 JANUARY 2025**

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**THEME: BUILDING PUBLIC CONFIDENCE IN  
THE JUDICIARY THROUGH MULTI-  
STAKEHOLDER PARTICIPATION.**

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## **SALUTATIONS,**

**The Prosecutor-General Mrs Justice Matanda-Moyo, the Attorney-General Mrs Mabiza and Advocate Nkomo,**

distinguished guests, ladies and gentlemen I welcome you all to the official opening of the 2025 Legal Year. Today marks a historic moment as the main ceremony is held for the first time in Bulawayo. The Judicial Service Commission's (the Commission) decision to move the main ceremony to Bulawayo demonstrates compliance with the Constitutional requirement and the Government's National Development Strategy (NDS) 1 to devolve and decentralise public services.

The celebration of the official opening of the legal year is an event which is used to emphasise and remind the judiciary that it must account for its performance, to the public from whom it derives its mandate. The ceremony is also a platform through which the Commission explains to the people of

Zimbabwe how it administered the courts and performed in the preceding year. That requirement stems from the fact that judicial office is a public trust. As a result, the operations of the Judiciary must at all times be openly debated for the benefit of the public.

In addition, the ceremony reaffirms the constitutionally mandated relationship which exists between the judiciary and all stakeholders in the justice delivery system. The occasion therefore provides an opportunity for the Commission to address the concerns which the public may have regarding the administration of justice and to outline measures through which such challenges may be addressed in order to enhance the efficiency of the administration of justice. The occasion provides an opportunity for all stakeholders to take stock of and reflect on the challenges to their common interests in ensuring that the administration of justice is maintained at a high state of efficiency and effectiveness.

Unity of purpose between and amongst the judiciary and its stakeholders is critical if the courts are to fulfil their constitutional mandate. The multi-stakeholder collaboration will be particularly heightened in 2025 because the Commission is poised to direct energy towards the reinforcement of positive and effectual relations between and amongst all stakeholders in the justice delivery system.

Whilst the main proceedings are taking place in Bulawayo, similar proceedings are also taking place at the Constitutional Court in Harare and the different seats of the High Court in Mutare, Masvingo and Chinhoyi. The simultaneous gatherings are intended to ensure that the judiciary communicates the same message to the public and stakeholders. They also guarantee that interactions with the judiciary cover as many parts of the country as possible.

As has become the tradition, every year, a theme is identified which is used as a focus of principles on which the

judiciary will derive inspiration for operations during the year. At the end of the year, the performances of the courts and the Commission are reviewed and measured against the extent to which the principles derived from the theme were observed. The choice of the theme is a well thought out process largely informed by contemporary challenges affecting the judiciary in particular and the administration of justice in general. It is also guided by the quest to adhere to constitutionalism and the direction set out in the Commission's strategic plan.

In the past year, the Judiciary was guided by a powerful and all-encompassing theme titled: **“THE ROLE OF THE JUDICIARY IN ENTRENCHING CONSTITUTIONALISM”**. The theme was centred on fostering constitutional compliance in the justice delivery system. It was underpinned by the values and principles expressed in the Constitution. Chief amongst them was the proposition that the State and its agencies must act in

accordance with the fundamental duties and obligations prescribed by the supreme law.

In the same vein, the theme placed the judiciary at the forefront of celebrating the tenth anniversary of the promulgation of the transformative Constitution of 2013. Building on that foundation, the endeavours of the Commission throughout 2024 were focused on promoting constitutionalism within the judiciary.

In keeping with the above practice, the Commission has, for the year 2025, developed a theme that symbolises the vision which anchors its strategic plan. It is a theme which resonates with the Commission's desire to deliver not only judicial excellency and world class justice but people centred justice which places the aspirations of the people as founded in law at the forefront. The 2025 legal year theme is:

**“BUILDING PUBLIC CONFIDENCE IN THE  
JUDICIARY THROUGH MULTI-STAKEHOLDER  
PARTICIPATION.”**

It is the view of the Commission that the theme will serve to reinvigorate and redirect the judiciary and all stakeholders in the justice delivery system to expend energies on making decisions and doing acts prescribed by law to build public confidence not only in the judiciary but in all justice sector institutions. That objective requires that there be a common interest to deliver on the constitutional obligations that serve the administration of justice expeditiously and in accordance with the relevant legal procedures.

The collective participation and collaboration of the judiciary and its stakeholders in the justice delivery system is a condition without which it would be impossible to foster public confidence in the judiciary. The areas of co-operation and

collaboration relate to functions defined by the law that drive the justice delivery system. The reason is also that each stakeholder is an institution created under the Constitution so that the exercise of the powers vested in it adds value to and contributes positively to efficient and effective delivery of justice,

The Constitution decrees public confidence as a critical component for the very existence of the judiciary. Section 162 which establishes the judiciary provides that “judicial authority derives from the people of Zimbabwe.” It must follow that the Judiciary acquires the authority to perform its constitutional mandate from the people. If it does, it is therefore a corollary of that principle, that the Judiciary must account to the same public. Whatever the courts do and whatever decisions they arrive at during the adjudication of disputes, must in the end have the support of the people. What that means is that the overall performance appraisal of the Judiciary is undertaken by



the generality of Zimbabweans. The Judiciary is cognisant of the fact that courts cannot build public confidence and trust in isolation. It can only do so and achieve the delivery of quality justice by collaborating and working together with other stakeholders in the justice delivery system.

It is needless to state that public confidence in the courts and other public institutions is a hallmark of every effective and functional constitutional democracy. Section 196(1) of the Constitution stipulates that the authority assigned to a public officer is a public trust which must be exercised in a manner which—

- (a) is consistent with the purposes and objectives of the Constitution;
- (b) demonstrates respect for the people and a readiness to serve them rather than rule them; and
- (c) promotes public confidence in the office held by the public officer.” [*emphasis is added*]

The conduct and manner in which every public institution executes its mandate and tasks will either destroy or build the confidence that the public has in that institution. The principle of public confidence is therefore a general constitutional principle that applies to the conduct of all public officials including judges, magistrates and other persons presiding over courts established in terms of the law. The essence of section 196(1), is that public confidence operates concomitantly with the principles of constitutionalism and duty of service to regulate the exercise of public authority.

Whilst section 196 refers generally to public confidence in public offices and the people who occupy the offices, section 165(2) of the Constitution specifically addresses public confidence in the judiciary. The provision stipulates that ‘Members of the Judiciary, individually and collectively, must respect and honour their judicial office as a public trust and must strive to enhance their independence in order to maintain

public confidence in the judicial system.’ The provision singles out public confidence as the end purpose of an effective, efficient and transparent judiciary. The conduct of judicial officers both individually and as an institution must therefore aim at building confidence in the judicial system.

