

**SPEECH BY THE HONOURABLE MR JUSTICE LUKE MALABA,  
CHIEF JUSTICE OF ZIMBABWE,  
ON THE OCCASION OF THE OFFICIAL OPENING OF THE  
2018 LEGAL YEAR  
ON 15 JANUARY 2018**

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Mr Fitches and Mr Prosecutor General:

Allow me to recognise and acknowledge the presence of -

Salutations,

**Introduction**

It is that special time of the year once again on the calendar of the Judiciary, in which we have an opportunity to interact and communicate with the nation. The Judiciary is accountable to the people of Zimbabwe from whom it derives its judicial authority. The ceremony to officially mark the opening of the legal year is therefore to us a momentous occasion. Firstly, it affords us the opportunity to apprise the nation on the performance of the Judiciary in the preceding year, highlighting the challenges encountered and suggesting possible solutions for them. Secondly, it affords us the opportunity to share our vision on the journey yet to be undertaken in the coming year.

Before I begin my address, I wish to take this opportunity, on behalf of the Judiciary, the Judicial Service Commission (“the JSC”) and indeed on my own behalf, to congratulate His Excellency Emmerson Dambudzo Mnangagwa on his inauguration as the President of the Republic of Zimbabwe. I also congratulate the Honourable Constantino Guvheya Dominic Nyikadzino Chiwenga and the Honourable Kembo Campbell Dugishi Mohadi on their appointments as the Vice Presidents of the Republic of Zimbabwe.

I further wish to congratulate the Honourable Ziyambi Ziyambi on his appointment as the Minister of Justice, Legal and Parliamentary Affairs.

Finally, I wish to congratulate Advocate Ray Hemington Goba on his appointment as the substantive Prosecutor General of the Republic of Zimbabwe.

Before I look back on the road that the Judiciary and the JSC have travelled since my appointment as Chief Justice on 6 April 2017, I wish to pay tribute to the late retired Chief Justice Godfrey Guwa Chidyausiku for laying the foundation on which we are building further.

The Constitution of Zimbabwe imposes on the State and every person the duty to promote national unity, peace and stability. These can only be achieved if all the arms of Government diligently play their respective roles in a transparent, just, accountable and responsive manner. The role of the Judiciary in the administration of justice becomes key. It is a critical role because of the constitutional duty thrust on the Bench to exercise judicial power impartially, promptly and in a manner that safeguards public confidence in the judicial system.

The fact that this ceremony is graced by the presence of senior officials from the executive and legislative branches of Government testifies to the fact that the three organs of State exist for the singular and common purpose of providing efficient, effective and expeditious service to the people in accordance with the requirements of the Constitution and the law. These organs therefore share with us a common vision of a good administration of justice based on high standards of professional conduct.

### **The vision of the Judicial Service Commission**

During the period under review, the JSC was involved in various initiatives and activities. We undertook the activities in order to fulfil the mandate imposed by the Constitution on the Judiciary. It is from the Constitutional mandate that the JSC has come up with its Strategic Plan. The Strategic Plan pronounces the vision of the JSC, which is to deliver world class justice. Its significance is in giving us and all stakeholders, guidance on the direction the organisation has to take to achieve the goals of the vision. It is from this document that JSC derives the initiatives and activities it has been undertaking.

### **Access to justice**

One of the most core values of the Judicial Service Strategic Plan is to ensure that there is easy access to justice for the people of Zimbabwe.

The Constitution of Zimbabwe in section 69(3) guarantees to every person the right of access to the courts, or to some other independent and impartial tribunal or forum established by law for the resolution of disputes. The Judiciary is guided by the constitutional principles set out in section 165 of the Constitution. In exercising its authority, the Judiciary must remain cognisant of the need to do justice to all, irrespective of status; dispensing justice efficiently and with reasonable promptness. The Judiciary must always be conscious of the fact that its role is paramount in the safeguarding of human rights and freedoms and the rule of law.

Access to justice is the hallmark of any civilised and democratic society. The questions one would need to answer are: what is access to justice, and, how can one access justice?

In the narrow sense, it means allowing a person who wants to access the courts to have their day in court. This narrow concept, however, has its own limitations because the notion of access to justice goes beyond a litigant simply accessing the court.

Justice cannot be complete unless there is proper access to it. In the broader and perhaps more acceptable sense, access to justice means being treated fairly according to the law. Should you be treated unfairly, you should be able to get the appropriate redress. It means availing to the ordinary citizenry the platform to actively participate in every institution where law is debated, created, organised, administered, interpreted and applied.

