



**The Honourable Mr. Justice
Godfrey Guwa Chidyausiku CJ**



**The Honourable Mr.
Justice Luke Malaba DCJ**



**The Honourable Mr.
Justice George Mutandwa
Chiweshe JP**



**The Honourable Mr.
Justice Happias Zhou J**



Dr Mariyawanda Nzuwa



**Mr. Lloyd Mativenga
Mhishi**



Mr. Josephat Tshuma



**Mr. Mishrod Guvamombe
Chief Magistrate**



**Mrs Priscilla Panichai
Mutembwa**



**Mrs Priscilla Sekai
Madzonga**

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2014 ANNUAL REPORT FOR THE JUDICIAL SERVICE COMMISSION

1. INTRODUCTION

Section 323 of the Constitution of Zimbabwe provides that every Commission must submit to Parliament through the responsible Minister, an annual report describing fully its operations and activities.

Accordingly, the Judicial Service Commission duly submits its annual report for the year 2014, in accordance with the provisions of the above law.

2. THE ESTABLISHMENT AND FUNCTIONS OF THE JUDICIAL SERVICE COMMISSION

The Judicial Service Commission is set up in accordance with section 189 of the Constitution of Zimbabwe with the following main functions:-

- To tender advice to the government on matters relating to the judiciary and the administration of justice;
- To promote and facilitate the independence and accountability of the judiciary; and
- To promote and facilitate the efficient, effective and transparent administration of justice in Zimbabwe.

The Constitution also provides that an Act of Parliament may confer on the Commission functions in connection with the employment of persons employed in the courts. The Judicial Service Act [Chapter 7.18] provides for these functions in detail as follows:

- To fix the conditions of service of its members;

- To administer and supervise the Judicial Service;
- To appoint persons to the Judicial Service whether as permanent members or on contract;
- To inquire into the complaints and grievances of or against members of the Judicial Service;
- To exercise disciplinary powers in relation to members of the Judicial Service; and
- To exercise its functions so as to ensure the well-being and good administration of the Judicial Service and its maintenance in a high state of efficiency.

3. THE JUDICIAL SERVICE

The Judicial Service is defined in the Judicial Service Act as consisting of the following:-

- The Chief Justice, the Deputy Chief Justice and the judges of the Constitutional and Supreme Courts;
- The Judge President and judges of the High Court;
- Persons presiding over other courts subordinate to the Supreme and High courts other than persons presiding over customary law courts;
- The Secretary to the Commission and all other support staff of the Judicial Service; and
- Assessors.

The provisions of the Act in this regard still await alignment with the Constitution which now provides for Judge Presidents and judges of the Labour and Administrative Courts.

Membership of the Judicial Service as at 31 December 2014 was as follows:

Constitutional Appointees/Judges

Court	Female	Male	Total
Constitutional Court/Supreme Court	5	5	10
High Court	11	19	30
Labour Court	11	5	16
Administrative Court	0	1	1
Total	27	30	57

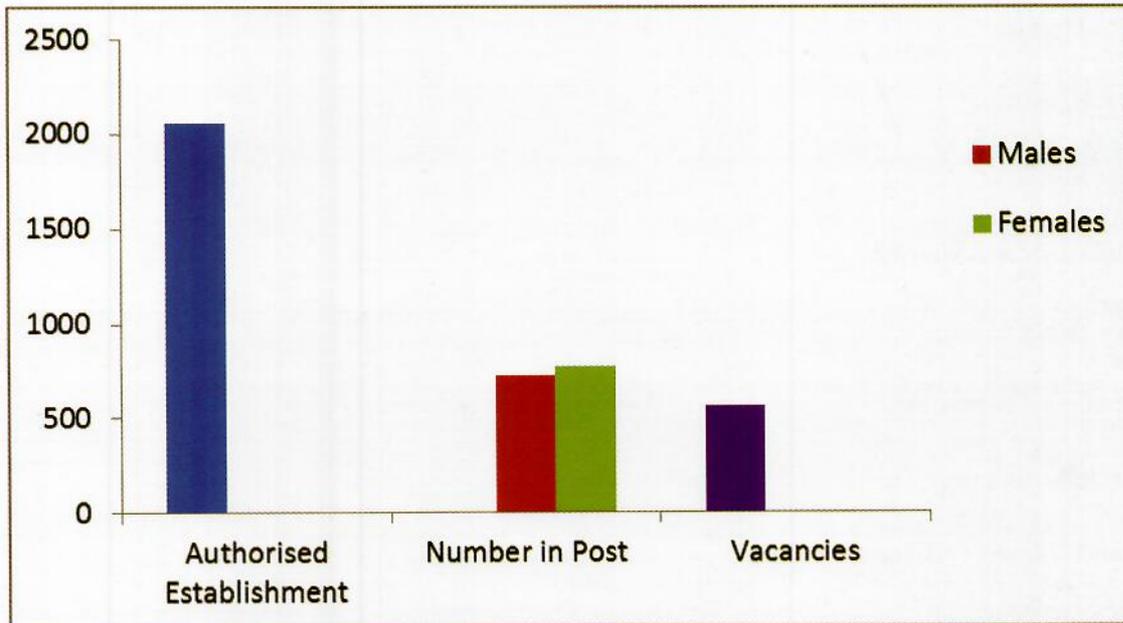
There were no appointments to all the courts during the course of the year under review although as fully reported elsewhere in this report, interviews were held to fill vacancies that were declared in the Constitutional/Supreme and High Courts.

