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Miranda Team

HARARE

Ephraim Ncube (Harare Magistrates' Court)
Rufaro Marira (Labour Court)
Steven Gwatsvaira (High Court)
Anxious Mbalanga (Chitungwiza Court)
Wadzanai Mugadza (Master's Office)
Francisca Malaba (Master's Office)

BULAWAYO

Phillip Makondo (Magistrates' Court)
Nqobile Mlotshwa (Labour Court)
Musiiwa Manase (High Court)

MASVINGO

Rungano Victor Mahamadi (Magistrates' Court)

MANICALAND

Rumbidzayi Zimunya (Mutare Magistrates' Court)

MASHONALAND CENTRAL

Holder Mangumbi (Bindura Magistrates' Court)

MASHONALAND WEST

Takesure Gora (Chinhoyi Magistrates' Court)

MATABELELAND SOUTH

Servious Dube (Gwanda Magistrates' Court)

MASHONALAND EAST

Tendai Nzou (Marondera Magistrates' Court)

EDITOR'S MEMO



Reader, welcome to the third quarter edition of The Miranda for 2017, which mirrors developments within the Judicial Service Commission in its quest to ensure the smooth delivery of justice throughout the country. In this edition gentle reader, we have captured the tour of Manicaland province by the Commission's Secretary Justice Rita Makarau and her immediate intervention to the challenges facing the court stations in the province.

This edition, for the first time, carries sports issues following the recent formation of JSC's Bristols Football Club comprising staff at the Labour Court in Harare. Those with an appetite for pictures, social and interactive stories, this is your best read. Enjoy it.