Broadly speaking, public confidence in the judiciary exhibits through the public’s belief in the efficiency, fairness and impartiality in the exercise of judicial power, the adherence to the rule of law and the safeguarding of human rights and freedoms. It is a judiciary which complies with these constitutional dictates that will serve to maintain public confidence in the judicial system. On its part, the Commission is directly mandated by section 190 of the Constitution to promote and facilitate the independence and accountability of the judiciary and the efficient and transparent administration of justice in Zimbabwe. The authority to oversee the efficiency and effectiveness of the administration of justice vests in and

lies with the Commission. It is this constitutional body that must ensure that all necessary measures are put in place to create conducive conditions for the judiciary to perform its judicial functions efficiently.

It is therefore the Commission's responsibility to put in place policies and measures which ensure that the courts are both independent in the making of their decisions and that they account to the public for the decisions they make. In addition, section 191 directs the Commission to conduct its business in a just, fair and transparent manner. The provision requires the Commission to treat stakeholders in the justice delivery system not only even-handedly but also as its partners in the promotion of the administration of justice. It must take into account and promote the co-operative and collaborative relationship amongst stakeholders involved in the justice delivery system in order to maintain public confidence in the judiciary.

The structure and dynamics of the exercise of the powers of the stakeholder institutions created by the Constitution are designed to produce results that impact positively on the public perception and contribute in the building of public confidence in the judiciary. The inter-dependency of the functions of stakeholders means that the shortcomings of one institution in the performance of its duties can undermine public confidence in the entire justice delivery system. The recognition of the importance of stakeholder participation in the justice delivery system is centred on the pursuit of reforms that eliminate unnecessary disengagements and delays in the administration of justice. The engagement by the judiciary and other stakeholders in the proper performance of their relative functions without the compromise of the constitutionally guaranteed independence is meant to ensure the alignment of the justice delivery system to people centred service. When people trust the judicial system as the protector of fundamental

human rights and freedoms they are more likely to engage with it.

In an endeavour to enhance the efficiency and effectiveness of the justice delivery system the Commission deliberately designed measures aimed at achieving the expeditious adjudication and finalisation of matters at all levels of the hierarchy of the courts. These initiatives include strict monitoring of the performance of each court and every judicial officer in such court through the Commission's Performance Management System. In that way the Commission ensures that cases are quickly finalised and that orders and or judgments are handed down without delay and that the backlog of cases is kept at the barest minimum in all courts. In addition, the establishment of the Judicial Training Institute of Zimbabwe created a platform for a well-coordinated training regime for all judicial and non-judicial members of the Judicial Service. That

in turn has vastly improved the quality of justice dispensed by the courts.

The Commission has repeatedly stated that access to justice is the corner stone of any justice delivery system which answers to the needs of the people. It has ensured that vulnerable members of the population such as the elderly, women, children and people with disabilities are able to access judicial remedies and vindicate their rights through the courts. The Commission continues to facilitate such access through the establishment of courts in areas previously marginalised in relation to court facilities. In that regard, High Court stations have been opened to decentralise the operations of the High Court. In equal measure, numerous resident magisterial court stations and periodic court stations have been established in an effort to bring justice closer to the people.

I will shortly share with stakeholders and the public some of the work undertaken by the Commission in the course of the year under review. In the meantime, I wish to add that during the year under review, access to justice was enhanced through the recruitment of more judges of the superior courts, magistrates, registrars and other members of the support staff. In addition, efforts to review rules which regulate the practices and procedures in all courts to make them more user friendly continued.

The Integrated Electronic Case Management System (IECMS) is now firmly entrenched in all the superior courts. The IECMS has revolutionised the manner in which courts are run and has been one of the effective means of making justice accessible to the people. Whilst the journey is not yet complete, the successes achieved so far are a source of encouragement to the Commission, the entire judiciary and stakeholders involved in the process of reforming the justice delivery system.



An accountable system is not one that entirely prevents its members from misconducting themselves because the fallibility of human beings necessarily exposes a few to commit acts of misconduct from time to time. What is critical is that a system has been designed which ensures that where circumstances so require, errant members of the Judicial Service are brought to account. As required by the Constitution, where any member of the judiciary or support staff in the Judicial Service is alleged to have committed an act of misconduct the Commission has not hesitated to invoke the constitutional provisions, the provisions of the Judicial Code of Ethics or the Commission Regulations to initiate investigation of the allegations and to undertake disciplinary proceedings where necessary.

Judicial officers must conform to legal and ethical standards. That is of paramount importance as a judiciary of high integrity is the foundation for the building and

maintenance of public confidence in the judiciary. Judicial officers ought to be standard bearers in both their professional and private lives. It is for that reason that the Commission has taken a firm stance against judicial misconduct. If it is not nipped in the bud, judicial misconduct has the potential to undermine the very fabric upon which the public trust that exists between the judiciary and citizens is created. Happily no misconduct charges were preferred against any judge in the previous year signalling voluntary conformity with the high standards of judicial conduct.

Further, and in compliance with the requirement to conduct its business transparently, the Commission has religiously published its court operations report to the public through the submission of an annual report to Parliament in terms of section 323 of the Constitution. The Commission has also held interviews to fill various judicial vacancies in the superior courts in conformity with the provisions of section 180

of the Constitution and this has been done in the full glare of the public eye.

Whilst the judiciary plays a central role in the administration of justice because it superintends over the courts, it must be appreciated that there are various other stakeholders who play critical roles for the proper functioning of the justice delivery system. The courts on their own will not be effective without the co-operation, collaboration and involvement of other agencies in the entire process of justice delivery. That is from the time a report of a suspected commission of an offence is made in respect of criminal proceedings or a summons or application on the cause of action is filed with a court in civil proceedings to the final disposition of the case.

It is not debatable that judges and magistrates are central to the adjudication and resolution of criminal cases. But it

equally needs no emphasis that they would require a complainant who must report a criminal case to the police who in turn must investigate and arrest the suspect. The system also requires the Prosecutor General to initiate criminal prosecution in the courts. The prosecution of the case is dependent on the testimonies of witnesses in court in one form or another. If the person accused of the crime is convicted and sentenced the Prisons and Correctional Services must be roped in for the punishment and rehabilitation of the offender. The functions reposed in these role players at every stage are specifically and deliberately provided for by the law.

The stakeholders in the criminal justice system are of equal importance. None is more important than the other because each one plays its own assigned function to complement the next stakeholder. They must all co-operate and collaborate for the achievement of the common purpose of ensuring the proper functioning of an efficient and effective

justice delivery system. The absence of any role player or the malperformance of its functions is catastrophic to the entire chain of the justice delivery system. It is that simple.

