

THE Miranda

Just News

March 2020 | 19th Edition



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Miranda Team

HARARE

Ephraim Ncube (Harare Magistrates' Court)
Stephen Gwatsvaira (High Court)
Jermaine Hangazha (Chitungwiza Court)
Francisca Malaba (Master's Office)
Tarisai Mafura (High Court)

BULAWAYO

Sheriffah Ndlovu (Magistrates' Court)
Nqobile Mlotshwa (High Court)
Francisca Ndlovu (Master's Office)

MASVINGO

Rungano Victor Mahamadi (Gutu Magistrates' Court)

MANICALAND

Rufaro Marira (High Court)

MASHONALAND EAST

Anxious Mbalanga (Marondera Magistrates' Court)
Bruno Shora (Rusape Magistrates' Court)

MASHONALAND CENTRAL

Holder Mangumbi (Bindura Magistrates' Court)

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Takesure Gora (Chinhoyi Magistrates' Court)

MATABELELAND SOUTH

Servious Dube (Gwanda Magistrates' Court)

MATABELELAND SOUTH

Isaac Siyakwiye (Lupane Magistrates' Court)

EDITOR'S NOTE



Welcome to the first edition of the Miranda for 2020. The year 2020 is unique in some way which I am going to explain below.

However, before going any further, let me take this opportunity to introduce myself to the ardent followers, readers, stakeholders and other partners of this revered quarterly magazine. My name is Brian Nkiwane. I joined the Judicial Service Commission team as the Communications Officer on 2 January 2020.

For now, I will be taking over the hot seat that my fellow respected journalist Daniel Nemukuyu has been sitting on for some time now.

I would want to thank him for a job well done during all the time that he was in charge.

I would want to assure him that, together with the team that I am working with, we will do our best to maintain the good work that he started.

The mandate of the magazine has always been to inform the public about developments in the justice delivery system as well as ongoing efforts by the Judicial Service Commission (JSC) to strengthen operations of courts dotted all over the country.

As I said in my introduction, the year 2020 is special in a way. JSC will be turning 10 since its inception on 10 June 2010. A number of activities at 69 stations across the country have been lined up to mark this day.

JSC has been involved in a number of training activities that include the anti-corruption drive by visiting Ugandan anti-corruption guru Justice Lawrence Gidudu and the Performance Management System among others.

Infrastructure development is one area that the JSC has prioritized with the introduction of anti-corruption courts which went on to receive state-of-the-art equipment from JSC partners being an icing on the cake.

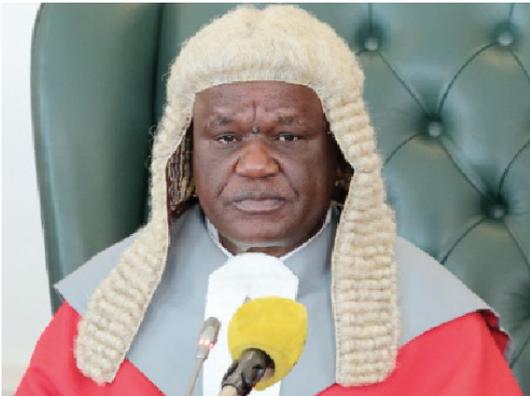
Enjoy the read.

B. Nkiwane

For feedback: email briannkiwane@gmail.com
0719019218 Or 0775341029



**JUDICIAL SERVICE COMMISSION
OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF ZIMBABWE**



**MESSAGE FROM THE CHIEF JUSTICE
ON THE COVID-19 PANDEMIC TO ALL
MEMBERS OF THE JUDICIAL SERVICE**

By now you may have received the directive I issued on Monday, 23 March 2020 on scaling down work in our courts. This directive applies to all Courts and I hope it is being applied.

You may have also seen the Circular by the Acting Secretary to the Judicial Service Commission on a cocktail of measures where the bulk of our staff using public transport will be working from home in the meantime and only skeletal staff will be manning our courts.

All this has been caused by Covid-19 which has affected not only our country but the entire global village of humankind.

I urge you to keep safe and to strictly follow the recommendations and instructions that are given by the country's leadership including the Ministry of Health. It is only in keeping safe that we will be able to sail through the challenges Covid-19 has presented to mankind.

My message is to give you hope that this disease, pandemic as it is, cannot annihilate the existence of humanity. These unique challenges will pass in due time. I remain optimistic for the future for our organisation, our country, the region and the world over.

I am aware experts all over the world

are working round the clock to find ways in which to overcome it, but the impact of this disease to humankind should never be allowed to leave us in a state of despair, neither should it leave us in a state of exasperation.

Our passion for work, careers and professions should never be extinguished by this unfortunate tragedy, as I am certain that amid this tragedy, something else will bloom. We should keep this in our minds and be hopeful that we will overcome.

I want to urge all members of the Judicial Service Commission to take advantage of the scaling down of operations in our offices and in our Courts; and the self-quarantine not only to spend more time with our families but also to reflect on our profession and our work.

Let's take this time as an opportunity to deal with all the work that we could not do in our offices; to attend to all our reserved judgments and outstanding reviews; and to sharpen our skills in the respective disciplines that we serve the organisation in.

Let us not be overwhelmed by fear, but let us be positive and never lose hope. I urge you to rise with expectation and resilience. We should respond to this unfortunate incident by doing

that which we could not do during the time we have been busy with the work on our desks, chambers and courtrooms so that when the situation normalises, which I am confident it will, we will have a clear strategy and ideas which we wish to communicate and contribute to the positive being of the organisation.

It is my hope that by that time, we will be so refreshed and rejuvenated so much that there is efficiency and effectiveness in the manner we deliver justice to the people of this country; and we will be raring to go and play our part as critical team players in the Judicial Service Commission.

Yes, Covid-19 has cast a dark cloud not only on Zimbabwe, but the world over; but, no matter how dark the time we are going through is, the sun will definitely shine again. We shall overcome. It is my fervent hope that when this storm is over, you and your families will be in good health. I wish you well.

**HON. L. MALABA
CHIEF JUSTICE OF ZIMBABWE
25 MARCH 2020**



From the Secretary's Desk

Mr Walter Chikwana

Secretary of the Judicial Service Commission

This time last year Zimbabwe was reeling under the after effects of Cyclone Idai which ravaged the eastern parts of Zimbabwe. One would wish that the fortunes be different a year later. Sadly, this is not to be.

The world has been shaken to the core with the Coronavirus (Covid-19) pandemic which has disregarded the political, racial, continental divide, sweeping across all countries, leaving in its wake a reign of sadness, fear and uncertainty.

As I write this, Zimbabwe is under a national lockdown. This was a pre-emptive strike

by our President to stop the spread of the pandemic in its tracks.

As we sit in our homes and listen to what is being said about the Coronavirus, it is understandable for our hope to falter, and our courage, to fail.

I however find comfort in the message of hope shared by our Chief Justice. His reassurance that this too shall come to pass gives us the resolve to look forward, with anticipation, to a better day.

May the Chief Justice's message give you the strength to go on. It shall be well.



Chief Justice Luke Malaba (seated centre), members of the Judicial Service Commission and other dignitaries pose for a photo during the official opening of the 2020 Legal Year.

