

Contents

2. From the Secretary's desk
3. CJ swears in President
4. Concourt in historic sitting
6. Baboon menace to give court new look
7. 57 new Magistrates sworn in
9. Chikwana meets Bulawayo province
10. JSC wins battle against termites
11. New courts for Lupane, Mt Darwin
12. 2018 3rd quarter in pictures
14. JSC makes administrative appointments
15. Be good stewards, top magistrates told
16. Bulawayo High Court expansion complete
17. Its back to roots for Chief Magistrate
18. JSC snaps up two city buildings
19. Death robs Concourt of hard worker
19. Horror as sheriff is found dead
20. Orderly's passion, dedication beautify court
21. Research Unit a double edged sword
22. Bulawayo now a standalone province
23. Bashed former additional sheriff awarded \$4 500 damages
23. Helping courts beat internet blues
24. Entertainment corner

Miranda Team

HARARE

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

BULAWAYO

Sheriffah Ndlovu (Magistrates Court)
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)

EDITOR'S MEMO



Welcome to this penultimate issue of Miranda for the year 2018 pregnant with stories of developments in the Judicial Service Commission (JSC).

In this issue we bring you hot news of untiring efforts by JSC to smoothen justice delivery by ensuring courts are well-maintained and discharge their constitutional mandate in a friendly atmosphere. At the Binga Magistrates Court, an innovative office orderly has gone the extra mile to create a well-manicured garden that equates the court's grounds to the beautiful Botanical Gardens. Worth commendation is the fact that the orderly uses discarded Chibuku Super opaque beer containers with uncontested artistry to beautify the courts.

This comes as the Bulawayo High Court station has undergone massive refurbishment which gives the court a modern look with six well-equipped courtrooms. Chief Justice Luke Malaba is scheduled to officially open the court on October 5, 2018.

Accommodation woes will soon be a thing of the past for Mt Darwin and Lupane stations where conducive working environments are being created for staff.

Gentle reader, JSC has this quarter acquired two buildings in Harare to accommodate the Labour Court and the Commercial Court of Zimbabwe.

Aside from news on these infrastructural developments, new magistrates have also been sworn in to ease the backlog of cases countrywide.

On a sad note, JSC lost a dedicated and hardworking employee, Malvern "Maluvhe" Shayamano, who was knocked down by a vehicle along Simon Mazorodze Road in Harare recently.

Shayamano, who was an office orderly based at the Constitutional Court (Concourt) died on August 18 this year. May his dear soul rest in eternal peace. A sheriff of the High Court was regrettably found dead in as yet unclear circumstances in Epworth. May his soul rest in peace.

Email: dnemukuyu@gmail.com
Cell: 0772 886 976 / 0712 832 893



From the Secretary's Desk

Mr Walter Chikwana

Secretary of the Judicial Service Commission

As we urge closer to the last quarter of 2018, it is time to take stock of the journey we have walked so far.

As you have noted in the past editions of **The Miranda** this year and also in this edition, a number of projects have been completed while a couple others are ongoing. Making our infrastructure more comfortable, ambient and user-friendly for both our valued clients and our treasured personnel, remains our pride.

Going into the final quarter of 2018, one of my top priorities is to relentlessly push these projects to completion.

However, as we drive these projects, I believe the secret to success lies in a capacitated workforce. Resultantly, the training of staff is also a goal which we will continue to pursue in

the forthcoming quarter.

As I reflect on the quarter just gone by, a big dent was the loss of two members of Team JSC, Mr Shayamano and Mr Karasa, an office orderly and additional Sheriff respectively who passed on in tragic circumstances. Losing them in quick succession was a bitter pill to swallow. May their dear souls rest in eternal peace and my thoughts go to their families at this difficult time. In their honour, we will continue to chase the JSC vision.

As the curtain comes down on 2018, this is the time to consolidate the gains we have made. I believe we have in each one of us the zeal and stamina to do this to a level that future JSC generations will say of this time, "This was our finest hour!"



President Mnangagwa takes oath of Office before Chief Justice Malaba in Harare recently

CHIEF JUSTICE SWEARS IN PRESIDENT

MIRANDA WRITER

CHIEF Justice Luke Malaba has, for the second time, presided over the inauguration of President Emmerson Mnangagwa.

Thousands of Zimbabweans packed the giant National Sports Stadium to witness the swearing in of the country's second executive leader, who has since pledged to take Zimbabwe into a new political and economic trajectory where economic revival is a priority.

President Mnangagwa first ascended to the helm of the country when former President Robert Mugabe resigned in November last year and with elections due this year, Cde Mnangagwa went for constitutionalism by calling for polls.

The President opened up the electoral process by inviting international observers to the polls for the first time in the country since 2000.