D. Nematkuyi



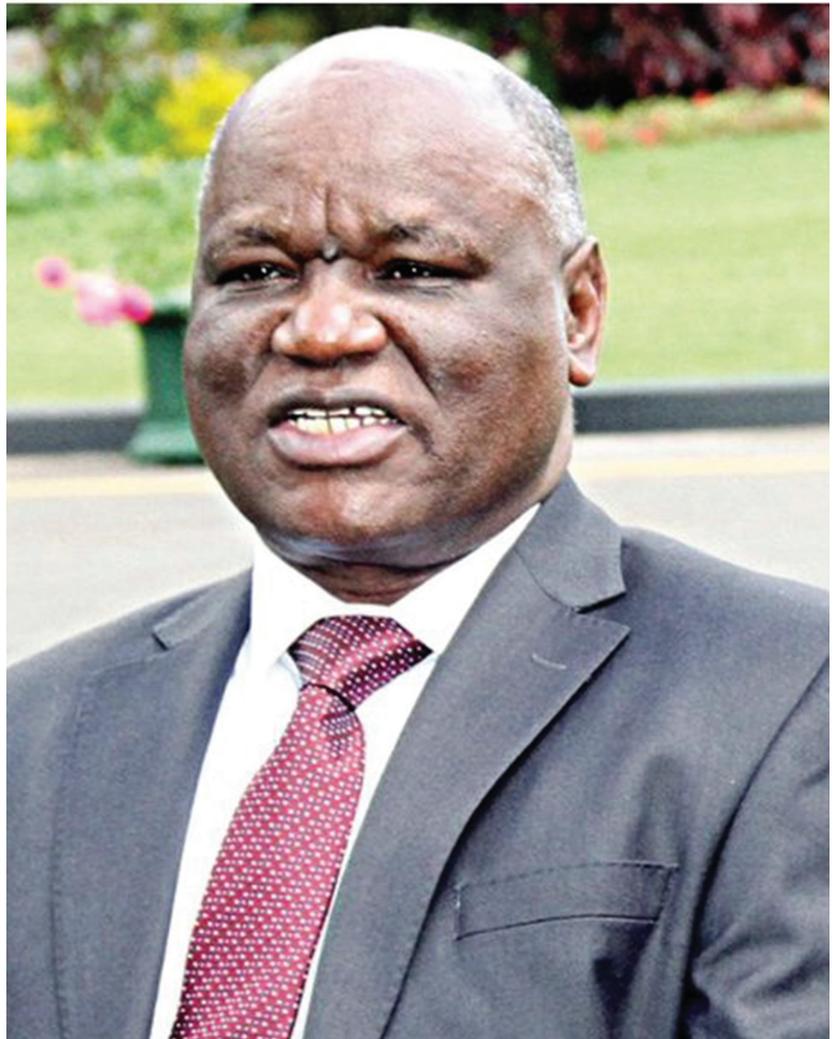
From the Secretary's Desk

Justice Rita Makarau
Secretary of the Judicial Service Commission

A hectic nine months of 2017 have come and gone. It is only three months before the curtain comes down on this year. All of us must stand very tall because we did tremendous work at our various stations in the different capacities we hold. On its part the Commission continues to take note of areas requiring improvement and strives to make your working conditions better with each passing day. The goal is to make the JSC one big happy family. The Shona proverb “chitsva chiri murutsoka” whose Ndebele equivalent is “oluzulayo luyadhobha” describes my experiences in the provinces which I have so far visited with my team. Just like I did not know before I started the visits in March 2017 that Gokwe Magistrates’ Court bore the scars of a menacing gully which threatened its existence. I also had no idea that the magnificent courthouse and beautiful witnesses’ quarters at Mutasa can easily become white elephants if we do not make better use of them. It also appears that by some stroke of happenstance, the visits bring with them some measure of luck. For instance, the visit to Midlands coincided with the reclamation of the infamous gully at Gokwe. The Manicaland visit coincided with the delivery of a significant load of furniture and other equipment to various stations in the province.

The work output at every station in Manicaland is very high and much as it is work in progress at some stations. Cleanliness of the court buildings and maintenance of their surroundings, is impressive at others. The makeover that the main courthouse at Mutare is undergoing, will leave it belying its age whilst the completion of renovations at the High Court building will cement our hegemony in the town. Although I was in the dark about how dark it is inside the three courtrooms at Chipinge when there is a power outage, my spirit was lifted at Murambinda. I had some recollection that Murambinda was beautiful but I was surprised that the place is now even cleaner and the premises are greener with the plants and flowers having blossomed since my last visit there. Well done Manicaland. You continue to do JSC proud. On another note, I am reliably informed—and there are no prizes for guessing by who—that in journalism it does not make news when a dog bites a man but it does when a man bites a dog! I have stressed before, that The Miranda is about you the JSC staffers and was never meant to be a legal forum. Terrance and Faith’ s wedding reported elsewhere in this edition reemphasises that thinking. It is such unique events and standing by your convictions which make the news.

CJ HAILS SUPERIOR COURT JUDGES



Chief Justice Malaba

MIRANDA WRITER

CHIEF Justice Luke Malaba has applauded judges of superior courts for a marked improvement in their performance and attributed this to the adoption of a hands-on supervision approach by managers. Officially opening the Judges' second term symposium in Nyanga recently, the head of Judiciary said individual judges pulled up their socks, hence the marked improvement in the superior courts' output.

"I am happy to advise that the response from all judges has been tremendous. "The Judge President of the High Court and the Senior Judge of the Labour Court made numerous visits to their stations outside Harare in line with our agreement to be more hands-on in the supervision of judges.

"There has been marked improvement

“

“Once again, I wish to applaud all judges, the JSC Secretariat and support staff for the good work done in the short space of time that I have been Chief Justice.”

”

in the output of all courts,” he said. Chief Justice Malaba also hailed the Secretariat for a job well done in supporting the courts to ensure the smooth flow of justice.

JSC Secretary Justice Rita Makarau has toured various provinces on behalf of the Chief Justice to seek to understand challenges facing the courts and to come up with solutions.

“So far, her team has visited, Midlands and Matabeleland South provinces. They have, in some instances, discovered situations which, if made public, would be an embarrassment to all of us. Where necessary, they have taken immediate steps to intervene and address the administrative issues.

“Once again, I wish to applaud all judges, the JSC Secretariat and support staff for the good work done in the short space of time that I have been Chief Justice.”

The symposium programme shows that Judges had a wide range of discussions, including health and welfare issues.

The Judges' Code of Ethics, elements of a reportable judgment, performance of judges among others were discussed at the retreat.

There was braai and lots of entertainment and as usual, with judges talking to the dance floor.

VETERAN MAGISTRATE DIZA RETIRES



Mr Diza

MIRANDA WRITER

A FOUNTAIN of knowledge and a competent judicial officer are words that aptly describe provincial magistrate Mr Never Hazviitiki Diza who left the bench this quarter after a clean 34 years of service.

Born on July 11 1952, Mr Diza was sworn in as a magistrate in 1983 and served diligently until July 31 this year when he hanged his boots.

He retired at the ripe age of 65 when he was Resident Magistrate for Norton.

The Judicial Service Commission (JSC) threw a farewell party in honour of the distinguished judicial officer's great contribution to justice delivery in the country.

At the colourful function held at the Harare Magistrates' Courts in July, JSC handed over to Mr Diza, a four-plate stove as a token of appreciation.

Members of the legal fraternity graced the occasion together with Mr Diza's friends and relatives.

Chief Magistrate Mr Mishrod Guvamombe described Mr Diza as an anchor of the judicial system.

"Mr Diza has been a force to reckon with, an anchor of the system, whose wealth of knowledge and experience I view as

irreplaceable. Today's ceremony is a true reflection and testimony of his unwavering commitment, loyalty, honesty and above all, a great deal of competence," said Mr Guvamombe.

The Chief Magistrate told the gathering that Mr Diza was a great teacher who mentored several magistrates.