Non- constitutional members of the Judicial Service

The total authorised establishment of the Judicial Service is 2058. The Commission still awaits Treasury concurrence to its proposed structure which will see an expansion of the establishment as the secretariat of the Commission and the unbundled offices of the Master, Sheriff and Registrar of the High Court will call for additional hands to carry out the many functions that are currently being carried out by contract employees. The structure of the Commission was submitted to Treasury for concurrence in 2012.

Of the total authorised establishment, 1552 employees are in post. The Commission has been unable to fill in the 506 vacant posts due to the freeze on recruitment imposed by Treasury on the public sector since 2005.

Gender disaggregation of the non-constitutional members of the Judicial service shows that as at 31 December 2014, there were 777 female and 775 male employees.



Due to outstanding Treasury concurrences, the Commission has had to rely to a large extent on contract workers in the following functions and offices:-

- Court interpreters;
- Judges drivers;
- Judges Clerks;
- Information Communication Technology;
- The office of the Sheriff;
- Research Assistants; and
- Internal Audit.

The monthly wage bill for persons employed on contract is about \$50 000-00.

The breakdown of persons employed on contract is as per the table below:

CONTRACT WORKERS

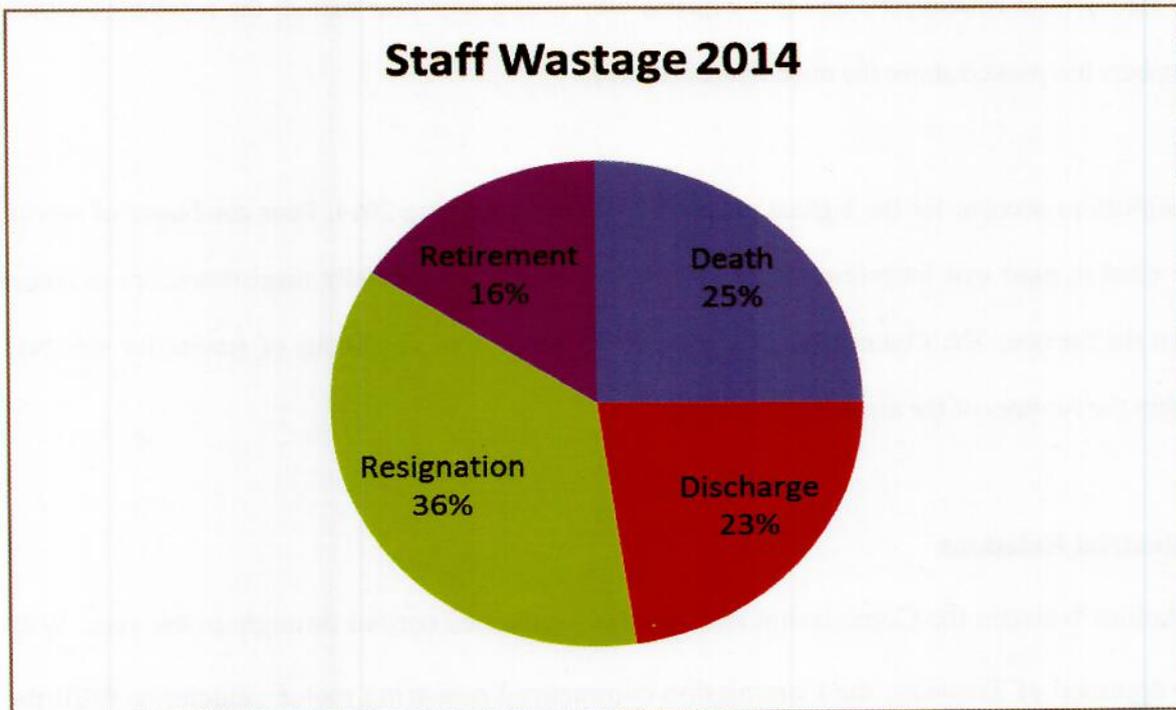
Designation	Female	Male	Total
Judges Drivers	0	24	24
General Hands	11	5	16
Court Interpreters	8	7	15
Judges Clerks	7	5	12
The Office of the Sheriff	6	6	12
Internal Audit	2	3	5
Information Technology	2	1	3
Research Assistants	2	1	3
Trust and Taxing Officers	2	0	2
Pool Drivers	0	1	1
Office Orderly	0	1	1
Total	40	54	94

