



An effective and lively judiciary is a key economic growth enabler-
President

p6



Regional Magistrates' Colloquium held

p13



"World class justice cannot prevail in mediocrity -
Mr Chikwana

p15

THE MIRANDA

M A G A Z I N E

September 2022

Just News

29th Edition



JUDICIAL SERVICE COMMISSION
QUARTERLY NEWSLETTER





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Kudzai Rusakaniko

Editor's NOTE

The year is almost over, we are now in the third quarter, how far have you accomplished your new year's resolutions? Food for thought...

Hello and welcome to yet another exciting edition of the Miranda Magazine, as we bring you an update of the progress made during the course of the third quarter. First and foremost, I would like to congratulate Matabeleland South Province for a sterling performance in court operations particularly, Kezi Magistrates' Court, which scored highly during the Secretary's Monitoring and Evaluation exercise. Kudos to Kezi! Credit also goes to the members of staff who were outstanding in performing their duties such as Mr. Dube, Mr. Chihoro, Mr. Mudhenda and Ms. Mpofu. Keep up the good work!

The Regional Magistrates' Colloquium held in Kariba was a resounding success and we look forward to more of these colloquia for other magistrates. The End of Second Term Judges' Symposium, which was officially opened by His Excellency Honourable President Mnangagwa in Victoria Falls, was hosted by JSC in partnership with COMESA Competition Commission and the Competition and Tariff Commission. In attendance was the Chief Justice Honourable Mr. Luke Malaba, Judges of the Constitutional Court, Supreme Court, High Court, Administrative Court and Labour

Court.

In line with the vision to decentralise the administration of justice, the Honourable Chief Justice has finally set a date for the official opening of the long awaited new Lupane Magistrates' Court. Preparations for the official opening are already underway.

On a sad note, we lost some of our workmates during the quarter. We greatly appreciate all their work and contribution during the time they were still with us. They shall forever be missed.

We value your feedback, kindly share with us on krusakaniko@gmail.com and don't forget to follow and like our social media pages @JSCZim on twitter and Judicial Service Commission on Facebook.

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CONTENTS

NEWS

- 5 FROM THE SECRETARY
- 6 AN EFFECTIVE AND LIVELY JUDICIARY IS A KEY ECONOMIC GROWTH ENABLER- PRESIDENT
- 8 MAGISTRATES' UNACCEPTABLE CONDUCT PUNISHABLE- HONOURABLE CHIEF JUSTICE
- 11 IECMS, A RESOUNDING SUCCESS!
- 12 COURTS VITAL IN FIGHTING CORRUPTION-ZACC
- 13 REGIONAL MAGISTRATES' COLLOQUIUM HELD
- 18 QUESTION AND ANSWER SEGMENT
- 22 INTERPRETERS' WELFARE AND WORKING CONDITIONS SPOTLIGHTED
- 24 THIRD QUARTER IN PICTURES

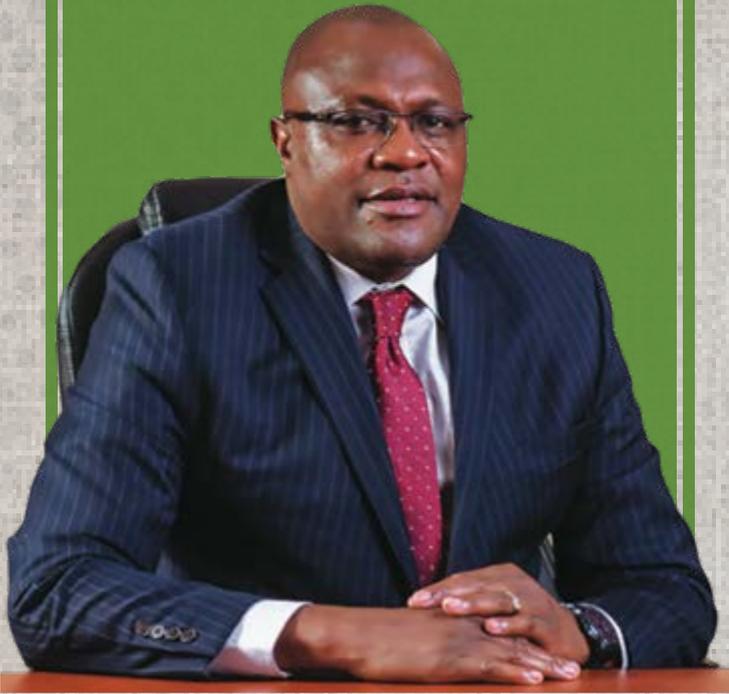
ENTERTAINMENT

- 26 ENTERTAINMENT CORNER

NOTICE

- 27 NOTICE BOARD





From

THE SECRETARY

Judicial Service Commission

MR. W. T. CHIKWANA

AS I reminisce on the third quarter of 2022, I am proud that we have continued on an upward trajectory as far as service delivery and access to justice are concerned. The launch of the first phase of the Integrated Electronic Case Management System (IECMS) in the second quarter, set the tone for the aggressive transformation drive we have undertaken to digitalise all our courts and make justice accessible to all. Having successfully rolled out the first phase of IECMS, we are now in the second phase's rollout, which covers all the remaining courts and is set to be launched by January 2023. I urge you all to embrace this digitisation drive and to fully immerse yourselves in it so that we collectively improve access to justice and effective administration of justice.

In the third quarter, we focused on the judicial education and training of judicial officers. In July,

we saw the successful holding of the Regional Magistrates' Colloquium held in Kariba, graced by the Chief Justice. The colloquium was predicated on the perception of regional magistrates as the guardians of the judicial authority of the magistrates' court and their supervisory role in scrutiny and monitoring and evaluation of court operations. In August, we successfully held the End-of-Second-Term Judges' Symposium in Victoria Falls. The Judicial Service Commission partnered with the COMESA Competition Commission and the Competition and Tariff Commission to organise this event.

The third quarter also saw the compilation of the mid-year performance review summaries. This is in line with our strategic priority of performance and talent management. As such, we can only develop our human capital when we perform this fundamental exercise.

I am also pleased to inform you all that we are preparing to launch the Electronic Learning Management System (E-LMS) platform through the Judicial Training Institute of Zimbabwe. By means of E-LMS, we have taken our human capital development to the next level. Our belief in proficiency and competency underscores this bold move.

As we inch closer to the fourth quarter, our collective consciousness to the implementation of the strategic plan must gain momentum. I urge you all to familiarise yourselves with the JSC Strategic Plan 2021 – 2025 which is a compendium of all the strategic priorities we are seized with as various departments in the Judicial Service Commission.

