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## EDITOR'S MEMO



Welcome to the final edition of The Miranda for 2018, which highlights major developments in the Judicial Service Commission.

This edition covered great work being undertaken by the JSC in its mission to ensure the smooth delivery of Justice countrywide.

The final quarter of the year saw the commissioning of the Bulawayo High Court expansion project and the refurbishment of a number of courthouses countrywide.

Training workshops for workers in JSC's different sections were held with a view to sharpen skills and to improve the quality of service.

The quarter proved to be fun-filled and those with an appetite for human interest stories, development stories and pictures, this is your best read.

I say thank you to The Miranda team players who contributed to the success of the publication.

Gentle reader, as we come to the end of 2018, The Miranda wishes you a Merry Christmas and a prosperous 2019.

**Enjoy your read.**

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## From the Secretary's Desk

Mr Walter Chikwana  
Secretary of the Judicial Service Commission

### **Season's greetings!**

We stand at the cusp of the beginning of the 2019 legal year. 2018 came and went, a lot of milestones were achieved. While it is a good point to reminisce, we are still expected to do more for Zimbabwe's judiciary to achieve world-class justice. Now is the time to chart the 2019 map forward.

The beginning of every year always brings with it some cheer. For most, it is time to start again. It is seen as an opportunity to re-strategize and as a result, a lot of resolutions are made. Whether we see them through or not, that is an entirely different issue which does not stop us from making them, anyway. As your Secretariat, we also have our own dreams and aspirations for 2019. My visits to provinces mainly in the last quarter of 2018 were an eye opener. I managed to interact on a personal level with men and women who are the everyday torchbearers of our vision of a Zimbabwe in which world-class justice prevails in every nook and crevice of Zimbabwe. The experience was phenomenal

and it is something I would do over and over again.

During these visits, I also managed to see, first hand, the conditions under which our colleagues are operating. Some were very encouraging. Some, not so encouraging. Some even disheartening.

So, going into 2019, my focus will be on making the working space of our most prized asset, human capital, more commensurate with their dedication and commitment to duty. It is also the year we will roll out proper performance management system with the aim of giving the right support to our colleagues in the various departments countrywide.

We have also lined up a number of other exciting initiatives which will unfold as the year progresses. All I can say is watch this space!

I look forward to us working together to take the justice delivery system of Zimbabwe to new dimensions. Together, we can. I wish you a very successful and professionally fulfilling 2019.



Chief Justice Malaba cuts the ribbon as Minister Ziyambi claps hands at the commissioning ceremony in Bulawayo

# CJ COMMISSIONS REFURBISHED BYO HIGH COURT

SHERIFAH NDLOVU

**C**HIEF Justice Luke Malaba recently commissioned three newly-built additional courtrooms at the High Court in Bulawayo as part of measures to manage the high litigation rate in Bulawayo, Midlands and Matabeleland provinces.

Construction work was completed end of September, while the official ceremony was held on October 5.

The additional courtrooms created in the basement of the High Court Building, bring to six the total number of courtrooms at the superior court.

Each of the four judges of the High Court stationed at Bulawayo will now have a courtroom.

Speaking at the colourful ceremony,

Chief Justice Luke Malaba said Bulawayo High Court required at least two more judges to effectively and speedily preside over cases.

The two vacancies, he said, arose following the resignation of Justice Lawrence Kamocho at the end of 2017 and the recent elevation of Justice Francis Bere to the Supreme Court.

The court station is being run by four judges, despite having an official establishment of six judges.

Said Chief Justice Malaba: "It is our desire to have the two vacancies filled as soon as is practicable to enable the station to operate at optimum capacity."

Bulawayo, he said, was earmarked to be an industrial hub of Zimbabwe, hence the courts must be well-equipped to deal with commercial disputes in the spirit of promoting



JSC Deputy Secretary Mr Msipa leads the tour of the newly refurbished High Court building in Bulawayo

ease of doing business.

"The creation of three additional courtrooms at the High Court in Bulawayo coincides with Government's efforts to devolve governance issues and responsibilities to provincial offices and councils," he said.

"Bulawayo is earmarked to be an industrial hub of the nation. The expansion of the courthouse will ensure that disputes arising from the anticipated upsurge in commercial activity are speedily resolved." Four judges based at the Bulawayo High Court were sharing the three available courtrooms, compromising efficiency.

Deputy Chief Justice Elizabeth Gwaunza in January this year set the tone for the expansion of the Bulawayo High Court in her speech during the opening of the 2018 Legal Year. She indicated that litigation was on



**"The creation of three additional courtrooms at the High Court in Bulawayo coincides with Government's efforts to devolve governance issues and responsibilities to provincial offices and councils."**

the rise in Bulawayo and that the judges' efforts to clear the backlog and effectively deal with the ever-rising matters were being hampered by the shortage of courtrooms, among other challenges.

## MIRANDA WRITER

**S**UPREME Court judge Justice Francis Bere has flown the Zimbabwean flag higher after being appointed president of the Sadc Administrative Tribunal (SadcAT) during the court's elections in Gaborone, Botswana, recently.

Justice Bere, a Supreme Court judge, has been doubling as a judge of the SadcAT since his appointment in 2017.

All the judges of the tribunal from different countries, in October 2018 met in Botswana and elected Justice Bere head of the regional tribunal.

Judicial Service Commission (JSC) Deputy Secretary Mr Sithembinkosi Msipa hailed the development, saying Zimbabwe's competence had been recognised regionally.

"The whole region has shown confidence in our Judiciary and our ability to discharge well the duties bestowed on us. We are proud of Justice Bere and we wish him well in his new task," said Mr Msipa.

Justice Bere, who was recently elevated to the Supreme Court, joined the seven-member bench of the SadcAT last year in April.

He takes over the presidency of the regional court from Eswatini High Court judge Justice Mbutfo Mamba.

Justice Bere pledged to work towards promoting transparency in the administration of the affairs of SadcAT.

He was appointed to the SadcAT during the Sadc Council of Ministers which was held in Ezulwini, Swaziland between March 15 and 16 last year.



Justice Bere

# JUSTICE BERE SCALES DIZZY HEIGHTS

He was subsequently sworn in three months later in Gaborone, Botswana. The SadcAT came into effect at the Sadc Summit in Botswana in August 2015, which passed a resolution approving its formal establishment, succeeding the controversial Sadc Tribunal whose judgments were vehemently opposed by Zimbabwe. The Sadc Administrative Tribunal replaces the Sadc Tribunal, which was formed in 2010 and dissolved at the

32nd Sadc Summit in Mozambique in 2012 after concerns were raised that it was straying from its original mandate.