And after the 30 July elections, Cde Mnangagwa prevailed, with most observer missions declaring the process free and fair.

However, MDC-Alliance leader, Nelson Chamisa challenged the elections but his petition was thrown out by the Constitutional Court, paving way for President Mnangagwa's inauguration.

Taking his oath of office at the National Sports Stadium before Chief Justice Luke Malaba, President Mnangagwa swore to "be faithful to Zimbabwe, obey, uphold and defend the constitution and all other laws of Zimbabwe . . . that I will protect and promote the rights of the people of

Zimbabwe."

Witnessing the historic event were several regional leaders including Rwandan leader and AU Chairperson Paul Kagame, South Africa's Cyril Ramaphosa, Botswana's Mokgweetsi Mosisi, Zambia's Edgar Lungu, Lesotho Prime Minister Thomas Thabane, DRC's Joseph Kabila and former Tanzanian President Jakaya Kikwete.

President Mnangagwa emerged victorious in a race pitting 22 other presidential aspirants.

He won the election with 50,7 percent against Mr Nelson Chamisa of MDC-Alliance who got 44 percent of the total vote.

After the election, a presidential petition was filed at the Constitutional Court, occasioning a delay in the swearing in of the new head of State.



Scenes outside Concourt building during the Presidential petition hearing

CONCOURT IN HISTORIC SITTING

MIRANDA WRITER

BIG white tents were pitched outside the Constitutional Court (Concourt) at Mashonganyika Building in Harare.

Vickstrom, a media firm that provides public address system, video filming and photographic services at Judicial Service Commission (JSC) functions, camped at the court premises. Inside these tents, television sets were installed to ensure live streaming

of proceedings in the 50-seater courtroom.

Samora Machel Avenue was partly closed as is the case on the official opening of the legal year.

Those who rushed to conclude that the preparations were for the opening of a new legal year or swearing-in of new judges, needed a second guess.

The preparations went a gear up with the unusual accreditation of journalists from the mainstream media and other important stakeholders to occupy seats in the courtroom.

Observers for the July 30 harmonised

elections who were still in the country, were among the top 50 who were selected to follow proceedings from the public gallery in the small courtroom.

The preparations turned out to be for a historic Concourt sitting which had the onerous task of hearing and determining a presidential election petition.

MDC-Alliance leader Mr Nelson Chamisa, who lost the presidential race to President Emmerson Mnangagwa of Zanu-PF, was contesting the validity of the election process and the result.

He alleged rigging in favour of the latter.

For the first time in the history of Zimbabwe, the apex court had an opportunity to hear such an important election challenge.

In 2013, an attempt was made by the now late MDC-T leader Mr Morgan Tsvangirai to bring up such a challenge after losing the poll to former Zimbabwean President Cde Robert Mugabe, but he chickened out before the hearing date.

As if that was not enough, the Judicial Service Commission (JSC) allowed the Zimbabwe Broadcasting Corporation (ZBC) to do live coverage of the proceedings to afford millions of interested people to view the court proceedings from the comfort of their homes.

ZBC, having been granted the right to broadcast, sold content to international media houses to allow other interested people in foreign lands access to the crucial proceedings. About 500 other people were accredited to cover the proceedings from the big white tent in the Concourt car park.

The Concourt heard the matter on August 22 and reserved judgment around 6:30pm.

Two days later, the apex court ruled against Mr Chamisa and declared President Mnangagwa winner for the July 30 presidential election.

Chief Justice Luke Malaba set for the

case together with eight other judges. The other eight judges who made history are: Justices Elizabeth Gwaunza (Deputy Chief Justice), Paddington Garwe, Rita Makarau, Ben Hlatshwayo, Bharat Patel, Tendai Uchena, Chinembiri Bhunu and Lavender Makoni.



Above and Below: Journalists at work



BABOON MENACE TO GIVE COURT NEW LOOK

MIRANDA WRITER

HWANGE Magistrates' Court will soon be spotting a new look after the completion of renovations to its roof which was damaged by baboons.

Baboons patrolled the court premises, disrupting court sessions and damaging the building's roof.

The primates pose danger to litigants and court staff in dry seasons when food will be scarce. They will be hunting for scorpions, lizards, insects and anything they can lay their hands on in bins.

Horror begins when their prey hide in crevices of tiles, which prompts the baboons to pull off the tiles, damaging the roof.

The building is under tiles, but the Judicial Service Commission, with advice from experts in the Public Works department, has decided to put Chromadek steel sheets on the structure.

The roofing sheets are strong and resistant to termite infestations and attacks by baboons.

JSC administration manager Mr Elias Muzenda told Miranda that funding had already been secured to refurbish the structure.

He said JSC's target was to put up a new roof before the rainy season this year.

