

JUDICIAL SERVICE COMMISSION



**REMARKS BY THE CHIEF JUSTICE OF ZIMBABWE,
THE HONOURABLE MR JUSTICE LUKE MALABA,
ON THE OCCASION OF THE OFFICIAL OPENING
OF
THE NEW CHINHOYI COURT COMPLEX
ON 3 SEPTEMBER 2021**

**“AN EFFICIENT AND EFFECTIVE JUDICIARY
THROUGH INFRASTRUCTURE DEVELOPMENT”**

YOUR EXCELLENCY, Distinguished Guests, Ladies and Gentlemen, We are gathered here to witness the official commissioning of this magnificent Chinhoyi court complex. This ceremony is significant because the courthouse is the first provincial court centre that the Judicial Service Commission (“the Commission”) has constructed and commissioned since it became an independent administrative arm of the Judiciary in 2010. Until now the majority of the Commission’s courthouse projects concerned district courts around the country. The courthouse is the second largest composite court complex in the country after the Rotten Row court building in Harare. The construction of the court complex is another milestone in the Commission’s programme of improvement of access to justice for citizens. The provision of adequate and modern court facilities to the generality of Zimbabweans is a constitutional mandate the Commission has to discharge, consistent with the vision of achieving world class justice.

YOUR EXCELLENCY, the theme of “**AN EFFECTIVE AND EFFICIENT JUDICIARY THROUGH INFRASTRUCTURE DEVELOPMENT**” speaks to the Second Republic’s aggressive thrust

towards ensuring infrastructure development across all sectors of the economy. Whilst the **Vision 2030** policy document prioritises infrastructure development as a catalyst to Zimbabwe's economic transformation, the **National Development Strategy No. 1** seeks to achieve the national outcome of improved justice delivery through the decentralisation of court services and infrastructure development. Much as it must maintain its autonomy in the execution of its adjudicative and functional constitutional duties, the Judiciary remains expected to cooperate with the other arms of Government for the achievement of common national objectives.

YOUR EXCELLENCY, the court complex to be officially opened to the public today accommodates **eight (8)** big and impressive courtrooms, **forty-four (44)** offices and numerous public waiting halls. On the first floor of the complex is a state of the art library with both traditional and e-library facilities to aid research for Judges and magistrates. The courthouse has **eight (8)** holding cells in the basement. The cells meet internationally recommended standards for persons held in custody. The entire ground floor is reserved for the Magistrates' Court with support staff on one side and judicial officers on the other.

A large section of the first floor of the court building will house the High Court, with some of the wings taking in the Sheriff of the High Court and the Master of the High Court offices. In line with international best practices to ensure effective access to justice, the complex is the first courthouse in Zimbabwe to have facilities for the accommodation of all the core operations departments of the Commission in one place; that is, the High Court, Magistrates' Courts, Master of the High Court and Sheriff of the High Court. In addition, to accommodate our traditional stakeholders in the administration of justice, facilities have been created for the National Prosecuting Authority, the Zimbabwe Republic Police, and the Zimbabwe Prisons and Correctional Service. The court complex also has a robing room for legal practitioners and offices for the Legal Aid Directorate to enable it to provide legal aid to indigent litigants. To attend to issues of staff welfare, we have a staff canteen and a clinic established in partnership with Premier Service Medical Aid Society (PSMAS).

YOUR EXCELLENCY, I am also happy today to announce that the Commission has developed Standard Operating Procedures (SOPs) and

Policies, including Performance Management and Monitoring and Evaluation Guidelines. These manuals are aimed at assisting the Judicial Service's members of staff to execute their functions with uniformity and the clarity required of them. The SOPs are an accountability tool designed to assist members of the public understand and measure the quality of service they receive from the Judicial Service's members of staff, all in the effort to improve justice delivery. These SOPs and Policies, the compilation of which started at the beginning of 2020, set out procedures in the courts in plain language for the benefit of both judicial officers, support staff and the public. They are not intended to replace the rules of court. They explain in detail the roles of clerks of court, registrars of the High Court, Supreme Court, Labour Court, Administrative Court and Constitutional Court, officers in the Master of the High Court's office and those in the office of the Sheriff of the High Court. We have decided, **YOUR EXCELLENCY**, to take advantage of today's grand occasion to launch the Commission's SOPs and Policies. Thereafter, they will be circulated to our stakeholders and key partners, placed at all our

courthouses and posted on the JSC website for the public at large to read and use to hold us to account.

