

# **JUDICIAL SERVICE COMMISSION**



**REMARKS BY THE HONOURABLE MR JUSTICE L. MALABA,  
CHIEF JUSTICE OF ZIMBABWE, ON THE OCCASION OF THE  
OFFICIAL COMMISSIONING OF THE NEW LABOUR COURT  
BUILDING IN HARARE ON**

**13 MAY 2019**

**Your Excellency, Distinguished Guests, Ladies and Gentlemen,** it is my pleasure to welcome you all to this occasion to mark the official opening of the new Labour Court building in Harare. Today's ceremony is important for the law, the administration of justice and for everyone involved with the law. It is also, no doubt, particularly significant for the Labour Court itself.

The event marks another milestone in the Judicial Service Commission's endeavour to improve access to justice. In this regard, the Judicial Service Commission (JSC) continues to discharge its institutional responsibility and

constitutional mandate to improve access to justice through the construction of state-of-the-art infrastructure, accommodative of the needs of a modern society.

**Your Excellency, Distinguished Guests, Ladies and Gentlemen,** the relocation of the Labour Court to the new premises is a fulfilment of the promise made by the JSC to the public at the launch of its second five-year Strategic Plan in 2016. In that roadmap, the JSC singled out several strategic focus areas, including the provision of facilities to ensure access to justice for every person in Zimbabwe, consistent with

the constitutional obligation on the State to promote and fulfil fundamental human rights.

For us in the Judiciary, access to justice involves extending every facet of the judicial system to the reach of the general populace by removing barriers. In our view, the obligation is not limited to provision of more courtrooms and more manpower but also speaks to ensuring the quality of justice dispensed by the courts.

Any Judiciary worth its name should make concrete and identifiable efforts aimed at eradicating all barriers that may hinder access to justice. The concept demands that there be

no physical or technical barriers that may frustrate litigants from accessing justice. It is for this reason that the JSC committed itself to the provision of acceptable Court facilities for all communities.

As you may have noted during the tour of the building, **Your Excellency**, the courthouse provides a unique ambiance for court officials and litigants alike. Its appearance both inside and outside the building makes it one of the best courthouses in the country. It competes with the best in the region. The building does not only resonate with His Excellency's clarion call for citizens to maintain clean environments

and institutions, but also accords with the notion that justice must be dispensed from clean halls by people who answer to high standards of personal and institutional integrity.

We are grateful to the Minister of Local Government, Public Works and National Housing and his team. It was officials from that Ministry who efficiently attended to the technical requirements of the project. The professional work they did must be a source of pride for Government. The completion of the project comes barely a few months after the Ministry of Local Government, Public Works and National Housing and the JSC collaborated in

the project which culminated in the creation of three more courtrooms at the High Court in Bulawayo. Before that, the JSC and the same Ministry had worked together to turn a dilapidated former cinema house in Mutare into a magnificent courthouse.

**Your Excellency**, we are currently renovating a number of courthouses throughout the country with the help of the Ministry of Local Government, Public Works and National Housing. Grand renovations are taking place at Rotten Row Magistrates Court, which is the biggest criminal courthouse in the country. All the twenty courtrooms at that station are being

refurbished for the first time since Independence in order to modernise them and make them more comfortable. Twelve courtrooms have already been completely refurbished. Mbare Magistrates Court serves the majority of litigants from the western high-density suburbs of Harare. The complex is also undergoing extensive renovations to make it more user-friendly to both litigants and members of staff who work at the court.

The creation of specialised Anti-Corruption Courts at Mutare, Masvingo and Gweru is now complete. The JSC Secretariat is already

working on plans to have these courts officially opened for business this month.

**Your Excellency,** these are some of the products which the relationship between the JSC and the Ministry of Local Government, Public Works and National Housing continues to produce. What is gratifying is the fact that the quality of work appears to be improving with each project, consistent with a very high standard of professional workmanship.

**Your Excellency,** going forward, the JSC is undertaking other major projects which it

wishes to complete during the course of the year.

The JSC approves of Government's vision of opening the country for business as a means of ensuring that Zimbabwe attains a middle income economy by the year 2030.

Adherence to the rule of law is mandatory for actors in both the public and private sectors.

As the economy grows, commercial disputes will inevitably rise. The Judiciary stands ready to play its part in that regard. Plans are at an advanced stage for the setting up of a specialised Commercial Court to deal with commercial disputes. Judges will be made

available and trained to preside over commercial disputes and ensure their expeditious disposition. I am happy, **Your Excellency**, to advise that to that end the JSC purchased another building to accommodate the Commercial Court. The rehabilitation and customisation of that building will commence in June 2019.

