



OPENING REMARKS

BY

THE CHIEF JUSTICE,

THE HONOURABLE MR JUSTICE LUKE MALABA

AT

THE JUDICIAL ORIENTATION PROGRAMME FOR

THE RECENTLY APPOINTED HIGH COURT

JUDGES

AT

AZAMBEZI RIVER LODGE, VICTORIA

FALLS

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SALUTATIONS,

It is my privilege to welcome you to this Judicial Orientation programme for the recently appointed twelve High Court Judges. In recent years, it has become our tradition that whenever new judges are appointed, an orientation programme is hosted where seasoned judges impart their skills and knowledge to new appointees. It is a tradition I cherish because when we joined the bench, this kind of orientation was not in place and you had to forage the judicial jungle on your own until you could stand on your two feet.

I am sure judging by the period not exceeding four months that you have been in service, you would agree that there is a lot you have learnt in your stint as High Court judges which has made you realise that dealing with cases from the bar and from the bench is poles apart. This orientation is therefore an

opportunity for you to collectively acquire tools that will equip you for the important task ahead.

I am advised that in the time you have been on the High Court bench, you have had an opportunity to familiarise yourself with the High Court environment. You have also acquainted yourselves with the operations of the High Court generally, and specific divisions in particular.

I am also advised you were attached to each of these divisions for a period of time, and that the Senior Judges in charge of those divisions took you through the paces of your new roles. You have had an opportunity to explore, what happens in court and in chambers from the bench's perspective. You also have had a first-hand experience on the conduct, by a judge, of criminal trials, civil trials and pre-trial conferences as well as the handling of all manner

of applications.

The timing of this orientation therefore gives you the added advantage of having had an insight on what is expected of you and an appreciation of what the office of a judge entails. As we conduct discussions over the next three days, you will not only be able to relate what you will be learning here with your experiences but also interrogate areas where you need further guidance.

You will notice from the programme that it includes topics to equip you with core skills for efficient and effective justice delivery. There will be presentations on legal principles as well as plenary sessions to discuss various substantive topics. These sessions are aimed at giving you an opportunity to hone your skills on broad areas that affect your business in court, in chambers and in your day to day conduct

with the outside world.

The topics that have been chosen for this programme are therefore not by accident but by design. They are meant to prepare you adequately for the transition from the bar to the bench and for Justices Mhuri, Muchawa, Maxwell, Manyangadze, for the transition from the Labour Court to the High Court. What you have learnt over the past few months has been crystallised in these presentations so that at the end of the training, you will be clear on what you are required to do.

You will recall that on the occasion of the opening of the 2021 legal year I announced that the theme for this year is ‘Ensuring Efficiency and Effectiveness of the Judiciary’. This theme is a relentless reminder of the work that we need to do to fully realise our vision of a Zimbabwe in which world class justice prevails.

Efficiency and Effectiveness are the useful anchors in the administration of justice and consequently important beacons in the office of a judge.

The office of a judge is of pivotal social importance. The people, from whom we derive judicial authority, expect justice to be done. As the old adage goes, justice must not only be done but must be seen to be done. What the public is expecting is a demonstration of the ability and capacity to dispense justice with reasonable promptness and aptitude. People do not expect the judge not to know what he is required to do and how to do it. They expect a judge to be organised when he or she presides over matters. They equally expect that judge to make reasoned decisions based on the law. Socially, they expect a judge to be of impeccable character. This is because to the people, judges are the fountain of justice and an epitome of an orderly society.

One can never know it all. Every judge therefore needs judicial education in every aspect of adjudication and judging. The days when judicial education and training were seen to be beneath a judge are long gone. The Right

Honourable Beverly McLachlin, the Chief Justice of Canada, once remarked:-

‘All Judges whatever they are, can only survive with along life project of learning ... Judicial education is an essential feature of strong judicial institutions anywhere in the world.’¹

Judicial education is the key to ensuring high standards of judicial performance, and it is a lifelong project.

¹ Sir F. Phillips, CVO. QC, ‘The Modern Judiciary, Challenges, Stresses and Strains’ (2010) pg. 198.

I appreciate that on your appointment, you were coming from different backgrounds. That is the reason why it is important to orient you on the expectations of the office you now occupy. The training, which is just one of many to come in the course of your judicial profession, is expected to equip you with requisite skills to handle and deal with pre-trial conferences, trials, applications, appeals and reviews. It is also expected to impart knowledge on orders and judgment writing. Principles on the independence of judges and the various areas linked to judicial independence like the principle of separation of powers, institutional independence and judicial accountability will be discussed. Also lined up for discussion is a topic on organising your court roll; and another one on judicial integrity and code of ethics. Additionally, there will also be presentations on the Integrated Electronic Case Management System – which presentation is necessitated by the increasing use and reliance of technology in the delivery of justice world over.

These topics have been designed with the development of a wholesome judge in mind. An effective and functional judiciary requires not only a skilled bench, but also a bench which operates with regard to professional ethical standards so as to retain public trust and confidence in the fairness and objectivity of the justice delivery system.

The resource persons selected to speak at this training are seasoned Judges, and Dr Manyatera is the current Dean of the Midlands State University Faculty of Law. They have been carefully selected with the full confidence that they will deliver the desired outcome.

That said, allow me, on behalf of the Judicial

Service Commission and indeed on my own behalf, to welcome you to this orientation programme. I urge you to freely and actively participate in both listening to our distinguished speakers and to making interventions necessary for a cross-pollination of ideas during the plenary sessions. It is my sincere hope that at the end of the training, you will be fully equipped with the skills to enable you to dispense expeditious and quality justice to all manner of people without fear, favour or prejudice. I wish you all energised and fruitful deliberations.

I thank you!