"We have secured funding for the Hwange project. A technical team from the Public Works Department assessed the situation at Hwange and prepared a report.

"The report among other, issues, highlighted serious infestation of termites, which has affected the structural integrity of the roof.

"Engineers recommended



Mr Muzenda

"We have secured funding for the Hwange project. A technical team from the Public Works Department assessed the situation at Hwange and prepared a report. The report among other, issues, highlighted serious infestation of termites, which has affected the structural integrity of the roof.

replacement of the whole roof. Processes are underway to ensure replacement of the roof before the rainy season," Mr Muzenda said.

Hwange Court recently appealed to the Judicial Service Commission (JSC) to buy the court, a pellet gun to scare the primates away.

It was also proposed that strands of razor wire or barbed wire be placed atop the security fence to keep the baboons at bay.

Staff at Hwange also proposed cutting down of nearby tall trees as a way of preventing baboons from entering the court premises.

The baboons, according to the staff at Hwange, become aggressive during the dry seasons when food is scarce.

"When food is scarce, baboons pose a serious threat to the people. They forcibly take away food from children and women, at times injuring them in the process," he said.

57 NEW MAGISTRATES SWORN IN

MIRANDA WRITER

FIFTY-SEVEN new magistrates recently took the judicial oath before Chief Magistrate Mr Mishrod Guvamombe and were deployed to various court stations countrywide under an ongoing drive to ease staff shortages on the bench.

The 57 were sifted from hundreds of job-seekers in highly-contested selection interviews conducted by the Judicial Service Commission (JSC) midyear.

After the interviews, successful candidates underwent an intensive induction by the Judicial College of Zimbabwe.

At the end of the induction, the team wrote a competency and suitability test before the September 24 mass

Previously, magistrates were sworn in without a standard induction, but Chief Justice Luke Malaba's leadership now focuses on enhancing the quality of justice delivery.

swearing-in ceremony at the Harare Magistrates' Courts.

The historic swearing-in ceremony

saw the new magistrates taking oath in batches because the 57 could not fit in the courtroom.

After the swearing-in ceremony, the new magistrates took a week's break before assuming duty on October 1.

Previously, magistrates were sworn in without a standard induction, but Chief Justice Luke Malaba's leadership now focuses on enhancing the quality of justice delivery.

The Chief Justice introduced a mandatory seven-week rigorous training course to be undertaken by all new magistrates before they take judicial oaths, in his quest to improve the quality of justice. In the past, the JSC would recruit magistrates straight from university and attach them to individual senior judicial officers for some time before being weaned.

Addressing the new magistrates



JSC leadership (seated) pose for a group photo with newly appointed magistrates at Rotten Row building in Harare



Part of the 57 new Magistrates taking the judicial oath.

“A judicial officer must be a person whose integrity is beyond reproach. The restrictions imposed by the profession of a judicial officer demand that you forego some of the luxuries and activities that you may have previously considered harmless to your reputations, . . .”

at the launch of the induction programme, the Chief Justice said the old system left JSC with half-baked magistrates who compromised on the quality of justice dispensed at courts.

The induction programme, which was run by Judicial College of Zimbabwe principal Mr Rex Shana, included courses like the civil and criminal procedure, maintenance inquiries, assessment of evidence and judgment writing.

It equips magistrates with the practical skills of presiding over cases.

Chief Justice Malaba called for judicial integrity.

“A judicial officer must be a person whose integrity is beyond reproach. The restrictions imposed by the

profession of a judicial officer demand that you forego some of the luxuries and activities that you may have previously considered harmless to your reputations,” he said.

The Chief Justice, who is a passionate trainer, also took the new magistrates for judicial integrity lessons, while Mr Shana took care of other areas of training.

Selected judges of the Supreme Court and the High Court were among the trainers, who included selected seasoned legal practitioners and administrators.

The Judiciary boss said universities simply offered academic training for legal practitioners, while the in-house training offered practical training for professional magistrates.



The high table during the Bulawayo luncheon

CHIKWANA MEETS BULAWAYO PROVINCE

BY SHERIFFAH NDLOVU

Acting Secretary for the Judicial Service Commission (JSC) Mr Walter Chikwana this quarter visited Bulawayo Province where he interacted with staff at the High Court, Labour Court, magistrates' courts, Master of the High Court and the Sheriff's department.

The visit was part of the Secretariat's countrywide tour of court stations to assess the state of court buildings, human resources, furniture and to hear the staff's concerns and views.

This quarter, Mr Chikwana accompanied by his deputy Mr Munamoto Mutevedzi, human resources manager Mr Million Chingombe, administration and procurement officers, toured Bulawayo and Matabeleland North provinces.

After visiting all stations in the province, the team met Bulawayo staff and they exchanged notes over lunch.