Access to justice, to us in the Judiciary, involves extending the reach of the system to the general populace by removing barriers for its use. It is not limited to more courtrooms and more staff. It also speaks to the quality of justice as well.

Protection of fundamental rights and freedoms and the rule of law is a vital check and balance in any constitutional democracy. The checks and balances, however, can be meaningless without access to justice or the practical means for the public to understand and enforce the law. A Judiciary worth its name should make concrete, identifiable efforts towards removing all barriers that may hinder access to justice.

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.

The concept of access to justice demands that there be no physical or technical barriers that frustrate litigants from accessing justice.

As the Chief Justice and Chairman of the JSC, my passion is on access to justice. The people of Zimbabwe should have easy access to justice without any hindrance. 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 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.

The world's best judicial systems are anchored on the attributes of accessibility, accountability, efficiency, transparency, independence and professionalism. We in Zimbabwe should aim to be part of such a global village and its attributes.

### **Visits to Courts**

I have earlier in my remarks adverted to various initiatives and activities that the Judiciary undertook during the period under review. These activities were carried out in the spirit of fulfilling the desire to provide easy access to justice to the people of Zimbabwe.

One of the activities that the JSC has been carrying out relates to construction to ensure the availability of courthouses close to the people and improving on the facilities found at existing courthouses. Whilst we have made commendable progress in the construction of courthouses in all the Provinces, the focus for the time being has been shifted to ensuring that the environment at each courthouse is in keeping with the vision of providing world class facilities and services.

To this end, I have directed that the Acting Secretary of the Commission visits every station in all the Provinces to assess the state of repair or disrepair of physical infrastructure and assess the functionality, adequacy or otherwise of office/court furniture and other equipment. In deserving instances, and where possible, the Acting Secretary and her team are directed to take immediate measures and address the challenges affecting operations. After the tour of each Province I receive a detailed report with a schedule of repairs required to be carried out. To date the four Provinces of Midlands, Matabeleland South, Manicaland and Mashonaland West have been covered.

The rest of the Provinces will be visited within the first half of the year.

### **The Judicial Ethics Advisory Committee**

Independence and impartiality in the dispensation of justice provide useful objective tools by which to measure the effectiveness of the administration of justice. A corrupt Judiciary cannot claim to be totally independent and impartial. A corrupt Judiciary is a hindrance to an effective justice delivery system and ultimately access to justice. It therefore becomes critical to walk the talk in the fight against corruption by putting in place concrete and recognisable measures to address the ills associated with corruption.

As part of fulfilling the concept of access to justice, the JSC is working on enhancing the integrity of the Judiciary as a whole. This is not a pursuit that is peculiar to Zimbabwe as a jurisdiction. The question of judicial integrity is now a global issue and we in Zimbabwe should not pay lip service to this idea. Lack of judicial integrity will threaten not only the rule of law but the independence of the Judiciary as well. A corrupt judicial system denotes that the Judge or magistrate abandons both the applicable law and his or her independent thinking and issues a judgment dictated by the interests of whoever is paying him or her.

In the JSC (Code of Ethics) Regulations 2012, a provision was made for the setting up of a Judicial Ethics Advisory Committee. Realising the importance of having such a committee to assist not only Judges but the JSC itself in matters of judicial integrity, it approved of my suggestion that we set up the Committee, which I duly did on 31 October 2017.

In his inaugural speech as the President of the Republic of Zimbabwe on 24 November 2017, His Excellency E D Mnangagwa adverted to the scourge of corruption in Zimbabwe. He emphasised the point that the Government will have zero tolerance to corruption. This dovetails with the vision

of the JSC. The setting up of the Judicial Ethics Advisory Committee is one measure by which the JSC is fighting corruption.

### **Establishment of Anti-Corruption Specialised Courts**

The other strategy which the JSC has embarked on to eliminate corruption is the establishment of specialised anti-corruption courts in each Province in Zimbabwe. This is being done in collaboration with other stakeholders in the administration of justice, that is, the Zimbabwe Anti-Corruption Commission, the National Prosecuting Authority, the Attorney-General, the Zimbabwe Republic Police and the Zimbabwe Prisons and Correctional Services. These courts are meant to deal with corruption related cases expeditiously. We will identify members of staff who will undergo specialised training and be well resourced to man the courts.

I am hopeful that two such courts will be operational in Harare and Bulawayo in the first quarter of 2018. We have made the pursuit of the establishment of these specialised courts one of the goals intended to be achieved consistent with current Government policy.