The Commission reiterates its call for its structure to be concurred to so that all proposed posts are filled substantively and permanently. This will cut down on the monthly wage bill that is impacting on resources available for other projects and will also equip the courts with the appropriate support for enhanced service delivery. Judges' Drivers, Clerks and Research Assistants are not a luxury but a necessity for each judge to function effectively.

Staff wastage and attrition for the year 2014

Staff wastage and natural attrition during the year was as follows:

Terminations	Female	Male	Total
Death	3	8	11
Discharge	1	9	10
Resignation	8	8	16
Retirement	2	5	7
Total	14	30	44



Presented in a tabular form the trend over the past three years is as follows:

Terminations	2012			2013			2014		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
Death	5	6	11	1	6	7	3	8	11
Discharge	0	14	14	2	13	15	1	9	10
Resignation	13	13	26	6	9	15	8	8	16
Retirement	0	6	6	2	11	13	2	5	7
Total	18	39	57	11	39	50	14	30	44

It is clear that over the years, the number of members leaving the Commission is decreasing. This is a welcome development. The trend also shows that the attrition rate is higher for male members than for their female counterparts and this explains why over a four year period; the number of female members has peaked above the male figures in 2014.

Resignations account for the highest method of termination during 2014. Poor conditions of service are cited in most exit interviews as the reason why members, especially magistrates, opt to resign from the Service. The Commission will continue to improve on conditions of service for members within the confines of the available resources.

Industrial Relations

Relations between the Commission and members remained cordial throughout the year. With the approval of Treasury, the Commission commenced procuring motor vehicles to fulfil the conditions of service for judges and this has been greatly appreciated by the recipients. As at the end of the year, all judges in the Administrative, High and Labour Courts had been issued with a new utility vehicle.

Efforts were also made during the course of the year to allocate vehicles to all Regional Magistrates. As at the end of the year, 17 out of the 23 Regional Magistrates had been allocated with new vehicles countrywide.

An intention to register a trade union of judicial service members was gazetted in December 2014 and it is hoped that the union will be registered during the course of 2015. The Commission has no objection to the registration of the union.

4. JUDICIAL APPOINTMENTS

There were no appointments made during the course of 2014. The Commission however declared 3 vacancies in the Constitutional/Supreme Courts and 6 in the High Court during the course of the year. In accordance with the law, the posts were advertised and attracted 11 and 46 nominees respectively. Interviews of the prospective candidates were held in public in July and November 2014 respectively following which lists recommending candidates for appointment were submitted to the President.



Fig 1: Interviews of Judges of the Supreme Court



Fig 2: Interviews of Judges of the High Court

5. TRAINING AND PROFESSIONAL DEVELOPMENT

To enhance training of all judicial officers and members of key stakeholders in the justice delivery system, the Commission recommended with success the resuscitation of the Judicial College of Zimbabwe, housed under the Ministry of Justice, Legal and Parliamentary Affairs. It is hoped that the Judicial College will be adequately resourced in all respects to commence training programmes for magistrates, prosecutors and other categories of persons employed in the courts.