Our drive and commitment to the enhancement of access to justice and the quality thereof continues to grow exponentially. In that regard, the new Lupane Magistrates' Court is expected to be officially opened by the beginning of the fourth quarter of this year.

We continue to lose dedicated members of staff through death. As a Commission, we are deeply touched by this. I would like to express my deepest sympathy to the bereaved families who lost their loved ones in the last months. I urge all of us to appreciate the gift of life and to continuously take reasonable steps to protect ourselves from diseases, including Covid – 19. Let's keep vigilant, masking up, sanitising and social distancing.

AN EFFECTIVE AND LIVELY JUDICIARY IS A KEY ECONOMIC GROWTH ENABLER- **President**



His Excellency President E. D Mnangagwa



Minister of Industry a

By Kudzai Rusakaniko, Shepherd Chibune and Tarisai Mafura

The aspiration of becoming a prosperous and empowered upper-middle-income economy by 2030 will be attained through an effective, empowered and agile judiciary system which strives for fairness and efficiency in the economic sector, said President Emmerson Mnangagwa.

The Judicial Service Commission facilitated a two-day Judges' Workshop for all the Superior Court Judges in partnership with the Common Market for Eastern and Southern Africa (COMESA) and the Competition and Tariff Commission of Zimbabwe in Victoria Falls. The workshop was a replica of the traditional end-of-term Judges' Symposium which was tailored to capacitate judges with the requisite skills needed

in adjudicating matters arising in Competition and Consumer Protection. The workshop was officially opened by His Excellency President Mnangagwa. In his speech, President Mnangagwa, emphasised that, "An effective, empowered and agile judicial system is vital in the development of the economy. The intricate nexus between the interpretation and enforcement of laws across all sectors of the economy cannot be overemphasised. Thus, there is need for judges to be capacitated and to keep abreast with requisite jurisprudence and ever-evolving global trends in industry and commerce. Undoubtedly, judges and other related stakeholders are key components in the interpretation of competition and consumer protection laws."

"Hence as one of our strategies to spur new enterprises, increase domestic production and improve trade, reinforcement of the Competition Act and the Consumer

Protection Act among other pieces of legislation remains central," added the Head of State and Government.

His Excellency, President Mnangagwa said competition law is meant to encourage and promote competition in all economic sectors and reduce barriers in any sector of the economy. "Competition and consumer protection laws are key enablers of free, open and liberalised trade between the countries and for regional integration. These laws must continue to enhance consumer interest and the realisation of our country's development aspirations as set out in the National Development Strategy and our Vision 2030," President Mnangagwa added.

JSC URGED TO INVEST IN EFFORTS MEANT TO COMBAT CORRUPTION CASES

By Shepherd Chibune

Stakeholders have urged the Judicial Service Commission to aggressively invest in

efforts aimed at combating corruption-related offences and financial crimes. The comments were made by the Zimbabwe Anti-Corruption Commission Chairperson Honourable Justice Loice Matanda-Moyo in an exclusive interview with the *Miranda* on the sidelines of the dinner held in commemoration of the African Anti-Corruption Day, on 12 July 2022 in Harare.

Honourable Justice Loice Matanda-Moyo also emphasised the need for collaboration from all stakeholders in the justice sector as a way forward in combating corruption.

“Stakeholder collaboration in the criminal justice chain is a fundamental pre-requisite for the successful prosecution of corruption related offences. All corruption trials of senior officials in local authorities, various ministries, parastatals, state enterprises, private sector and parliamentarians must be referred to the High Court and the Anti-Corruption Courts.” she emphasised.

She said there is need to capacitate the judiciary with

requisite tools of trade and training to enable judicial officers to deal with complex corruption-related cases. She also said “there is generally a limited understanding of what constitutes corruption-related offences as well as the definition of corruption offences.”

Honourable Justice Matanda Moyo further noted, “For instance, the definition of a public officer for the charge of criminal abuse of duty involves employees of parastatals and state owned enterprises that have now been privatised and were not classified as public officers by the courts resulting in acquittals of such accused persons.”

It was also revealed during the interview that the complexity of cases of corruption is underrated as most corruption cases are complex, time consuming and entail multiple actors.

Against this background, the Zimbabwe Anti-Corruption Commission chairperson urged the court to look beyond the elements of the crime and consider the position of the individual as well as the effects of the acts of corruption on the members of the public.



Minister of Industry and Commerce Dr. Sekai Nzenza addressing delegates

The Minister of Industry and Commerce Dr. Sekai Nzenza said it is imperative to update competition and consumer protection regulations to avoid being left behind during this period of sustained industrialisation and increased commercial activity where market players have become more dynamic and sophisticated.

The two-day day workshop was attended by Honourable Chief Justice Mr. Luke Malaba, Judges of the Constitutional Court, Supreme Court, High Court, Administrative Court, Labour Court, former Judge President of the Competition Appeal Court of South Africa Judge Dennis Davies and representatives from Comesa Competition Commission and Competition and Tariff Commission of Zimbabwe.



Hon. Chief Justice Mr L. Malaba(seated centre) with participants in Kariba

MAGISTRATES' UNACCEPTABLE CONDUCT PUNISHABLE- HONOURABLE CHIEF JUSTICE

By Shepherd Chibune

Re g i o n a l Magistrates have been urged to diligently exercise their supervisory powers over other magistrates to prevent the miscarriage of justice when conducting their judicial duties.

The Honourable Chief Justice Mr. Luke Malaba who gave the keynote address in Kariba on the occasion of the Regional Magistrates' Colloquium held from the 8th to the 9th of July 2022, told the regional magistrates that the exercise of their "supervisory powers over other magistrates extends to ensure that there is complete compliance with scrutiny, review and appeal procedures". "The scrutiny and review procedure should be executed

within a period of one week. This period of time is a legal requirement and it was legislated for a germane purpose, to ensure that any travesty of justice that ensues as a result of ineptitude or excess of zeal is timeously remedied,"said Chief Justice Malaba.

He had no kind words for incompetent judicial officers as he directed the regional magistrates to punish those who are found wanting.

"Do not condone the submission of scrutiny records out of time. Magistrates who submit their records out of time act, *ultra vires* the law. They must face consequences for that unacceptable conduct. Your office as regional magistrates, makes you the *de facto* vanguard of this procedure,"

Honourable Chief Justice, Mr. Luke Malaba admonished.

In addition, the Honourable Chief Justice reminded the regional magistrates on the need to be impartial and diligent in their discharge of duties so as to instil public confidence in the judiciary.