JSC sets tone for 2020 Legal Year

The Judicial Service Commission (JSC) has prioritised the adoption of Digital Media, transparency and accountability among other issues ahead of the 2020 legal year.

This was revealed by Honourable Chief Justice Luke Malaba when he officially opened the 2020 Legal Year at a momentous event in the capital. He set the tone for the legal year which is set to run from January 13 2020 to 27 November 2020 under the theme "Judicial Transparency and Accountability".

Addressing scores of people that gathered to witness the official opening, the Chief Justice emphasized on issues around transparency which he said foster within the public a sense of ownership and trust in government.

The Judicial Service Commission's and the Judiciary's understanding of

transparency is one of openness in relation to activities. It lays bare what

The Chief Justice applauded government's effort in coming up with the Zimbabwe Anti-Corruption Commission (ZACC) which he said was put in place to try and complement the government in the fight against corruption.

is being done, where, how and for what reason and the results thereof.

"In the context of central government, transparency directly relates to the obligation by government to provide the public with access to information about the government," he said.

Any public decision-making process ought to reflect the will of the people.

The fight against corruption headlined a barrage of issues that were also brought to the fore during the address.

The Chief Justice applauded government's effort in coming up with the Zimbabwe Anti-Corruption Commission (ZACC) which he said was put in place to try and complement the government in the fight against corruption.

The fight has been made even more relevant this year in light of the theme adopted for the Legal Year.

However, it is the adoption of Digital Media and Information Communication Technology strategies

“May I assure the nation that the courts stand ready to decisively deal with those accused of these offences in accordance with the law. Special courts to specifically try these cases have been set up in all affected areas across the country. I call upon all stakeholders in the administration of justice to make concerted efforts to end this problem.”

by the JSC that excited the gathering.

The Chief Justice revealed that live streaming of court proceedings in cases of public interest will now be a permanent feature as the Judiciary moves to promote transparency and accountability.

He told the gathering that the live streaming of the 2018 presidential poll petition marked a new era for the country's Judiciary.

“It demonstrated our Judiciary's commitment to upholding the values of transparency and accountability,” said Chief Justice Malaba.

“In that case, I noted that live broadcast of court proceedings promotes transparency and public confidence in the justice system.”

Other cases of public interest have since been broadcast live from the Supreme Court.

In his speech, the Chief Justice also announced the setting up of special courts in areas hardest hit by machete gangs that are terrorising citizens, especially in gold mining areas and

that the Judiciary had the capacity to fight crime and enforce the law.

The specialised courts are expected to clamp down speedily and decisively on the “machete gang” menace following grisly murders, including that of a Kadoma police officer, robberies and vicious assaults.

“As we speak, the country is gripped by another spate of violence perpetrated by the so-called machete gangs,” he said.

“The Judiciary acknowledges the work being undertaken by law enforcement agencies in bringing perpetrators of that violence to book.

“May I assure the nation that the courts stand ready to decisively deal with those accused of these offences in accordance with the law. Special courts to specifically try these cases have been set up in all affected areas across the country.

“I call upon all stakeholders in the administration of justice to make concerted efforts to end this problem,” stated the Chief Justice.



Some of the Judges that graced the 2020 Legal Year opening in Harare recently.



Chief Justice Luke Malaba (seated top left) going through his 2020 Legal Year opening speech while other Judges and members of the Judicial Service Commission follow proceedings.

Chief Justice Malaba speaks on Judicial financial independence

TARISAI MAFURA

Chief Justice Luke Malaba has stoutly advocated for Judicial Service Commission's (JSC) financial independence as opposed to being reduced to begging officers in the Finance Ministry, a scenario which he said undermines Judicial independence.

The Finance ministry has the sole responsibility of releasing budgeted funds to all ministries and Commissions.

In his remarks during the official opening ceremony of the 2020 Legal Year in Harare, Chief Justice Malaba called upon the Treasury to let JSC access its budget without delay to enable the latter to optimally utilize its allocation to fulfill its constitutional mandate.

"The Commission remains of the view that the method of allocation of

approved budgets by Treasury to the Judiciary must be reformed.

"This method does not only detract from efficient implementation of projects but, in a large measure, retards court operations and casts aspersions on the independence of the Judiciary,"

The Chief Justice also ruled out financial misappropriation in the JSC if granted the right to access its entire budget at the start of each financial year since its expenditures are accounted for through audit exercises.

"At the end of each year, the

"The Commission remains of the view that the method of allocation of approved budgets by Treasury to the Judiciary must be reformed. This method does not only detract from efficient implementation of projects but, in a large measure, retards court operations and casts aspersions on the independence of the Judiciary, . . ."

said Chief Justice Malaba.

He noted that the Commission's snail's pace in implementing various projects was also attributed to the Finance Ministry's drip release of funds and hastened to state that funds must be readily available for these projects.

Commission's funds and all its expenditures are fully accounted for through various audit exercises that are carried out," he said.

The Chief Justice made a similar request while officiating at last year's Legal Year Opening.



Teams from the Judiciary Service Commission and the Ministry of Local Government, Public Works and National Housing monitoring progress at the Lupane Magistrates' Court project recently.

JSC IN MASSIVE INFRASTRUCTURE REFURBISHMENT DRIVE

BY MIRANDA WRITER

The Judicial Service Commission (JSC) has engaged an overdrive gear in as far as the refurbishment of its infrastructure is concerned.

Addressing dignitaries that had gathered to witness the 2020 Legal Year Opening in the capital, Honourable Chief Justice Luke Malaba said the Commission undertook an aggressive infrastructure refurbishment and construction programme in 2019 as part of its access to justice agenda.

Chief Justice Malaba said the programme was informed by the state of disrepair of some courthouses; and the desire to continue decentralising the courts and establishing new divisions of some courts.

In a latest development, the construction of Lupane Magistrates' Court commenced during the last half of 2019. The progress at the site is very encouraging with more than 80 percent of the building material having been already procured in a bid to

contain the escalating cost of building material.

The construction of Mt Darwin Magistrates' Court is 90 percent complete and is expected to be ready for use in the first half of 2020.

More construction work is taking place at the imposing provincial court complex at Chinhoyi where the structure is nearing completion.

Meanwhile, progress had stalled at the Gwanda Magistrates' Court project due to an impasse between

JSC and its contractor.

The Commission had to seek intervention of both the Minister of Local Government, Public Works and National Housing, Honourable July Moyo and his counterpart, the Minister of Justice, Legal and Parliamentary Affairs, Honourable Ziyambi Ziyambi.

After a fruitful meeting was held in Gwanda recently, work is expected to resume at the site.

The Chief Justice bemoaned the non-availability of resident courts in some parts of the country.

"Residents of these districts (without resident courts) still travel unacceptably long distances to access the nearest court stations," he said.



Ministry of Local Government, Public Works and National Housing team leader Kudakwashe Kutshwayo explaining processes to the JSC team that visited Lupane Magistrates' Court recently.



Chief Justice Luke Malaba

Corruption, a national security threat: Chief Justice Malaba

MIRANDA WRITER

Honourable Chief Justice Luke Malaba has called upon all players mandated to fight corruption in the country to up their game as the scourge has slowly become a "threat to national security".

Hon. Chief Justice Malaba said this while officially opening a week long Anti-Corruption Training workshop in the capital recently.