In the interim, the Commission continues with its training and development of judicial officers and support staff on the basis of an annual training calendar that covers all grades.



Fig 3: Training of Judges' Clerks

6. PERFORMANCE OF THE BUDGET

The Commission was allocated \$23 440 881 for the 2014 financial year. Of the total budget, a total of \$13 924 396 was released, marking 59.40% of the budget. Of the total releases, \$12 248 966 went to employment costs leaving \$1 675 436 for court operations country-wide.

The Courts and Administration Fund earned a total of \$6 883 390 -03 which was shared between the Police, the National Prosecuting Authority and the Commission in

the prescribed ratios. The revenue retained under this Fund accounted to a large extent for the funding of all court operations country-wide.

Again there was no movement in the PSIP projects at Marondera, Gwanda and Chinhoyi where the construction of magistrates court houses has been at a standstill since 2005.

The construction of pre-fabricated courthouses for various magistrates' courts continued during the course of the year, with funding from Plan International and the Royal Danish Embassy Office in Harare.

The Labour Court and magistrates Civil Court continue to be housed in sub-standard buildings not suitable for the purposes of conducting court business. The Commission will continue to engage Treasury for the purchase or construction of suitable buildings for these two courts.

7. CONCLUSION

In the year under review, the Commission continued to be guided by its strategic plan adopted in February 2012 and which was reviewed in November 2014. During the review exercise, most of the strategic priorities that were identified at the inception of the plan in 2011 were validated and continue to demand the attention of the Commission. In addition, the Commission adopted strategies around its new constitutional mandate regarding the appointment of judges.

The performance of the courts in 2014 generally continued to impress especially the magistrates courts that managed to complete another successful year with no backlog. Other courts also showed commendable efforts in checking and containing the backlogs in their respective registries. Statistics of cases pending before all courts as at 31 December 2014 are attached to this report as annexures.



The Honourable Mr Justice Godfrey Guwa Chidyausiku

Chief Justice of Zimbabwe.

8. ANNEXURE A: COURT STATISTICS

Constitutional Court

Nature	Opening Balance As At 01/01/14	Received	Total	Completed	Closing Balance As At 30/11/14
CONSTITUTIONAL COURT	92	79	171	52	119

Supreme Court

Nature	Opening Balance As At 01/01/14	Received	Total	Completed	Closing Balance As At 30/11/14
SUPREME COURT APPEALS	113	407	520	333	187

High Court

Nature	Opening Balance As At 01/01/14	Received	Total	Completed	Closing Balance As At 30/11/14
HIGH COURT	12334	22670	35004	20734	14270

Labour Court

Station	Opening Balance As At 01/01/14	Received	Total	Completed	Closing Balance As At 30/11/14
HARARE	1764	2364	4128	1793	2335
BULAWAYO	258	410	668	338	330
GWERU	397	411	808	322	486
TOTAL	2419	3185	5604	2453	3151