"You must, therefore, always remember that inattentiveness and carelessness in the exercise of judicial authority is a shameless betrayal of the public trust that is vested in you. It can never be overemphasised that a judicial officer must not behave in a manner that suggests partiality and partisanship. One bad case of impartiality can stain the entire judiciary," he said.

The Honourable Chief Justice also expressed concern over cases of regional magistrates holding onto scrutiny records for long periods, sometimes even in excess of a month and submitting records for appeal and review way out of time. He said that the practice was unacceptable and those found wanting are not immune to disciplinary action.

JUSTICE FOR ALL A REALITY....

AS EPWORTH MAGISTRATES' COURT NEARS COMPLETION



Hon. Chief Justice Mr L. Malaba with JSC management touring the soon to be opened Epworth Magistrates' Court.



By Shepherd Chibune

Epworth Magistrates' Court is set to open in the last quarter of the year following substantial progress in the construction of the courthouse. The rate of progress and level of commitment involved in this project is testament to the Judicial Service Commission's strategic priority of enhancing justice for all and the decentralisation of court services.

The court which is nearing completion, will be ready for occupation on or around October 2022. This is indicative of the Judicial Service Commission's aggressive decentralisation and decongestion of the courts.

While touring the project on the 20th of July 2022, the Chief Justice, Honourable Mr. Luke Malaba thanked the contractors working on the

project for the quality of work displayed at the site. He also exhorted them to "keep the momentum" adding that the Judicial Service Commission has always "maintained the highest standards" in the construction of infrastructure across the country.

"We need to complete this project and the Lupane Magistrates' Court by the third quarter, ...I think end of September is more reasonable," said the Honourable Chief Justice commenting on the Contractor's submissions after the tour of the project.

The Chief Justice was accompanied by the Judicial Service Commission's Secretary Mr. Walter Chikwana and his Deputy Mr. Sithembinkosi Msipa, Head of IT and Records Management,

Mr. Obey Manyenga, and the Chief Magistrate, Mrs. Faith Mushure among other Judicial Service Commission's executive members who were on the ground during the tour.

The Public Works Department who is the main contractor, working on the project assured the Chief Justice that the court buildings will be finished by end of September.

Head of Procurement Mr. Elias Muzenda said they are already working on procurement of furniture for the Court as it nears completion.

Epworth Magistrates' Court comprises of two court rooms, ten staff offices, three holding cells, waiting shed, a guardroom and a borehole amongst other fundamental facilities.

The project commenced in June 2019, however, it could not be finished in time due to COVID-19.



Participants during the regional magistrates' training workshop in Kariba

COLLEGIALITY CENTRAL TO EFFECTIVE JUSTICE DELIVERY IN THE MAGISTRATES' COURT

By Shepherd Chibune

Judicial officers have been urged to work together in a quest to deliver a Zimbabwe in which world class justice prevails. The need for teamwork was expressed by the Chief Justice, Honourable Mr. Luke Malaba when he addressed regional magistrates in Kariba on the occasion of the Regional Magistrates' Colloquium held from the 8th to the 9th of July 2022.

The Honourable Chief Justice went on to say, "Indeed, the judiciary is a complete body that is made up of individual members. Each member is

like an organ belonging to a body. In order for an individual member to truly remain part of the whole body, he or she must always be compatible with the rest of the body. In this regard, regional magistrates ought to be considered as attaching to the wider judicial body. They also carry and must display a purpose that is similar to that of the rest of the members of the judiciary." The Chief Justice, warned the regional magistrates that there is a great danger if the judiciary itself misunderstands its role and purpose. He added that, "every member of the judiciary must possess a correct and

unmistakable understanding of the fundamental role of the institution to which he or she belongs."

The regional magistrates were also told that they occupy an important office in the land and that is why "...judicial authority is not given to ordinary people but it is given to those people who are considered as being qualified and capable of fair adjudication." The primary purpose of judicial officers is to exercise the judicial authority that is vested in the courts.



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IECMS, A RESOUNDING SUCCESS!

By Shepherd Chibune

The Judicial Service Commission's Integrated Electronic Case Management System (IECMS) drivers have been hailed and applauded for their relentless teamwork spirit, which has led to a successful migration of the superior courts from manual to digital operations.

The Constitutional Court, Supreme Court and the Commercial Court (Division of the High Court) are now operating electronically and digitally following the successful implementation of IECMS phase one on 1 May 2022.

Honourable Chief Justice, Mr. Luke Malaba, who was touring the superior courts to assess the efficiency of the system since its operationalisation, indicated that he was impressed by the way the officers were taking ownership of the project to make it a success from the day it was launched.

"I am impressed with the way you have given solutions to the problems you encountered. You are actually way ahead of us. That is the spirit I expect among you all..., the teamwork you are showing gives me confidence," said the Chief Justice.

He added that he was very impressed by the progress that has been registered by the system users who are also working as a team. He exhorted them to "continue assisting and training lawyers until they grasp all the system requirements," who in turn help litigants to file



The newly commissioned Commercial Court

their papers.

Chief Registrar, Ms. Anita Tshuma, told the Honourable Chief Justice that as the drivers of the system, they were very happy that it has been a resounding success which has fulfilled the Judicial Service Commission's vision of a Zimbabwe in which world class justice prevails.

"We have no issues. The system is functioning well and we are pleased with it. We did pilot testing before the system was launched so we made sure it was fine tuned to align it to the needs of the courts, said Ms. Tshuma. The teamwork that exists between the drivers of the system (the Registrars, Assistant Registrars, E-Filing Officers and the IT Department), is the bedrock of its success because without the two working together, the system wouldn't be as it is now.

The main challenges that were encountered when the system was launched emanated from the external users who

were failing to use the system and that was resolved by the trainings that were held. They were trained on how to file their cases, processes or any other pleadings that they may wish to apply. That is why the Registrars were saying they have an open door policy because they understand this system is new and whoever needs assistance, they provide that assistance.

The Chief Registrar also revealed that unlike in the initial stages where the documents would be rejected, they have since introduced a feature whereby the system drivers can now send back the processes for corrections with clear instructions on what needs to be corrected. She also revealed that there has been a positive response from the lawyers and other external users of the system and the Virtual Court system was perfectly working.

The second phase of the IECMS rollout which has started is expected to be launched by the first of January 2023.

MAINTENANCE CASES TO BE HEARD DAILY IN THE MAGISTRATES' COURTS

By Tarisai Mafura

The Judicial Service Commission's Secretary Mr. Walter Chikwana has expressed the need for maintenance cases to be heard daily in the magistrates' court, in a move that is expected to speedily dispose of maintenance cases.