"He is a solid and adequate judicial officer who has mentored many magistrates, who are also now well-known to be hardworking, dedicated and highly functional to the system," he said.

On behalf of the JSC family, Mr Guvamombe wished Mr Diza well on his retirement.

The Chief Magistrate urged younger magistrates to emulate Mr Diza, who had a clean record of service.

"Take a leaf from his benevolent profile so that we witness a vibrant competitive judicial system.

"Such is the calibre of the man we are bidding farewell to today. His talent will be greatly missed."

In his farewell remarks, Mr Diza said he joined the profession out of passion.

A WORD TO YOUNGER MAGISTRATES..."One of the things that has served me from being kicked out unceremoniously was that I had no shady deals."

"He is a solid and adequate judicial officer who has mentored many magistrates, who are also now well-known to be hardworking, dedicated and highly functional to the system,"



HARARE CIVIL COURT RESTRUCTURES



Standing from Left...Harare Civil Court Resident Magistrate Mr Ncube (Also in-charge of Children's Court and Other Applications), Mr Gwitima (Magistrate In-charge of Civil General Court), Seated from Left... Ms Yeukai Dzuda (Working with Mr Ncube in the Children's Court) and Ms Marufu who is the head of Maintenance Court. (Plc by Stephen Gwatswaira).

BY WADZANAI MUGADZA

HARARE Civil Court has been split into four major sections as part of the Judicial Service Commission (JSC)'s restructuring exercise to lighten the workload and improve the quality of justice delivery.

The civil court, despite being a district court, has proved to be bigger than provincial stations, handling an average of 50 000 cases annually.

To that end JSC, through the Chief Magistrate's Office, this quarter embarked on a restructuring process that saw the court being divided into the following sections – Civil General Court, Maintenance Court, Children's Court and All Other Applications, and the Domestic Violence/Small Claims Court.

Chief Magistrate Mr Mishrod Guvamombe said implementation of the sectional restructuring exercise commenced on September 4.

"The sectional restructuring of the Harare Civil Court is an initiative by the Chief Justice with the support of JSC Secretary Justice Rita Makarau

and myself. The idea is to achieve satisfaction of the clientele through the creation of silos or mini stations within the civil court.

"Implementation started on the 4th of September 2017 with a lot of work still underway to ensure the cases are timeously handled by the respective magistrates," said the magistrates' boss. The new development came with promotion opportunities for three magistrates who were appointed to head the new divisions.

Resident Magistrate Mr Ncube is also taking care of the Children's Court and Other Applications while Mr Farai Gwitima was appointed head of Civil General Court.

Ms Nyasha Marufu is now in-charge of Maintenance Court while Ms Nazombe, who is yet to assume her new office, will be heading the Domestic Violence/Small Claims Court.

Some clerks and interpreters were also be elevated to take charge of their departments within the four divisions of the Civil Court.

Each section, the Chief Magistrate said, was being headed by a selected magistrate, supported by selected interpreters and clerks who will be in-charge of the sections.

According to Mr Guvamombe, the Civil General section deals with summonses,

trials, evictions, default judgments and pre-trial conferences.

"This section has two magistrates, six clerks, three interpreters, an executive assistant and an office orderly," he said. The Maintenance Court, he said, comprised one magistrate, four clerks, an executive assistant and an office orderly.

The Resident Magistrate, Mr Guvamombe said, was responsible for the Children's Court and all Applications section that deals with cases of custody, guardianship, adoption and a host of other family law matters.

"This division has another magistrate working together with the Resident Magistrate, four clerks, two interpreters, an executive assistant and an office orderly," he said.

The Domestic Violence/ Small Claims section has one magistrate, four clerks, an interpreter, executive assistant and an office orderly.

The Chief Magistrate said the Domestic Violence/Small Claims section deals with critical issues of domestic violence as well as small claims with a maximum value of 1 000.

The move was also triggered by congestion, bad perception and the high workload that the magistrates had to manage.

JSC DECONGESTS HARARE CIVIL COURT

MIRANDA WRITER

AS part of measures to decongest the Harare Civil Court, the Judicial Service Commission (JSC) has, with effect from this month, moved the provincial Deceased Estates section to the office of the Master of High Court.

The Harare Civil Court, despite being a mere district court, has proved to be the busiest, handling an average of 50 000 civil cases annually.

By September 4, JSC had moved the department's files to Master's House at the corner of Herbert Chitepo Avenue and Sam Nujoma Street in the capital.

JSC Deputy Secretary Mr Walter Chikwana confirmed the development, saying it was a case of "giving unto Caesar what belongs to him" because the Master of High Court was the one responsible for deceased estates.

"Deceased Estates fall under Master's Office, but since he cannot be found all over the country, he had to delegate his powers to magistrates in the provinces to offer the service.