Justice Bere was appointed to the High Court bench in 2004 and worked in Harare.

Prior to his appointment to the High Court bench, Justice Bere served as a judge of the Administrative Court for four years.

At the time of his appointment to the Supreme Court in May 2018, he was senior judge in-charge of the High Court in Bulawayo.

Justice Bere started off as a teacher and worked at three schools in Murehwa, Mutoko and Bindura in the 1980s.

He joined the magistracy in July 1990. Justice Bere practised as a legal practitioner with Bere & Associates Legal Practitioners from 1993 to 2000.

“The whole region has shown confidence in our Judiciary and our ability to discharge well the duties bestowed on us. We are proud of Justice Bere and we wish him well in his new task.”



Magistrates follow proceedings during the training workshop in Harare recently

# 46 MAGISTRATES SHARPEN SKILLS

MIRANDA WRITER

**T**HE Judicial Service Commission (JSC) recently took magistrates for a two-day training workshop to sharpen their skills in presiding over corruption cases.

At least 46 magistrates appointed to preside over corruption matters in the Specialised Anti-Corruption

Courts countrywide attended the workshop organised by the JSC at Crown Plaza Hotel in Harare.

The magistrates were drawn from a pool of judicial officers with a view to supporting Government's drive to fight corruption.

The workshop, which was part of the Judiciary's routine training and retraining exercises, ran from November 16 to 17.

Presenters from all the stakeholders, presented papers at the training session.

The training workshop was the first of its kind where all stakeholders in the criminal justice system took part through highlighting how they were being affected.

Speaking at the launch of the workshop, Chief Justice Luke Malaba urged magistrates to be brave enough and decisively deal with corruption cases.

He voiced concern over some magistrates' lackadaisical approach to high-profile corruption cases which has regrettably resulted in the

collapse of some cases.

The Judiciary boss said laxity by some magistrates was tantamount to “laundering of criminals”.

Justice, Legal and Parliamentary Affairs Minister Ziyambi Ziyambi, Deputy Police Commissioner General Stephen Mutamba, Zimbabwe Anti-Corruption Commission’s head of investigation Mr Lovemore Findi, Zimbabwe Law Development Commission deputy chairperson Mr Joel Zowa presented papers at the workshop.

Chief Justice Malaba urged judicial officers to treat graft cases with the seriousness they deserve.

He called for stiff penalties for those convicted of corruption for deterrence.

“Where an accused person has been properly convicted of corruption, the sentences imposed by the courts must reflect the Government’s and the society’s expectations on the punishment to be meted out to offenders.

“To that end, severe penalties must follow every conviction for such

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**“Do not let the politics of corruption and power influence you. At the end of the day, you make funny decisions. We have the laws to effectively deal with corruption, we have the systems in place, we have the body (magistrate) but we do not have the mind.”**

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offences,” said the Chief Justice.

Chief Justice Malaba said magistrates

must not allow themselves to be captured by financially powerful criminals because they will end up making compromised decisions that impact negatively on the security and the economy of the country.

“Do not let the politics of corruption and power influence you. At the end of the day, you make funny decisions. “We have the laws to effectively deal with corruption, we have the systems in place, we have the body (magistrate) but we do not have the mind.

“The mind is being manipulated. It is being used by criminals,” he said.

The Chief Justice urged magistrates to turn a blind eye on the status of an accused person, but to deal with the case brought before them in terms of the law.

He urged magistrates to be in control and not to yield to delaying tactics by some legal practitioners or prosecutors who always seek postponement of cases.



Some of the attendants of the workshop

# PUBLIC INTERVIEWS TRANSPARENT, FAIR: DCJ GWAUNZA

MIRANDA WRITER

**D**eputy Chief Justice Elizabeth Gwaunza this year attended the Southern African Chief Justices' Forum (SACJF) meeting in Lilongwe, Malawi, where she hailed Zimbabwe's transparent system of selecting and appointing judges.

Justice Gwaunza was accompanied by High Court Judge Justice Esther Muremba and Labour Court judge Justice Lawrence Murasi.

Addressing Chief Justices at a recent SACJF meeting in Malawi, DCJ Gwaunza described the public interview system, adopted by Zimbabwe in terms of the 2013 constitutional amendment, as a fair and transparent process.

Justice Gwaunza said the process puts the public at the centre of the selection and appointment of judges, which boosts public confidence in the country's administration of justice.

"The process recognizes that the selection and appointment of Judges is indeed a public issue that must not only be done publicly but must involve public participation.

"The whole process, after the declaration of vacancies by the Judicial Service Commission (JSC), is done openly with publication of the number of vacancies and the candidates nominated for the positions.



DCJ Gwaunza

**"The process recognizes that the selection and appointment of Judges is indeed a public issue that must not only be done publicly but must involve public participation."**

"The process puts the public at the centre of the stage in as far as nominating candidates is concerned. "The invitation is made to members of the public, without qualification or reservation, to nominate

whomsoever they believe is suitable for appointment as a Judge," said Justice Gwaunza.

The Constitution in section 180, DCJ Gwaunza said, has elaborate provisions for the transparent appointment of judges.

The JSC, DCJ Gwaunza said, now plays an integral role in the process.

"What is important to note is that the role of the Commission (JSC) in the appointment of judges is now broader and more pronounced than before. In precise language that admits of no ambiguity, the Constitution provides for the following:

The declaration by the JSC of a vacancy in any of the courts.

Advertisement of the vacancy. This is widely circulated in the local print and electronic media. It outlines the Court for which the vacancy has arisen, the number of vacancies available and the requisite qualifications.

It also calls upon members of the public intending to nominate candidates to obtain forms at designated offices. To ensure that interested people from the whole country can access nomination forms, they are made available at more than ten Magistrates' Provincial Court centres and can also be downloaded from the Judicial Service Commission website.

Members of the public are given a deadline by which the nomination forms, to which the Curriculum Vitae of the nominated candidates should be attached, are to be



Justices Murasi (left) and Muremba follow proceedings during the recent SACJF meeting in Malawi

submitted to the Commission. The Commission has also come up with Standard Operating Procedures to guide it and its Secretariat on how the judicial appointment process should be conducted. These were circulated to all stakeholders in the administration of justice and the general public.”