A criminal trial will not proceed to its finality of the exercise of judicial power if witnesses do not come to court to testify on what they observed. A judge or a magistrate would not sit to preside over a criminal case if the police do not arrest the person accused of committing a crime and bring him or her to court. The court would certainly not play the role of the prosecutor if he or she did not present the case to it. The decisions of courts could become a *brutum fulmen* if there was no one to take care of the convicted offenders the way the Zimbabwe Prisons and Correctional Services does. If any such break in the chain occurs, public confidence in the judiciary will no doubt wane. For that reason, positive co-operation and collaboration amongst the stakeholders is indispensable.

Similarly, the role played by legal practitioners who appear in the courts to represent litigants and who at times do it without payment cannot be underestimated. Contrary to public perceptions, legal practitioners are not mere agents of the clients but are officers of the courts. Their first duty is to the court to ensure fair and efficient administration of justice. I will later speak to the critical role played by legal practitioners through the Law Society of Zimbabwe in providing *pro-deo* legal representation to suspects facing murder charges in the High Court.

It would be remiss of me if I failed to acknowledge the roles played by law based civic organisations and the media in interacting with the public and disseminating information on what would have transpired in the courts.

The law-making function is largely the preserve of Parliament. The roles played by all the stakeholders mentioned

above are derived from the law. The functions would not exist if there were no such laws. The judiciary would not be relevant if there were no laws which regulate human relations and the Bill of Rights which is meant to protect the fundamental rights of the citizenry. It is the law which regulates all the stakeholders and brings them together. A proper functioning judiciary also requires the support of the Executive arm of Government especially in the form of provision of funding through Treasury to ensure that all justice delivery programs come to fruition.

These comments are made to highlight the fact that it is not possible to have a justice delivery system that is managed by the judiciary alone to the exclusion of the other stakeholders referred to above. A properly functioning justice delivery system requires the participation of all the legally designated stakeholders who must play the roles specifically ascribed to them by the law. The Judiciary has a collective responsibility

to recognise and respect the importance of each role player. It is for these reasons that a stakeholder centred theme has been chosen for the 2025 legal year. Actions must be taken by stakeholders in accordance with the relevant laws defining the participation of the stakeholders concerned in the justice delivery system to produce results that boost public confidence in the judiciary. Such approach will ensure that the justice delivery system is perceived as accessible, fair and responsive to the needs of the people.

Various areas of cooperation and collaboration have already been established between the judiciary and many of the stakeholders in the justice delivery sector. Last year the National Council on Administration of the Criminal Justice System was established chaired by the Judge President of the High Court with the Deputy Chairperson being the Prosecutor General. It is constituted by various important players in the criminal justice system. This is a very important stakeholder



engagement platform whose terms of reference include the coordination, strengthening and smoothening of the criminal justice system to make it more efficient for the benefit of the public. The impact of the council is yet to be felt. I wish to see it doing more in ensuring that criminal trials both in the Magistrates Courts and in the High Court are dealt with expeditiously.

I equally hope to see the resuscitation of fast track courts at provincial centres of the Magistrates Courts so that the high number of accused persons who are on remand and awaiting trial is reduced. In the same vein, the challenge regarding the high number of murder cases on remand for long periods without trials must be dealt with decisively by the same council. As I will elaborate later, it had to take the intervention of the office of the Chief Justice to deal with the high number of murder cases in the Midlands Province. The problem had become so widespread and so deep that it almost caused the

public to lose confidence in the courts. I expect the Council to take the leadership in this area. It must create sub-committees in the Magistrate's Courts in all Provinces so that localised challenges are dealt with at that level. I therefore exhort members of the council to do more by putting their shoulders to the wheel and ensuring that there is a well-oiled criminal justice delivery system in the country.

I am saddened by the high number of criminal cases on remand for long periods without trials because that tends to encourage rather than discourage the commission of further crimes. The tendency of the role players in the criminal justice system to blame each other for such delays must be avoided because the beneficiaries of the blame game are the criminals and not the innocent public. When stakeholders come together as member of the National Council on Administration of the Criminal Justice System, the expectation is to see more action and less talk-shows with endless lists of eloquently drawn up

resolutions which are never implemented. It is hoped that following this advice the members of the council will quickly come together with the seriousness of purpose and drive the criminal justice system forward.

I make the same exhortation to the National Community Service and Pre-Trial Diversion Committees. These two committees are supposed to coordinate community service as a sentencing option and the diversion of juveniles from the criminal justice system respectively. These are committees that are critical in the efficient administration of the criminal justice system. I expect them to be active on the ground. I am aware that the committees are chaired by members of the judiciary. I will therefore be engaging with the respective chairpersons to ensure that the committees are fully functional.

Here in Bulawayo the Commission received commendable co-operation from the Bulawayo City Council in line with the collaborative approach to justice delivery. When

the Commission made a policy decision to decentralise the Magistrates' Courts into the townships, it approached various local authorities and city councils for land to construct the Magistrates' Courts. The Bulawayo City Council was the second local authority, after Epworth to respond positively to the request. It allocated the Commission two stands for the construction of Magistrates' Courts at Emganwini and Cowdray Park.

The Commission has made significant progress and has already commenced the construction of a courthouse in Cowdray Park. This facility will house both the Provincial Court and the Regional Court, significantly enhancing access to justice for the local communities. The Commission expresses its gratitude to the Bulawayo City Council for the gesture. Commitment to co-operation in the administration of justice is commendable.

The provision of legal aid in the administration of justice is another key area in which a multi- stakeholder approach to justice delivery is urgently required. For the generality of the public to effectively access justice in their various disputes, legal assistance is essential. The Constitution recognises the provision of legal aid as a right. In terms of section 31 of the Constitution the state is required to provide legal representation in civil and criminal cases to people who need it and who are unable to afford legal practitioners of their choice. The provision is complemented by section 70 (1) (e) of the Constitution which requires the provision of a legal practitioner by the State and at State expense to an accused person if substantial injustice would otherwise result.

The Legal Aid Act [*Chapter 7:16*], establishes the Legal Aid Directorate which is responsible for administering legal aid in Zimbabwe by providing legal assistance to persons who are eligible for such assistance in both criminal and civil matters.

Regrettably the Legal Aid Directorate has not been able to perform its functions as laid out in the statute. Consequently, a gap has been created where persons in need of legal aid especially those facing serious criminal charges have not been able to access such aid.

The registrar of the High Court and the Law Society of Zimbabwe have since assumed an *ad hoc* responsibility for administering the *pro deo* system in criminal cases. Under that system an accused person indicted for trial in the High Court and who has no means to hire a legal practitioner of choice, is afforded the services of a legal practitioner nominated by the registrar of the High Court. The efforts by the Commission and the Law Society of Zimbabwe in covering the gap are commendable. They are however not the solution to the legal aid challenges. The law has made it clear that the Legal Aid Directorate is the primary stakeholder responsible for administering legal aid in the country. It is imperative that the

Legal Aid Directorate assumes this role in compliance with the law. It is important that the directorate is urgently provided with all the necessary financial and technical support as well as the human resources which it requires to effectively discharge its mandate and make a meaningful contribution in the promotion of equal treatment for all under the justice delivery system. Happily the Ministry of Justice, Legal and Parliamentary Affairs has of late put in place programmes aimed at empowering the Legal Aid Directorate to deliver its statutory mandate.