"Since the Civil Court premises is now overcrowded, we have decided to hand over the department in Harare to the Master's Office," said Mr Chikwana.

The old and dilapidated Civil Court buildings, which were formerly used as shelter for horses, have since been condemned as inhabitable.

However, due to accommodation challenges, they remain occupied by various departments.

Besides JSC, several other departments are housed there including the Messenger of Court, police and Zimbabwe Prison Services.



Justice Makarau and Her team assess progress at Mutare High court building

Fourth High Court comes on stream in Mutare next year

MIRANDA WRITER

ZIMBABWE'S fourth permanent High Court will officially open its doors to the public in Mutare early next year amid reports that refurbishment of the building is nearing completion.

The nation currently has three permanent High Court stations in Harare, Bulawayo and Masvingo.

Judicial Service Commission (JSC) Secretary Justice Rita Makarau and her entourage toured the High Court building during her visit to the province and established that work was 90 percent complete.

JSC Administration Manager Mr Elias Muzenda told Miranda that they expected work to be complete by end of November.

"The work is nearing completion and by end of November we hope the structure will be 100 percent complete," said Mr Muzenda.

JSC deputy secretary Mr Munamoto Mutevedzi weighed in: "Renovations

are at an advanced stage and they are coming out well. We believe the fourth High Court will start operating the beginning of the 2018 legal year."

Deployment of staff to the soon-to-open High Court station has started in earnest.

The JSC Secretariat delegation also toured Mutare Magistrates' Court which was recently repainted and refurbished.

Mr Mutevedzi said the refurbishment was in response to calls by Chief Justice Luke Malaba to spruce up the structure which was in a bad state.

"Chief Justice Malaba visited Mutare last quarter and recommended the sprucing up of the structure which had become an eyesore. When we went there this quarter, we found that the structure now had a new look.

It was nicely painted, both inside and outside and some repairs were still ongoing," said Mr Mutevedzi.



Seven candidates for PG's post

PG'S INTERVIEW: JSC REVELS IN SUCCESS

MIRANDA WRITER

A battle is won before it is fought. Preparations for public interviews to select the country's new Prosecutor-General (PG) started months before the actual date.

Through hard work, determination and unity of purpose, the Judicial Service Commission (JSC) emerged a star.

Those who attended the public interviews on August 21 at Rainbow Towers Hotel in Harare, can testify to the beauty of the venue and state of preparedness.

Jacaranda Rooms 1 and 2 were colourfully set and the programme flowed smoothly with each member of "Team JSC" playing his or her role to make the event a success.

With JSC's two Deputy Secretaries at the helm of the preparations, Mr Walter

Chikwana (on the administrative side) and Mr Munamato Mutevedzi (on the programme side), the fruits were there for everyone to see.

When it comes to preparing for an event, JSC managers put their shoulders to the wheel and pull in one direction.

Despite holding senior positions, the managers reduce themselves to the level of cleaners for the success of an event.

Registrar of the High Court Mrs Faith Mushure was responsible for decorations, with the assistance of the Commission's Audit boss Ms Cynthia Munemo, High Court Deputy Registrar Mrs Renika Dziki and others.

Mr Godfrey Unzemoyo (Deputy Registrar of the High Court) and the Research boss Mr Reginald Mutero, were running around to ensure chairs

and tables at the venue were set up to the known and approved JSC standards.

Sheriff of the High Court Mr Mcdoff Madhega did not disappoint in his role to manage security issues and parking lots at the venue.

Hats off to the organisers, the event was surely a success.

Even JSC Secretary Justice Rita Makarau, who is known as a perfectionist when it comes to events management, was quick to approve the good work on the eve of the interview date.

On August 21, seven candidates—Advocate Ray Goba, Mr Misheck Hogwe, Mr Charles Chinyama, Mr Wilson Manase, Mrs Florence Ziyambi, Mr Peter Mufunda and Ms Teclar Mapota—participated in the public interviews that spilled into the early hours of August 22.

The commission selected the three top performers and submitted their names to the Executive.

President Mugabe on September 13 appointed Adv Ray Goba as the country's new PG.

This followed the removal from office of former PG Mr Johannes Tomana after a Tribunal found him guilty of misconduct and incompetence.

UNIQUE WEDDING DAZZLES JSC STAFFERS

MIRANDA WRITER

Real marriage takes place in the heart, not in the ballroom, church or synagogue.

Wedding venues and regalia may differ, but the spirit behind does not change.

Almost daily, people exchange vows of marriage in courts, churches, public halls and even under trees with the sole purpose of solemnising their unions.

Zimbabweans have grown accustomed to weddings where the groom dons his best suit, while the bride turns up resplendent in a white gown with no hair out of place.

Interior décor service providers are hired to beautify the venue, while top notch disk jockeys will be part of the function to provide secular music among other forms of entertainment.

Food is usually served at the venue, with beer literally flowing.