Justice Gwaunza outlined in detail the 11 steps followed in the selection process emphasising on the broadened role of the JSC. However, DCJ Gwaunza said the public interviews had its own challenges.

“There is a downside though to the holding of interviews in public, as some questions put to the nominees may have effect of denting their standing without redress.

“For instance, allegations of improper behaviour, if not handled properly, may leave the public with the perception that the candidate is not a fit and proper person, yet these remain as mere allegations, for the Judicial Service Commission cannot make a definite finding either way in the process of the interview.

“The process, as laid out in the Constitution, has no mechanism of filtering out chancers who accept nomination when it is clear that they are not suitable for appointment. Due to the imperatives of the Constitution all such candidates have to be interviewed in public and this can be burdensome on the Judicial Service Commission in terms of both man-hours and funding the exercise,” she said.

DCJ Gwaunza said the public interview atmosphere was generally intimidating and that to some extent, potentially good judges may end up failing to make it.

“The atmosphere is intimidating with hundreds of people watching a candidate being interviewed. This can result in candidates with a lot of potential failing to articulate issues and being deemed unsuitable. “To be a good judge, one does not necessarily need to be a good public speaker.

“Because of the intimidatory public nature of the process and the personal nature of questions asked at the interviews, some people who could be good judges lose interest in the process and refuse to be nominated,” she said.

EPHRAIM NCUBE AND TARISAI MAFURA

**E**VERY professional institution worth its salt always devises a barometer to measure its performance and make informed decisions.

And, the Judicial Service Commission (JSC) is no exception.

Performance appraisals came about following the call for countrywide validation of key result areas in respect of all posts within JSC.

The validation exercise, part of the recently adopted Performance Management System (PMS) approach, was held at the Harare International Conference Centre (HICC) on December 7, 2018. It was done to come up with well-defined roles and obligations in the performance of duty by JSC workers.

Delegates were drawn from all the country's 10 provinces to deliberate, agree and consolidate the key result areas.

JSC human resources manager Mr Million Chingombe said the performance appraisal will start in January 2019.

"Each head of department in the JSC presented a draft performance contract for every position in their department. The contracts were validated during a validation workshop held in the first week of December 2018.



Mr Chingombe

## PERFORMANCE APPRAISAL FOR JSC STAFFERS

"What is only left now is implementation, which should start in January next year (2019)," said Mr Chingombe.

Mr Chingombe said the implementation

of the appraisal system will enable management to introduce the much-awaited top performers' awards.

"We are now preparing a document on how the awards will be implemented.



Superior courts staff listen to the Secretary's address



Mr Chikwana addresses superior courts staff in Harare recently

With this appraisal system, the honouring of the outstanding performers will now be easier.

“The awards will depend on the ratings. We will only give awards to those that are exceptional, that is, those rated 4 to 5 in terms of our rating scale which runs from 0 to 5,” he said.

The awards will also be given to best performing stations.

Where underperformance is detected, Mr Chingombe said, there will be coaching and feedback.

Training plans, the human resources boss said, will also come from the appraisal system.

“Whenever we identify a skills gap, we will send you for training. The training can be internal or outsourced depending on the identified need,” he said.

Mr Chingombe said employees will also contribute through satisfaction surveys.

“There will be employee satisfaction surveys whereby workers will give feedback, stating challenges being faced,” he said.

Addressing the JSC staff at Harare High Court recently, JSC Acting Secretary Mr Walter Chikwana said performance appraisal will act as a motivational tool.

“We felt it good to introduce

**“Teamwork is essential, every one of us need to contribute to enhance the performance of the organisation. We also want to see people who think outside the box, you should be innovative,”**

performance appraisal to assess each other and identify the reasons why we come to work. We will also take stock of our performance at the end of every year,” he said.

Mr Chikwana said top performers will be rewarded while the underperformers will be assisted to improve.

He said the JSC was poised to achieve world class justice if all the workers were to pull in one direction and perform to expectation.

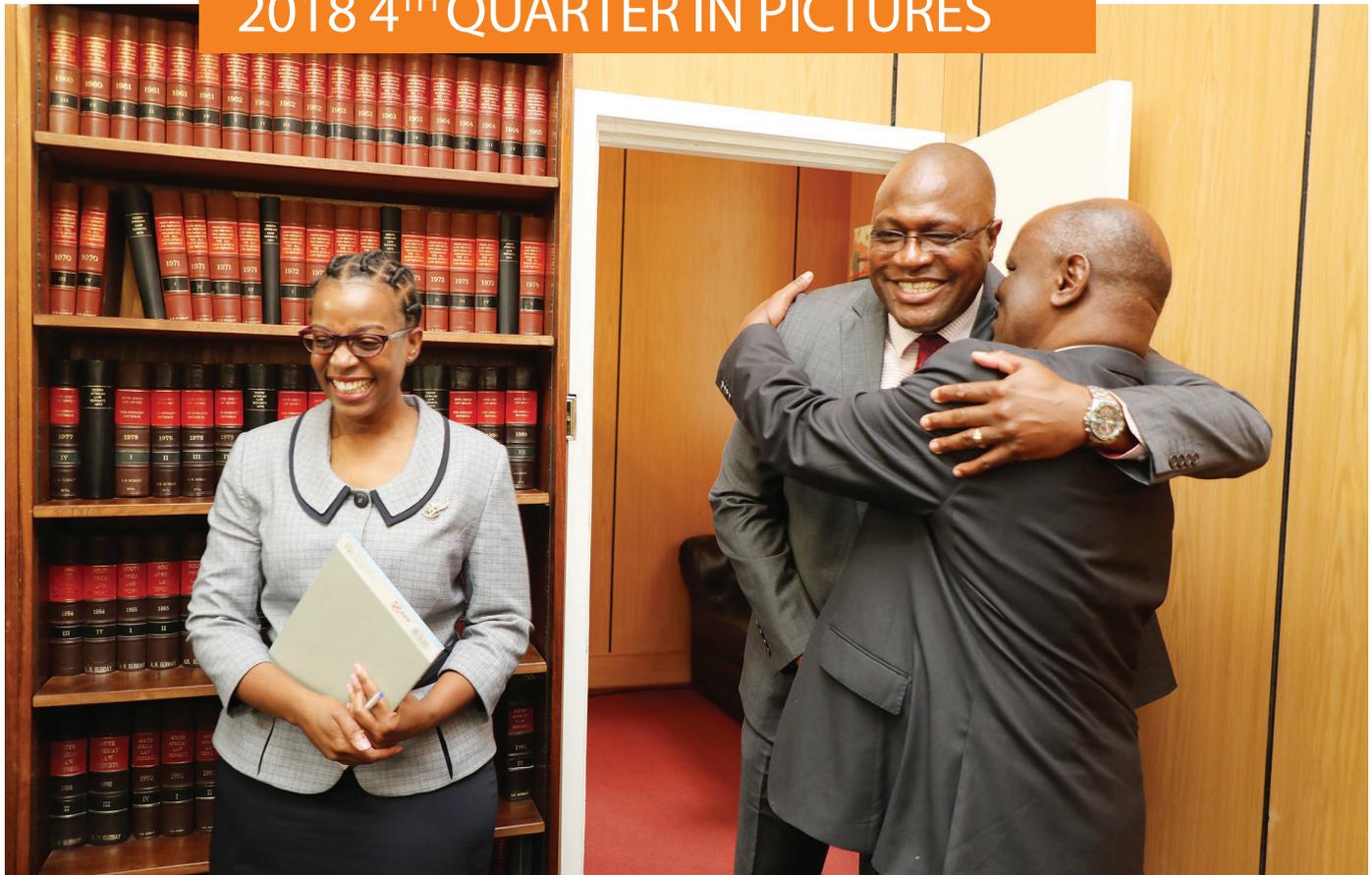
“We will motivate staff through rewarding top performers and the underperforming staff will be assisted to improve. The JSC will achieve its goals if each employee plays his or her part,” said Mr Chikwana.