It would be remiss of me to discuss the area of stakeholder participation in the justice delivery system without acknowledging the critical role played by UNICEF in the Victim Friendly Court System. The UNICEF has partnered with the judiciary to bring about an efficient and effective victim friendly court system in all courts and communities. The partnership has been in the areas of training of judicial officers,

prosecutors and police officers, the provision of equipment in all the victim friendly courts and the provision of witnesses' expenses and refreshments during their attendance at court.

The victim friendly court system now has committees at national level chaired by the Chief Magistrate as well as at provincial and district levels. The victim friendly court initiatives still stand out as part of the judiciary's and other stakeholders' collaboration success stories. It is therefore not surprising that the general public has benefited a lot from this partnership. Most importantly, public confidence in the victim friendly court system is at its strongest. I must at this juncture commend UNICEF for its continued participation in the victim friendly court system and further assure it that it remains an important and integral stakeholder in the justice delivery system. To the judiciary the relationship with UNICEF is priceless.



I also wish to take this opportunity to extend the judiciary's appreciation to all the stakeholders in the justice delivery system, including members of the public, who responded positively and supported the Commission during the formative and turbulent stages of the introduction of the Integrated Electronic Case Management System (IECMS) in the courts. After the launch of the system in the superior courts, various challenges were faced which is to be expected considering the size of the project and its national significance. Happily the challenges were successfully overcome, thanks to the unwavering support from the government. The success would not have been possible without the participation and cooperation of all stakeholders who remained steadfast and positive at all times. Overtime public confidence in the use of the IECMS has been gradually but effectively gained. More and more people now believe in and rely on the system to litigate in the courts. That would not have happened if stakeholders had

been negative about the efficacy of the system and were uncooperative. The Commission encourages all stakeholders to continue in their positive attitude as preparations are underway to move the system to the Magistrates Courts.

The introduction of the system in the Magistrates' Courts will be the fourth and final phase of the implementation of the IECMS. The Commission has already taken a policy position that the process to put the Magistrates' Courts under IECMS starts in earnest in January 2025. I expect the team in charge of the implementation of the IECMS to put all hands on the deck and ensure that the process commences smoothly.

Taking into account the size of the magistrate's department; it is not possible to launch the system in all the magistrates' courts at the same time. A phased approach will therefore be adopted under which the IECMS will be implemented on a Province-by-Province basis. The two Provinces that will commence the full implementation of the

IECMS are Mashonaland Central Province and Matabeleland North Province. It is emphasised, however, that in some areas of court operations the Magistrates' Courts are already wholly under the IECMS. All interactions between the Magistrates' Courts and the superior courts are now done through the digital platform as reviews, appeals and applications in both civil and criminal matters that are forwarded from the Magistrates' Courts to the High Court and the Constitutional Court are sent under the IECMS system.

The Magistrates' Courts must move with the same speed and efficiency that the superior courts did in adopting the IECMS. The challenges likely to be encountered in the process of the implementation of the system in the Magistrates' Courts will be an integral aspect of national development. The significance of the challenges will lie only in the indication of the appropriate solutions marking the strength, commitment and unity of purpose of all stakeholders. The concept of

integration in the identification of the electronic case management system adopted by the Commission in taking advantage of the information communication technology available, underscores the deliberately designed legal framework of the inter-dependence of the functions of the participating stakeholders.

I will in the not-so-distant future direct the establishment of an IECMS Review Committee that will be constituted by all stakeholders in the justice delivery system whose role will be to review the efficiency of the system, identify challenges and make recommendations on areas that require improvement amongst other terms of reference.

Before the comments on the theme chosen for the current legal year are concluded, I advert to the institution of traditional chiefs who are an important player in the justice delivery system. The chiefs live in the communities in which they are leaders. Through the use of alternative dispute resolution

mechanisms, chiefs resolve many community disputes in terms of the customary law. Chiefs preside over customary law courts. As such they are responsible for the delivery of justice in accordance with customary law. Sections 162 and 163 of the Constitution define the courts and the judiciary to include customary law courts and persons presiding over customary law courts.

Those who preside over customary law courts are bound by the same ethical standards and constitutional values and principles which bind all the members of the judiciary as defined under section 163. The Commission is expected in terms of the law to provide necessary support to make the customary courts efficient and fair in the discharge of their mandate. This is to the extent that as courts of law they are the fora for the exercise of judicial authority by the chiefs when presiding over them. This clarification of the limitation of the powers of the Commission over the institution of traditional

chiefs is important because traditional chiefs perform other functions that administratively place them under the supervision and control of the Executive arm of Government through the Minister responsible for traditional leaders.

The numerous functions a chief is entitled to perform are set out in section 5 of the Traditional Leaders Act (Chapter 29:17). Section 49 of the Act gives the Minister responsible for traditional leaders the powers over chiefs. This position is consistent with the provisions of section 282 of the Constitution setting out in broad terms the functions of traditional leaders recognised as an institution under customary law in terms of section 280 of the Constitution. The Commission must ensure that justice is legally and properly dispensed in all courts including the customary law courts. The public will certainly lose confidence in any court including the customary law courts that violates the fundamental human rights of litigants.

I have directed the Secretary of the JSC to initiate engagements with the National Council of Chiefs with specific focus on the training of chiefs in respect only of the proper exercise of the judicial function in customary courts. The idea is to empower chiefs with the necessary skills for hearing and determining disputes before customary law courts. It is important for traditional leaders to be aware of the principles of law that bind the conduct of any person presiding over a court of law. It is also important for them to appreciate that the exercise of the judicial function in the customary law courts is subject to the recognition of the rights of the litigants and users of these courts. Litigants seeking justice from customary law courts deserve to be treated with due respect for their dignity. They must never be insulted by the presiding persons.

A position has been taken to adopt the use of Alternative Dispute Resolution (ADR) mechanisms in the justice delivery system to enhance efficiency, through a model known as the

Court Annexed ADR system. This is a system which will be applied in both criminal and civil courts. In respect of civil cases specialists in specific areas of the law who have been carefully selected, certified and connected to the courts system will have matters referred to them for mediation and conciliation. Where parties agree to the resolution of the matter the agreement will be reduced to a court order for enforcement. Where they do not agree, the matter will go back to court for adjudication. In the criminal cases there will be serious consideration of the adoption and use of plea bargaining as a way of expeditiously disposing of criminal matters. The use of ADR mechanisms is considered to be a progressive international practice. It has been successfully adopted in many jurisdictions. Zimbabwe cannot afford to be left behind. A committee led by a judge of the High Court to steer the adoption of the ADR mechanisms has been set up.