But the Judicial Service Commission (JSC) was this quarter treated to a rare wedding reception.

JSC staffers thronged the African Apostolic Church's "Current Kereke" assembly in Budiriro to witness and support the wedding of their



Terrence and his sweetheart Faith during the wedding ceremony



administration assistant Mr Terrance Machemedze who married his sweetheart Faith Tatenda Matsikira.

The two are members of the apostolic church popularly known as "Vekwa Paul Mwazha" and their wedding took place on August 12.

Guests who turned up in swanky apparel were made to sit barefooted in the shade.

What could they do? When in Rome, do what the Romans do.

High-ranking officials were not spared. Interestingly, the JSC family ended up enjoying the new experience. At the end of the day, each one of them had a story to tell about the rare experience.

Terrance and his love were resplendent in dazzling white garments, while church members were wearing white garments except for friends, relatives and colleagues from work who were

not members of the sect.

Unlike other wedding ceremonies, there was no bridal team.

It was not a place for waist-wiggling and other obscene dance routines commonly witnessed at weddings.

Only songs of adoration and hymns filtered the air.

Only a best boy and a best girl participated in the process.

The day's programme started with a normal church service at 1030am, which ran until 1pm.

When the service started, Terrance was the first to walk barefooted while the best boy held a white umbrella for him.

The bride followed some seconds later in the company of the best girl.

They stood side-by-side behind the preacher throughout the service while best boy and girl provided them with umbrella shade.

The wedding process ran from 1pm to 5pm.

Members of the sect do not eat at church premises and for their wedding ceremonies, they secure side venues where food is served after the function.

A team from the JSC Secretariat led by Deputy Administration Manager Mr Obester Malezu proudly presented a four-plate gas stove plus \$500 cash as a wedding gift.



Team JSC follow wedding proceedings



Mr Mujuru



Mr Chiyambiwa

GIVE US A MORALE BOOSTER: JSC WORKERS

BY STEPHEN GWATSWAIRA

During Russia's Industrial Revolution, a gentleman called Alexey Stakhanov started working in a mine called "Tsentralnaya-Irmino" in Kadievka (Donbass).

In 1933, Stakhanov became a jackhammer operator.

In 1935, he took a local course in mining.

On 31 August 1935, it was reported that he had mined a record 102 tonnes of coal in 5 hours and 45 minutes (14 times his quota).

On 19 September, Stakhanov was reported to have set a new record by mining 227 tonnes of coal in a single shift. His example was held up in newspapers and posters as a model for others to follow, and he appeared on the cover of Time magazine in the United States.

It is with this in mind and the need to improve efficiency that workhorses in the Judicial Service Commission (JSC) deserve to be honoured.

The workers understand the rough economic patch the country is wading through, but feel that annual, quarterly or monthly recognition for top performers in various categories and departments will work wonders for the Commission.

JSC employees have appealed to management to introduce periodic "best worker awards" to honour and recognise the top performers.

An administrator at the High Court in Harare Mr Justice Mujuru believes awards motivate workers.

"The introduction of best workers' awards encourages and motivates us to work harder. Salary cannot always be the best motivator for employees. Such forms of recognition can boost the morale of employees and almost all of us will strive for excellence to the Commission's advantage," said Mr Mujuru.

Such recognition, he said, may not come with expensive or big prizes but a mere certificate of appreciation.

Mr Canaan Chiyambiwa from the Information Technology (IT) department weighed in: "The idea promotes a culture of hard work among the workers.

"Everyone strives to be the best and competition usually produces positive results for an organisation. The workers will put maximum effort to their work, which enhances productivity."

Mr Nowell Chibharo (IT) shared similar sentiments, with suggestions.

"We have different departments and we are tasked with different duties, so selecting one person countrywide as the best performer can be problematic. At least one person should be honoured in every department," he said.

2017 2RD QUARTER IN PICTURES



From right Chief Justice Luke Malaba, Attorney General Advocate Prince Machaya and Chief Magistrate Mr Mishrod Guvamombe follow proceedings during public interview to select new Prosecutor-General



Justice Makarau with Office Orderlies at Mutare Magistrates' Court



Justice Makarau tours Mutare High Court building which is undergoing renovation



Chief Justice Luke Malaba leads the procession of Judges at the opening of the Fifth Session of the Eighth Parliament in September 2017



Newly refurbished Mutare Magistrates' Court



Chief Magistrate Mr Mishrod Guvamombe flanked by Mashonaland West leadership during his one-week tour of the province



Justice Makarau, in blue costume, poses for a photo with Chipinge Magistrate Court staff



Some of Bristol's FC players

JSC SEEKS RESIDENT MAGISTRATE COURT STATUS FOR MUTASA

MIRANDA WRITER

The Judicial Service Commission (JSC) has requested Government to upgrade a Circuit Court at Mutasa, Manicaland Province, to a permanent Resident Magistrate's Court station.