On the day in question, staff members in Bulawayo trickled into yard of the High Court to meet Mr Chikwana and his team.

Officers sat comfortably on glassy chairs, patiently awaiting the arrival of the Acting Secretary.

It was a true Cinderella folklore, where a prince was set to return a lost glass slipper to the princess.

In moments of awe, the energetic and bubbly figure graced the airy arena and duly welcomed with a standing salutation from his subordinates.

He humbly invited everyone to join him to a delicacy of a finger lunch.

This indeed was one of those days which bring the spirit of Bob Marley to life as we became one.

All the tributaries of JSC functioned

under one coarse regardless of tribe ,creed or designation.

Addressing the gathering, Mr Chikwana called for unity and cooperation among the departments of the JSC.

Mr Chikwana said the Commission was lobbying to improve the working conditions of its workers.

"JSC aims at improving the working conditions of each and every member by making sure that conducive working atmosphere prevails.

"We are working round-the-clock to ensure the working environment is conducive," he said.

Mr Chikwana asked to meet those who had grievances after the luncheon.

Representatives from various departments remained in the meeting room while others went back to their workstations.

"Few representatives from various departments then had a moment with Mr Chikwana. All grievances were heard and questions were answered," an impeccable source said.

Among the burning issues was the need to professionalise the court interpreters and introduction of paralegal training for clerical staff.



Bulawayo staff listening to the Acting Secretary.





Tsholotsho court staff

JSC WINS BATTLE AGAINST TERMITES

MIRANDA WRITER

THE Judicial Service Commission (JSC) has swept to the rescue of Tsholotsho Magistrates Court which was fighting what seemed to be a losing battle against termites.

The court building was built on an anthill resulting in perennial attacks to its roof by termites.

Roof trusses, ceiling boards and the structure's walls were almost giving in to relentless attacks by the termites.

Staff were doing their best to keep the situation under control, but their best was not enough. JSC chipped in and brought a permanent solution to the problem.

A visit to the station by the JSC secretariat in August this year was providential.

JSC hired experts to end the termite problem.

In an interview, Tsholotsho resident magistrate Mr Victor Mpofu said: "Within three days of the secretariat's visit in August, a renowned pest control company came here and fumigated the building and its surroundings. Since

then, we have never experienced any problems with termites again.

"The company still comes here to monitor the situation time and again and if need arises, they can still fumigate again. We are happy the situation is now under control," said Mr Mpofu.

JSC recently replaced the roof at Tsholotsho Court.

"Our roof was also recently repaired. New trusses were put and the ceiling board were replaced," said Mr Mpofu.

Meanwhile, JSC has noted the need to erect a security fence at the court

premises to protect it from animals and intruders.

Mr Mpofu said donkeys and goats were a menace at the court and there was need for a precast wall around the court premises.

"We have a challenge with livestock whirling around the court yard. Goats lean against the wall while donkeys chase down each other around the yard.

"This does not keep the premises tidy. It also poses danger to the windowpanes.

The animals also graze all the greens at the court premises," he said.



Tsholotsho resident Magistrate Mr Mpofu



Hwange court staff posing for a photo with the JSC Secretariat

NEW COURTS FOR LUPANE, MT DARWIN

MIRANDA WRITER

CHIEF Justice Luke Malaba has approved the construction of new courthouses in Mt Darwin and Lupane, in a move expected to ease accommodation challenges at the two stations.

Accommodation woes at these stations were discovered during provincial visits by the Judicial Service Commission (JSC) secretariat to assess the state of the court buildings, furniture and human resources.

JSC Acting Secretary Mr Walter Chikwana, one of his deputies Mr Munamoto Mutevedzi, human resources manager Mr Million Chingombe, administration manager Mr Obester Malezo among other officers toured Matabeleland North this quarter and noted accommodation crisis at Lupane Court.

Lupane Court currently operates from the district administrator's complex

together with other Government departments.

The secretariat team reported the situation to the Chief Justice, who immediately directed commencement of construction work.

At Mt Darwin Court, staff are working in a bedraggled building whose ceiling is sagging and have to make do with sharing offices.

Magistrates preside over some of the cases from their chambers due to the shortage of courtrooms.

In an interview, Mr Chikwana said pre-commencement work was already underway at the two stations.

"Engineers are already on the ground for the construction of the two court buildings. Pre-commencement work has already started and our target is to complete the structures at the earliest possible time.

"This followed a directive by the Chief Justice after he learnt of the deplorable accommodation challenges at Lupane and Mt Darwin," said Mr Chikwana.

At Mt Darwin, the acute shortage of space has resulted in interpreters and the clerk of court sharing a small room where civil records are kept.

The community service officer and clerks share another room in which criminal records are kept.

The same criminal registry office is also used as a storeroom for hoes, axes and other garden tools.