# **THE JUDICIAL SERVICE COMMISSION'S ACTIVITIES DURING 2024**

I turn at this stage, to share the key activities and initiatives that the Commission undertook in the past year. I digress briefly to note that in 2024 the judiciary suffered a great loss with the passing of Bulawayo Labour Court Judge, the Honourable Mrs Justice Mercy Moya-Matshanga. She led the Labour Court bench in the southern region with distinction. Her hard work and dedication to duty will always be an inspiration to all of us. May her soul rest in eternal peace. I will before the court adjourns today request that we all observe a moment of silence in her memory.

The year under review has been one of the busiest and most successful periods since the Commission came into being. That is evidenced by the activities that were undertaken during

the course of the year, the progress made in terms of attendance to the needs of the people.

**APPOINTMENT OF THE DEPUTY JUDGE  
PRESIDENT OF THE HIGH COURT, TEN JUDGES OF  
THE HIGH COURT AND ONE JUDGE OF THE  
ADMINISTRATIVE COURT**

The Commission strengthened the bench during the course of the year by facilitating the appointment of the first Deputy Judge President of the High Court the Honourable Mr Justice Garainesu Mawadze, following amendments to the High Court Act. As the High Court continues to decentralise with the opening of stations of the High Court in more provinces, it is expected that the Deputy Judge President will assist the Judge President in the supervision of the operations of the court. In addition, the Commission facilitated the appointment of ten (10) new High Court judges and one judge of the

Administrative Court to replace judges lost overtime through various forms of attrition such as retirement, resignation, death and discharge from office. The new Judges, together with the Deputy Judge President of the High Court were sworn into office at the Constitutional Court on 17 June 2024. I take the opportunity to once again congratulate the deputy judge president and the new judges on their appointment.

In addition to the appointment of new judges, the Commission recognised the dedication and commitment of long-serving members through Long Service Awards. The Vice President of Zimbabwe, General (Rtd) Dr C. G. D. N. Chiwenga graced the occasion and presented the awards to deserving members in two categories namely gold for those who had served from between 30 to 39 years and platinum for those who had served for 40 years and above. The recognition is part of the Commission's human capital development thrust, which aims at investing in its staff members in building a strong

and effective judiciary. The awards ceremony honoured judges, magistrates, administrators, and the generality of staff who have been loyal for long periods of service and demonstrated exceptional commitment to justice delivery.

Whilst still on the subject of human resources, allow me, to also take this opportunity on behalf of the Judicial Service Commission, the entire judiciary and on my own behalf to extend our congratulations to Mr Stephen Mutamba on his appointment as the Commissioner-General of the Zimbabwe Republic Police with effect from 1 January 2025. We wish him success and remain positive that the ZRP will attain even greater heights under his stewardship.

## **REGIONAL AND INTERNATIONAL INTEGRATION**

The judiciary continues to take leadership and leave footprints of success because of the manner it has transformed its operations and the administration of the courts.

Counterparts within the region are visiting the country to benchmark on the successes registered in the transformation of the justice delivery system. During the course of the year the Commission was honoured to host delegations from Mozambique, Zambia, Malawi and Namibia. They came to study the IECMS and to appreciate how the Commission managed to successfully launch the electronic case management system in the superior courts. They also wanted to share notes on areas of judicial administration and the general use of ICT in the courts. From the feedback received following the visits, the visits were worthwhile. Namibia and Zimbabwe went further and signed a Memorandum of Understanding (MOU) between the two Judiciaries. The MOU is intended to guide the two Judiciaries on matters of cooperation in areas of practice and administration of justice.

In addition to the benchmarking visits, the Judiciary successfully hosted two major international conferences in

2024. First, it hosted the 3<sup>rd</sup> Annual Meeting of the Africa Electoral Justice Network in January 2024. The conference was held in Victoria Falls and marked a significant milestone with the formal adoption and signing of the statute governing the electoral network.

The judiciary capped the year 2024 by hosting the 7<sup>th</sup> Congress of the Conference of Constitutional Jurisdictions of Africa (CJCA) which also took place in Victoria Falls from 30 October to 3 November 2024. Over 200 delegates from 43 countries and 10 Regional and International organisations attended the Congress. It was the biggest gathering of judiciaries in Africa. Zimbabwe was humbled to be conferred with the honour to host such an auspicious event. It discharged its responsibility with distinction. Representatives of judiciaries from Russia, Türkiye and Albania also attended the Congress as observer members. At the Congress, Zimbabwe,

through the Chief Justice assumed the Presidency of the organisation, taking over from the Kingdom of Morocco.

## **ACQUISITION OF MOTOR VEHICLES, BUSES AND LORRIES**

During the period under review the Commission acquired motor vehicles, buses and lorries to improve the transport situation in the organisation. Conditions of service motor vehicles were acquired for judges. By the end of the year under review all the judges had been issued with replacements for their all-terrain motor vehicles. The newly appointed judges were also issued with their conditions of service vehicles.

For the first time, the Commission introduced official issue vehicles for all magistrates in the grades of provincial and senior magistrate. As at 31 December 2024, magistrates in the stated grades had been issued with various types of motor vehicles which depended on the seniority of each magistrate.

The allocation of the cars marked a significant milestone in the improvement of the conditions of service of magistrates. Various other forms of vehicles such as double and single cabs and 8-ton trucks were procured for use by departments such as the registry, sheriff, magistracy and secretariat to visit circuit courts and for use as pool vehicles to carry out critical operational work.

In 2022 the Commission adopted a policy to provide public transport in the form of buses to ferry members of staff to and from work. From that time to the period under review, the Commission has continued to procure more buses. By the end of 2024, a total of fifteen (15) buses had been acquired and deployed to various provinces. The major criterion used in the deployment of the buses was the geographical size of the province and the number of members of staff in the province. The acquisition of buses and motor vehicles to alleviate



transport challenges within the organisation is an ongoing exercise that is targeted to cover all stations in the country.

## **SPLITTING OF HARARE PROVINCE INTO TWO PROVINCES**

Another important decision made by the Commission during the year under review was to split Harare Province into two administrative provinces. The decision was necessitated by the realisation that Harare province had become too large to be properly administered from one centre. The volumes of work in the province continue to rise. For instance, Mbare Magistrates Court on its own receives more cases than Mashonaland East, Mashonaland Central and Mashonaland West Provinces. Harare Magistrates Court (criminal), receives more work than all the other provinces combined with the exception of Bulawayo. Harare Civil Court receives between forty-eight thousand (48 000) and fifty thousand (50 000) cases

per year. These numbers from a single station surpass the total from all stations in many provinces.