This followed a week-long tour of the province's six court stations by JSC Secretary Justice Rita Makarau and her entourage this quarter.

The team visited the circuit court premises and discovered that it had all that is needed for a standalone permanent court station.

JSC Deputy Secretary Mr Munamoto Mutevedzi said Mutasa deserves higher status and the Commission had since made a recommendation to the Ministry of Justice, Legal and Affairs.

"Mutasa is Circuit Court with a difference. It has a state-of-the art courthouse. "It is one of the few courts in the country with witnesses' quarters and arguably the second cleanest premises in Manicaland."

"The Secretary noted the undesirability of the modern infrastructure at Mutasa turning into a white elephant. We have since sent a memorandum to the ministry justifying why we seek resident court status for Mutasa," said Mr Mutevedzi.

Mutasa is a Circuit Court for Nyanga Magistrates' Court.

Magistrates travel to Mutasa once a week to deal with criminal and civil cases.

If granted Resident Magistrate Court status, Mutasa will be the seventh permanent court in Manicaland.



Murambinda Magistrate Court

JUSTICE MAKARAU TOURS PAY DIVIDENDS

BY RUMBIDZAI ZIMUNYA

JSC Secretary Justice Rita Makarau's tour of Manicaland this quarter saw six stations in the province receiving office furniture and equipment as part of the Commission's drive to standardise furniture at all courts.

Magistrates' Courts in Rusape, Chipinge, Mutare (Civil and Criminal), Murambinda and

Nyanga benefited from the visits.

The Commission responded immediately to the furniture needs and delivered identical lounge suites for the offices of Resident Magistrates, photocopiers and visitors chairs.

JSC Deputy Secretary Mr Munamoto Mutevedzi, who was part of the entourage, said the intervention was part of the Commission's programme to ensure courts and offices of



magistrates were uniform. “We identified challenges facing the stations and intervened immediately. At all the court stations, we delivered lounge suites, fridges, office chairs, visitors’ chairs and photocopiers. This is part of our plan to standardise furniture issues at all stations throughout the country.

“If you walk into the office of a Resident Magistrate in Chipinge, there must not be any difference with the same office at Kezi Magistrates’ Court.

“One should just feel that he or she has entered a JSC office because of the uniformity in terms of furniture and other assets in the offices,” said Mr Mutevedzi.

Justice Makarau and her team visited Manicaland province to inspect the operations of

the commission, state of the infrastructure as well as the general performance of the staff. On the 28 August, Justice Makarau leading the delegation consisting Deputy Secretary Mr Munamoto Mutevedzi, representatives from Administration and Finance departments, visited Rusape and Nyanga magistrate courts.

Mutare Magistrates’ Court hosted the delegation on 29 August. Upon their arrival, the team toured all offices both at the Criminal and Civil divisions of the court.

After inspecting the courts, Justice Makarau had a meeting with all staff members who she encouraged to continue working together as a team to reduce the backlog of cases.

She also visited Chipinge and Murambinda courts.



Justice Makarau poses for a picture with Murambinda Crt staff



Kariba Magistrates' Court

BY ANXIOUS MBALANGA

When travelling to Kariba, there is an area called Makuti that provides a turn to the left into the road that will eventually reach the border town. It is 70km of twisting and meandering, as the road reels around steep mountains through a wildlife territory. Lions are encountered as often as we meet stray dogs in our neighbourhoods. Elephants are as common as herds of cattle in that area.

After Makuti, an eerie quietness engulfed the environment, not even a single soul did we meet. It's my first ever trip to Kariba and my discomfort is visible. Not even the Ford Ranger's impressive torque and comfort can soothe me. But they say difficult roads lead to beautiful destinations.

Kariba Magistrate's Court is that beautiful destination. It is a place which milks you dry of all superlatives you can think when describing beauty. With neatly manicured buffalo grass kept alive by the abundance of water sourced

KARIBA COURT

an epitome of beauty

from the lake, lush orchids and immaculate premises it rivals any resort lodge in that border town.

The paradise-like impression that one gets is not the full story, it is just introductory to determined deliberations and exertions which are happening inside the walls of the court at every tick of the clock.

For some time now the court has been rumoured to have maintained a zero back log on all court cases. When I was interviewing Kariba Resident Magistrate Mr Toindepi Zhou, I hesitantly slipped the

question to him.

The answer was a confident "Yes" as the magistrate proudly confirmed. The "rumour" then turned out to be a fact.

"It's true, everyone here makes concerted effort to finish the day without any workload hanging over our heads, it all boils down to teamwork," he attested as he shared credit with his staff.