Mr Chikwana called for teamwork within JSC.

“Teamwork is essential, every one of us need to contribute to enhance the performance of the organisation. We also want to see people who think outside the box, you should be innovative,” he said.

Harare High Court was Mr Chikwana’s last tour this year assessing the state of furniture, infrastructure and conditions of work at all the country’s courts.

# 2018 4<sup>TH</sup> QUARTER IN PICTURES







SAJAA executive committee members pose for a group photo outside the Constitutional Court building in Harare

## JSC HOSTS SAJAA EXECUTIVE COMMITTEE MEETING

MIRANDA WRITER

**S**OUTHERN African Judicial Administrators Association (SAJAA), a newly established regional grouping, recently held its executive meeting in Harare where the members got five-star treatment, courtesy of the Judicial Service Commission (JSC). SAJAA which was formed mid 2017 in Namibia with a view to support court systems on the continent, in November held its meeting in Harare with a view to craft a blueprint for African judicial administrators. A number of African countries,

including Zimbabwe, are part of it. Namibia, Zimbabwe, Zambia, South Africa, Malawi, Mozambique, Tanzania, Uganda, Zanzibar, and Seychelles are members to the new grouping. JSC Acting Secretary Mr Walter Chikwana is deputy chairperson for SAJAA. The foreign delegation jetted into the country on November 22 and flew back to their respective countries on November 25. The delegation that was headed by SAJAA chairperson Mrs Rolanda van Wyk paid a courtesy call on Chief Justice Luke Malaba before

getting into an executive committee meeting. Speaking in the chambers of the Chief Justice, Mrs van Wyk, who is permanent secretary of the Namibian Judiciary, hailed the JSC Secretariat team headed by Deputy Secretary Mr Sithembinkosi Msipa for the top-class hospitality. "We want to thank the JSC Secretariat for a warm reception. On behalf of SAJAA, and on my own behalf, I wish to appreciate all the courtesies extended to us here in Zimbabwe. No man can do great things but only small things with great love," said Mrs Van Wyk.

Each of the visitors was allocated a driver while ensconced on the back seat of the top-of-the-range vehicles. Ushers would open doors for them and lead them to wherever they went during the three-day visit.

JSC held a dinner for the visitors at Victoria 22, Newlands Harare.

Mrs Van Wyk said African judicial administrators had the requisite skills and that there was need to develop them to provide solutions to problems affecting courts continentally.

“We feel we have enough skills and expertise on the continent and we should start developing the skills locally and come up with a blueprint for African judicial administrators that is responsive to our unique judiciaries.

“There is no longer any need to go to the big brothers out there in the Western countries for solutions. We can do it ourselves as Africans,” said Mrs van Wyk.

Chief Justice Malaba hailed judicial administrators for an important role they play in adequately providing for the courts.



Mr Msipa hands over a present to SAJAA committee member at Victoria 22 in Harare

“We, as Chief Justices, appreciate the vital role which your association plays.

“It is an institution that plays an integral part in the development and efficiency of the administration of justice.

“There is no way we can achieve the

administration of justice without members of SAJAA,” he said.

The judiciary boss pledged support for SAJAA activities.

“We, as Zimbabwe, are fully behind you. Whenever you need our assistance, we are there for you,” said the Chief Justice.



SAJAA committee members during a meeting at a local hotel in Harare



Part of the magistrates designated to preside over corruption cases

## BETTER WORKING CONDITIONS FOR MAGISTRATES, SUPPORT STAFF

MIRANDA WRITER

**J**ustice, Legal and Parliamentary Affairs Minister Ziyambi Ziyambi said he was lobbying for an upward review of conditions of service for judicial officers, prosecutors and other players in the criminal justice system to capacitate them in the fight against corruption. Addressing magistrates during a two-day training workshop on how to effectively preside over cases of graft in Harare recently, Minister Ziyambi said well-remunerating key players in the anti-graft war would help strengthen them in the fight. The training was attended by 46 magistrates who were appointed to preside over corruption cases countrywide.

Minister Ziyambi said for the officers to be incorruptible and more effective in execution of their duties, there was need to improve on their conditions of service.

“I believe that all members that deal with our cases of corruption like the National Prosecuting Authority, Judiciary, and the Zimbabwe Anti-Corruption Commission should be well remunerated.

“If we do not, then we will not do justice to the fight against corruption.



Minister Ziyambi speaks to magistrates recently in Harare

I will push for that and be rest assured, Honourable Chief Justice, that it is one of my priority areas.

“We deliberately decided to remove you from the civil service. Yours is an independent unit and what happens to the rest of civil service cannot be compared to what we have ring-fenced and say we want to go this way.

“I agree with NPA that we need a well-motivated prosecutor to deal with corruption cases,” he said.