It was becoming more and more difficult to have huge volumes of work managed centrally from one point by a single provincial head. As a result, to ease the pressure on the administrators, the province was split into Harare North and Harare South Magisterial Provinces. **Harare North Province** comprises Harare North/Borrowdale, Highfield, Mabvuku/Tafara, and Chinamhora districts, Harare civil court and Norton. **Harare South Province** comprises Harare Central, Harare South/Waterfalls, Ruwa/Epworth, Chitungwiza, Seke, and Beatrice districts. The development aligns with the National Development Strategy 1 (NDS 1), which prioritises devolution and decentralisation of services. The separation of Harare Province into two provinces is expected to bring justice services closer to the people, improve access to justice, and enhance the overall efficiency of the

justice delivery system. Ultimately it must contribute to increased public confidence in the administration of justice.

## **ESTABLISHMENT OF RESIDENT MAGISTRATES COURTS AND CIRCUIT COURTS.**

The decentralisation of the magistrates' courts was one of the key performance drivers for the Commission during the period under review. The priority was to increase the number of regional courts and resident provincial courts so that the distances which the public must travel from their homes to the nearest court stations are reduced. In that regard, during the course of the year under review, additional regional courts were opened at Kwekwe, Mutoko, Zvishavane, Mbare and Guruve. Whilst all the other regional courts are now fully operational, there have been delays in operationalising Guruve Regional Magistrates Court because of the need to set up appropriate facilities that will house the regional court.

Resident Magistrates' Courts were established at a number of stations which used to be run on periodic basis. These were at Triangle in Masvingo province, Kotwa in Mashonaland East province, Shamva in Mashonaland Central province, Banket in Mashonaland West province, Beatrice in Harare South province, Mabvuku and Chinamhora in Harare North Province, Nembudziya in Midlands province and Wedza in Mashonaland East province. Some of the courts are already operational while others will open their doors to the public during the course of the first term of this legal year. All the logistics for the opening of the courts have been finalised. What is left are consultations with key stakeholders such as the National Prosecuting Authority and the Zimbabwe Prisons and Correctional Services.

In Harare North province it is envisaged that the station at Mabvuku will start operating during the course of the year because the construction of the courthouse has since

commenced. In Matabeleland South province, Brunapeg was designated as a resident Magistrates' Court. Land has been secured to construct the court and the Commission is currently in engagements with Treasury for provision of funding to construct the courthouse.

In addition to the resident Magistrate Courts, the Commission spearheaded the designation of circuit courts at Nyanga for the regional court to be serviced by Mutare regional court, at Ruwangwe to be serviced by Nyanga magistrates court, at Makuti to be serviced by Karoi magistrates court, at Cashel Valley in Manicaland to be serviced by Chimanimani court; at Mahusekwa to be serviced by Marondera Magistrates Court, and at Lusulu and Siabuwa to be serviced by Binga Magistrates' Court.

In total, 2024 saw the establishment of **five (5)** additional regional courts, **ten (10)** resident magistrates courts and **eight**

(8) circuit courts. These numbers were unprecedented but not surprising because the Commission relentlessly pursued its strategic plan objective of decentralising the courts to enhance access to justice for all citizens.

Last but not least, the Commission continued to pursue the development of essential court facilities and infrastructure throughout 2024. An account of the construction projects is given as follows.

Two new courthouses were commissioned in 2024 to enhance access to justice.

### ***Chiredzi Magistrates Court***

The new court complex at Chiredzi Magistrates' Court was completed and officially commissioned on 20 September 2024. The complex was constructed to replace the dilapidated prefabricated courthouse.

### ***Triangle Magistrates Court***

The Triangle Magistrates Court was also opened on 20 September 2024. The court serves the expanding population in Triangle and Hippo Valley Estates. Residents no longer have to travel to Chiredzi or Masvingo for their legal matters to be resolved. The court is equipped with technical specifications to support the Integrated Electronic Case Management System. That will enable efficient case management and dispute resolution

### ***Renovation of Chegutu Magistrates' Court***

Renovations at Chegutu Magistrates' Court which saw the construction of an additional courtroom and three new offices for members of staff were completed. The entire courthouse was repainted to give it a facelift.

In the coming months, the Commission anticipates considerable progress to be attained on the following construction projects:

- Judicial Training Institute of Zimbabwe, Training Centre
- Gwanda Court Complex
- Mutawatawa Magistrates Court
- Mbare Magistrates Court
- Cowdray Park Magistrates Court and
- Kwekwe Magistrates Court

## **THE STATISTICAL PERFORMANCE OF THE COURTS IN 2024**

A detailed account of the performance of the courts during the period under review is now provided.

### **SUPERIOR COURTS**



**SUPERIOR COURTS CONSOLIDATED**

COURT	CASES B/F AS AT 01/01/24	RECEIVED	TOTAL	COMPLETED	CASES C/F AS AT 30/11/24	CLEARANCE RATE (%)
CONSTITUTIONAL COURT	27	65	92	69	23	75%
SUPREME COURT	291	862	1153	932	221	81%
HIGH COURT	588	32272	32860	32045	815	98%
LABOUR COURT	598	1903	2501	2108	393	84%
ADMINISTRATIVE COURT	12	42	54	41	13	76%
<b>GRAND TOTAL</b>	<b>1516</b>	<b>35144</b>	<b>36660</b>	<b>35195</b>	<b>1465</b>	<b>96%</b>

The performance of all the superior courts is quite pleasing. The dedication and diligence with which judges applied themselves is a source of pride. At this same occasion in 2024, concern was expressed regarding the performance of the Labour Court which from the results, was clearly below expectations. Engagements with the judges were made in order

to identify the challenges which militated against optimal performance and to improve the operations of that court. As is reflected in the statistics there is a marked and pleasing improvement by the Labour Court. I wish to congratulate the judges of that Court for heeding the call to up their performance. Expectations are that the good performance will be consistent.

Bulawayo High Court station was equally dogged by poor performance in the previous years. Various intervention measures were instituted. It is heartening to note that there has been a turnaround in the performance of Bulawayo High Court which vindicates the decisions taken in respect of the station.