The training workshop, spearheaded by the Judicial Service Commission (JSC) and its partner International Commission of Jurists (ICJ), was being conducted

by visiting Honourable Justice Lawrence Gidudu, Head Anti-Corruption Division of the High Court of Uganda together with his counterpart Musa Modoi.

The all-encompassing training workshop saw Judicial Service Commission members undergo a two day extensive training exercise. The National Prosecuting Authority (NPA), the Special Anti-Corruption Unit (SACU), Zimbabwe Republic Police (ZRP) and the Zimbabwe Anti-Corruption Commission (ZACC) also went through the same rigorous training exercise bringing a lid to the week-long training workshop.



JSC makes appointments



BY JERMAINE HANGAZHA

The Judicial Service Commission (JSC) has appointed Mr. Munamoto Mutevedzi (pictured top) as Chief Magistrate with effect from 27 March 2020, the Miranda can reveal.

Mr. Mutevedzi, who has been doubling as both the Acting Chief Magistrate and Deputy Secretary in charge of Court Services, substantively takes over the post after acting in the position for more than a year.

The post became vacant after the retirement of the former Chief Magistrate Mr. Mishrod Guvamombe on 28 February 2020.

Mr. Mutevedzi brings in a wealth of experience and knowhow as a Judicial Officer. He is an administrator par-excellence after serving the Magistracy in various capacities for the past 20 years including in the capacity of substantive Deputy Chief Magistrate.

Meanwhile JSC made two more appointments with a Communications Officer and Librarian joining the institution in January.

The two, Brian Nkiwane (pictured above right) and Millicent Makonese (pictured above left) started duty on 2 January 2020. Makonese joined JSC from the University of Zimbabwe where she has been working for close to 12 years. The librarian, who is a holder of MSC in Library and Information Science from the National University of Science and Technology (NUST), will bring 21st century library innovations as the institution pushes for digitalization.

Nkiwane holds a number of Media studies qualifications.



JSC senior staff members follow proceedings during the Performance Management System training workshop at Rainbow Towers recently.

New High Court Judges undergo orientation



Judges follow proceedings at Troutbeck Inn recently.

JSC SENIOR STAFFERS UNDERGO INTENSIVE PERFORMANCE MANAGEMENT SYSTEM TRAINING

MIRANDA WRITER

Judicial Service Commission (JSC) management staff members underwent an intensive Performance Management System (PMS) training at Rainbow Towers in Harare recently.

The two day workshop, officially opened by the Honourable Chief Justice Luke Malaba, was aimed at equipping the JSC management staff members with latest management skills as well as parameters to measure performance within the system, all in an effort to enhance the delivery of world class justice.

JSC Secretary Mr. Walter Chikwana, his deputy responsible for Court Services Mr. Munamoto Mutevedzi and Head of Policy and Legal Services Mrs. Faith Mushure presented during the two day workshop.

In his main presentation, Mr. Chikwana urged all the staff members to appreciate the Performance Management System cycle which consists of four aspects; the plan, action, tracking and reviewing of processes.

"Effective performance management should, therefore, bring together a number of different, coordinated activities to form an ongoing performance management cycle in the organization as a whole," he said.

All departments were encouraged to come up with new performance contracts in line with the new system.

MIRANDA WRITER

A total of five High Court Judges took part in a three day-long Orientation Conference that was held at Troutbeck Hotel in Nyanga recently.

Honourable Chief Justice Luke Malaba, and other senior Judges that included the Judge President of the High Court George Chiweshe, attended the event and made presentations on different topics.

Speaking during the opening of the three-day conference, Honourable Chief Justice Malaba challenged the new Judges to embrace teamwork before reiterating that there will never be professionalism in individualism.

Honourable Chief Justice Malaba also urged the new Judges to be able to handle issues beyond personal feelings.

Justice Garwe presented on Pre-Trial Conferences, Family Law Matters and Delict. His other presentation was on the difference between Appeals and Reviews.

Honourable Justice Gowora did a presentation on dealing with Ordinary Chamber Applications and Urgent Chamber Applications.

Legal expert and Dean of the MSU Faculty of Law Dr Gift Manyatera also did a presentation on the aspects of International Principles on Judicial Independence.

Other presenters included Justice Chatukuta who spoke about Managing Criminal Appeals and Reviews, Judge President Chiweshe who spoke about Organizing your Court Roll and Justice Dube who spoke about Assessment of Damages.

Justices Evangelista Kabasa, Christopher Dube-Banda, Siyabona Msithu, Sunsley Zisengwe and Webster Chinamora joined the High Court bench last year after emerging victors in public interviews, a development poised to oil the wheels of justice.

16 MAGISTRATES SWORN IN

MIRANDA WRITER

Sixteen Magistrates were sworn-in at a colourful ceremony held at the Harare Magistrates' Court recently.

Judicial Service Commission (JSC) Deputy Secretary Court Services and Chief Magistrate, Munamoto Mutevedzi presided over the swearing-in ceremony and said the 16 would go a long way in improving justice delivery in the country.

"The 16 newly sworn-in magistrates bring the total number of magistrates to 235. This is a welcome development given the increase in the number of cases brought to courts," said Mr Mutevedzi.

The newly sworn magistrates are, Samantha Tanya Dhlamini, Annia Jerita Chimweta, Learnear Khumalo, Linda Dzvene, Cherly Shingirai Tembo, Ndumiso Khumalo, Rutendo Theresa Machingura, Lisah Mutendereki, Jairus Mutseyekwa, Audrey Vimbai Muzhingi, Meenal Muneshkumar Narotam, Conceptor Ngwerume, Sharon Nxongo, Ntombizodwa Sibanda, Tofara Hwara and Amanda Nkosinathi Ndlovu.

The new Magistrates hit the ground running as they presided over various criminal matters in different courtrooms, as they marked the beginning of their new careers as judicial officers.

Mutevedzi revealed that most of the magistrates would be deployed to

stations outside Harare.

"From what I remember, none of them will be stationed in Harare as they will be deployed to other stations outside Harare.

"If you look at the statistics, the number of cases coming to our courts, both civil and criminal, are increasing every year and that also calls for the increase in the manpower that we have.

"The addition of the 16 to complement what we already have is a welcome relief and it will certainly boost our numbers in the court and increase the rate at which we clear cases in the courts."

Prosecutor-General Mr Kumbirai Hodzi, lawyers and relatives of the new magistrates graced the event.



The sixteen Magistrates that were recently sworn-in.

2020 1st QUARTER IN PICTURES



Chief Justice Luke Malaba inspecting the Guard of Honour during the 2020 Legal Year opening in Harare.



A scene from the Hwange 2020 Legal Year opening.



From left: George Madzikura (Head of Administration), Elias Muzenda (Head of Procurement) and Chiedza Manhanzva (Provincial Administrator) at Mutare High Court recently.



Deputy Chief Justice Elizabeth Gwaunza (in red top) and JSC Bulawayo staff members during the 2020 Legal Year opening in Bulawayo recently.



2020 Legal Year opening proceedings in Masvingo recently.



JSC Secretary Walter Chikwana with Chipinge Magistrates' Court staff members during his station visit in Manicaland recently.