Minister Ziyambi said the officers dealing with such important criminal cases should be provided with decent accommodation.

“We are developing other strategies,

including institutional capacity building so that we can combat corruption.

“When I was in Bulawayo appealing to the Minister of Finance to capacitate institutions within my ministry, I said, it is saddening that you have a magistrate who stays in Mbare, renting a house there.

“When his landlord commits a crime and the case goes to court, that magistrate will be in trouble. I indicated that we also need to ensure that they are well looked after. We do not need a magistrate who gets into court thinking of the day’s relish,” said Minister Ziyambi.



Concession Court staff showing off their new ride

## ACTING SECRETARY VISITS MASH CENTRAL

- Concession gets car, borehole
- Construction at Darwin starts

HOLDER MANGUMBI

**N**EWLY - DESIGNATED Concession Resident Court in Mashonaland Central Province is poised to run smoothly following the allocation of a station vehicle, occasioned by the recent tour of the province by the Judicial Service Commission (JSC) Acting Secretary Mr Walter Chikwana.

Mr Chikwana also directed the procurement team to sink a borehole to end water woes at the station.

Pioneer Resident Magistrate for Concession Court Miss Ruth Moyo took delivery of a Mazda BT50, while before the end of the provincial tour, drilling experts visited the station for siting of the borehole.

Miss Moyo hailed JSC for the intervention.

“We are so grateful for the good gesture. At least we are now mobile and we can now travel for circuit court sessions at Nzvimbo without pleading with Bindura for transport.

“We service Nzvimbo Circuit and we travel there twice a month,” she said.

Miss Moyo said the drilling of the borehole will ease the water crisis at the court.

“We get water supplies for only two days per week. For those two days, at times we only get water for up to an hour per day. We have serious water shortages and we welcome the decision by JSC to sink a borehole for us here,” said Miss Moyo.

The visit also triggered construction work at the new Mt Darwin Magistrates’ Court site.

A week after the secretary’s visit, excavation started at the site.

## JSC PROCUREMENT DECENTRALISED

BY TARISAI MAFURA

**T**HE procurement of provisions for the Judicial Service Commission (JSC) is now being done at provincial level as a way of removing bureaucratic challenges that affected court operations.

For High Court stations like Mutare, Bulawayo and Masvingo, procurement will be done at station level.

Previously, JSC had a cumbersome process whereby resident magistrates in remote parts of the country would request for provisions through the provincial magistrate’s office.

The request would take ages to reach the Chief Magistrate’s office.

The movement of the request to JSC head office would also require time, resulting in inordinate delays.

Procurement, even of small items like slashers for a station like Nyanga, would be done by head office in Harare.

However, the new administration headed by Chief Justice Malaba decentralised procurement to ensure the smooth flow of court operations.

Interacting with officers of the superior courts in Harare recently, JSC Acting Secretary Mr Walter Chikwana announced the new development saying it would go a long way in ensuring the courts get provisions in time.

“The Judicial Service Commission (JSC) is disbursing money to all provinces to enable each station to purchase its own provisions,” he said.

Mr Chikwana said each station will receive its share of funds to buy provisions.

Mr Chikwana assured JSC staff of uninterrupted supply of provisions.

“We are parceling out money to all provinces so that they purchase their provisions from station,” he said.

Meanwhile, the Secretary said plans to revitalise all JSC libraries across the country were underway.



Mr Mahwe



Mr Vitorini

# MAGISTRATES VITORINI, MAHWE RECEIVE THREATS

MIRANDA WRITER

**T**wo Anti-Corruption Court magistrates, Messrs Nyasha Vitorini and Tendai Mahwe, have received death threats from unidentified criminals who sought to instil fear in them and to compromise their work.

The duo, part of the 46 designated magistrates to preside over cases in the Special Anti-Corruption Court, did not yield to the threats.

Instead, they vowed to continue serving the nation.

Harare magistrate Mr Nyasha Vitorini woke up one morning to find his gate locked from outside using a strange lock.

The unidentified criminals left a typed letter threatening the magistrate, his wife and children with death if he “continued doing what he was doing in court”.

Mr Tendai Mahwe of Mutare Magistrates’ Court, was tracked from work after handling corruption-related cases until he called his superiors seeking protection. He also received threats.

Mr Vitorini was handling a number of different criminal cases, making it difficult to trace the root of the dispute.

## MAGISTRATES GET PATS ON THEIR BACKS

MIRANDA WRITER

Justice, Legal and Parliamentary Affairs Minister Ziyambi Ziyambi has described Messrs Vitorini and Mahwe as “heroes” after they withstood threats and continued doing their work without fear. Minister Ziyambi urged other magistrates to be brave and to remain committed to eradicating corruption despite threats.

Minister Ziyambi described the two magistrates as heroes.

“I was very touched by the examples of the two magistrates that you gave. Heroes are people that do the extraordinary. The moment you do routine work you can never be a hero. When you receive a message that we are coming for you and you go and become very tough in court, then you are a hero.

“Corruption is undertaken by those with means. They can even investigate you and find out that after work you go for braai at Zindoga (Shopping Centre) and they follow you. They try to study how you do things with an intention to compromise you.

“But you must remain professional. Remain true to your calling,” said Minister Ziyambi.

Chikwana intervened and directed Chief Magistrate Mr Mishrod Guvamombe to engage the police with a view to making security arrangements for the pair.

During an Anti-Corruption Courts Training in Harare recently, Police Deputy Commissioner-General Stephen Mutamba assured all the judicial officers and other court officials that their security was guaranteed.

“I was very much touched about what was said here in connection Mr Vitorini and Mr Mahwe. What I would like to say is that, we should not allow that kind of situation to happen.

“We will be there for you Mr Vitorini and Mr Mahwe.

“I know some of you may not have reported yet. All of us here are targets. It has been aptly said by Minister Ziyambi that wherever you are, remember there is someone following you, especially within the criminal fraternity.

“Let us all be aware and let us be brave. Let us work together. If you have got a problem, you can call us anytime and we will react and make sure you are safe,” said Dep Comm-Gen Mutamba.

Judicial Service Commission (JSC) Acting Secretary Mr Walter

MIRANDA WRITER

**G**RAPPLING under economic challenges like any other State institutions, the Judicial Service Commission (JSC) in 2018 put up a good fight and embarked on massive construction and refurbishment projects with a view to ensuring access to quality justice for all.