Women usually bear the responsibility of taking care of children on their own after separating with the father of the child or children. Most women seeking maintenance orders at the magistrates' courts have to endure long periods of time waiting before the maintenance case is heard and resolved.

The Judicial Service Commission's Secretary, Mr. Chikwana, was dismayed at the limited days reserved for dealing with maintenance cases per week while he was on a monitoring and evaluation visit in Matabeleland South Province in June 2022. He swiftly communicated with the Chief Magistrate's Department to treat maintenance cases with urgency.

"I told the Chief Magistrate about the observations I have made at Filabusi

Magistrates' Court. I requested her to communicate with all the Resident Magistrates who deal with maintenance cases to the effect that they are supposed to be heard daily, and to be treated as urgent matters," said Mr. Chikwana.

An impact assessment of the increased frequency of hearing of maintenance inquiries across the country done by the Chief Magistrates' Department indicated a marked upward of maintenance cases heard per week.

Provinces such as Manicaland, Midlands, Mashonaland West and Masvingo have increased the number of maintenance cases heard per week in the period from 1 June 2022 to 14 July 2022.

A legal practitioner, Mr. Bright Machekana, described the initiative of hearing maintenance cases on a daily basis as a positive development which will clearly contribute to reducing backlogs in the maintenance courts. This will further enhance the quality of justice when dealing with such cases.



JSC Secretary Mr. W. T Chikwana being welcomed during a visit in Mat South Province

REGIONAL MAGISTRATES COLLOQUIUM HELD

By Kudzai Rusakaniko

The Judicial Service Commission in partnership with UNICEF and Spotlight Initiative hosted the Regional Magistrates' Colloquium aimed at strengthening the capacity of the regional magistrates in delivering justice effectively, efficiently and fairly.

The colloquium was held in Kariba from 8 to 9 July 2022 and ran under the theme, "PERCEIVING REGIONAL MAGISTRATES AS THE GUARDIANS OF THE MAGISTRATES' COURTS."

Various carefully selected topics were presented at the colloquium.

In his keynote address, the Honourable Chief Justice Mr. Luke Malaba emphasised

that the Regional Magistrates' Colloquium entrenches the judiciary's commitment to ensure the continuous development of judicial officers.

The Honourable Chief Justice underscored the fact that regional magistrates are the most senior judicial officers in the magistracy and should therefore supervise subordinate magistrates as well as scrutinise their work.

Honourable Chief Justice Mr. Malaba also stressed the importance of writing quality judgments, a duty which is central to the office of a magistrate. He added that through judgment writing, the magistrate will be displaying his or her character and drawing a picture of themselves by which they

will be judged to have understood their presence and significance during the proceedings.

Other topics which were presented by different presenters included the Admissibility of Digital, Electronic and Video Evidence, Child Witnesses and Judicial Education and Training (JET) amongst others.

The regional magistrates commented that the colloquium was an eye opener and indicated that they immensely benefited from the topics presented such as their role in Judicial Education and Training (JET) and their expanded role in Monitoring and Evaluation as well as a debrief session on vicarious traumatisation.



Regional Magistrates during a workshop in Kariba





JSC Secretary Mr. W. T Chikwana poses for a photo during a round table meeting with Registrars, Deputy Registrars and Assistant Registrars of the Superior Courts, Provincial and Senior Regional Magistrates

“WORLD CLASS JUSTICE CANNOT PREVAIL IN MEDIOCRITY- MR. W. T CHIKWANA

By Kudzai Rusakaniko

The Judicial Service Commission’s Secretary, Mr. Walter Chikwana conducted a round table meeting with Registrars, Deputy Registrars and Assistant Registrars of the Superior Courts, Provincial and Senior Regional Magistrates to discuss challenges encountered in the management of appeals and reviews. The meeting was held on the 18th of August 2022.

In his welcome remarks, the Secretary emphasised that the meeting was supposed to curb the complaints by litigants on the delays when transcribing records of proceedings and the disappearance of records when a litigant intends to lodge a review application or note an appeal. He also said world class justice cannot prevail in mediocrity and intimated that Registrars and Magistrates have the onerous task of investigating why set rules and regulations were not being adhered to when litigants have adhered to all the required timelines. Mr. Chikwana told the participants at the meeting that the resolutions to be made at the end of the meeting, would be used to draft Practice

Directions that will be used as guidelines.

In her presentation on Preparation, Submission and Return of Magistrates’ Court Record of Appeal, Senior Regional Magistrate Mrs. P. Msipa said the criminal appeals procedure was regulated by the High Court Act [Chapter 7:06], the High Court Rules, 2021 and the Standard Operating Procedures (SOPs).

“There are time-limits that have been set by the legislature and that ought to be complied with.” said Mrs. Msipa.

The Senior Regional Magistrate stressed the point that the High Court Rules set the tone in regards to the preparation of the records of appeal by the clerk of court.

Presenting on Appeals, High Court experience, High Court Registrar Mr. D. Ndirowei noted that the right to appeal to a higher court against conviction and sentence is provided for in section 70 (5) of the Constitution of Zimbabwe. He also bemoaned deliberate failure to serve the notice of appeal on the Constitutional Court by lawyers as they note an appeal for purpose of bail application and ignore the appeal afterwards once granted with the bail application.

Mr. T. Sangster who presented on “Preparation, Submission and Return of Magistrates’ Courts Records for Reviews,” told the participants that the review processes in the magistrates’ court are guided by section 57 of the Magistrates Court Act, as read with section 26 of the High Court Act which grants review powers to the High Court on all proceedings from the inferior courts.

Participants agreed to take immediate action to attend to the identified challenges encountered during the preparation of record of proceedings for reviews and appeals.

“YOU CANNOT BE ON A FROLIC OF YOUR OWN,” THE CHIEF JUSTICE WARNS REGIONAL MAGISTRATES

By Shepherd Chibune

It has been a cause of concern that regional magistrates who are always out of office, end up delivering half-baked judgments which are poorly researched and devoid of jurisprudence. Such magistrates, who are bereft of a sense of duty and professionalism, have no place in the judiciary. They betray the judiciary’s efforts to ensure a uniform, consistent and objective justice delivery system. These comments were made by the Chief Justice, Honourable Mr. Luke Malaba on the occasion of the Regional Magistrates’ Colloquium held at Caribbea Bay Resort, in Kariba, in July this year.

“A judicial officer does not exercise judicial authority arbitrarily. Rather, he or she is always expected to pay meticulous attention to

the principles in place and standards demanded of him or her. “Judicial independence does not mean you are not accountable. You cannot sit in court for a few minutes, not observe court sitting times, fail to make decisions expeditiously or postpone matters willy-nilly under the guise of judicial independence. You are accountable for how you spend your work time and the resources allocated to you. You cannot be on a frolic of your own when you are required to be working and at the end of the month still expect to be compensated for work done”, said the Chief Justice.