Judge President Justice George Chiweshe with Mutare JSC staff members and other Judges during the 2020 Legal Year opening in Mutare recently.



KEEPING OUR PREMISES CLEAN: JSC Secretariat staff members taking part in the National Clean-up campaign in March this year.

JSC TO COMMEMORATE JUDICIAL SERVICE COMMISSION DAY

MIRANDA WRITER

In a move set to improve interaction between the Judicial Service Commission (JSC) and the general public, the Commission will commemorate the Judicial Service Commission Day which will fall on June 10, the day the institution came into existence.

Addressing the nation during this year's Legal Year Official Opening event in Harare, Honourable Chief Justice Luke Malaba revealed that open days for the Judiciary are an international best practise and many use them as a tool to cultivate relations between themselves and the public; to measure the effectiveness of their operations and to get important feedback from the public and stakeholders.

That said, the Chief Justice authorised the JSC Secretariat to commemorate the Judicial Service Commission Day. This will be an open day, during which members of the public and all stakeholders will be invited to visit court stations near their locations throughout the country to learn more about how the courts operate.

The general public will be afforded the opportunity to have a closer appreciation of the functions and duties of various offices within the Commission. The day will also present an opportunity to school leavers to understand various career opportunities available in the Commission.

The public which has always had a lot of questions than answers on the operation of the Judiciary, will be given an opportunity to ask questions and even raise complaints that concern the institution. The declaration of the 10th of June out of all the other 365 days of the year is clearly befitting. In 2020 the date becomes even more relevant, as it marks a decade of the Commission's existence.

Meanwhile, after all the lined up activities on the day are done, JSC will proceed to hold an awards dinner at a local hotel to honour long serving members of the Commission as from 10, 15, 20 and 25 years.



Mourners who gathered to pay their last respects to the late Provincial Magistrate Gideon Ruvetse.

JSC mourns former Provincial Magistrate

JERMAINE HANGAZHA

The Judicial Service Commission (JSC) was plunged into mourning following the death of retired Provincial Magistrate Mr. Gideon Ruvetse who died on 2 January 2020. He was 65.

The funeral proceedings took place at his place of residence, Willovale Flats in Highfield before his body was ferried to his rural home in Zvishavane for burial.

Scores of JSC officers from different provinces attended the funeral to pay their last respects to the departed Ruvetse, one of the longest serving members of the Commission.

The JSC provided funeral assistance to the bereaved family.

Family members, friends and workmates spoke glowingly about the late Magistrate's behaviour and the manner he conducted himself in the public.

"He was a good man. He was revered, respected and envied by many," said one of his workmates.

Ruvetse was born on 4 December 1954 in Selukwe (now Shurugwi). He went on to join the Judicial Service Commission on 1 June 1982 as a presiding officer.

He rose through the ranks until he was appointed Provincial Magistrate, the position he held until his time of retirement after 37 years of service. He was stationed at Chitungwiza Magistrates' Court.

Having served JSC for 37 years, Ruvetse decided to call it quits in December 2019.

His death came as a blow to the people he worked with especially those at Chitungwiza Magistrates' Court.

Ruvetse left behind wife Netsi Constance Chabarika and four children.

JSC recruitment system comes of age

MIRANDA WRITER

The Judicial Service Commission (JSC) has since come of age in the recruitment of Judges by adopting a new system in line with the new Constitution.

Addressing the nation during his Legal Year Opening remarks, Chief Justice Luke Malaba said the new Constitution, adopted in (2013) ushered in a paradigm shift in the appointment of Judges in line with Section 180 of the Constitution which requires that whenever there is a vacancy for a position of a Judge, such a vacancy must be advertised and interviews of prospective candidates be conducted in public.

However, the Chief Justice took



time to remind the gathering that JSC has over the years consistently complied with the law. Various positions for Judges of the High Court and Supreme Court have been filled in accordance with the constitutional requirement.

"The provision intends to ensure transparency and accountability in the manner the positions of Judges are filled, which in turn enhances the independence of the Judiciary," acknowledged Chief Justice Malaba.

STEPHEN GWATSVAIRA AND
TARISAI MAFURA

The International Commission of Jurists (ICJ), in conjunction with European Union (EU), donated state-of-the-art equipment to be used at the Anti-Corruption Court in Harare.

The donated equipment that included recording machines, desktop computers, microphones and a photocopier was officially handed over to the Judicial Service Commission (JSC) in Harare recently.

ICJ representative, Dr. Justice Mavedzenge said the donated equipment would go a long way in assisting the Anti-Corruption Court to diligently deal with corruption cases.

"Fundamentally in the quest to prosecute corruption cases, the recordings limit the possibility or risk of having the record of proceedings tampered with, by the accused or any other interested party," said Dr Mavedzenge.

In his remarks, EU ambassador Timo Olkkonen looked forward to celebrating victory against corruption in no time as the fight against the scourge reaches another level.

EU, ICJ DONATE STATE-OF-THE-ART ANTI-CORRUPTION COURT EQUIPMENT

"It is my hope that in the near future I will be part of those invited to celebrate the successes, concrete results of all the anti-corruption initiatives," said Ambassador Olkkonen.

Ambassador Olkkonen called on the Zimbabwean government to speedily align corruption related laws to the Constitution.

"We hope the laws related to corruption are reformed in order to complement the fight against corruption. We note the recently gazetted amendments to the Constitution," he added.

Ambassador Olkkonen reiterated EU's firm commitment to assist Zimbabwe in justice delivery and help the country create a corruption free generation.

"The EU stands ready to assist in the impartial and fair justice delivery which knows no political, economic or social status and the EU remains hopeful for a future where Zimbabwe is free from

corruption."

JSC Deputy Secretary Support Services, Mr. Sithembinkosi Msipa, said the donation came at the right time as the JSC is moving towards Integrated Electronic Case Management System before thanking the ICJ and EU for their continued support.

"As we move towards Integrated Electronic Case Management System, this is the best equipment to use. The recording equipment that we have been given is the best and most modern equipment that one can get on the market right now. JSC is grateful and we hope this support will continue," said Mr. Msipa.

The Law Society of Zimbabwe, the Zimbabwe Republic Police, the Zimbabwe Prison and Correctional Service and Transparency International Zimbabwe, among other invited guests witnessed the handover ceremony.



Justice Nokuthula Moyo greets senior government officials who graced the Hwange Legal Year opening recently.

ISAAC SIAKWIYE

Bulawayo High Court Judge Honourable Justice Nokuthula Moyo has commended the Judicial Service Commission and its stakeholders for their efforts in combating corruption and other criminal activities that have been manifesting within Matabeleland Province and the entire country in general.

Justice Moyo said this while officially opening the 2020 Legal Year in Hwange which runs as a circuit recently.

She reiterated that in order to have a society free from activities bent on disturbing peace and harmony, the justice system has to be properly equipped with both infrastructural amenities and human resources.

Justice Moyo underscored the need to eradicate corruption which she said has literally choked the country's economy.

"There is a need for the citizens of this country to pull together and fight this cancer called corruption," she said.

She added, "The Judiciary is one such institution which has taken the anti-corruption drive to another level by establishing several Anti-Corruption Courts and also undertook training for judicial officers equipping them with necessary skills to deal with corruption cases accordingly."