I have already made it known to the public that the JSC's plan is that when the Commercial Court opens to the public, it should be the first court in the country to rely mainly on a paperless system for the administration of justice, particularly in the area

of filing documents and case management. To achieve that, the introduction of an Integrated Electronic Case Management System remains an urgent goal which the JSC is pursuing. The procurement process to choose the most suitable service provider with the necessary experience and know-how in matters of e-justice technology has commenced and all the necessary paperwork is now before the Procurement Regulatory Authority of Zimbabwe (PRAZ) for approval. I am hopeful that the Procurement Regulatory Authority will urgently conclude the necessary scrutiny to enable the process to move to the next stage.

**Your Excellency, Ladies and Gentlemen,** in my remarks at the opening of the 2019 Legal Year, I bemoaned the fact that the entire city of Harare is served by only two Criminal Courts, at Rotten Row and Mbare. The facilities at the two courts have been stretched to the limit. As the city's population continues to grow, the number of people who visit the courts also continues to increase. In order to meet the rising demand for court services and ensure that the public is not burdened by traveling long distances to access court services, the JSC made a decision to decentralise the courts to high density suburbs. The JSC Secretariat

approached Harare City Council and Epworth Town Board with requests for allocation of land for construction of courthouses in Mabvuku, Tafara, Budiro and Epworth. I am happy to advise that Epworth Town Board embraced this initiative and has already allocated land to the JSC for that purpose. The Ministry of Local Government, Public Works and National Housing is now on the ground, working on the designs for the envisaged courthouse. I expect construction of the courthouse at Epworth to start anytime soon. The JSC hopes that the Harare City Council will act and make land

available at the chosen suburbs for the construction of the courthouses.

In other major projects, **Your Excellency**, the JSC is constructing courthouses at Mount Darwin and Lupane. The present infrastructure at those places is not suitable for proper dispensation of quality justice.

**Your Excellency**, as the Judiciary we are aware of the expectations of the nation regarding the justice delivery system. We need to have in place an administration of justice system that answers to the expectations and aspirations of the people. A system can only be efficient and

effective if those who operate in it and advance its objectives strive to make it so. The justice delivery system is premised upon the principle that all persons who seek judicial services are equal and must be treated equally, with due respect for their dignity as human beings regardless of social, political and economic status. The work ethic for every member of the Judicial Service serving the public at every level of employment demands adherence to a high standard of integrity and efficiency.

The Labour Court, as a specialised court, plays an instrumental role in the settlement of

employment disputes. Its specialised jurisdiction ensures that decisions that are handed down are of a high quality. This high quality of jurisprudence is achieved through uniformity of legal decisions that are also sound at law. It is through these judgments and decisions that the public will have confidence in the courts and the rule of law. I expect members of staff to serve litigants in a corrupt free environment. I expect Judges to deal with and finalise matters expeditiously. Employment matters are bread and butter issues. I will not accept a situation where Judges take unduly

long periods to deliver judgments and finalise cases.

This magnificent structure has enough space for all stakeholders, including the police, the Sheriff, and information technology personnel. There are enough offices to accommodate the members of staff dealing with the administrative functions of the court. The Judges are accommodated in spacious and well-furnished Chambers.

## **CHALLENGES**

There are, of course, challenges that we face as the Judiciary. We are concerned about the

conditions of service for Judges and Magistrates. Some of our Judges are yet to receive their conditions of service motor vehicles. We do appreciate the scarcity of foreign currency but it is necessary that some allocations be prioritised for acquisition of conditions of service vehicles for Judges. In the same vein, most of our Magistrates have no accommodation of their own and vehicles. They are having to hike for transport from potential litigants.

As the JSC we continue to look at ways in which we can ameliorate these difficulties, so that Judges and magistrates can concentrate

on the core business of presiding over matters. We have engaged FBC Bank to provide loans to magistrates so that they acquire motor vehicles. We are still awaiting the provision of foreign currency, which we requested from Treasury. We have also entered into partnership with the National Building Society (NBS) for a scheme to fund the construction of affordable houses for magistrates throughout the country. We have agreed with the bank that loans will be provided at low interest rates. I must however hasten to register my awareness of **Your Excellency's** keen interest in ensuring that these challenges are resolved. I

remain optimistic that solutions will be found sooner rather than later.

It will be remiss of me if I did not acknowledge the unwavering support that the Judiciary receives from the Ministry of Finance and Economic Development. Treasury funded the acquisition, renovation and customisation of this building. The support was not limited to this project only, but extended to the general operations of the Courts.

It gives me satisfaction to note that Treasury appreciates the importance of an adequately

funded Judiciary. An independent Judiciary is one that is well-funded.

I wish to conclude, **Your Excellency**, by acknowledging the good work that the Labour Court Judges are doing. The Judges have been working hard to keep the backlog of cases under control.

I further wish to commend the Acting Secretary of the JSC and his team. The wonderful work which they continue to do is evident for everyone to see.

I wish all of you here a pleasant and fruitful day.

**I THANK YOU.**