Whilst accepting that incidences of judicial impropriety remain a cause of some concern in the Magistrates' Courts, I am happy to report that no magistrate was charged with corruption related misconduct in 2017. In the Superior Courts, whispers about such indiscretions remain very low. We can only hope that the strategies being put in place will bring total silence in all the courts.

### **Integrated electronic case management system**

The third activity that I wish to highlight relates to the introduction of an integrated electronic case management system. This is a deliberate decision taken by the JSC for the Judiciary to move with the times and to embrace technology. Most jurisdictions within the region have introduced or are in the process of introducing integrated case management systems and Zimbabwe cannot afford to be left behind.

The system will assist us to manage, monitor and track all cases filed in our courts. In using the system, we will be able to identify bottlenecks that are causing delays in our processes. We will then make the necessary interventions in order to rectify the anomalies. In short, the system will bring in efficiency in our courts, assist in reducing backlogs and, critically, it will help to eliminate corruption. People will not have to attend physically at court registries to file documents. In

suitable cases witnesses would not have to appear in court to give evidence. Virtual hearings would be conducted.

It has become highly desirable that we develop and install a fully Integrated Electronic Case Management System. The need became even more apparent after the promulgation of the Judicial Laws Amendment (Ease of Settling Commercial and Other Disputes) Act No. 7 of 2017 on 23 June 2017. Apart from establishing specialised and technical divisions of the High Court, it also provides for virtual court sittings.

We therefore need to move with the times as a jurisdiction to be able to maintain our vision of world class justice, which is technically aided.

A decision was made to set up a Committee of JSC personnel that will carry out research on the most suitable integrated electronic case management system for the Courts. On 27 June 2017 I accordingly commissioned the Committee, headed by a Judge of the High Court, to spearhead that project and make recommendations on the appropriate integrated electronic case management system for our jurisdiction.

It is envisaged that the Committee will complete the research and produce its report at the end of February 2018. After the Report has been submitted, the JSC will carry out a consultative process with all stakeholders for their input on the proposals by the Committee.

## **Rules of Court**

We have indicated previously that the JSC has started the process of reviewing the Rules of all the courts. 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 the stakeholders in the justice delivery system. We have taken into account and adopted some of their comments and contributions.

We have completed reviewing the Supreme Court Rules, the Labour Court Rules and the Magistrates 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. The High Court Rules

review process is almost complete. It is hoped that these Rules will be submitted for promulgation during the first quarter of 2018.

## **Training**

The area of training is close to my heart. 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. I have in this regard taken part in the training of lawyers in areas such as preparation of pleadings, drafting notices of appeals, advocacy in superior courts and other subjects. I will continue to make myself available should my services be required.

At the end of every term we hold a judicial symposium, where we train Judges in identified areas of interest. I have noted that the symposia have been of benefit to Judges. In December 2017 we held a Bar-Bench Colloquium with the Law Society of Zimbabwe, where Judges and legal practitioners met outside Court to discuss matters of mutual concern. I also found the discussions held at the Colloquium enriching.

## **Operations and performance of the courts**

Before I detail the operation and performance of the courts, I wish to share with you my attitude towards judicial performance. I believe that as courts and judicial officers we are accountable to the people of Zimbabwe on how we are discharging the trust that they reposed in us. I am an advocate of judicial independence and as the Chief Justice I stand as the first line of defence against any form of interference with judicial functions. I, however, do not agree that judicial accountability is a threat to judicial independence. We must account for our work to the nation.

As a way of ensuring accountability, I have directed heads of courts to closely supervise and monitor the performance of their courts. I am a firm believer in a “hands on” management style

which I have fostered in all JSC institutions. All we intend to do is to be more hands on in the supervision of our institutions to ensure compliance with the dictates of the Constitution.

The Judge President, the Senior Judge of the Labour Court and the Chief Magistrate undertook several visits to courts under their supervision to get first hand on administrative problems affecting the operations of those courts. From them and the JSC Secretariat I get detailed monthly reports on the performance of each station, each court and each judicial officer. I also hold monthly meetings with each head of court where we discuss the performance of their courts, their needs and the challenges militating against service delivery.

From March 2017 I directed that monthly statistics be compiled for each Judge as is done for each magistrate. Statistics are presented on the total workload placed before the Judge and how such workload has been dealt with.

Statistical data on the status of cases in any court is certainly a good yardstick for measuring the performance of the court, as it gives a picture of how the Judiciary has fared with respect to the number of cases that were registered, those that are still pending and those that were completed.