In addition, Honourable Chief Justice Mr. Luke Malaba urged the regional magistrates to introspect and be accountable in how they manage their courts and cases.

“The major cause of the

failure of justice is the incessant postponements which are times without number granted at the courts without adequate cause. You hear of regional magistrates who sit in court for five minutes, thirty minutes or one hour a day, yet there are piles and piles of cases waiting to be tried. This should not be so” said the Chief Justice.

He warned the regional magistrates that he does not expect, at their level, “to hear that a regional magistrate is failing to analyse or properly critique evidence placed before him or her or failing to put together a well-reasoned judgment which clearly shows your thought process. This should be elementary”.

Among the attributes of a regional magistrate, he said one should have knowledge, competence, diligence, impartiality and a strong sense of justice.



DID YOU KNOW?

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PROGRESS.**

MASVINGO PROVINCIAL REMAND COURT WELCOMES VIRTUAL REMANDS

By Rethakgetsi Victoria Silaigwana

Masvingo Magistrates' Court has welcomed the opening of the virtual remand court in pursuit of the Judicial Service Commission's (JSC) mandate of enhancing access to justice for all through the digitalisation of court processes. According to this digitalisation process, all provincial remand courts in the ten (10) judicial provinces are now connected, via internet, to the Zimbabwe Prisons and Correctional Services (ZPCS) facilities. A dedicated room at the correctional facility is fully equipped with appropriate hardware to enable an inmate to be remanded in situ without going to court. The room is then connected via the internet to a dedicated courtroom with similar equipment thus enabling the magistrate and other court users to interact and



Virtual court session

communicate with the inmate or accused in real-time. This is a progressive step as virtual courts are affordable and offer greater access to justice. They contribute to a significant reduction in fuel expenses and wear and tear of motor vehicles. Furthermore, they result in substantial savings in costs for ZPCS, individual litigants and courts. Another fundamental

advantage of the virtual court system is that it fosters disaster-preparedness to deal with unforeseen natural disasters such as the Covid-19 pandemic. The virtual remand court also accommodates bail applications which enables bail hearings to be adjudicated expeditiously, without delay as provided for in the Constitution.

DID YOU KNOW ?

The Judicial Service Commission is in the process of digitalising the following Courts:

- ✓ High Court
- ✓ Labour Court
- ✓ Administrative Court
- ✓ Sheriff Services
- ✓ Magistrates' Court.

To know more, visit our website:
www.jsc.org.zw



Justice is perpetual and irrepeatable: The Honourable Chief Justice of Zimbabwe

By Tarisai Mafura

Justice can never be repealed, it is unlike laws made by the Houses of Parliament which can be repealed. Moreover, justice cannot be created by human beings but it can be enjoyed by human beings.”

These remarks were made by the Honourable Chief Justice Mr. Luke Malaba at the University of Zimbabwe’s Faculty of Law symposium.

The Honourable Chief Justice Mr. Malaba delivered a keynote address which was predicated on the symposium’s theme, “Right to Justice for Women, Children and the Marginalised.”

“Justice is a matter of a claim which I must make rightfully from another and get it. I must make that claim and obtain it if justice is applied, I am entitled to it. I can make a claim of justice from any institution like a court and I must get it if what I claim is just and equitable,” said Honourable Chief Justice Mr. Malaba.

He also said justice is perpetual and is not created by human beings.

“Justice is perpetual, it must be dispensed in terms of a standard demanded by law and it is infinity. Laws which are made by the Houses of Parliament can be repealed but justice can never be repealed.

“Justice cannot be created by human beings but it can be enjoyed by human beings,” Chief Justice Mr. Malaba said.

Chief Justice Mr. Malaba who is

also the Head of the Judicial Service Commission (JSC) delivered a synopsis of law and justice, a stellar presentation which underscored the perpetual nature of justice and its importance in human existence particularly in the protection of the rights

of women, children and the marginalised.

“Laws are not an end in themselves, laws are a means towards an end. They will never be an end in themselves, they are means to an end and the purpose of any law, a just law is to deliver justice. Laws are there to serve justice.”



Honourable Chief Justice Mr. Luke Malaba



Question & Answer

SEGMENT

The Judicial Service Commission (JSC) is making great strides in equalising opportunities for both men and women. The Miranda writer Mr. Tarisai Mafura (TM) sat down with Mrs. Mavis Chibune (MC), who was recently appointed as Chief Accountant. Mrs. Chibune joined JSC in 2009 as an accounting assistant and she was appointed principal accountant in 2018, a position she held until her recent appointment. Below are excerpts of the interview:



Chief Accountant - Mrs. Mavis Chibune

Q TM: You have been working in the Judicial Service Commission for a long time. What do you think are the major reasons behind your recent elevation to the post of Chief Accountant?

A MC: Let me start by saying that had it not been by God's grace, I would not have been here. Everything has its own time. As you have rightfully said that I joined JSC more than a decade ago and since then, I have gained vast experience. When the Commission was established in 2010, I was one of the few pioneers in the finance department. I have been part of all transformational processes and programmes and this has given me the leadership capital required for my recent appointment. In summary, I grew up in the system and the system nurtured me. I have no doubt about my competence. I also have the necessary qualifications for the post. The Judicial Service Commission is a success story and envy among many government institutions and I am proudly part of that story.

Q TM: JSC is an independent commission mandated with effective, efficient and transparent administration of justice in Zimbabwe, how does effective financial

management contribute to these objectives?

A MC: Effective financial management plays a critical role in the administration of justice. Both access to justice and quality of justice need healthy financial support. All departments in the Judicial Service Commission contribute to the delivery of justice, and this means that they must have adequate financial support to achieve their mandates. This calls for an agile and sound financial management system that is responsible for the acquisition of budgeted funds approved by Parliament. The finance management team's task also includes, timeous disbursement of funds to all departments in compliance with financial rules and regulations. Value for money is also another important aspect in effective financial management.

Q TM: JSC is digitalising courts, it introduced the Integrated Electronic Case Management System (IECMS). What is the role of finance in the implementation of IECMS?

A MC: The primary role of the financial department in the implementation of IECMS is to ensure that financial resources are readily available and disbursed when needed. The finance department also plays its role in the acquisition of equipment

for IECMS and facilitating payments.

Q TM: Can you share with us the reasons which prompted you to study accounting?