Mr Zhou who is the only magistrate in the town handles both criminal and civil cases but he seems to glide over those tasks. From January this

“Kariba is the best-run and well maintained court in the province. In fact, it is arguably the best throughout Zimbabwe. You (The Miranda team) should just go there and witness the beauty. I am proud of the Resident Magistrate there and his team, . . .”

year to date a total of 1 235 cases have been heard at Kariba.

Of the 1 235 cases, 482 were criminal while 753 cases were civil disputes. To most courts around the country, having more civil cases than criminal cases presents some kind of absurdity since it is common that criminal cases always outweigh civil procedures.

But in Kariba the situation tilts differently because of the set-up of the small resort town.

Since the town has a sparse population, crimes are narrowed into just a handful of contraventions.

As a border town, smuggling of items into Zambia is rampant as smugglers try to capitalise on Kariba's proximity to the Northern neighbouring country. Also being surrounded by a game reserve gives poachers a false sense of entitlement to the wildlife thereby encroaching the Parks and Wildlife Act. Crimes

like assault and fraud are also among the few types of offences that are tried.

Because Kariba is a resort destination, the town has a keen business acumen and contractual disputes are always spilling into the courts. This makes civil procedures the mainstay of Kariba Magistrate's Court.

The appearance of the court is a scene resembling a royal courtyard. Flowers of a rare species are arranged asymmetrical to the new highly maintained state-of -the-art building.

Mr Zhou explained how beautifying the court was no mean feat as he often times had to engage his diplomatic gear to court other organisations. "The gate area was terrible. There was a deep crater and we got thirty truckloads of rubble from Sino Hydro while Zambezi River Authority provided

a compactor to level the rubble. Zimbabwe Power Company (ZPC) Kariba have also weighed in several times, providing manpower and equipment for this look we finally have," he said.

Befittingly, when Chief Magistrate Mishrod Guvamombe toured Kariba during his weeklong visit to Mashonaland West province, he was full of praises for Mr Zhou and his staff.

"Kariba is the best-run and well maintained court in the province. In fact, it is arguably the best throughout Zimbabwe.

"You (The Miranda team) should just go there and witness the beauty. I am proud of the Resident Magistrate there and his team," said Mr Guvamombe after his tour.

That consequently puts Kariba Magistrate's Court on the map as one of the best run courts in the country.



Kariba Magistrates' Court staff



SMALL CLAIMS COURTS: MAKING JUSTICE ACCESSIBLE?

BY NYASHA LEE VITORINI

The Judicial Service Commission has four founding principles;

- **accessible justice for all**
- **competent judicial service**
- **high quality service to the public**
- **performance culture**

Literary criticism argues that words do not just appear but betray the priorities of the writer. It is therefore no coincidence that the campus paragraph of the JSC opens with a highly loaded qualifying word: accessible. A survey of the various reviews of Zimbabwe's justice delivery system will show a chorus bemoaning a plethora of barriers to justice, chief among them physical distances to the court houses, cost of litigation, legal representation and knowledge of the law.

On 23 June 2017 the Judicial Laws Amendment (Ease of settling commercial and other disputes) Act, 2017 came into force. This Act, among other things, amended the Small Claims Court Act Cap 7:12 in the spirit of making justice accessible without negating the contemporary constitutional protections. It is pertinent to point out that a small claims court has jurisdiction to hear liquid claims, suits for delivery of movable property and actions for ejection where the right of occupation and or property does not exceed \$1000(section 11 of the small claims court)

Every magistrate's court is now a small claims court within its area of jurisdiction (section 3(1) (a) as amended). Prior to June 23 2017 the small claims court was found in Harare and Bulawayo only. This

position appears to have been a forgotten pilot project. Otherwise how could any policy justify the confinement of such an accessible judicial forum to the two largest urban centres in a country where 67% of the population (according to the official 2012 census report) reside in rural areas? Currently every district has a magistrates' court (the majority are resident courts while a few are circuit courts. It therefore means every district now has a small claims court.

A small claim court formally encourages out of court settlements by providing that the plaintiff shall first deliver a letter of demand to the defendant. The latest amendment reduces the time within which the defendant should satisfy the claim from 14 to 7 days. This improvement further qualifies access to justice in the context of expeditious resolution of disputes. Out of court settlements ameliorate the financial cost of litigation.

The financial bottleneck is also addressed by, arguably, nominal charge of \$2 for issuing summons and providing for the plaintiff to serve the summons personally. Given that the

The small claim court has now, literally made justice accessible to all juristic persons included. Previously juristic persons could not sue in the small claims court. It is now common that the economy has opened up to numerous players. Even where major companies intend to recover 'small' amounts this judicial forum becomes handy.

larger percentage of the beneficiaries of the small claim court are rural based or the low income section of the population ,perhaps there is a need to further reduce the charges for summons to an amount below \$1.

Allowing an interested party to serve a summons is not without challenges. The system is open to abuse by unscrupulous plaintiffs who may lie that they have served the summons. Perhaps the use of the police or creating a parallel messenger of court tariff for the small claims court could be an answer. Otherwise unsuspecting defendants will have default judgements unjustifiably entered against them.