Exhibits are also kept in the same room.

The accountant and receptionist at the court station, share the same office.

The court has no waiting area for witnesses. During the rainy season, witnesses huddle in the bedraggled courtroom for shelter.

Males and females share one toilet, which is also used by litigants, court staff and lawyers.

Meanwhile, construction of the massive court structure that had been dormant for over 10 years in Chinhoyi, resumed this quarter with the JSC targeting roof the building by yearend.

2018 3RD QUARTER IN PICTURES







Mr Maturure
Provincial Magistrate Mash East



Mr Philemon
Provincial Magistrate Mat North



Ms Maphosa
Provincial Magistrate Midlands



Mr Chibanda
Provincial Magistrate Mash West

JSC MAKES ADMINISTRATIVE APPOINTMENTS

MIRANDA WRITER

FOUR new provincial heads and six resident magistrates have been appointed following a rigorous selection process.

The 12 magistrates, selected from different provinces across Zimbabwe, were promoted on July 1 before being deployed to various stations.

Mr Tayengwa Chibanda is the new provincial head for Mashonaland West Province. Prior to his elevation, Mr Chibanda was resident magistrate for Mvuma Magistrate Court.

Mr Livard Philemon is now provincial magistrate in-charge of Matabeleland North Province. He was previously at Kwekwe Magistrates Court.

Midlands Province, which was under the leadership of Mrs Phathekile Msipa, got another female leader. Ms Charity Maphosa, who was at Chegutu Magistrates Court, is the new provincial head for Midlands.

Mr Christopher Maturure, who was at Gokwe Magistrates Court was promoted to provincial magistrate in-charge of Mashonaland East Province.

Miss Ruth Moyo, who was at Bindura Magistrates Court is now resident magistrate for Concession Magistrates Court. Concession is a newly gazetted resident court and Ms Moyo becomes the pioneer resident magistrate for the station.

Mr Musaiona Shortgame, who was stationed at Gweru Magistrates Court, is now the man in charge of Gokwe Magistrates Court.

Ms Sharon Rosemani is the new station head at Plumtree Magistrates Court. Prior to this, she was at Bulawayo Magistrates Court.

Chegutu Magistrates Court is now under the leadership of Ms Judith Taruvinga. Ms Taruvinga was at Gweru Magistrates Court.

Ms Annia Ndiraya, who was at Harare Magistrates Court, is now in-charge of Nyanga Magistrates Court. Mr Takawira Mugabe, who was based at Masvingo Magistrates Court, is now the new head of Chivi Magistrates Court in the same province.

Appointments of this nature, in terms of the new dispensation, are now being made after interviews and only the best will land the posts.



Miss Moyo
Resident Magistrate Concession



Ms Taruvinga
Resident Magistrate Chegutu



Mr Mugabe
Resident Magistrate Chivi

BY STEVEN GWATSWAIRA

NEWLY - APPOINTED regional magistrates, provincial heads and resident magistrates this quarter attended an induction programme to equip them for the dual function of being effective judicial officers and administrators.

The Judicial Service Commission (JSC) this year appointed 10 new regional magistrates, four provincial heads and six resident magistrates.

The judicial officers landed the management posts after emerging tops in rigorous selection interviews conducted by the Commission mid this year.

Officially opening the induction course, Chief Justice Luke Malaba urged the judicial officers to lead by example.

"You must now lead exemplary lives and be role models to your subordinates. This entails shunning corruption, being punctual at work,

BE GOOD STEWARDS, TOP MAGISTRATES TOLD

resisting the temptation to visit shady places and avoiding familiarisation with dubious characters.

"Let me say, like Caesar's wife, your characters must be beyond reproach," said the Chief Justice.

The Judiciary boss urged the new leaders to take their responsibilities seriously and to be good stewards.

"The organisation depends on all of you as good stewards of its work in the divisions, provinces, and stations that you have been posted to.

"Do not forget that despite being administrators, you remain judicial officers. Your administrative duties must be carefully balanced with your judicial work," he said.

Deputy Secretary (Court Services)

Mr Munamoto Mutevedzi presented a paper on the leadership role of regional magistrates, provincial magistrates and resident magistrates. He outlined the management duties of the judicial officers and spoke on how to become an effective leader.

Deputy Secretary (Support Services) Mr Sithembinkosi Msipa presented a document on the operations of the JSC.

Mr Msipa spoke about all the departments in the JSC, their functions and how they operate.

He also touched on the commission's strategic plan that runs from 2016 to 2020, adding that the vision can only be achieved through teamwork and dedication to duty.



Newly promoted magistrates attending an induction training workshop in Harare recently



Bulawayo High Court building

MIRANDA WRITER

THE refurbishment of the Bulawayo High Court is complete, with Chief Justice Luke Malaba expected to commission three newly-constructed courtrooms on October 5 this year.