Still in reference to Bulawayo, stakeholders brought to my attention the high number of murder cases in the Midlands Province which were taking long to be finalised by the High Court at Bulawayo. The numbers were so high that sooner than

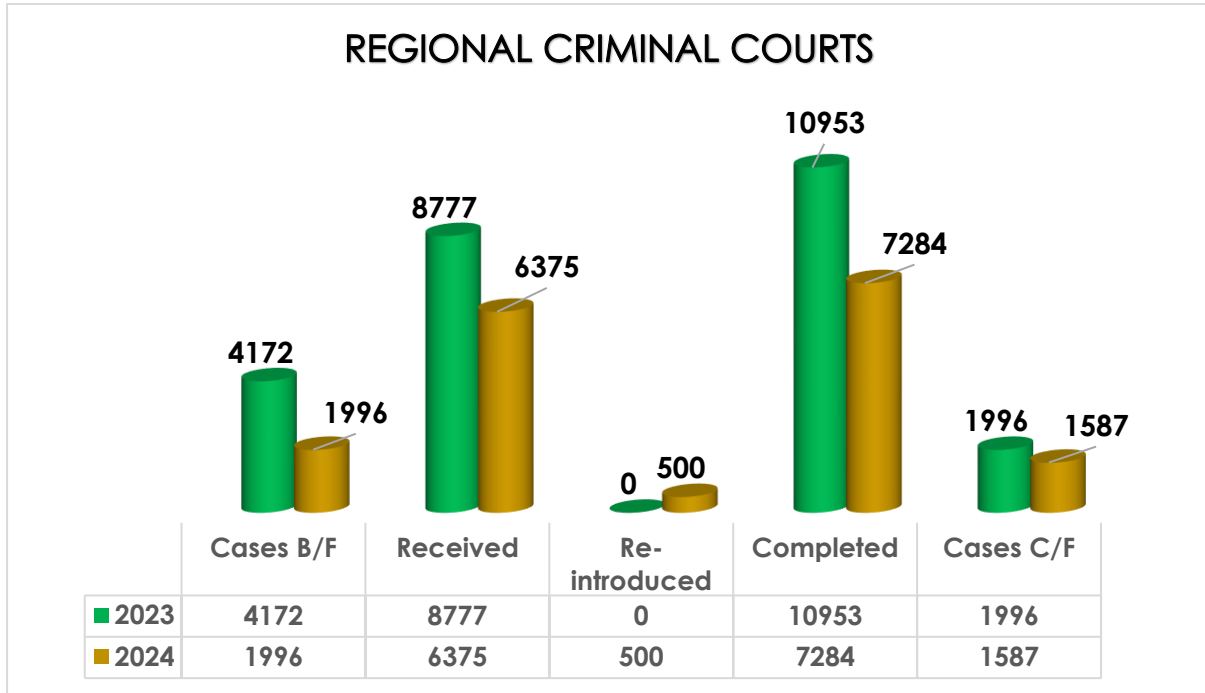
later the public was likely to lose confidence that the courts can protect them. It became necessary for the office of the Chief Justice to intervene. I directed the setting up of an extraordinary High Court circuit session in the Midlands Province which saw the deployment of five (5) judges in the province to deal with the murder cases. Three of the judges sat at Gweru whilst the other two were at Gokwe for a period of three weeks. Gokwe had been designated a High Court circuit. The judges and prosecutors performed exceedingly well. A total of 137 cases were completed. I personally wrote letters of commendation to the Judge President and all the judges who participated in the extraordinary circuit sitting.

Until now I have not found the appropriate occasion to also thank the Prosecutor General and her team; the Law Society of Zimbabwe and through it, all legal practitioners who participated by representing accused persons either through the *pro-deo* appointment system or after being engaged as

practitioners of choice by their clients; the Commissioner-General of the Zimbabwe Republic Police and all officers under his command; the Commissioner-General of the Zimbabwe Prisons and Correctional Services and all his officers; medical practitioners who undertook psychiatric examinations of accused persons at very short notice and members of the public who came to testify in the various cases. The cooperation and collaboration exhibited during the exercise once more vindicates the choice of the theme for 2025. More work still needs to be done in the Midlands Province until all outstanding murder cases have been cleared. As such, in the coming weeks another extraordinary circuit sitting of the High Court in the Midlands Province has been gazetted and will commence on 20 January 2025.

# MAGISTRATES COURT

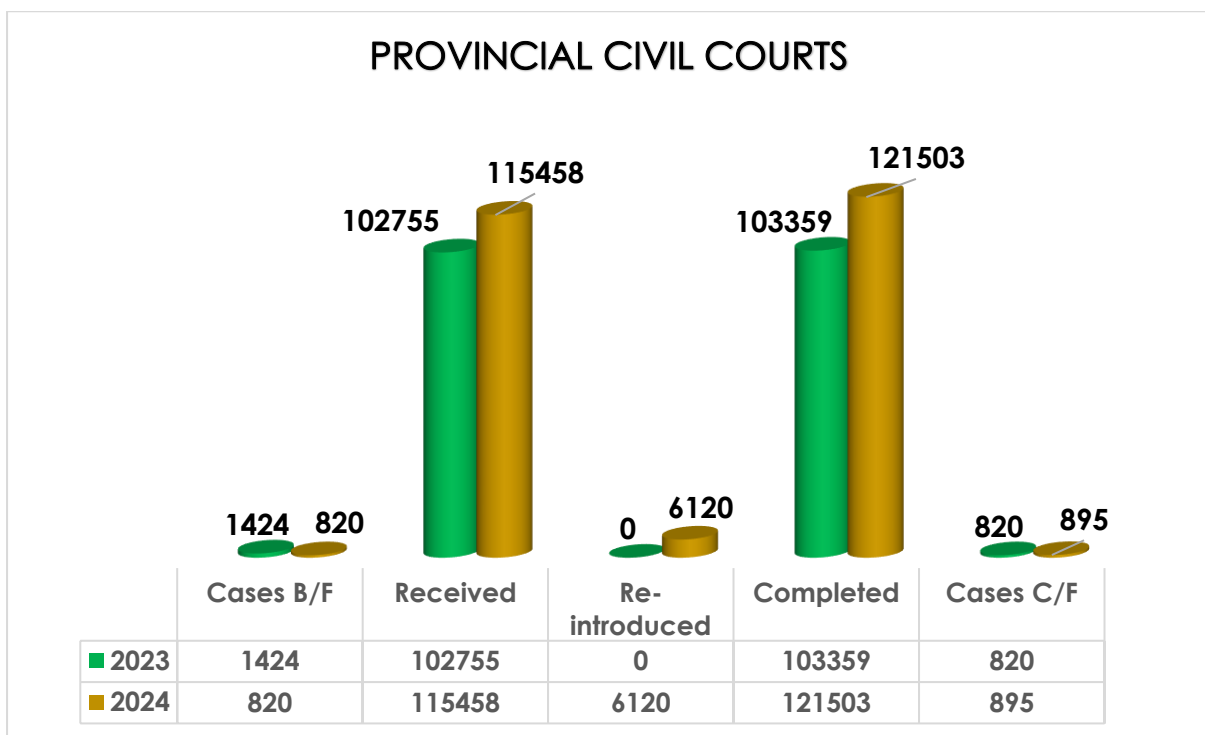
## THE REGIONAL COURTS



The consolidated total number of criminal cases received by the Regional Magistrates' Courts during the period under review is **6 375** cases while **500** cases were re-introduced, which is significantly less when compared to the year 2023, which received a grand total of **8 777** cases. Based on the above figures, the number of criminal cases that ultimately reached the regional courts for determination fell by **22%** in 2024.