Another creative step in managing financial barriers to justice is the 'rewriting' of section 6; while lawyers now have a right of appearance in the small claims court, the legal

practitioner may not recover costs exceeding those prescribed by a tariff made in terms of the rules as provided for under section 31. (Experience shows that the attorney client costs recoverable where the matter is instituted in the magistrates' court have always been higher than those prescribed by the rules in terms of section 31 of the small claims court hence my use of the costs in terms of section 31 as costs meant in section 6(a)).

Before June 2017 lawyers had no right of appearance in the small claims court. Besides this position being untenable in view of the constitutional right to legal representation, it rendered the small claim court a primitive court in which the presiding officer's decision was 'demified'. Such a scenario rendered the small claim court a huge potential barrier to justice since the decision of the small claim court which may be wrong cannot be appealed against. While the small claims court provides for a review, it is beyond dispute that the review procedure is restrictive than the appeal procedure. With lawyers in the picture there is, potentially, an internal system of checks and balances within the adjudication process itself. There is an urgent need however for all court officials, legal practitioners in particular, to appreciate that the procedural informality of the small claims court should be retained even where a party has legal representation. Otherwise the legal practitioner will end up as the Trojan horse in the small claims court. It is hoped that the system will not end up clogged with reviews filed for the sake of it.

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The role of the presiding officer in the small claims court is an interesting one. The question of execution of judgements of this special court raises even more intriguing questions; does a judgement creditor whose judgement has not been satisfied have the choice to execute or apply for contempt of court. Are judgements of the small claims court exempted from the established principles of executing judgements ad pecuniam solvendam and judgements ad factum praestandum? I'm just thinking out loud.....perhaps these are issues for another day.



Bristols FC

BRISTOLS FC AFFORDS WORKERS CHANCE TO UNWIND

BY RUFARO MARIRA AND
STEPHEN GWATSWAIRA

STAFF at the Labour Court in Harare have formed a social soccer team to socialise, exercise and unwind from their demanding work schedules.

Named after Bristols Building which houses the Labour Court in Harare, Bristols FC has success



“As we moved on, we also discovered that sporting also provided a platform for professional networking. It also keeps us healthy and physically fit to be able to continue energetically serving the nation. The response has been overwhelming and the employees are so excited. We have also been joined by our colleagues from other court stations,”

stories to talk about.

The soccer outfit plays teams in the legal fraternity and other social clubs.

Bristols FC treasurer Mr Kudzai Mutonono said the team was a brainchild of workers who contributed towards the purchase of uniforms.

“While we still hope to get support from our employer, we have so far contributed money towards the purchase of our blue uniform, boots and soccer balls. Each member contributes \$10 monthly towards transport and playground booking fees.”

Every weekend, Bristols will be playing matches across the length and breadth of the city.

The team plays other soccer outfits in the legal field like Sui Generis, Legal Lions and some legal clerks from various law firms.

Bristols’ organising secretary

Mathias Zvidzai said the team engaged relevant authorities who allowed them to use Haig Park grounds as their home ground.

“We have since been granted permission to use Haig Park grounds for our sporting activities and for now, we regard it as our home ground. As male workers based at the Labour Court, we mooted the idea after realising the need to socialise and refresh away from the work environment.

“As we moved on, we also discovered that sporting also provided a platform for professional networking. It also keeps us healthy and physically fit to be able to continue energetically serving the nation.

“The response has been overwhelming and the employees are so excited. We have also been joined by our colleagues from other court stations,” he said.

Studies have suggested that the experience of playing team sports may correlate with professional success in some fields. Given physical, mental, and social values of playing team sports, this link is hardly surprising.

The exercise itself can improve concentration level, memory and general performance at work. One has to remain sharp when playing sport, especially team sports, as he or she not want to let down team.

Sport, is an exercise routine that is great for the body.

For those trying to shed weight and improve fitness, joining an office sports team is the perfect choice.

Whether one is new or has been at the company for some time, an office sports team can be a great way of getting to know colleagues.



LEGAL CODEBREAKER 5

SET BY MAYOR 0776367719

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

CLUES

Find not guilty(6)	
Embrace(3)	
Legal practitioner(8)	
Christian denomination(8)	
The.....(UK prosecution)(5)	
Blend(3)	
Panel of judges(4)	
Wide (angle)(6)	
A frivolous case lacks this(5)	
Jump(4)	
Convict's punishment(8)	
Mineral(3)	
Out-of-court.....(agreement)(10)	
Bible book(5)	
The.....(Zimbabwean prosecution)(5)	
Number(3)	
Without legal permission(10)	
Criminal act(8)	

WORKING SPACE

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

SOLUTIONS FOR PREVIOUS ISSUE

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