

JUDICIAL SERVICE COMMISSION



SPEECH BY THE HONOURABLE MR JUSTICE

GEORGE M. CHIWESHE,

JUDGE PRESIDENT OF THE HIGH COURT OF ZIMBABWE,

ON THE OCCASION OF THE OFFICIAL OPENING OF THE

2020 LEGAL YEAR

HELD AT MUTARE HIGH COURT STATION ON

13 JANUARY 2020

MR LOCK AND MR CHINGWINYISO, allow me to recognise the following dignitaries:

SALUTATIONS

INTRODUCTION

DISTINGUISHED GUESTS, LADIES AND GENTLEMEN, it is my pleasure to welcome you all to this occasion which marks the beginning of the 2020 legal year. As I speak, the Honourable Chief Justice of Zimbabwe is presiding over a similar event in Harare whilst the Deputy Chief Justice and Justice Garwe JA are similarly attending at Bulawayo and Masvingo respectively. This event is an important feature on our legal calendar whereat, the Judiciary takes stock of past achievements and challenges as well as charting the way forward.

Today's ceremony is the second of its kind at this station. The first edition, a historical event, took place in 2019. I was privileged to have presided over it.

Distinguished Guests, Ladies and Gentlemen, our complement of judges has increased following the appointment of 5 new judges and 3

acting judges. The newly appointed judges are Justices Kabasa, Dube-Banda, Musithu, Zisengwe and Chinamora. The newly appointed acting judges are Justices Ziyambi, Ndou and Mtshiya. We congratulate these judges on their appointments. The complement of judges in the High Court now stands at 42 deployed as follows: 30 at Harare, 5 at Bulawayo, 3 at Masvingo, 2 at Mutare. One judge is presently seconded to the Zimbabwe Electoral Commission and another judge is seconded to the Zimbabwe Anti-Corruption Commission.

The appointment of these judges has eased the pressure on the High Court bench arising from the ever increasing rate of litigation in the country. We note that a great deal of the clogging of cases at the High Court can be ameliorated by means of appropriate legislation. Regional Magistrates should, for example, be clothed with civil jurisdiction at the appropriate level. In addition, their powers of scrutiny in criminal matters should be reviewed upwards in order to reduce the alarming numbers of criminal reviews presently channelled to the High Court bench. Similarly, all judgments of the Labour Court must be executed at that court and not at the High Court. The proposed Judicial Laws

Amendment Bill, will, if adopted by Parliament, effectively address these concerns.

DIVISIONS OF THE HIGH COURT

As distinguished Guests may be aware, the operations of the High Court have been streamlined into divisions such as the Criminal Division, the Civil Division, the Family Law Division and the Appeals Division. A new division, the Commercial Court, will soon be established. It will be housed at Bristol House in Harare. Bristol House is currently undergoing customisation. The commercial court will be operationalised once that process is complete.

Similarly, Court B in Harare is currently under renovation. It shall house the Anti-Corruption Court. Similar facilities shall be established at each High Court station country wide.

OPERATIONAL STATISTICS FOR THE MUTARE STATION

Distinguished Guests, Ladies and Gentlemen, the two Judges at this station continue to post impressive statistics. The coming in of Honourable Justice Muzenda has brought relief to the Senior Judge who, since the opening of the court, single handedly dealt with all

matters at this station. For purposes of hearing appeals, it became necessary that from time to time a judge from Harare be seconded to this station to sit with Justice Mwayera. Having two resident Judges saves us the costs that we used to incur in that regard. In addition, it enables the expeditious disposal of appeals. Plans are afoot, **Ladies and Gentlemen**, to have a third Judge posted to this station as we anticipate an increase in the workload. For example, for this first term of the 2020 legal year, the National Prosecuting Authority has set down for trial 24 murder cases. The number is high and likely to be higher as the year progresses.

The current statistics at this station are as follows:

A. CIVIL MATTERS

NATURE	RECEIVED	COMPLETED*	CASES C/F	CLEARANCE RATE (%)
PTCS	40	35	5	88%
UNOPPOSED DIVORCE	72	69	3	96%
UNOPPOSED EXCLUDING DIVORCE	31	29	2	94%

ORDINARY CHAMBER APPLICATIONS	45	43	2	96%
OPPOSED MATTERS	26	26	0	100%
CIVIL TRIALS	6	5	1	83%
URGENT CHAMBER APPLICATIONS	18	18	0	100%
CIVIL APPEALS	70	50	20	71%
GRAND TOTAL	308	275	33	89%

B. CRIMINAL MATTERS

NATURE	RECEIVED	COMPLETED	CASES C/F	CLEARANCE RATE (%)
TRIALS	57	54	3	95%
BAILS	170	170	0	100%
REVIEWS	991	984	7	99%
APPLICATIONS	17	15	2	88%
CRIMINAL APPEALS	113	86	27	76%
GRAND TOTAL	1348	1309	39	97%

STATISTICAL SUMMARY

TOTAL CASES RECEIVED	TOTAL CASES COMPLETED	TOTAL CASES CARRIED FORWARD	CLEARANCE RATE (%)
1 656	1 584	72	96%

SUPPORT SERVICES

Distinguished Guests, Ladies and Gentlemen, our plan to establish an integrated electronic case management system is gathering momentum. I am also delighted to announce that the Judicial Service Commission has established a research centre at the head office. The research centre's mandate is to carry out research and render opinions on such legal issues as may be indicated by judges. Some of our Research Assistants underwent rigorous training at the University of Cape Town in October 2019.

POWER OUTAGES AND LOAD SHEDDING

Distinguished Guests, Ladies and Gentlemen, the court's operations were not spared of the scourge of power outages as more often than not, we were exposed to load shedding. I implore the Judicial Service

Commission to consider investing in solar energy to cover all our courts.

STAKEHOLDER RELATIONS

Engagement with stakeholders continues to bear positive results for the Justice delivery sector.

The achievements attained during the year under review would not have been possible without the unwavering support of all our stakeholders in the justice delivery system. These include the Prosecutor General's Office, the Attorney General's Office, the Law Society of Zimbabwe, the Police, the Prison Service, the Ministry of Justice, Civil Society, the Media, legal practitioners, the Magistracy, Government departments and the public at large. I also wish to extend my appreciation to fellow honourable judges of the High Court whose team work and dedication to duty has been second to none.

CONCLUSION

In conclusion I wish once again to thank you all for taking time off your busy schedule to attend this ceremony. It is now my singular honour

and privilege to declare, as I hereby do, that the 2020 Legal Year is officially opened.

May we all rise as Reverend Matikiti of the Anglican Diocese of Manicaland leads us into prayer.

[Adjourn after prayer]