Individual performance of Judges improved remarkably in 2017. As will be shown later in my address where I discuss performance statistics, the hard work contributed to the sharp reduction of the backlogs in the superior courts. The results have reassured me that the measures put in place are contributing towards the attainment of our goals.

### **The Constitutional Court**

The number of cases filed in the Constitutional Court has been steadily dropping in the last few years. In 2015, **101** cases were filed. They dropped to **76** in 2016 and further went down to **70** in 2017.

That trend is normal and attests to experimental constitutionalism. In the formative years of every Constitution, citizens are keen to test its provisions, in the process fuelling litigation. This gives a false impression of the Court's workload. That stampede to test the provisions slows down as the Court interprets the provisions and makes definitive pronouncements on various constitutional issues. These give guidance to litigants and legal practitioners.

In the earlier years the Court had no rules to regulate its procedure. The enactment of the Constitutional Court Rules, 2016 streamlined the procedures on the filing of cases, further regulating the influx of cases into the Court.

Whilst the number of cases filed has been decreasing, the output by the Judges has been steadily increasing. For instance, the Court completed **78** cases in 2015, **97** in 2016 and **120** in 2017. That resulted in a corresponding decrease in the number of pending cases from **146** in 2015, **124** in 2016 and **74** in 2017.

My major concern is that there is an apparent failure by some judicial officers of subordinate courts and legal practitioners to comply with the Constitutional Court Rules when referring matters to the Court. This has resulted in many of the cases so referred being struck off the roll. I worry about the time and resources wasted. During the course of the year, I will consult the JSC, the Council for Legal Education and the Law Society of Zimbabwe on how we can train judicial officers and legal practitioners on this important matter.

### **The Supreme Court**

Unlike the Constitutional Court, the Supreme Court experienced an increase in the number of cases received. In 2016, the Court received **712** new cases. These increased in 2017 to **1 002**. Appeals went up from **446** in 2016 to **603** in 2017 and applications went up from **266** in 2016 to **399** in 2017.

The output from Judges in the Supreme Court is commendable. The Judges who were tireless in the Constitutional Court are the same people with the high rate of case disposal in the Supreme Court. Whilst they completed **731** cases in 2016, the figure rose to **1 088** in 2017. In the process, the backlog of cases went down from **431** to **339**.

### **The High Court**

Honourable Justice Lawrence Ndlovu Kamocha retired from the High Court bench on 15 November 2017 upon reaching the age of 70 years. He had served the country for 47 years in various capacities in the Public Service. Allow me, distinguished guests, ladies and gentlemen, to acknowledge his immense contribution to the administration of justice and the development of our jurisprudence. We wish him a restful retirement.

In my analysis of the statistics of the performance of the High Court, I have observed that there has not been a clearly defined trend of the number of cases received in the High Court in the last three years, although there is no doubt that the number of cases filed in the Court remains very high. In 2015, it received **22 378** cases. The cases increased to **23 253** in 2016 but decreased to **18 788** in 2017.

The output from the Court has a clear trajectory. It has been increasing in the last couple of years. The Judges in 2016 finalised **23 600** cases. This figure rose to **24 568** cases in 2017. The backlog of cases was reduced from **10 190** in 2016 to only **4 303** in 2017.

### **The Labour Court**

The statistics from the Labour Court show that the workload has increased in the last two years. What is impressive, however, is that the Court is clearing more and more cases. In 2016, the Court received **2 985** cases, while in 2017 it saw **2 957** cases being filed.

To put the progress the Court has been making in fighting the backlog into perspective, in 2015 it finalised **3 527** cases representing **50.4%** of the cases before it. The figure rose to **4 036** in 2016 which was **61%** of the cases before the Court. In 2017 the Court completed **5 080** cases which is **92%** of the cases filed with the Court. In the process, the backlog of cases in the Court fell from **3 467** cases in 2015, to **2 543** cases in 2016 and to a mere **420** cases in 2017.

### **The Administrative Court**

Needless to say, the Administrative Court is a one Judge Court. Despite that status, the Judge has been doing relatively well. In 2015, the Court received **99** matters. The number of cases received increased to **115** in 2016 but dropped to **93** in 2017.

Like the number of received cases, the number of pending cases has also fluctuated. In 2015 the Court finalised **110** cases, which figure rose to **116** in 2016 before dropping to **111** in 2017.

The fluctuation in the cases received and the output naturally affected the pending cases table. The backlog was at **26** cases in 2015 but rose to **39** in 2016 before dropping to **32** in 2017.