A number of projects have been successfully completed while others are still pending, but at different stages.

The magnificent Mutare High Court structure, which officially opened its doors to the public in May, was one of the JSC's major scores for 2018.

As if that was not enough, the Commission refurbished the Bulawayo High Court Building, adding three courtrooms.

The Bulawayo High Court expansion project was commissioned in October 2018.

Two buildings were bought in Harare to accommodate the Labour Court and the Commercial Court and refurbishment work is underway to turn the houses into proper court structures.

However, a number of projects have been hard hit by material shortages, chief among them, cement.

JSC head of procurement Mr Elias Muzenda said construction projects were smoothly progressing until the last quarter of 2018 when some building material vanished from the market.

Cement became scarce, with some traders either unjustifiably hiking prices or demanding payment in foreign currency.

"We are experiencing shortage of construction material, like cement. Retailers have no stock of cement and that has slowed down the progress that we had registered," said Mr Muzenda.

Construction of a massive new court structure in Chinhoyi resumed in 2018, after a decade of dormancy. The builders moved with speed up to ring beam stage. The Chinhoyi structure now requires roofing material.

Mbare Magistrates' Court got a facelift after major renovations to the structure that was now on its knees.

Painting is in progress as well as electrical maintenance and ceiling and roof repair.

The floors are being tiled while paving is also being done at the court premises.

Major refurbishment work is also being done at Chipinge Magistrates Court. Roof and gutters repair was



New Chinhoyi Court under construction

## SHORTAGES STALL JSC'S MASSIVE PROJECTS

completed. The roof was painted but painting of the whole building is still in progress.

Electrical repair is also being done at Chipinge Court.

JSC has also started repairing the roof to Hwange Magistrates Court building which was damaged by termites and baboons.

The Anti-Corruption Court structure in Gweru had a ceiling and roof repair. The JSC is yet to paint the courtroom, tile the floor and to purchase furniture.

In Masvingo, JSC bought floor tiles, blinds, carpet and air conditioning equipment for the revamp of the structure that will house the Anti-Corruption Court.

Offices at Gutu Magistrates Court are now at slab level while the construction of a new courthouse in

Mt Darwin started towards end of year.

The newly-bought building to house the Labour Court along Rotten Row in Harare is under renovations.

Partitioning of the offices and court rooms on the ground floor was done and paving is now 97% complete.

JSC is yet to work on shelving in the registry section, erection of a pre-cast wall, installation of air conditioner, and fitting of doors among others.

At Harare Magistrates Court, 14 out of 20 courtrooms were refurbished. Eight of them have since been furnished while furniture is still being required in respect of the outstanding seven courtrooms.

Two houses bought in Mutare to accommodate judges of the recently established High Court are also being renovated.



New Mt Darwin Court structure at excavation level



Candidates for the PG's post sharing lighter moments before commencement of the interviews. (Pic by Stephen Gwatsvaira)

## HUNT FOR PG BREAKS RECORD

MIRANDA WRITER

**Judicial Service Commission (JSC) commissioners this quarter spent a record 17 consecutive hours interviewing 10 candidates for the substantive post of the country's Prosecutor-General.**

Public interviews started on November 1 at 9am, but the process dragged on until the early hours of the following day.

Normally, people work an 8-hour shift, but circumstances forced the 10-member panel to work overtime. Initially, 10 lawyers participated in the public interviews comprising four women and six men.

The 10 were Justice Maphios Cheda, Mr Misheck Hogwe, Mr Tinomudaishe Chinyoka, Mr Tichaona Mantsebo, Mr Kumbirai

Hodzi, Mr Edmund Marondedze, Mrs Florence Ziyambi, Ms Jessie Majome, Mrs Noria Mashumba and Mrs Wendy Chingeya.

Each candidate was allocated at least 40 minutes to respond to questions, but the process dragged on until the following morning.

After the interviews, JSC forwarded the names of the top three candidates to the Executive for appointment of the most suitable one.

JSC advertised the post in the Press following the resignation of Advocate Ray Goba in September.

The office of the PG has of late become a hot seat, with two previous prosecution bosses being fired for misconduct.

Adv Goba, who chose to resign ahead of an investigation into his conduct, becomes the third PG to leave office

over the past few years.

First to be removed from office was Mr Sobusa Gula-Ndebele in May 2008, who doubled as head of criminal prosecution and civil litigation.

He was fired for conducting himself in a manner inconsistent with his public office.

The dismissal followed recommendations by a tribunal which investigated him.

Mr Gula-Ndebele was succeeded by Mr Johannes Tomana, who was removed from office last year after a tribunal found him to be incompetent in the execution of his duties.

Adv Goba's resignation resulted in Mr Kumbirai Hodzi being appointed Acting PG with effect on July 24 2018.

# CASE MANAGEMENT SYSTEM TRIAL A SUCCESS

STEPHEN GWATSWAIRA

**T**HE test-run on the feasibility of the introduction of the electronic case management system was a success and the Judicial Service Commission (JSC) is now working on the implementation of the system countrywide.

Addressing legal practitioners and judicial officers at a recent Bar-Bench Colloquium in Victoria Falls, Chief Justice Luke Malaba, who is also JSC chairperson, said he would soon appoint a committee to oversee the implementation of the new system.

“Allow me to advise delegates that the first phase in the JSC’s efforts to introduce an Integrated Electronic case Management System is now complete. The committee which was spearheading that process recently submitted its report to me. I will shortly appoint another committee to oversee the implementation of the system,” he said.

The colloquium, which ran under the theme “Enhancing Access to Justice Through Law Reform”, discussed possible amendments and the enactment of laws governing the practice of law, the structure and jurisdiction of the Constitutional Court, and the remaining rules of court.

The judges and legal practitioners discussed the subjects of bridging gaps between the Constitution and the Constitutional Court rules, the development of a Constitutional Court Act and validation of the draft High Court Rules.

They also brainstormed the Commercial Court Rules and discussed the review of the Legal Practitioners’ Act.

The Judiciary boss emphasised the need for stronger ties between members of the Bar and those of the Bench.

“The Bar and the Bench are indispensable partners in the administration of justice. They exist in a symbiotic association with each other. There is no choice but to strive to make the relationship work. There must be mutual understanding that the relationship is a professional one designed for the achievement of the common objective of expeditious delivery of justice,” said Chief Justice Malaba.