A MC: This has always been a childhood dream of mine. When I was growing up, I always told myself that I wanted to be an accountant. It was because my father had a grocery shop and would always ask me to help him count the money after daily sales. I would record the transactions and calculate to establish if the shop was making a profit or loss. The passion grew as the years went by. That is why even in my 'A' Levels I majored in commercial subjects which included accounts and business management. Since then, the rest is history. I have a passion for figures. Studying accounting gives one a range of choices, for example, being an internal auditor, legal accountant, forensic accountant, company secretary, management accountant, chief accountant, and CEO if you have a relevant qualification. One should always remember that every business uses an accounting language.

Q TM: What is your parting shot to your fellow JSC colleagues especially women?

A MC: I would like to unreservedly extend my sincere gratitude to JSC for showing confidence in my capabilities. There are always leaders and experienced people you follow instructions from at every workplace. The more you humble yourself and learn, the more you gain experience and be competent. Laziness doesn't pay, and neither does a certificate without hard work. Accounting is hard work and one mistake distorts everything. I have always encouraged myself in the Lord and the knowledge which gave me the confidence that if my father could trust me with such responsibilities before I obtained the qualifications I have now, he believed in the potential I had from the onset, all I could do was to unleash that potential and live my life to the fullest. Let me take this opportunity to remind every woman out there that in every profession you grow and gain experience as you work. Patience pays. I started as an accounting assistant but today I am a Chief Accountant. There are no shortcuts to success because the system itself will expose you along the way. I urge both men and women not to look down upon themselves, they must work hard and believe in their potential.

OFFICE OF THE PUBLIC PROTECTOR REQUIRED FOR EFFECTIVE SERVICE DELIVERY

By Tarisai Mafura

"There is need to re-establish the office of the Public Protector to specifically and expeditiously deal with public complaints, a development that will intensify service delivery in public institutions" said the Judicial Service Commission Secretary, Mr. Walter Chikwana.

Delivering his presentation on "Access to Justice and Administrative law," at the University of Zimbabwe, Faculty of Law Symposium on Access to Justice in July 2022, Mr. Chikwana made a passionate plea for the setting up of the office of the Public Protector. The main mandate of the office will be to receive and investigate complaints from the public.

Mr. Chikwana said that the Zimbabwe Human Rights Commission which was given the responsibility to deal with cases of maladministration has a plethora of functions stated in Section 243 of the Constitution with no emphasis on its role in enhancing administrative justice.

"We used to have the office of the Public Protector in Zimbabwe which was repealed and replaced by the Zimbabwe Human Rights Commission. The fatal error which I have noted in my reading of this issue is that the Zimbabwe Human Rights Commission has other functions that are stated in Section 243 of the Constitution on the protection of fundamental human rights which are outside matters of administrative justice," said Mr. Chikwana.

He added that, "It calls for the reintroduction of the office of the Public Protector whose function is to exclusively deal with issues of minor administrative infractions." The office of the Public Protector is working very well in other jurisdictions, said Mr. Chikwana.

CONSTRUCTION WORK AT GWANDA MAGISTRATES' COURT RESUMES

By Servious Dube

One of the the strategic priorities of the Judicial Service Commission is to increase access to justice to all communities including people with disabilities. This is in line with the JSC's 2021-2025 Strategic Plan. As such, construction work at Gwanda Court Complex has finally resumed after being on hold for more than a decade owing to funding constraints. Hualong Construction, a Chinese construction company, has taken over construction of the Gwanda Court Complex after completing work on the Chinhoyi Court Complex. Work on the Gwanda Court Complex started in May 2022 and is expected to be completed within the next eighteen (18) months. This project together with other projects in districts such as Chiredzi, Epworth and Lupane are being supervised by the Secretary of the Judicial Service Commission Mr. W. T Chikwana. Carey Young, the project manager

for Hualong Construction Company is optimistic that the project shall be completed within the projected time frame of 18 months. Hualong Construction assumed work on site during the month of May 2022 and the bulk of work has been concentrated on heavy earthworks on the access road from the main Bigben road, trenching of the sanitary way and landscaping the site. Some portions of the older concrete works also had to be demolished as their standard strength had been affected by years of neglect. It is expected that the completion of the Court Complex shall permanently solve the shortage of accommodation currently affecting Gwanda Magistrates' Court which has only three court rooms housing the Regional Court, the Provincial Criminal Court and the Civil Court which is housed together with the Human Resources Department

at the New Government Complex away from the main administrative offices, thereby affecting operations. The limited number of court rooms has a bearing on the station's case backlog as only a limited number of cases can be set for trial on a particular day. During his tour of the province on a Monitoring and Evaluation exercise in the month of June 2022, the Secretary of the Judicial Service Commission Mr. W. T Chikwana acknowledged the dire shortage of office accommodation at the station and assured staff at Gwanda Magistrates' Court that the construction project is expected to be completed within the next 18 months. He also advised that part of the contract requires the contractor to do furnishings of the offices and court rooms thus the construction of the new courthouse will bring with it the additional benefit of new furniture.



Gwanda Court Complex under construction



Matabeleland South province fared satisfactorily

By Tarisai Mafura

Matabeleland South Province's determination to be a bastion in delivering top-notch justice in line with the Judicial Service Commission (JSC) mantra of delivering world-class justice is without question, with Kezi Magistrates' court adjudged the best performing court in the province.

A delegation of JSC Heads of Departments led by the Secretary Mr. Walter Chikwana visited Matabeleland South Province in June 2022 for the monitoring and evaluation exercise.

In a monitoring and evaluation report obtained by The Miranda, Matabeleland South Province fared satisfactorily in

administering justice with all court stations in the province scoring more than 50 percent. "Overallly the Monitoring and Evaluation team found that our performance as a province was satisfactory. The best performing station was Kezi and the least was Esigodini," reads the monitoring and evaluation report.

Kezi Magistrates' court outshone all court stations in the province, it garnered 85 percent in terms of the best performing index.

"Kezi is one station that had continued to make efforts to follow up on outstanding appeals and reviews, there were not too many outstanding," further reads the report.

Plumtree and Filabusi Magistrates' Courts were following closely Kezi Magistrates' Court with 84 and 83 percent respectively. The least performing court station in the province was the Esigodini magistrates' court which earned 55 percent. The overall performance rate for the province stood at 74 percent, a feat which distinguishes the province's unwavering commitment in justice delivery.

It is however worth mentioning that Matabeleland South Province, is experiencing administrative issues for which remedial action has since been put in motion.



Interpreters' welfare and working conditions spotlighted

By Tarisai Mafura

The Court Interpreters Association of Zimbabwe (CIAZ) has expressed optimism over the improvement of its members' welfare and working conditions.