### **The Magistrates Courts**

Before I attend to the statistics of the Magistrates Courts, I wish to comment on the state of disrepair of Harare civil court. I have deliberately chosen to comment on this court because this is the busiest court in Zimbabwe. This station receives the highest number of cases than any of the Provinces in the country. This is the court to which the most vulnerable of our litigants go. The state of disrepair had become a source of embarrassment to the JSC. The situation was made worse by the fact that there is a shortage of magistrates to man the court and the few who were deployed there were inexperienced.

The courthouse is accommodated in a composite government building that has been condemned. I have since approved that it undergoes a major facelift to at least make it habitable and conducive for the court to dispense justice. I am pleased to advise that all necessary steps are being taken to improve the image of that court in all respects. Some of the measures taken include reducing the workload of magistrates at the station which is the highest in the country and deploying experienced magistrates who are able to deal with the high case volumes. The statistics I receive indicate that the magistrates are stretched to the limit. In order to further ameliorate the situation, I have approved of the decision to hive off the administration of all deceased estates from the Magistrates' Court to the Office of the Master of the High Court. I believe that this will enable magistrates to concentrate on their core function of adjudication. I have of late received positive comments about the developments at the court from legal practitioners. The JSC will continue to do all that it can to bring the situation at the court to an acceptable standard.

The Magistrates' Courts as a whole saw a decrease in the number of cases received, primarily due to a decline in criminal matters received. In 2016, a total of **95 000** criminal matters were received countrywide. In 2017 that number decreased to **83 356** cases.

In civil cases the court in 2016 received **91 103** matters. In 2017 it received **88 129** cases. The total number of cases received in 2017 stands at **171 485**.

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.

Viewed from the standpoint that the **171 370** cases were dealt with by only **191** magistrates, the backlog betrays the gravity of the problem that has beset the magistracy.

### **Overview of the Courts' Performance**

Overall, I am pleased with the performance of all the courts during the period under review. It is because of the dedication to duty by all members of the Judiciary, with the co-operation of the legal profession and staff, that I am able to report to you these positive results. The results display self-application, determination and sheer hard work, despite a high number of cases that each court had to deal with.

It is clear that the courts are throwing their full weight behind the JSC's thrust towards ensuring that our people have access to justice and enjoy efficient delivery of justice. This deserves commendation.

I am aware we could not have achieved the positive results without co-operation and collaboration from other stakeholders in the justice delivery system. In that regard, allow me to acknowledge the co-operation the Judiciary has received from the Ministry of Justice, Legal and Parliamentary Affairs, the National Prosecuting Authority, the Attorney-General, the Zimbabwe Republic Police, the Zimbabwe Prisons and Correctional Services, the Zimbabwe Anti-Corruption Commission and the Law Society of Zimbabwe. I further express our gratitude to our co-operating partners, such as the European Union and the International Commission of Jurists (ICJ) for being all-weather friends during the course of the year. I hope the co-operation will continue to grow in the coming year.

## **CHALLENGES**

Distinguished guests, ladies and gentlemen, I wish to make it clear that the impressive results coming out of the courts were achieved not without challenges. These challenges, if left unattended, will ultimately impact negatively on the administration of justice.

### **Shortage of Resources**

The Judiciary, like all other sectors of Government, was not spared from the economic challenges the country was generally facing. Resources were scarce and budgetary support from Treasury was at the barest minimum. A number of projects like the construction of the courthouses in Gwanda, Chinhoyi and Marondera lie abandoned. We can only hope that there will be significant improvement in the coming financial year.

### **Shortage of manpower**

The recruitment freeze imposed by Treasury on all publicly funded institutions resulted in a severe shortage of manpower across all grades in the Judicial Service. 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. This has resulted in the closure of courtrooms at some stations. We thus plead with 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. The situation of scarcity of magistrates is becoming desperate. I hope the desired interventions will be made sooner rather than later.

### **Poor conditions of service**

The shortage of magistrates and increased workload comes at a time when conditions of service have not improved for a long time. The salaries of magistrates are still not commensurate with the important judicial positions they hold. It is accepted 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. 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.

### **Appointment of New Judges**

I wish to thank His Excellency the President for appointing eight new judges of the High Court who were sworn in on 14 December 2017. I take this opportunity to congratulate Honourable Justices Phildah Muzofa, Thompson James Mabhikwa, Isaac Muzenda, Neville Munyaniso Wamambo, Sylvia Chirawu, Benjamin Chikowero, Pisirai Kwenda and Jacob Manzunzu on their appointment to the High Court Bench.