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

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

JSC Deputy Secretary Mr Sithembinkosi Msipa said the project sought to ease accommodation challenges at the High Court station.

Mr Msipa said all was now set for the commissioning of the project.

“The construction work is now complete and the three courtrooms are now ready for use. Four judges based at the Bulawayo High Court were sharing the three available courtrooms, a development that negatively impacted on the efficiency of the court.

“Now that we have six courtrooms at

BULAWAYO HIGH COURT EXPANSION PROJECT COMPLETE

... 3 new courtrooms constructed

... CJ to commission project early October

Bulawayo High Court, each judge now has a courtroom and the practice of taking turns to preside over cases will soon be a thing of the past. The Chief Justice is expected to commission the project on October 5 this year,” said Mr Msipa.

Furniture has since been bought and delivered.

Deputy Chief Justice Elizabeth Gwaunza, in January this year, set the tone for the expansion of the Bulawayo

High Court in her speech during the opening of the 2018 Legal Year.

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

After the speech, JSC embarked on the expansion project that was successfully completed by early September 2018.



Above and Below: JSC senior management tour Rotten Row building

BY EPHRAIM NCUBE

ROTTEN Row Building, which houses the Harare Magistrates Courts, is now the new home for Chief Magistrate of Zimbabwe Mr Mishrod Guvamombe and his team.

The office of the Chief Magistrate, in the third quarter of 2018, moved from the New Government Complex to its original base, which is more spacious.

Mr Guvamombe and his team occupy the fourth floor of Rotten Row Building, leaving the first three floors to the Harare Magistrates' Courts.

Judicial Service Commission (JSC) in September this year announced the movement of the magistracy boss through a media statement.

Part of the notice reads:

"The Judicial Service Commission wishes to advise the public that the office of the Chief Magistrate has moved from the New Government Complex, corner Third Street and Central Avenue Harare, to Harare Magistrates Court (Criminal), fourth floor, which is situated at the corner of Belvedere/Rotten Row Road, off Mother Patrick, Harare."

When the news filtered that the magistracy boss was moving to the new nest, speculation became rife that he was now taking over control of the operations of Harare province.

To allay such fears and to set the record



IT'S BACK TO ROOTS FOR CHIEF MAGISTRATE

straight, Mr Guvamombe convened a meeting with the staff at the building advising them that nothing had changed in terms of the province's leadership and management.

Mr Guvamombe reiterated that he would not interfere with the running of the affairs of Harare province.

"We have not come here to change things. We will not interfere with the day-to-day running of the province. The provincial magistrate's office will continue enjoying its autonomy," said

the Chief Magistrate.

However, Mr Guvamombe implored the staff at the provincial station to continue working hard as a team.

He urged them to maintain high standards of cleanliness as a day-to-day code of behaviour.

Harare Magistrates Court is the largest and busiest provincial station in the country, housing eight regional and two Victim Friendly Courts.

There are also 14 provincial courtrooms at Rotten Row Building.



Bristol House

JSC SNAPS UP TWO CITY BUILDINGS

MIRANDA WRITER

THE Judicial Service Commission (JSC) has this quarter acquired two buildings in Harare to accommodate the Labour Court and the Commercial Court of Zimbabwe.

JSC bought a building along Rotten Row, which will be refurbished to house the Labour Court of Zimbabwe.

The Labour Court used to operate from a rented Bristol House along Kwame Nkrumah Avenue in the city, but it will soon move to the newly-acquired building along Rotten Row.

Bristol House became JSC property with effect from this quarter and will soon be renamed “Commercial Court Building”.

JSC Acting Secretary Mr Walter Chikwana confirmed the development, saying the buildings are currently being refurbished.

Mr Chikwana described the purchase of Bristol House as a giant step towards the establishment of the Commercial Court of Zimbabwe in line with Government’s policy on ease of doing business.

“We have acquired Bristol House

... Labour Court relocating to Rotten Row
 ... Bristol House for the Commercial Court

and it is now JSC property. Refurbishment of the building is underway with a view to converting it to being the Commercial Court of Zimbabwe.

“This is consistent and in line with the policy on ease of doing business that has been adopted by the Government.

“A separate division of the High Court in the form of Commercial Court will enhance the efficiency of the High Court in handling

commercial disputes,” he said.

Mr Chikwana said the newly acquired building along Rotten Row building will house all Labour Court judges and support staff.

He said at least nine courtrooms will be created at the spacious property to ensure each of the judges has a courtroom.

“We are in the process of renovating the building. It will be called the Labour Court House.”