Judicial officers and legal practitioners must play their part in ensuring speedy delivery of quality justice, the Chief Justice said.

“Judges are charged with the responsibility of resolving disputes brought before them by litigants. As officers of the court, legal practitioners bear the responsibility of promoting and maintaining the dignity of the courts,” he said.

## CUSTOMER CARE TRAINING FOR CLERKS OF COURT

SHERRIFAH NDLOVU

**C**LERKS of Court in Harare and Bulawayo have undergone a two-day training course in customer care and communication.

The workshop, organised by the Judicial Service Commission (JSC)’s human resources department, was held on different days in the two cities with a view to improving the quality of service rendered to the litigants.

Bulawayo clerks were the first to undergo the training from November 23 to 24 while the Harare team received the training from November 30 to December 1.

Senior Judge at the High Court in Bulawayo, Justice Martin Makonese, urged the clerical staff to be professional and to diligently execute their duties, bearing in mind that they were the face of the Judiciary.

Addressing clerks in Harare, Chief Magistrate Mr Mishrod Guvamombe warned them against corruption.

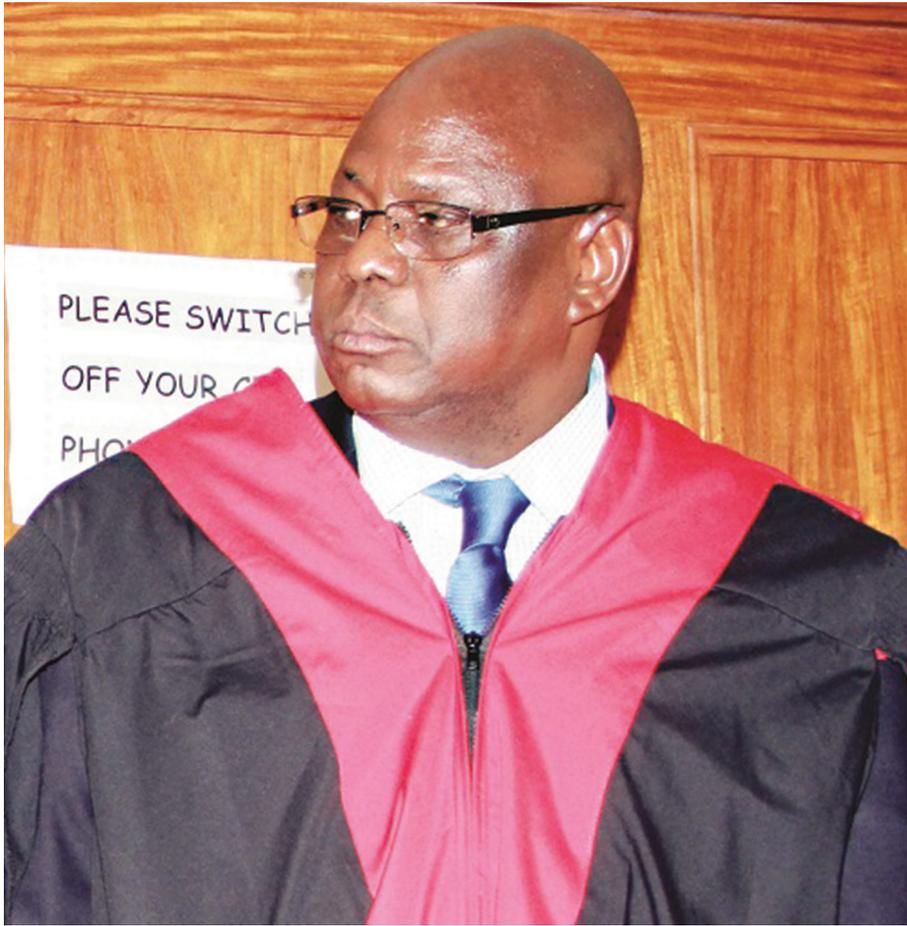
He urged them to execute their duties to the satisfaction of the litigants and other visitors at the courts.

Human resources manager Mr Million Chingombe addressed the attendants on the need for customer care and appropriate communication.

Harare provincial head Mr Elisha Singano presented documents on exhibits and the Criminal Record Books, while regional magistrate Mr Hosea Mujaya addressed the clerks on review or scrutiny.

Mashonaland Central provincial magistrate Mrs Vongai Guwuriro took the clerks for domestic violence and maintenance topics.

Bulawayo provincial head Mr Enias Magate presented on the application procedure while Harare Civil Court resident magistrate Mr Lazini Ncube shed light on the summons or action procedure.



Mr Guvamombe

# SYNERGIES BEAR FRUIT: CHIEF MAGISTRATE

TARISAI MAFURA

**C** H I E F  
M a g i s t r a t e  
M r M i s h r o d  
G u v a m o m b e  
r e c e n t l y h a i l e d  
s y n e r g i e s  
b e t w e e n t h e  
V i c t i m F r i e n d l y S y s t e m a n d o t h e r  
s t a k e h o l d e r s, d e s c r i b i n g t h e m a s a n  
e f f e c t i v e s t r a t e g y i n c u r b i n g s e x u a l  
a b u s e.

In an interview with The Miranda, Mr Guvamombe said he was heartened by the working relationship, indicating that it was bearing fruit in

the quest to eliminate sexual abuse.

Mr Guvamombe, who also chairs the Victim Friendly System, said stakeholder support had empowered the magistrate courts to expeditiously preside over the sexual offences involving minors.

“I heartily cherish the immense support we are getting from various stakeholders in fighting sexual violence and abuse. We have so far managed to build victim friendly courts at Mutoko, Mutasa, Chiredzi and Tsholotsho through our partnership with stakeholders.

“Mutasa and Chiredzi got a major

facelift after the completion of witnesses’ quarters within the court premises. It is the first of its own kind to have such facilities in Mutasa and Chiredzi,” said Mr Guvamombe.

He called other stakeholders to come on board and help in fighting sexual abuse which is on the rise in the country.

The Chief Magistrate said coming on board of more stakeholders will augment the critical role which is currently played by the ones who are pouring in their resources to oil the operations of the Victim Friendly System.

“We cordially invite more stakeholders to come on board and augment the support we are currently getting from our partners. Dwindling support is not ideal as it cripple our efforts in fighting sexual abuse,” he said.