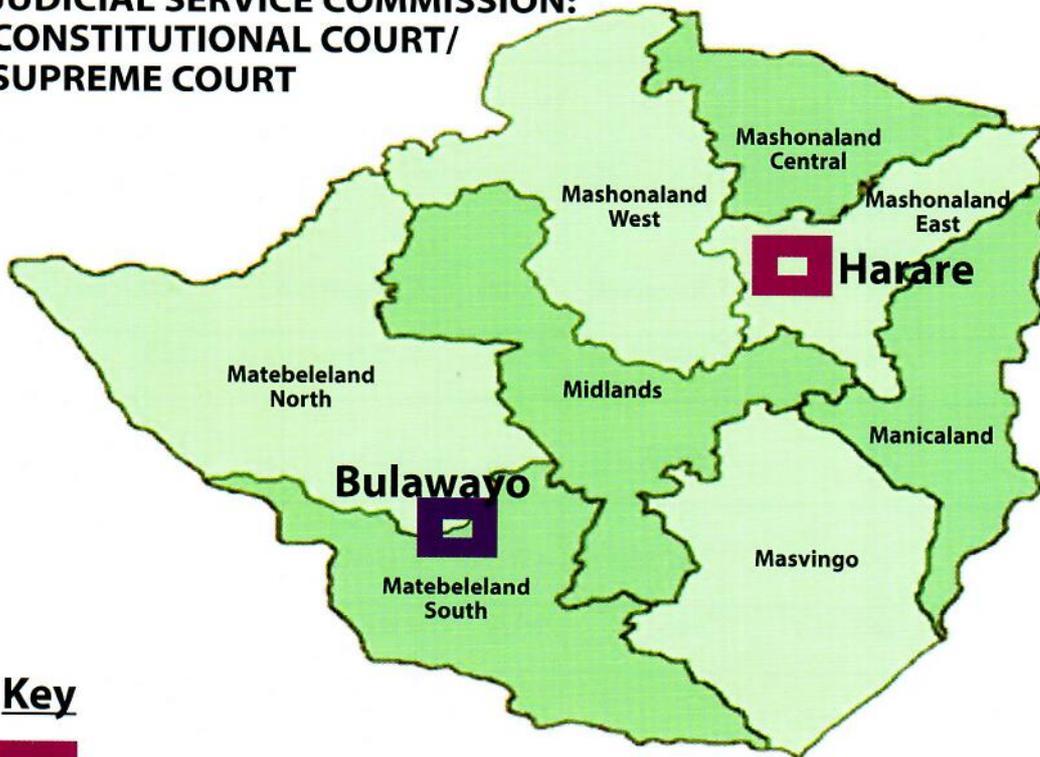
Administrative Court

Nature	Opening Balance As At 01/01/14	Received	Sub Total	Withdrawn	Matters Lapsed/ Abandoned/ Dismissed By Registrar	Completed	Closing Balance As At 30/11/14
APPEALS	39	45	84	18	8	43	15
APPLICATIONS	18	38	56	6	0	34	16
TOTAL	57	83	140	24	8	77	31

Magistrates Court

Nature	Opening Balance As At 01/01/14	Received	Total	Completed	Closing Balance As At 30/11/14
Civil cases	1 154	90103	91257	90599	658
Criminal Regional Courts	372	3799	4171	3925	246
Criminal Provincial Courts	9 784	186560	196344	193643	2701
Domestic violence	168	9441	9609	9513	96