Newly acquired building along Rotten Row road



The late Mr Shayamano

DEATH ROBS CONCOURT OF HARD WORKER

BY STEPHEN GWATSWAIRA

THE Judicial Service Commission (JSC) has lost a dedicated and hardworking employee, Malvern “Maluvhe” Shayamano, who was knocked down by a vehicle along Simon Mazorodze Road in Harare recently.

Shayamano, who was an office orderly based at the Constitutional Court (Concourt) died on August 18 this year.

He is survived by a wife and three children.

The death of “Maluvhe” came as a shocker to his colleagues. It plunged JSC members into mourning.

Colleagues from the JSC described him as a team player who was dedicated, hardworking and loyal to his employer till death.

Said Registrar of the Constitutional Court Ms

Annita Tshuma: “There are people in our lives who never leave us even after they are gone. Malven was one such a person. He was a hard worker who was loyal to his superiors. May his dear soul rest in eternal peace.”

A colleague, Mr Dingani Dube said the late Shayamano was a sociable team player who was committed to duty.

Mr Gracious Tigere, who worked with Shayamano from 2013 said the death was a huge loss to the JSC family.

“We have lost a dedicated cadre and the void will be difficult to fill. It is so sad to lose such a friend and workmate in this fashion.

“He was a humble and good fellow and we will forever miss him,” he said.

Born on November 14, 1984 in Centenary, Shayamano attended primary and secondary schools in Mashonaland Central Province before joining JSC.

HORROR AS SHERIFF IS FOUND DEAD



The Late Mr Karasa

BY TARISAI MAFURA

An additional sheriff at the High Court in Harare Mr Kelvin Karasa's body was recently found hanging from a tree in a decomposing state in a suspected murder case that has sent chills down the spines of members of the Judicial Service Commission (JSC).

Mr Karasa, who was based at the Sheriff's office in Harare, left the High Court on September 14 for an assignment in Chitungwiza while driving a service vehicle. He went missing, prompting the Sheriff of the High Court Mr Mcdoff Madhega to make a police report.

However, the corpse was discovered six days later dangling on a tree in Epworth.

The service vehicle was dumped in the city centre. His cellphone was also recovered from the parked vehicle.

Mr Madhega confirmed the death of his team member saying the cause of death was still to be ascertained. “Karasa went to Chitungwiza carrying out his duties on the 14th of September but to our surprise, he did not come back. This prompted us to file a police report on the 17th of September,” he said.

Mr Madhega said police investigations were still underway.

“The police are still investigating the matter. The findings will tell the real story of Karasa's death,” said Madhega.

Mr Madhega described Karasa as a hardworking man, who carried out his duties diligently.

“He was a responsible young man, who was very quiet and always punctual. We will forever miss him. “May his soul rest in eternal peace,” he said.

Mr Karasa was buried at his rural home in Guruve on September 20.



Binga court staff

ORDERLY'S PASSION, DEDICATION BEAUTIFY COURT

MIRANDA WRITER

THE Judicial Service Commission (JSC) intends to launch worker of the year awards to honour those who go the extra mile in the execution of their duties.

Though well-received by management, consultations are underway to determine the best way of doing it.

While authorities are battling on the modalities to measure outstanding performance, an office orderly at Binga Magistrates' Court seems already in the running for the accolade.

Mr Isaac Siamoya, with support from the resident magistrate for Binga Court Ms Aelene Munamati, has put in the hours to transform the court into a well-manicured garden.

Creativity has seen the middle-aged staffer visiting local beer halls and bottle stores collecting empty Supa (opaque beer) bottles to make flowerbeds.

When JSC Acting Secretary Mr

Walter Chikwana visited the court station in August, he could not hide his joy.

Mr Chikwana gave Mr Siamoya \$20 from his own pocket as a token of appreciation.

In an interview, Mr Siamoya told Miranda that he does the work out of passion and dedication

"I have a passion for the job. During my free time I went to local bars and bottle stores picking up all empty Supa (opaque beer) bottles. We had to put water into the brown bottles to lengthen their lifespan and closed them. We used the bottles to make ridges for our flower beds, giving them a beautiful look," said Mr Siamoya.

Being an office orderly, Mr Siamoya has other duties to contend with, but he always finds time for the flowers.

"I am an orderly. I clean the offices, courtrooms and yard every morning. I also take mail to the post office and perform any other duties as assigned by my superiors. After doing all the work, I make sure I water the flowers



Mr Siamoya

and maintain the flower beds and lawn at the court premises," he said.

The resident magistrate, Ms Munamati, sourced flowers and lawn from local stakeholders for Mr Siamoya to do what he knows best.

"Our magistrate would accompany me to the owners of local lodges to ask for flowers to plant at our court," said Mr Siamoya.

Mr Siamoya joined JSC in 2001 as an office orderly after serving seven years with the Ministry of Local Government, Public Works and National Housing.