Turning to the so-called machete

HWANGE OPENS THE 2020 LEGAL YEAR

gangs that have been terrorizing the country with a spate of armed robberies of late, Justice Moyo said the JSC has been having sleepless nights over the issue but the courts were more than ready to deal with such unbecoming characters.

"Such cases should be dealt with in such a way that they send a signal out there to others who are in the same habit. The society cannot live with rogue elements who see violence as a way of life. The society must have confidence in the justice system."

The first term of the Hwange High Court Circuit for 2020 ran from 9 to 20 March and 20 cases were lined up with one murder case involving a machete on the list.

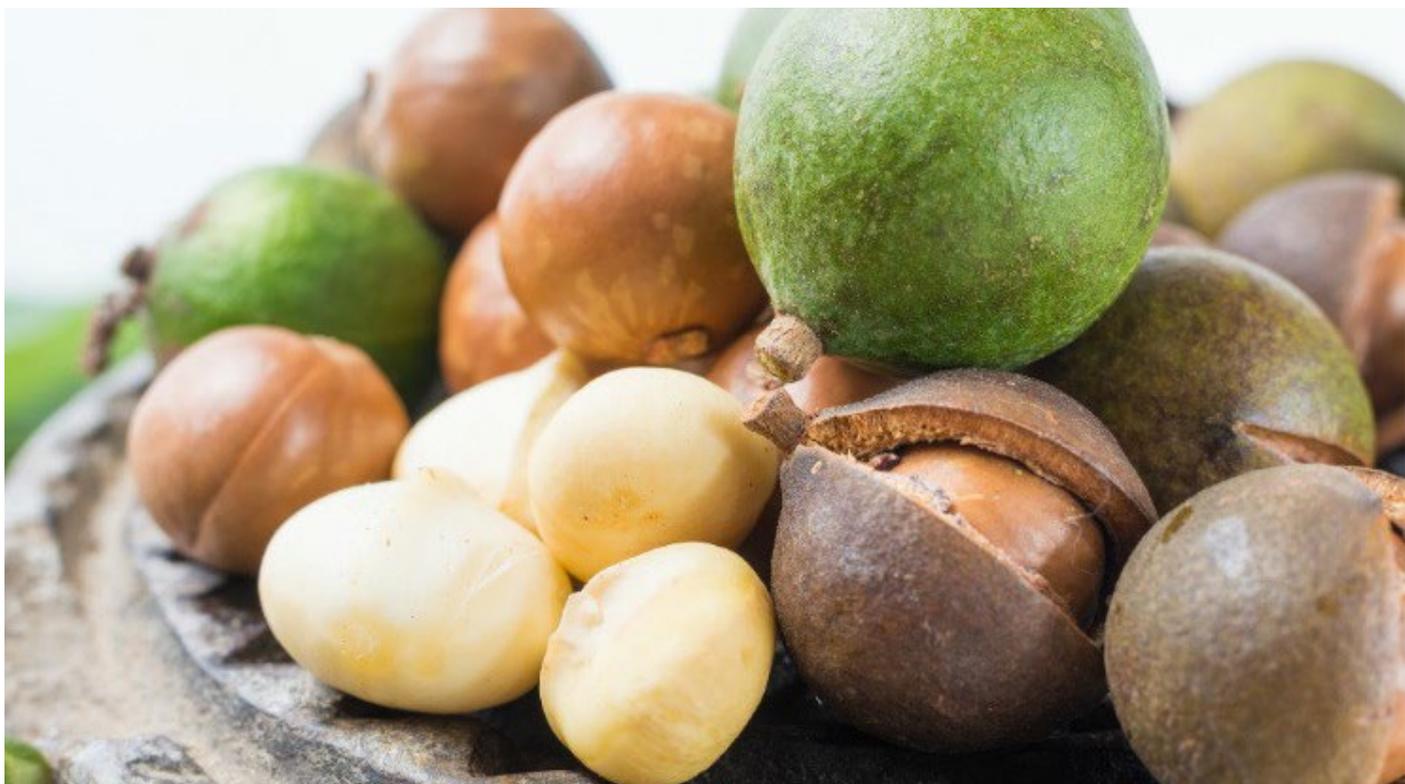
Justice Moyo also heaped praise on the judicial leadership for according

female judges an equal chance after the appointment of Justice Evangelista Kabasa, who was sworn in with five other judges of the High Court of Zimbabwe and was deployed to Bulawayo with effect from January 2020.

Justice Moyo also thanked the JSC for working hard to bring a facelift to the Hwange Court house.

"The building was in a sorry state, thanks to JSC for the wholesome renovations," she said.

Matabeleland North Provincial Minister of State Honourable Richard Moyo, service chiefs, traditional leaders, captains of industry, judicial officers, lawyers, members from the National Prosecuting Authority (NPA) and senior civil servants graced the occasion.



Macadamia nuts that have become a source of living in Manicaland Province.

MACADAMIA NUTS THEFT CASES ON THE RISE

MIRANDA WRITER

While the country is grappling with the so-called "MaShurugwi", the machete wielding gangs, who are in the business of illegal gold panning and all other forms of crimes, everyone would expect all courts dotted around the country to be overwhelmed by cases involving MaShurugwi.

It is a different scenario altogether for Chipinge Magistrates' Court where theft cases of their own version of the "yellow metal", Macadamia nuts, are on the rise.

Macadamia nuts are a result of a shift from tea and coffee production and seem to be paying off.

Statistics gathered from the Chipinge Macadamia Association (CMA) indicate that there are 209 registered macadamia farmers in Chipinge alone. Of these, 5 are commercial farmers and 62 are A1 farmers, with the rest being A2 farmers.

Macadamia nuts are mostly exported to China and South Africa, where demand is very high.

Macadamia plants take up to three years before they start producing the

nuts and are considered to be mature after 10 to 15 years.

However, cases of Macadamia nuts theft have been on the rise since the time the plant was introduced in Manicaland province some years back.

Situated in Chipinge town, Manicaland Province about 192 kilometers from the provincial capital Mutare, Chipinge Magistrates' Court caters for two districts namely Chipinge and Chimanimani. The court has four circuit courts namely Chimanimani, Chisumbanje, Nyanyadzi and Middle Sabi.

It is its geographical location close to the Mozambique border that has also seen the rise in cases of smuggling of goods as well as illicit drugs into the local market.

However, Macadamia nuts theft cases have been on the rise as shown by figures from 02 January 2020 to 24 February 2020.

Speaking to the Miranda crew at Chipinge Magistrates' Court recently, Resident Magistrate Mr. F Gwitima acknowledged that Macadamia nuts theft cases were on the rise especially

due to the fact that it's harvesting time.

It is the lucrative selling prices that come with the nuts that has seen a drastic rise in theft cases.

"If looked after well, the plant can produce nuts after three years. The Macadamia nuts harvesting season starts in January and ends around June, so it's the harvesting season now that is the simple reason why theft cases are on the rise. It is the lucrative selling prices that come with the nuts coupled with the harsh economic conditions that is forcing people to commit such crimes," said Mr. Gwitima.

He added, "Of the 190 cases that we received over the period mentioned, 60 percent of them were Macadamia theft cases involving different quantities and values."