The current Judges' complement in the High Court has been working under extreme pressure to deliver and this timely addition is expected to ease the burden on the Judges and hopefully allow them more time to research and write judgments. To the newly appointed Judges, we welcome you to the family of Judges and wish you well in your new roles.

### **Appointment of Supreme Court Judges**

In the same vein, I hope these appointments will be followed by the appointment of new Supreme Court Judges. The interviews for four new Supreme Court Judges took place in 2016. The list with names of potential candidates nominated was submitted to the appointing authority in the same year. We now wait for the appointments to be done. These will go a long way in easing the pressure of work on the current Supreme Court Judges.

## **INTO THE FUTURE**

As we enter the new legal year, I have a lot of optimism. I expect the Judiciary and members of the Judicial Service to hit the ground running. I expect them to tackle work in their courts with the same discipline, professionalism and zeal that they exhibited during the year under review. I am quite positive that the year will be a success.

The JSC, for its part, has lined up a number of activities that are meant to enhance the efficiency of the courts and the delivery of justice. I briefly share with you some of the major activities.

### **Opening of Mutare High Court**

In 2016 the JSC made a decision to decentralise the High Court. This is being done in order to bring the High Court closer to the people. It is on that basis that we opened Masvingo High Court. We have now made a decision to open yet another High Court in Mutare. We are in the process of renovating and customising a building we have purchased to make it suitable for the High Court. I am hopeful that Mutare High Court may be opened during the first quarter of 2018.

### **Establishment of a Commercial Court**

During the course of 2017 the Commercial Court was gazetted as a division of the High Court. We are now putting in place all the administrative mechanisms that will ensure that the court starts operating. My desire is that this court should be a stand-alone court located away from the High Court. It is my hope that resources will be availed to purchase, or at least rent, a building that will house the court.

The establishment of this court will have some positive implications, as it is being set up in line with the Government policy on ease of doing business.

Its presence will ensure that commercial disputes are dealt with and finalised expeditiously. Most jurisdictions have created separate commercial courts in their judicial systems and they have benefited from the ratings of their countries by the World Bank. Zimbabwe will obviously reap the same benefits. I also believe that a court of this nature will boost direct foreign investment into the country. Investors will be confident that their investments are protected by the law and that disputes will be resolved without delays. We will in the course of the year ensure that the court becomes operational.

### **Separation of the Constitutional Court and the Supreme Court**

The Constitution of Zimbabwe requires that in the year 2020, which is less than two years from now, the Constitutional Court and the Supreme Court operate as separate courts. The separation is not an easy task as it requires both material and human resources. I have requested the Acting Secretary of the JSC to start the administrative processes of separating the courts. These include identification of staff and premises to house the Supreme Court.

We have decided that, as a temporary measure, we will house the Supreme Court at the old Supreme Court building whilst waiting for the provision of resources by Treasury to secure a building for the Court. The process of preparing for a stand-alone Supreme Court will commence this year.

### **Expansion of Bulawayo High Court**

Over the years we have observed that there has been a sharp rise of cases filed with the Bulawayo High Court. This obviously calls for the deployment of more staff, including Judges. The challenge has been the serious shortage of courtrooms and offices at the Court. There is a need to attend to this challenge, as it is now inconveniencing the litigating public.

We have in this regard made a decision to expand the Court so as to create more offices and courtrooms. I have authorised that the Office of the Master of the High Court be moved out of the High Court premises to be located elsewhere. The space left by the Master's Office will be used to create two more courtrooms and offices. I expect work to start and be completed in the course of this year.

These are some of the activities that the JSC will be seized with in the course of the year.

## **Conclusion**

As we start the legal year, I wish to assure the nation that the Judiciary stands ready at all times to fulfil its mandate as provided for in the Constitution. It is the duty of the Judiciary to ensure that there is rule of law in the country. This is done through correctly interpreting and applying the laws of the country without fear or favour.

I am mindful of the fact that during the course of the year Zimbabwe will hold harmonised elections. As the Judiciary, we expect the rule of law to prevail, especially in the coming months when political parties start their campaigns. This is the only way that will ensure that the elections are free, fair and credible.

With these remarks, I now pronounce the commencement of the 2018 legal year.

Before this formal session closes, I shall call upon Reverend Chihota from the Methodist Church to lead us in prayer for wisdom, compassion and guidance in our work in the year ahead.

(After the prayer)

Court is adjourned.