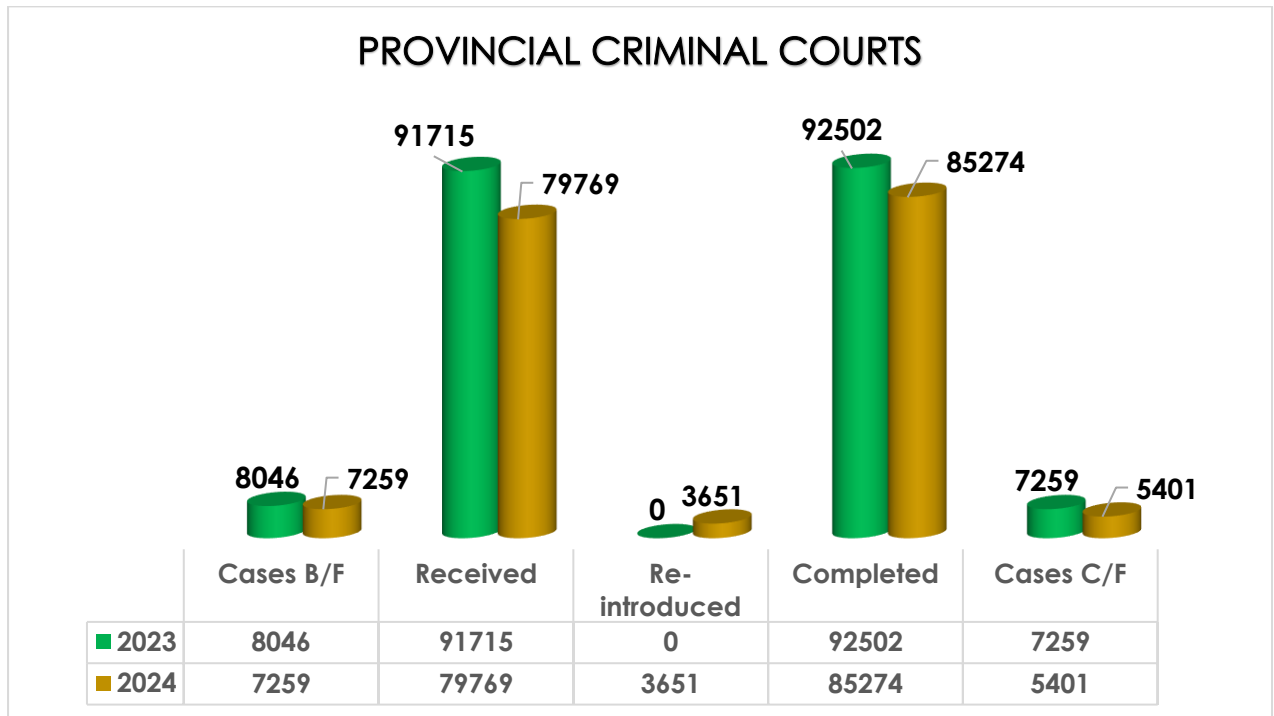
Equally so, the Regional Division of the Magistrates’ Court completed a total of **7 284** criminal cases during the period under review, which is relatively less than the year 2023, in which **10 953** cases were finalized.

## PROVINCIAL COURTS



The civil cases clearance rate for the provincial courts by the end of November 2024 was **99%**. **820** civil matters were brought forward from the year 2023. **115 458** were received and **6 120** were re-introduced bringing the caseload of civil

cases to a grand total of **122 398**. Out of these, **121 503** civil cases were completed. In that regard, the clearance rate in the civil courts is encouraging.



In respect of criminal work, a total of **79 769** new cases were received, **3 651** cases were re-introduced and **85 274** cases were finalised during the year 2024. A clearance rate of **94%** was recorded during the period under review compared to a **93%** clearance rate noted during the year 2023. All judicial

officers and court staff are congratulated for the pleasing work done.

## **CONCLUSION**

In concluding the address, it is once more emphasised that building public confidence in the Judiciary through multi-stakeholder participation is crucial for any democratic society. The judiciary relies on cooperation and efficient performance of functions by all stakeholders to effectively fulfil its role as the guardian of the Constitution. In 2025, the focus will be on the strengthening of multi-stakeholder participation in the administration of justice. The theme recognises the importance of co-operation and collaboration between the judiciary, State actors, private actors, and ordinary citizens in promoting constitutionalism and the rule of law. By working together, the nation can achieve unity, peace, economic development, and social justice. The mutual benefit of abiding by



constitutionalism must be appreciated, and all stakeholders must be aware of their roles in upholding the Constitution.

Lastly, the Commission takes this opportunity to acknowledge the support it received from all its key stakeholders. These are the Ministry of Justice, Legal and Parliamentary Affairs, the Ministry of Finance and Economic Development, the Ministry of Local Government and Public Works, the Law Society of Zimbabwe, the National Prosecuting Authority, the Office of the Attorney-General, the Zimbabwe Prisons and Correctional Service, the Zimbabwe Republic Police, the Zimbabwe Anti-Corruption Commission, the UNDP, UNICEF, ZWLA and various other non-governmental organisations that partnered with the Commission in ensuring that there is access to justice for all in the country. The judiciary looks forward to strengthening these ties in the coming months.

Last, but certainly not least, the Commission acknowledges and thanks all judges, magistrates, registrars and all the other members of staff for their tireless efforts during the past year. They all immensely contributed to ensuring that cases were disposed of with minimum delays. The Commission's Secretariat is equally commended for the material and logistical support timeously given to the courts, without which the courts would struggle to function.

I end my remarks with a celebratory message. This is to honour and celebrate a man who has done so much for Zimbabwe in general and the judiciary in particular. Justice David Mangota retired as a Judge of the High Court on the 31<sup>st</sup> of December 2024 after having served in the justice sector for **44** years from 5 January 1980. He started his career on the bench as a magisterial assistant. He rose through the ranks of magistracy up to the time he was appointed Chief Magistrate in

1998. He also served as the Permanent Secretary for the Ministry of Justice Legal and Parliamentary Affairs from 2001 until he was appointed a judge of the High Court in 2012. At the time of his retirement, he was serving as the Senior Judge of the High Court, Bulawayo Division. On behalf of the Commission, the Judiciary and on my own behalf, I wish to congratulate Justice David Mangota on his retirement for serving the bench with discipline and diligence. I can only wish him well as he takes the much deserved rest.

With these remarks, the congregation may now stand to observe a moment of silence in honour of the departed Mrs Justice Moya-Matshanga after which we will have a word of prayer from the Retired Reverend Cleophas Lunga as we beseech God to guide us in the year ahead.

After the prayer, the special sitting of the Court will adjourn.