A kilogramme of Macadamia nuts is fetching around US\$4 to US\$5, a price far much higher than many traditional crops.

A reasonable number of offenders have been sent to jail for periods ranging from 12 months to three years depending on the value and quantities of the nuts involved.

TRAFFICKING IN PERSONS UNPACKED

The Judicial Service Commission (JSC) Secretary Walter Chikwana sanctioned a trip for one senior Regional Magistrate to attend a Regional Colloquium on human trafficking in South Africa recently.

The colloquium was attended by delegates from countries that included Botswana, Kingdom of Eswatini, Lesotho, Namibia, Tanzania, Uganda and Zambia.

The meeting was organised after a realization that most countries were failing to contain human trafficking, caused by the inability to deal with the crime and deficiencies in legislation.

The need for judicial training was also triggered by findings in the SV Mahuni case CRB P1657/14 at Rotten Row Court. In that case, an effective prison term of one and half years was imposed.

The sentence, which was below the minimum mandatory sentence, was imposed without interrogation on the special circumstances of the case. It did not reflect a consideration of the compensation provision as envisaged by Section 5 of the Trafficking In Persons Act [Chapter 9:25]. The aspect of forfeiture order of the proceeds was not considered as required by Section 6 of the Act.

According to one of Zimbabwe's representatives, Mrs. Judith Zuyu, the trip to South Africa was an eye opener. They started to realise that very few cases were being prosecuted in Zimbabwe resulting in very low convictions.

Mrs. Zuyu recommended that there should be capacity building training workshops on TIP cases among other recommendations.

Zimbabwe is among countries that



Delegates from different countries that attended the regional colloquium on human trafficking in South Africa late last year.

abhor human trafficking.

International trafficking in persons (TIP) involves the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability, giving or receiving payment or benefits to achieve the consent of a person having control over another for exploitation purposes.

Various initiatives have been put in place to nip that scourge in the bud. These include the National Plan of Action which runs from 2019 to 2021.

The plan is anchored on four pillars which are prevention, protection, prosecution and partnerships in sync with international best practise in response to human trafficking.

It is envisaged that implementation of this plan will go a long way in curbing human trafficking.

Zimbabwe has not been spared from the trafficking In person scourge having been identified as a source,

transit and destination of men, women and children subjected to sex trafficking and forced labour.

The Government of Zimbabwe, with the support of International Organisation of Migration (IOM) and other stakeholders, provides support in anti-trafficking efforts.

The Trafficking In Persons Act provides for a life imprisonment or any definite period of imprisonment of not less than 10 years if the crime was committed in aggravating circumstances described in section 3 (3) of the Act. The TIP Act under 3(2) (b) also gives an option of a fine not exceeding level 14 or imprisonment not exceeding 10 years or both such fine or imprisonment if the trafficking was not committed under the aggravated circumstances.

Exploitation usually takes place behind the front of legitimate businesses, for example, classified aides, housekeepers and nannies and that heinous act is orchestrated by resourced gangs, organised

syndicates, friends and family members.

The trafficking gangsters also work in cahoots with brothel and strip club owners, transport providers, government officials and professional individuals.

Research on human trafficking identified women, children, young soccer players, job seekers, the poverty stricken, migrants, the uneducated or highly educated, drug and alcohol abusers, runaways, refugees and ethnic minorities as the groups that mainly fall prey to traffickers.

Poverty, unemployment, economic disparities, corruption, political unrest, regional conflict, gender and ethnic discrimination are reportedly regarded as trafficking push factors.

Pull factors include global demand for cheap labour; demand for cheap products; possibility of better opportunity; and hopes and dreams for a better life.

Victims of human trafficking are easy to identify through their being non-conversant in local languages or dialects; lack of documentation, where a child is accompanied by unrelated adult; or victim showing submissive signs of fear and or depression. Other signs are extreme nervousness; lack of freedom to move; being watched 24/7 or living with the employer; poor living conditions or multiple people in a cramped space; answers given by the victim appear scripted or rehearsed or they cannot speak for themselves, they give a vague or inconsistent explanations of where they live and work. Some appear to move location frequently, are not paid or are paid very little, have tattoos, are Under 18 and in prostitution.

Human trafficking victims are also easily identified through old or serious injuries left untreated and scars; signs of physical or sexual trauma; sexually transmitted infections; symptoms of psychiatric and psychological distress; back or stomach pain, skin problem, headaches and dizzy spells; previous abortions and drug addiction.

JUSTICE GIDUDU CHALLENGES ZIM LEGAL SYSTEM TO EMBRACE TECHNOLOGY



Visiting Ugandan Anti-Corruption expert Honourable Justice Lawrence Gidudu has challenged Zimbabwe's legal system to embrace digital technology in order to be ready for cyber criminals.

Speaking to different teams that went through a rigorous anti-corruption training workshop organized by the Judicial Service Commission (JSC) in partnership with the International Commission of Jurists (ICJ) in the capital recently, Justice Gidudu said the legal system must move away from the analogue way of doing things and embrace digital technology.

Gidudu said this with an appreciation that embracing digital technology comes with a lot of investment but added that at times it defeats the whole cause when you see courts continuing to use analogue evidence to try and

settle matters where digital evidence could have given you unchallenged evidence.

He added that technological advancement has led to the use of digital devices such as cell phones, computers and tablets which have become indispensable in the modern society.

"Prosecuting cyber criminals is a special assignment that needs special skills outside the law," said Gidudu.

Gidudu also highlighted that technological advancements have brought about new ways of doing things such as e-governance, e-commerce, e-banking, e-photography/photoshop, e-recording, e-passports, e-transport, e-security.

"Technological advancements have come as a doubled edged sword as this has also bred criminals who are in most cases taking advantage of backward legal systems," added Gidudu.

NGOZI-SCARE AT RUSAPE MAGISTRATES' COURT

BRUNO SHORA

The date was 31 January 2020, the time was 9:30am and the venue was Rusape Magistrates' Court.

Business of the day was already in full swing when a middle aged woman bolted out of the court room screaming on top of her voice sending court officials, the security and other litigants into panic mode.

The faint hearted scurried for cover while the security manning the court complex engaged into special tactics rapid response mode.

The lady, Ruvarashe Chinyadza of Village A, Tandi, Rusape a litigant, had dragged Mathew Makoni, who was the respondent before Magistrate Rufaro Mangwiro who was presiding over her application for a Protection Order in terms of the Domestic Violence Act.

The applicant had asserted that she has been married to the respondent for the past 15 years and that they had one child. She went on to allege that Makoni was abusive, violent and often attacked, insulted, harassed and threatened her without due care.

When afforded the chance to respond to the allegations, as per the basics of the law, Makoni defended himself by telling the court that all the allegations were not true but all the problems were emanating from an avenging spirit (ngozi) within the wife's family.

At that moment, the applicant went into a trance, started uttering unintelligible words which even the court interpreter Calvin Mutambarika with over a decade of court interpreting experience, could not decode.

The speed with which the applicant uttered the unintelligible words resembled an automated device.

The presiding officer tried to interject several times but all was in vain.

What shocked the court was that the respondent seemed not perplexed but rather felt vindicated.

He could be heard saying, "you see your worship, this is exactly what I told you just a minute ago."