**JUDICIAL SERVICE COMMISSION:
CONSTITUTIONAL COURT/
SUPREME COURT**

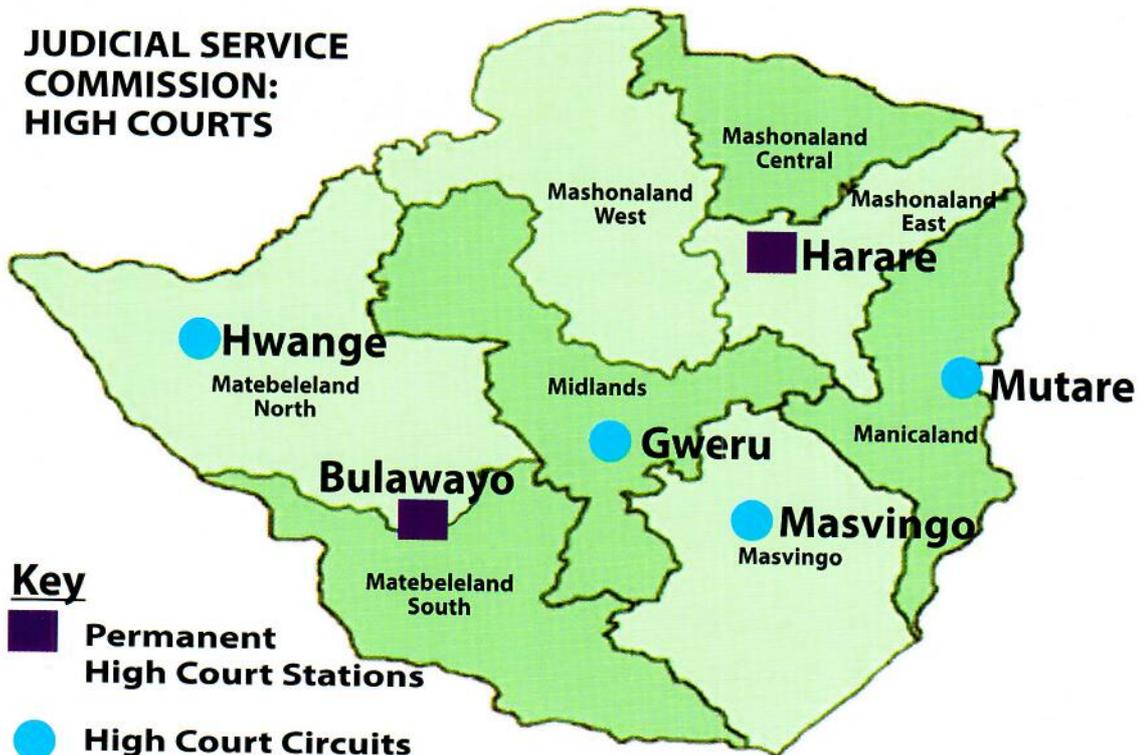


Key

 CONSTITUTIONAL COURT/ SUPREME COURT OF ZIMBABWE

 SUPREME COURT OF CIRCUIT

**JUDICIAL SERVICE COMMISSION:
HIGH COURTS**

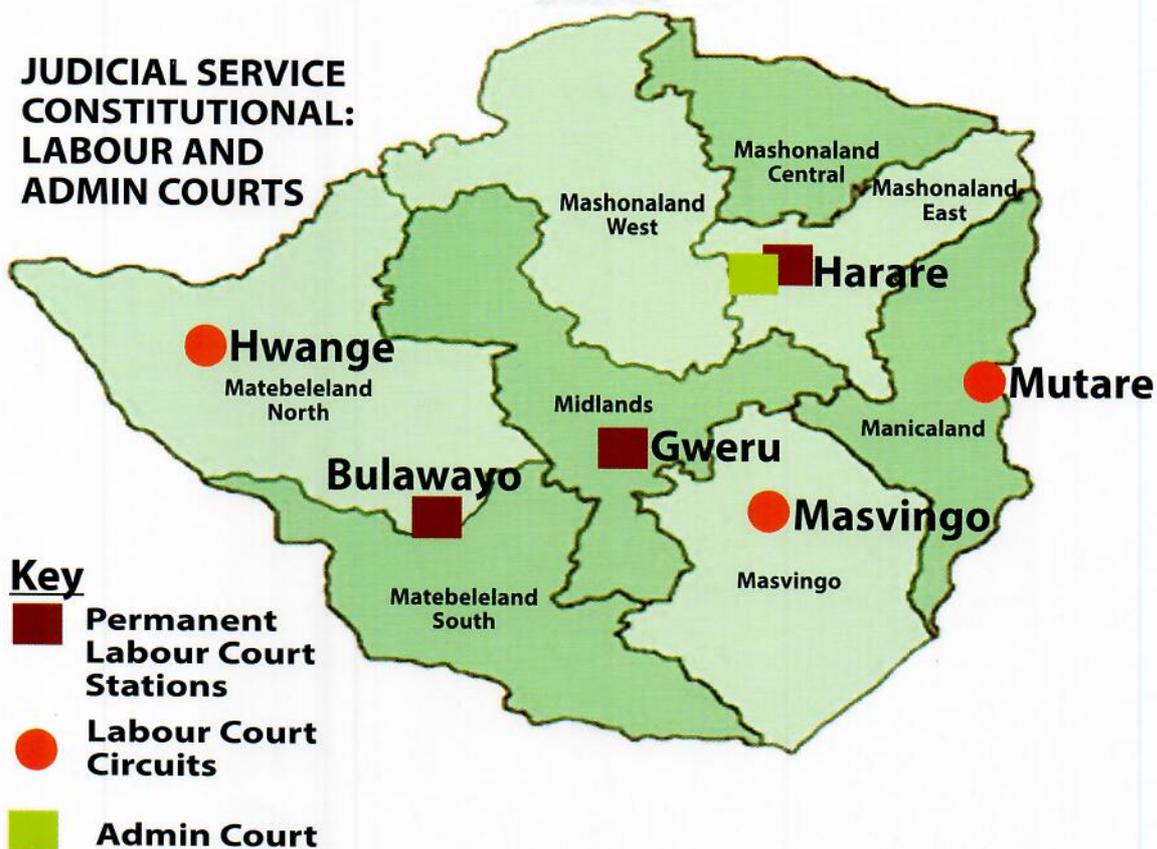


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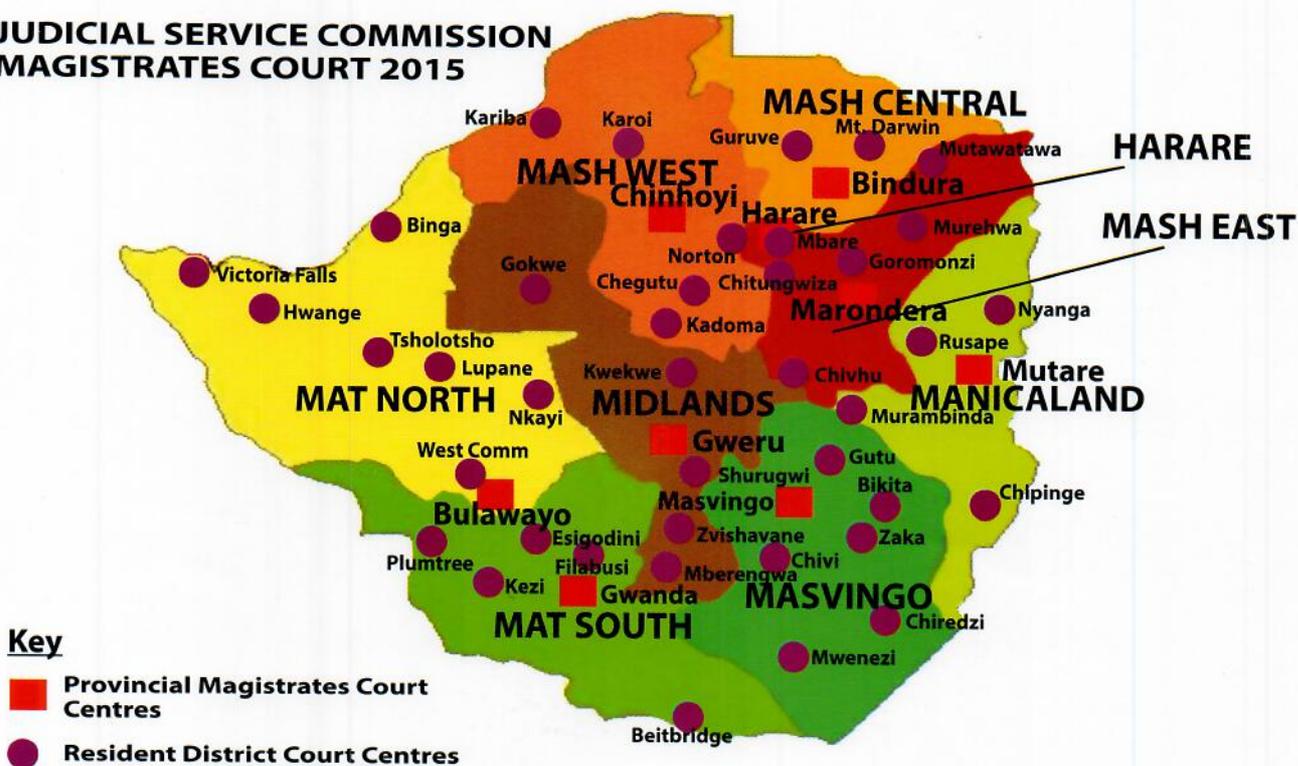
 Permanent High Court Stations

 High Court Circuits

**JUDICIAL SERVICE
CONSTITUTIONAL:
LABOUR AND
ADMIN COURTS**



**JUDICIAL SERVICE COMMISSION
MAGISTRATES COURT 2015**



CORE VALUES

Independence

While working within its mandate, JSC resists any undue influence and interference and takes the appropriate steps to instil independence as a core value of all members of the Judicial Service.

Fairness

JSC treats all members and users of the Judicial Service equitably, impartially, respectfully and in a transparent manner, based on a strict adherence to communicated policies and regulations.

Professionalism

JSC works efficiently and effectively, based on honesty, reliability and zero tolerance to corruption, while strictly adhering to its Code of Ethics and its Code (s) of Conduct

Accountability

While safeguarding the independence of the Judicial Service, the JSC acknowledges its accountability to the general public from which it derives its mandate and is respective to the legitimate concerns and expectations of its stakeholders.