YOUR EXCELLENCY, the requirement in **Section 165(7)** of the Constitution that members of the Judiciary take reasonable steps to maintain and enhance their professional knowledge, skills and personal qualities implicitly obligates the Judicial Service Commission to create an enabling environment for that to happen. Allow me, **YOUR EXCELLENCY**, to take this opportunity to advise you of the establishment of a critical institution of the Judiciary, titled The Judicial Training Institute of Zimbabwe (JTIZ). The Institute is intended to provide the platform not only for judicial officers but other members of support staff to develop their skills and professional knowledge. Judiciaries across the world have established training institutes that are meant to capacitate and improve the quality of work of Judges, magistrates and non-judicial staff.

To strengthen and enhance the training offered by the Institute, we will be partnering with important institutions like the Judicial College of Zimbabwe, the Ministry of Justice, Legal and Parliamentary Affairs, Faculties of Law at State Universities and the Law Society of

Zimbabwe to tap on areas of the administration of justice that need improvement.

YOUR EXCELLENCY, as you commission this courthouse today, I am happy to advise you that it has been constructed with the need for virtual hearings and video conferencing in mind. The need for video conferencing and virtual court sittings has, for various reasons, been there in the justice sector. The need has, however, been heightened by the outbreak of the COVID-19 pandemic, which has left the world with no choice but to go virtual. It is not a secret that normal and full scale court operations have been severely affected by the pandemic, resulting in the piling up of cases. The lessons drawn from this development have highlighted the urgent need for the deployment of information communication technologies to ensure efficiency and effectiveness in the delivery of justice without physical assemblages of the necessary people in a courtroom.

May I also advise **YOUR EXCELLENCY** that the Judiciary has done all that it can to mitigate the dangers wrought by the COVID-19 pandemic. We have implemented the measures prescribed by the Ministry of Health and Child Welfare. Members of staff have largely

embraced the benefits of vaccination. We believe that vaccination appears to be the immediate solution to the COVID-19 challenge. As at 31 August 2021 **1 810** members of staff out of a total of **1 900** had been vaccinated.

YOUR EXCELLENCY, before I conclude, I wish to express our sincere gratitude to various stakeholders who have partnered the Commission in the provision of critical services to the public. We are grateful to the Ministry of Finance and Economic Development for their willingness to provide the necessary financial support for the Commission's projects across the country. The Ministry of Public Works and Local Government has provided the technical expertise to the projects. The dedication to work and professionalism in the manner the officials from the Ministry have interacted with the Commission's personnel involved in the management of many of its projects is commendable. The work ethic of the contractor **Hualong Construction Company** in the construction of this complex also deserves special mention. The company showed so much professionalism during the entire process of bringing the construction of the building to finality.

I also wish to acknowledge the positive relationship that the Judiciary has had and continues to have with other stakeholders in the administration of justice such as the Ministry of Justice, Legal and Parliamentary Affairs through the Minister and the Permanent Secretary, the Zimbabwe Republic Police, the Zimbabwe Anti-Corruption Commission, the Zimbabwe Prisons and Correctional Service, the National Prosecuting Authority, the office of the Attorney General and the Law Society of Zimbabwe.

The longstanding partnerships we have with the **United Nations** through its agencies such as **UNICEF**, **UN Women**, **UNFPA** and the **UNDP** in various access to justice projects are all positives to cherish. We partner with **UNICEF** and **UNFPA** in the Victim Friendly Court System and other Child Protection Initiatives. The **UNDP** supports us in the training of Judges, magistrates and support staff. They are also assisting us in the setting up of the Judicial Training Institute of Zimbabwe and the Integrated Electronic Case Management System, including the procurement of Virtual Hearing Equipment for all our 10 Provincial Magistrates' Court stations and the High Court in Harare and Bulawayo. **UN Women** have partnered the Commission in the

Spotlight Initiative on the Global Partnership to Eliminate All Forms of Gender Based Violence. The Judiciary would not have been where it is today without such support which has no strings attached.

Finally allow me, **YOUR EXCELLENCY**, to conclude by commending the good work that both Judges and magistrates are doing. They continue to work hard in very difficult circumstances. They have, despite the Covid-19 pandemic, kept the case backlogs in check. I further wish to publicly commend the Secretary of the Commission and his team for the wonderful work done in ensuring that the work on this impressive court complex met the high standard it has and efficiently organising this event.

I THANK YOU.