Chinyadza bolted out of the court room whilst screaming and making further utterances which seemingly were directed to those in the spirit world. She went outside the court building where she then hit herself against the ground before temporarily passing out.

A female police officer was later seen attending to her. Back inside the court room, Magistrate Mangwiro was not

Mbuya Madube (not her real name) explained that an avenging spirit is a situation whereby a social injustice usually in the form of an unjustified and an extra judicial murder of an innocent soul is done by a member of a family. This, she said, angers the gods and the blood of the deceased seeks vengeance. The Miranda learnt that the avenging spirit will manifest itself in various forms such as trances, hysteria and in some cases it can cause death, mental challenges, to mention but a few.

perturbed. She questioned the mental sanity of the applicant. However, most of the people who were around were left wondering as to who should have been the applicant in this matter and whose peace was being disturbed.

The Magistrate was left with no option but to strike the matter off the court roll.

Not only does this scenario demonstrate what Judicial Officers are exposed to in the course of executing their duties inside the court room, but this was also one typical case in which the other side of domestic violence was noted with all sides blaming each other and with reference being made to the supernatural.

The Miranda felt compelled to dig deeper and try to establish the effects which an avenging spirit (ngozi) can have upon any matrimony if at all, and also to find out if an avenging spirit can lead to domestic violence of some sort.

This took The Miranda to the popular Vengere Bus terminus where the correspondent spoke to a well-known spiritualist, who however, spoke on conditions of anonymity.

Mbuya Madube (not her real name) explained that an avenging spirit is a situation whereby a social injustice usually in the form of an unjustified and an extra judicial murder of an innocent soul is done by a member of a family.

This, she said, angers the gods and the blood of the deceased seeks vengeance. The Miranda learnt that the avenging spirit will manifest itself in various forms such as trances, hysteria and in some cases it can cause death, mental challenges, to mention but a few.

Only and unless compensation is made to the deceased's family as prescribed, there would be untold suffering upon the perpetrator or any of his or her family members such that they may not know any peace in various spheres of their lives, marriage included.

Mbuya Madube emphasized that the only remedy to such a calamity is appeasing the avenging spirit through a progressive collaboration of the concerned families. All that Mbuya Madube was explaining seems to be part of the African philosophy of peace and justice, but unfortunately, it is not part of the Roman Dutch Law which is being used in Zimbabwe.

Clad in a dark blue slim-fit suit, complemented by a Bronx pointed shoe on his left leg and a Weinbrenner sandal on the other, Murambinda Court Magistrate Tapiwa Kuhudzai could not believe he is back on the bench after escaping death through the skin of his teeth in a horrific road accident in November last year.

The date was 19 November 2019 and the place was Penhalonga-Mutare highway.

The unfortunate incident happened to Kuhudzai when he was enjoying his vacation for the entire month of November.

JSC Communications Officer met Kuhudzai at Murambinda Magistrates' Court during the Secretary's Station Visits in Manicaland recently and had a chance to narrate his ordeal.

"I was enjoying my vacation in Penhalonga where I own a farm. I was busy with farm work, only to be called by the Resident Magistrate to report to the Provincial offices where I was supposed to be assessed on my Key Result Areas as a magistrate," lamented Kuhudzai.

After the assessment was done at around 5pm, Kuhudzai, who was travelling alone set off for Penhalonga in a silver Toyota Wish vehicle.

According to him, heavy rains started pounding and what followed the heavy rains was a thick mist that forced him to switch on the head and fog lights of his car as per the road rules and regulations.

It was when Kuhudzai tried to overtake a white Ford Ranger that he realized that there was an oncoming vehicle, a BMW, which he said appeared from nowhere.

"I could not see the car before because its lights were switched off, so there is no way I could have seen it in that bad weather," added Kuhudzai who showed signs of pain.

He added, "I tried to avoid a head-on collision by veering off the road to my extreme right, unfortunately, the BMW driver had read from my script, followed me to the far right side. The two cars rammed into each other and I lost control of my vehicle and completely veered off the road before



BACK ON THE BENCH: Injured Murambinda Magistrate Tapiwa Kuhudzai recovering well at home.

MAGISTRATE CHEATS DEATH, BACK ON THE BENCH IN CRUTCHES

plunging into a ditch."

Good Samaritans came to their rescue and Kuhudzai was rushed to Murambi Gardens Clinic where he was attended to. After some scans and X-rays, it was discovered that Kuhudzai had a fractured pelvis and some ankle bones as well.

"I was admitted for two weeks and after two successful operations, I was discharged. I stayed home wheelchair bound for two months before I was moved to crutches for walking," said a visibly shaken Kuhudzai.

He added, "Currently, I am undergoing physiotherapy and I can safely say there has been immense progress. I feel a lot better and I am looking forward to full recovery."

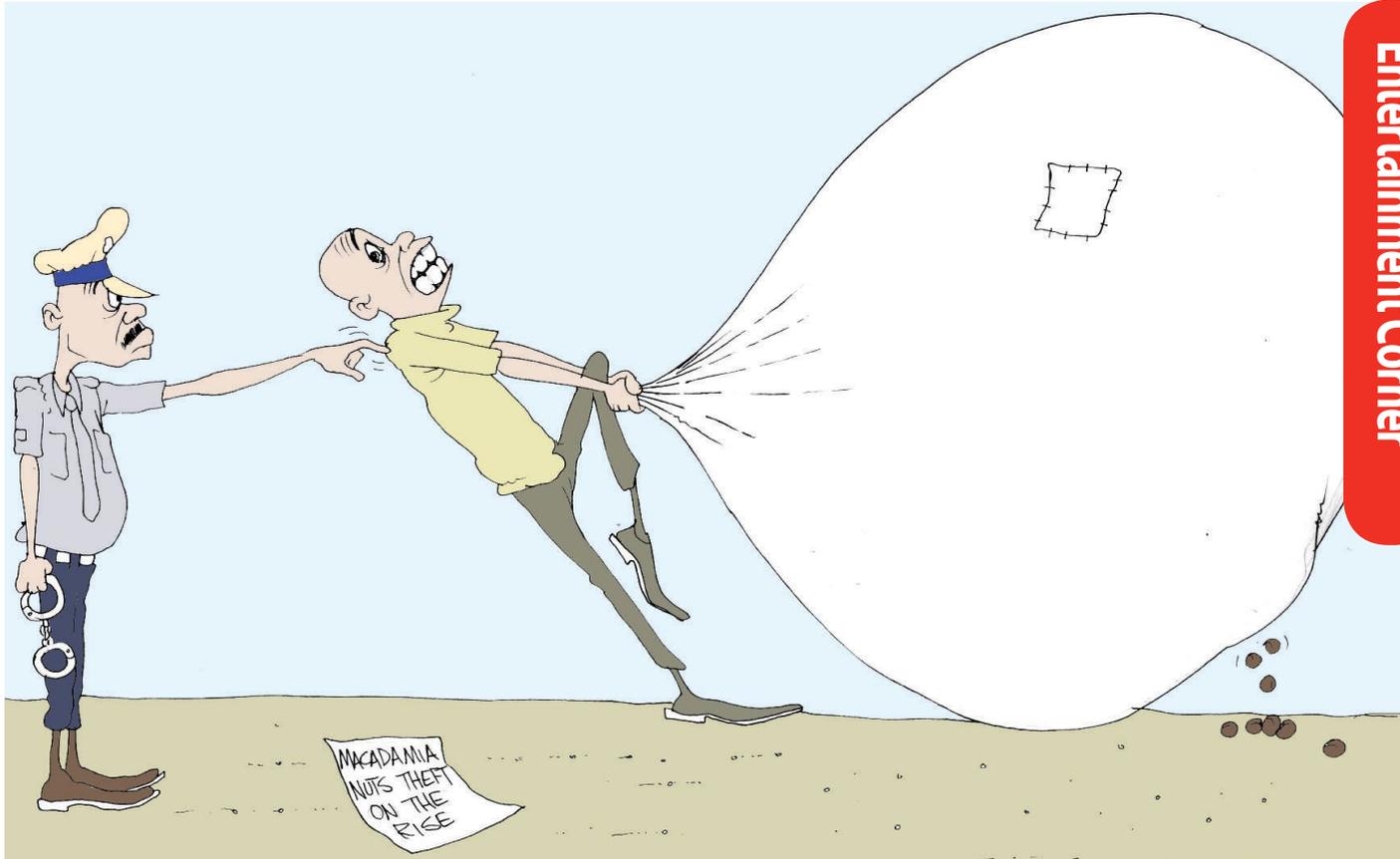
When the Secretary and his team arrived at Murambinda, Kuhudzai, who was walking with the aid of crutches seized that opportunity to thank the JSC Secretary Walter Chikwana, friends and relatives who had played