National Victim Friendly System coordinator Ms Chipo Mugari weighed in saying the working relationship that exists between the Victim Friendly System and its partners is playing a pivotal role in the former’s quest to eradicate sexual abuse. She however expressed dismay at alarming upsurge of reported cases of sexual abuse especially in mining and farming communities and attributes that upsurge to ignorance by perpetrators.

“The working relationship that we are having with our partners is healthy and that relationship is playing a critical role is fighting sexual abuse. It is however worrisome to note that cases of sexual abuse are rising despite our spirited efforts to curb this crime that have detrimental effects to the survivor,” she said.

The Victim Friendly Unit was first established in 1991.

JSC chairs the National Victim Friendly committee ensuring that survivors of sexual abuse are accorded the right to well-coordinated, comprehensive, quality care and support.



Mrs Dube

# JSC ACCOUNTS STAFFER RETIRES

TARISAI MAFURA AND STEPHEN GWATSVAIRA

**S**TAFF at the Harare Civil Court in December 2018 bade farewell to Mrs Tabeth Dube, an accountant, who retired after a long service.

It was a befitting send off after fellow employees pooled resources and threw a bash to celebrate her illustrious service.

Harare magistrate Mr Noah Gwatidzo wished Mrs Dube well.

He described Mrs Dube as a hardworking and disciplined accountant who was more of a mother to all her colleagues.

“Our working relationship with Mrs Dube was actually perfect. She was a disciplined motherly figure who was experienced and hardworking. It is an exciting moment of celebrating her hard work and dedication to duty, but at the same time, we feel touched by the fact that she is leaving us.

“As a mother figure, we learnt a lot from her wealth of experience. We will surely miss her. We wish you all the best in your future endeavors,” he said.

Magistrate Mrs Gladys Moyo described Mrs Dube as a sociable character.

“She is sociable and she embraces team work. I encourage young colleagues in the JSC to emulate her gesture and good work ethic,” said Mrs Moyo.

Mr Godwin Kanhukamwe, who worked with Mrs Dube for 17 years, described her as a unifier and peace-loving woman.

Mrs Dube urged her colleagues to continue working as a team.

“Parting with my colleagues saddens me but we can’t avoid retirement. When the time comes, one has to take a rest. I used to enjoy the good working relationship that existed here. may you continue working as a united front. Respecting each other is important regardless of age and one needs to be a good listener than a good talker,” she said.

Mrs Dube joined JSC from 1999, until she called it quits this December.



Harare Civil Court staff pose for a group photo with retiree Mrs Dube. (Pic by Stephen Gwatsvaira)

# Death deals JSC a blow



The late Amos Munemo

EPHRAIM NCUBE

THE Harare Magistrates Courts was recently plunged into mourning following the death of Mr Amos Blessing Munemo, who was a general hand at the station, in an accident in Ruwa. Mr Munemo died on December 12 and is survived by a wife and two children.

A sombre atmosphere engulfed the court station when news of the sudden death filtered through on December 13.

He was laid to rest at his rural home in Goromonzi on December 15.

The entire Harare Province trooped in to pay their last respects to the dedicated Judicial Service Commission (JSC) employee.

Addressing mourners at the burial, Harare provincial magistrate Mr Elisha Singano consoled the Munemo family and encouraged them to be strong during the bereavement. He described Mr Munemo as having been a hardworker who was dedicated to duty.

Mr Singano said the void created would be difficult to fill. He said the JSC family would greatly miss him.

Mr Munemo joined JSC on February 9, 2011 as a general hand and was based at the Harare Magistrates Courts.

## Entertainment Corner

THE OLD  
PROCUREMENT  
PROCESS...



## POEM I AM, BECAUSE YOU ARE

I cannot have a son alone,  
I cannot savour a meal in solitude,  
I cannot hoard everything with no need to buy,  
I cannot live alone amongst animals wild and tame,  
I cannot plough, cook and feed the chickens one time, for  
I AM BECAUSE YOU ARE.

It takes a man and woman to bear a son,  
To raise him and guide him through life.  
Never in your rage imagine that,  
You can run a family alone.  
I may have all the food I desire,  
A nice couch and a pet besides the fire,  
I may have beef, chicken, pork and cooks to hire,  
I still need you to enjoy the good life, for  
I AM, BECAUSE YOU ARE.

I may own a grocer and a bank,  
A huge office, a secretary and a guard to thank,  
I may deal in food, diamonds, and airtime at the rank,  
I still need you because I cannot sell all, for  
I AM BECAUSE YOU ARE.

My house may be built on an estate,  
With thirty rooms and three kilometers to the gate,  
I may work the land and stay till late,  
I will still have lions, snakes and pirates to hate,  
So come closer, for

I AM BECAUSE YOU ARE.  
So come closer, do not go far,  
Let's share a laugh and a drink at the bar,  
From henceforth I'll keep my doors ajar, for  
I AM, BECAUSE YOU ARE!

## LEGAL CODEBREAKER QUIZ NO.9

BY MAYOR

The words required to fill this puzzle answer to the clues to your right. Each number in the grid represents the same letter throughout.

1	2	3	4	5	2	6	7	8	9	
5				24		2		1		
2				7		10	11	2	3	12
5	8	12	7	13		5				7
8		11				14		15		16
9	2	4	17			4	19	25	7	
5		20		18				19		8
16				11		21	11	6	5	12
16	3	2	11	12		7				2
		10		10		23				8
	10	19	22	7	3	8	6	7	8	9

CLUES	ANSWERS
In the past(3)	
In accordance(4)	
Wet(5)	
Lawsuit target(9)	
Cut(4)	
Commercial crime(5)	
Pointer(5)	
Sentry(5)	
Animal(4)	
The State's "management"(10)	
Suffer defeat(4)	
Court president(5)	
Sorcery(5)	
"Chapter 13" institution(abb)	
Negotiate(4)	
"August house"	
Enlarge (image view)(4)	

### WORKING SPACE

1	2	3	4	5	6	7	8	9	10	11	12	13
14	15	16	17	18	19	20	21	22	23	24	25	26

### SOLUTIONS FOR NO.9

1	2	3	4	5	6	7	8	9	1	1	1	1
									0	1	2	3
G	Z	F	U	L	C	R	M	A	I	T	P	E
1	1	1	1	1	1	2	21	22	2	2	2	2
4	5	6	7	8	9	0			3	4	5	6
J	Y	Q	O	N	S	B	K	W	D	H	X	V



Comments & Suggestions Welcome  
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