In an interview with *The Miranda* in July 2022, CIAZ President Mr. Amusa Binali said issues such as the interpreters' grade, recruitment of interpreters and general welfare of interpreters were topical in a meeting they held with the Judicial Service Commission (JSC) Secretary Mr. Walter Chikwana.

Mr. Binali stated that court interpreters were being disadvantaged by the grading

system which had serious effects on their income. Most stations across the country were short staffed of interpreters. Mr. Binali thanked the JSC Secretary Mr. Chikwana and his team for taking time off their busy schedule to meet up with the CIAZ National Executive.

The meeting was also attended by the JSC Deputy Secretary Mr. S. Msipa, JSC Head of Human Resources Mr. S. Mutendamambo and two Deputy Heads for the Human Resources Department, Mr. T. Sekeni and Mr. A. Burungudzi. Mr. Binali added that Mr. Chikwana took note of their grievances and promised to

treat their concerns as a matter of urgency.

"We extend our gratitude to the Secretary and his team for making such an important consideration. This meeting can be confidently described as a success because the Secretary noted with concern all our grievances and promised to treat them urgently," Mr. Binali said.

The CIAZ President was jubilant over the implementation of some of the issues that had been raised in the meeting.

He added, "As we speak, we have been witnessing significant change, interpreters are being recruited in Bulawayo and Nkayi courts to arrest staff shortages."

DEATH ROBS JSC OF A DEDICATED IECMS CHAMPION



The late Mr. Lovemore Gwarinda

By Kudzai Rusakaniko

The Judicial Service Commission was yet again plunged into mourning as the angel of death robbed it of a vibrant and hardworking IECMS champion. Mr. Lovemore Gwarinda, a young man who had unparalleled dedication to duty, succumbed to

severe head injuries sustained during an accident which occurred while he was commuting to his home in Glenview 3 on 1 July 2022. Mr. Gwarinda (35) was a Principal ICT Officer who was based at the Constitutional Court of Zimbabwe. The Chief Registrar, Ms. Anitah Tshuma said that Mr. Gwarinda was a very hardworking young man. "He was one of the best IECMS trainers who trained both lawyers and internal staff members," said Ms. Tshuma. The Deputy Head of IT and Records Management, Mr. Takunda Munozogara also said that Mr. Gwarinda was indeed a good person who was very efficient, result-oriented and a fast learner. "We actually feel a gap at the Constitutional Court without Mr. Gwarinda," said Mr. Munozogara.

Mr. Tayengwa Chibanda, the Training Coordinator for the Judicial Training Institute of Zimbabwe, was at a loss of words. "Mr. Gwarinda was an asset to IECMS. He conducted IECMS training passionately and diligently. He was always available and he would not complain about anything, we are poorer without him. May his soul rest in eternal peace." Mr. Gwarinda was a member who displayed both extra mile and extra role behaviours. He had excellent organisational citizenship behaviour skills. He was buried in Ngundu, Masvingo on 4 July 2022. He is survived by his wife and three (3) children.

DID YOU KNOW ?

The Chief Magistrate's Department is headed by the Chief Magistrate, the Deputy Chief Magistrate and the Principal Administrator

To know more, visit our website:
www.jsc.org.zw



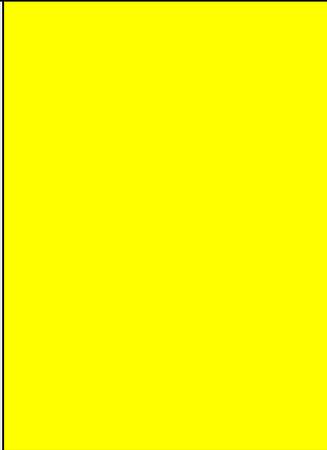




This is an ordinary CODEBREAKER crossword puzzle, with a 2-in-1 twist. Each number represents the same letter, and only that letter, throughout, AND in both crosswords! To assist you in solving, you are given clues of the words required to fill each grid. Each solution's position in that grid is another challenge for you.

GRID A

1	2	3	3	4	5	3
6			2			7
8	9	10	5	2	3	3
11			2			12
2	13	2	14	2	10	2
15			6			5
3	16	9	1	1	2	17



GRID B

	6		18		3	
4	19	20	2	21	10	3
	15		15		9	
21	6	15	17	9	22	22
	23		9		22	
3	6	5	21	23	2	24
	25		10		15	

CLUES FOR GRID A

Interpreter of scripture (7)	
Legal practitioners (7)	
What we learn! (7)	
African country (7)	
Well-trained (7)	
Set aside (7)	
One who saw (7)	

CLUES FOR GRID B

Biblical patriarch (7)	
Welsh city (7)	
Stands up against (7)	
Terrorist (7)	
(Of a penalty) More deterrent (7)	
Court's decision (7)	

SOLVER'S WORKSPACE

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



PREVIOUS PUZZLE'S SOLUTION

1	2	3	4	5	6	7	8	9	10	11	12	13
G	E	A	R	B	O	X	S	Q	U	I	Z	P
14	15	16	17	18	19	20	21	22	23	24	25	26
F	L	Y	T	M	H	W	C	K	V	N	D	J

For more of these challenging puzzles, visit the compiler's Facebook page, The Norton Times, or WhatsApp +263776367719 My Twitter handle is @mayortoo3



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 Sithokozile Mlilo *Court Interpreter Bulawayo Magistrates' Court*
 Chantal Nkhata (Muleya) *Court Interpreter Bulawayo Magistrates' Court*
 Seith Mangena *Court Interpreter Nkayi Magistrates' Court*
 Simbarashe Mutuma *Court Interpreter Masvingo Magistrates' Court*
 Rannel Nemauro *Procurement Officer Bulawayo Magistrates' Court*
 Musawandile Ndhlukula *Office Orderly Filabusi Magistrates' Court*
 Prosper Mupanga *Watchperson Filabusi Magistrates' Court*
 Justice Mpopu *Watchperson Filabusi Magistrates' Court*

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 Denver Tinotenda Muyambo *ICT Officer Mutare Magistrates Court*
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 Mary-Gold Ndlovu *Senior Magistrate Bulawayo Magistrates' Court*
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 Norma Ndlovu *Human Resources Assistant Harare High Court*
 Rachel Muzenda *Research Officer Constitutional Court*
 Eston Manyenga *Accounting Assistant Bindura Magistrates' Court*
 Pellacia Damu *Accounting Assistant Mbare Magistrates' Court*
 Onesisa Moyo *Office Orderly Nkayi Magistrates' Court*