a significant role during his time on his deathbed.

"I cannot let the Secretary go without saying this, I am very humbled by the gesture that the institution extended during my time on the deathbed. I therefore want to express my gratitude to the Secretary and all members of JSC for what they did during my time of need. I would also want to thank my friends and relatives who also went out of their way for me to be where I am today. It showed me that a family spirit does exist in JSC.

"I started this long career journey as a Judge's Assistant before I became a Magistrate, I would also want to express my gratitude to all those from the High Court that visited me during my time in hospital."

Kuhudzai is back on the bench and has been doing his duties diligently though walking with the aid of crutches and his road to recovery seems to be progressing very well.



LEGAL CODEBREAKER QUIZ NO.14 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.

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

EXTRA CLUE: Along the yellow blocks below reads something REFERRING TO THIS PUZZLE

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

CLUES	ANSWERS
Out of custody release(4)	
Capital punishment(9)	
Esteem(3)	
Monetary penalty(4)	
Execute(4)	
Locking device(3)	
Crimes, (Offence against someone's dignity)	
Accused's response(4)	
Reminder (course)(9)	
Keep judgment for later(7)	
Custodians confided in(8)	

SOLUTIONS FOR NO.13												
1	2	3	4	5	6	7	8	9	10	11	12	13
V	E	R	D	I	C	T	H	W	B	L	N	P
14	15	16	17	18	19	20	21	22	23	24	25	26
S	G	O	F	U	X	Z	A	M	K	J	Y	Q

Comments & Suggestions Welcome
+263776367719

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Moyo Livingstone Accounting Assistant Tsholotsho
Chimbalanga A Tafadzwa Driver High Court Harare
Ncube Leonorah Office Orderly Vic Falls
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Makuwaza Raymond Court Interpreter Harare
Kuveya Jealous Office Orderly Harare Civil
Munjere Loice Magistrate Mvuma
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Makuvise Bevellyn Assistant Sheriff Gweru
Mukavhi Reuben Additional Master - Insolvency and GF Master's Office Harare

TERMINATION OF CONTRACT

Makamure W Aldredge Office Orderly High Court Mutare
Marwa Rebecca Office Orderly High Court Mutare

RETIREMENTS

Musindo Number Office Orderly Murombedzi
Mujaya Hosea Senior Regional Magistrate Harare

EARLY RETIREMENTS

Dube Tsitsi Assistant Accountant Labour Court Harare
Guvamombe Mishrod Chief Magistrate Harare
Suluwi Adam Asani Clerk of Court Shamva

DISCHARGE

Mzingaye E P Moyo Provincial Magistrate Filabusi
Charamba Dennis Court Interpreter Karoi
Chimire Lyold Assistant Master Bulawayo

DEATHS

Mutingwende Barbra Clerk of Court Gutu

APPOINTMENTS

Munamato Mutevedzi Chief Magistrate
Makonese Millicent Librarian Con/Supreme Court
Nkiwane Brian Communications Officer Secretariat
Chibi Esther Executive Assistant Plumtree
Feremba Eunice Executive Assistant Karoi
Magunje Petronella Executive Assistant High Court Masvingo
Majiri Barbra Executive Assistant High Court Masvingo
Phiri Cryonce Driver High Court Harare
Nyoka Stanley Clarkson Driver High Court Harare
Maobvera Forbes Driver High Court Harare
Dumani Ntombizodwa Executive Assistant Labour Court Bulawayo
Ncube Blessing Executive Assistant Labour Court Bulawayo

PROMOTIONS

Philemon Livard Livaroe Regional Magistrate Beitbridge
Mapfumo Francis Regional Magistrate Harare
Nduna Ngoni Regional Magistrate Chinhoyi
Nazombe Sheillah Provincial Magistrate in Charge Mat North Hwange
Mapiye Learnmore Provincial Magistrate in Charge Masvingo
Tukwa R Nyaradzo Resident Magistrate Nkayi
Mtukwa Vimbai Resident Magistrate Zaka
Jamela Lizwe Deputy Registrar Supreme Court Harare
Gapara Vusomuzi Additional Master-Insolvency & GF Master's Office Harare



Ms Josephine Maraini, a clerk in the Chief Magistrate's Office wedded Mr Cletos Mamboma on 27 January 2020.

Weddings



Mr Muzenda, the Masvingo Provincial Administration Officer wedded Ms Varaidzo Kanda on 1 February 2020 in Masvingo.

JSC OPEN DAY

10 JUNE 2020

“TRANSPARENCY AND ACCOUNTABILITY TO ENHANCE ACCESS TO JUSTICE AND RULE OF LAW”



#ComeLetsKnowEachOther
#Ngatizivane



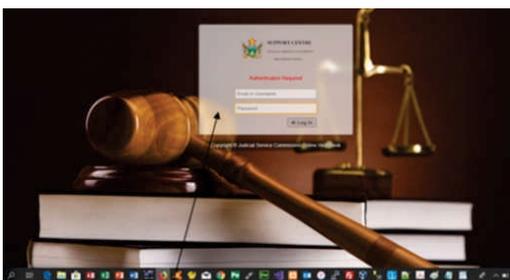
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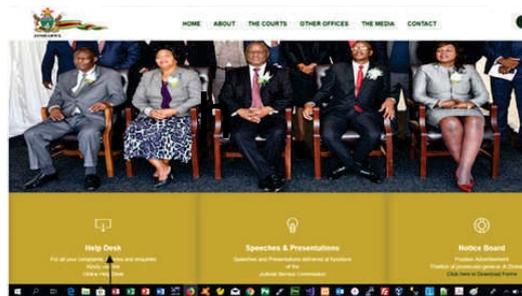
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