DEATHS

Justice Kariyana *VIP Driver Harare High Court*
 Gary Mutandaware *Judges Clerk Labor Court*
 Lovemore Gwarinda *Principal ICT Officer Constitutional Court*



JSC E-FILING CENTRES LOCATION

MASHONALAND WEST

HIGH COURT | CHINHOMI MAGISTRATES' COURT | KADOMA MAGISTRATES' COURT | KADOMA CIVIL COURT | CHEGUTU MAGISTRATES' COURT | KAROI MAGISTRATES' COURT | KARIBA MAGISTRATES' COURT | MUBAIRA MAGISTRATES' COURT | BANKET CIRCUIT MAGISTRATES' COURT

MATABELELAND NORTH

HWANGE MAGISTRATES' COURT | LUPANE MAGISTRATES' COURT | VICTORIA FALLS MAGISTRATES' COURT | BINGA MAGISTRATES' COURT

BULAWAYO

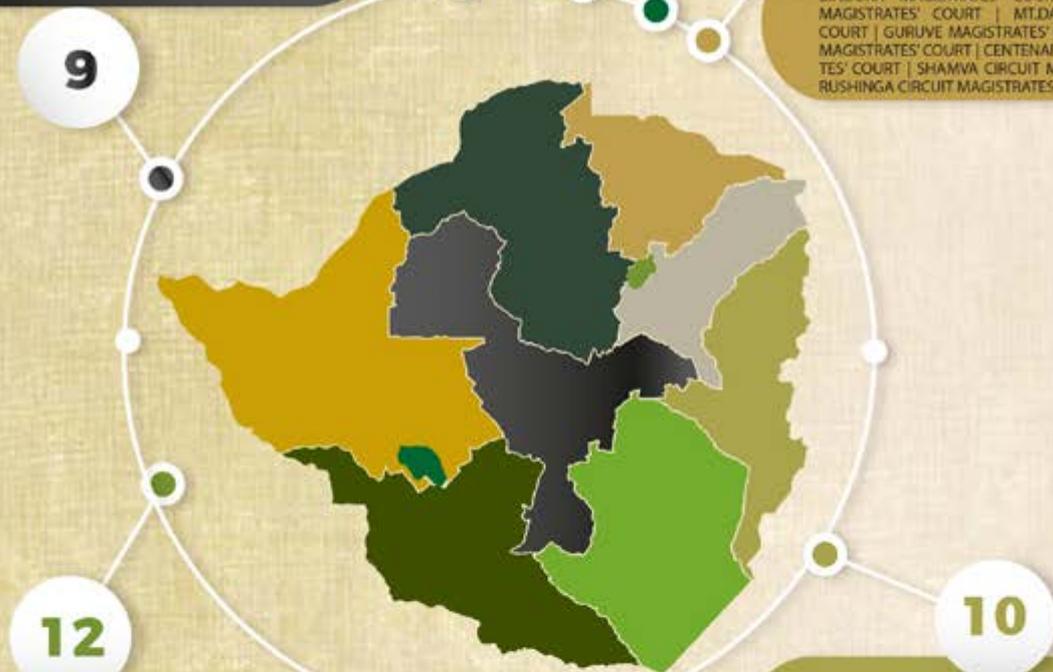
HIGH COURT | LABOUR COURT | BULAWAYO MAGISTRATES' COURT | WEST COMMONAGE MAGISTRATES' COURT | NKAYI MAGISTRATES' COURT | TSHOLOTSHO MAGISTRATES' COURT | INYATHI MAGISTRATES' COURT

MIDLANDS

LABOUR COURT | GWERU MAGISTRATES' COURT | GWERU CIVIL | KWEKWE MAGISTRATES' COURT | KWEKWE CIVIL | GOKWE MAGISTRATES' COURT | ZVISHAVANE MAGISTRATES' COURT | SHURUGWI MAGISTRATES' COURT | MBERENGWA MAGISTRATES' COURT

MASHONALAND CENTRAL

BINDURA MAGISTRATES' COURT | BINDURA CIVIL MAGISTRATES' COURT | MT.DARWIN MAGISTRATES' COURT | GURUVE MAGISTRATES' COURT | CONCESSION MAGISTRATES' COURT | CENTENARY CIRCUIT MAGISTRATES' COURT | SHAMVA CIRCUIT MAGISTRATES' COURT | RUSHINGA CIRCUIT MAGISTRATES' COURT



HARARE

CONSTITUTIONAL COURT | SUPREME COURT | ADMINISTRATIVE COURT | HIGH COURT | COMMERCIAL COURT | LABOUR COURT | HARARE MAGISTRATES' COURT | HARARE CIVIL MAGISTRATES' COURT | MBARE MAGISTRATES' COURT | CHITUNGWIZA REGIONAL MAGISTRATES' COURT | CHITUNGWIZA MAGISTRATES' COURT | BEATRICE CIRCUIT COURT | NORTON MAGISTRATES' COURT

MANICALAND

HIGH COURT | MUTARE MAGISTRATES' COURT | MUTARE CIVIL COURT | CHIPINGE REGIONAL MAGISTRATES' COURT | CHIPINGE MAGISTRATES' COURT | RUSAPE MAGISTRATES' COURT | CHIMANIMANI CIRCUIT MAGISTRATES' COURT | MUTASA MAGISTRATES' COURT | MURAMBINDA MAGISTRATES' COURT | NYANGA MAGISTRATES' COURT

MATABELELAND SOUTH

GWANDA MAGISTRATES' COURT | PLUMTREE MAGISTRATES' COURT | BEITBRIDGE MAGISTRATES' COURT | ESIGODINI MAGISTRATES' COURT | KEZI MAGISTRATES' COURT | FILABUSI MAGISTRATES' COURT

MASVINGO

HIGH COURT | MASVINGO MAGISTRATES' COURT | CHIREZI MAGISTRATES' COURT | GUTU MAGISTRATES' COURT | ZAKA MAGISTRATES' COURT | BIKITA MAGISTRATES' COURT | CHIVI MAGISTRATES' COURT | MWENEZI MAGISTRATES' COURT | TRIANGLE CIRCUIT MAGISTRATES' COURT | MASHAVA CIRCUIT MAGISTRATES' COURT

MASHONALAND EAST

MARONDERA MAGISTRATES' COURT | MUREWA REGIONAL MAGISTRATES' COURT | MUREWA MAGISTRATES' COURT | GOROMONZI MAGISTRATES' COURT | CHIVHU REGIONAL MAGISTRATES' COURT | CHIVHU MAGISTRATES' COURT | MUTAWATAWA MAGISTRATES' COURT | WEDZA MAGISTRATES' COURT | KOTWA CIRCUIT MAGISTRATES' COURT