RESEARCH UNIT . . . A DOUBLE-EDGED SWORD

BY NYASHA LEE VITORINI

On August 3, 2018 the magistracy welcomed Mr Reginald Mutero to the bench.

He was sworn in as a magistrate at the Harare Magistrates' Courts, having started off in the Constitutional Court (Concourt) research unit.

The manner in which he took oath was a departure from the old way in which the ceremony was traditionally handled. That change is a story for another day!

This writer was privileged to have been with Mr Mutero during his last stretch as a trainee magistrate.

This meant sharing an office with him.

This invaluable, though short, period of time allowed this writer a rare quasi-real life walk into one of the behind-the-scenes departments of the Judiciary: the research unit of the Concourt. I was incited to establish the brief of this seemingly absent unit and understand how it weaves into the general dynamics of the JSC.

Section 190(2) of the constitution of Zimbabwe provides for an unfettered role of the JSC in promoting and facilitating, among other things, the efficient and effective administration of justice in Zimbabwe. At the centre of the administration of justice is the resolution of disputes brought before the courts. The highest court seized with that function of dispute resolution is the constitutional court. It is therefore natural that the JSC invests in facilitating and promoting the efficient and effective dispute resolution in the constitutional court by creating a research department which supports the highest court in the land.

Currently the unit is manned by about 10 researchers. These are



Part of the research team

qualified lawyers. In the past the unit has received magistrates seconded from various stations. The duties of these professionals are to provide research services to the 'Lords and Ladies' of the constitutional court. This involves preparing pre-hearing memorandums on each case brought to the court, sitting in court when matters are heard and, where assigned, prepare draft judgements. I hold the view that a decision is as good as its research since the wheel cannot be reinvented but improved. With the risk of overburdening this unit, perhaps they could consider annotating cyclostyled judgments to make them more accessible and user-friendly. This role could also be extended to all judges' clerks such that all judgments from the superior courts are distributed with some kind of brief, a highlight of the law dealt with in each case.

It is noteworthy that this unit has produced one of the leading names in contemporary Zimbabwe; Hon Justice Chigumba.

Justice Chigumba, a judge of

the High Court, is also serving as chairperson of the Zimbabwe Electoral Commission (ZEC).

The same pool has also redeployed personnel to the magistrates' courts some of whom are now established lawyers in private practice.

It will be interesting to profile all the individuals who have worked in this unit to comprehensively assess the polishing role of research work at the constitutional court.

No one will doubt the phenomenal impact of working with Concourt judges on a day-to-day basis.

It may be seen as an internal process of value addition and repackaging.

Breaking the silos.... continued!

The constitutional research unit is therefore proving to be a creative double edged sword; on hand its fertile internal training ground for the JSC while it provides professional research support to the Concourt.

We are practically living the essence of fishing in the high seas in order to harvest the fish ponds. Who would blame me if I start fasting and praying for the next internal advert?



Mr Magate

BULAWAYO NOW A STANDALONE ADMINISTRATIVE PROVINCE

BY SHERIFFAH NDLOVU

FOR FORMER Matabeleland North provincial magistrate Mr Enias Magate has, over the years borne the brunt of overseeing one of the biggest administrative provinces, which saw him travelling for over 400km to get to some of his court stations.

He was based in Bulawayo, with stations like Binga and Victoria Falls under his supervision.

Mr Magate would require at least 10 hours of travelling to and from Victoria Falls, an indication that his visit to the resort court station

would take at least two days.

The distance between Bulawayo and Victoria Falls is 438km, while Binga is 412km away from the city of kings.

Out of dedication to duty and loyalty, Mr Magate would effectively supervise the province that included Bulawayo.

The recent visit by Judicial Service Commission (JSC) Acting Secretary Mr Walter Chikwana to Mat North and Bulawayo gave a clear picture to the secretariat that the province was too big for the dedicated magistrate. To that end, JSC this quarter officially split Mat North into two administrative provinces

to be headed by two provincial magistrates.

Bulawayo Metropolitan Province was created as a standalone province and it is now being headed by Mr Magate.

Mr Livard Phillimon is the new man in charge of Mat North province.

In an interview, Mr Magate welcomed the development saying the split would enhance the efficiency of the courts.

“That was a sigh of relief to me. I was the only magistrate heading two provinces at the same time.

“Mat North was too big. The distance from Bulawayo to Victoria Falls is about 400km. It was as good as supervising Harare province from Bulawayo.

“Administratively, the creation of a new province called Bulawayo will go a long way in improving the quality of justice.

“It means we will spend more time in the office doing the work than on the road. It is also cost effective for the JSC administratively,” he said.

Mr Chikwana said JSC was asking for too much from Mr Magate.

“We realised that we were asking for too much from Mat North provincial head. He would require a whole day to travel either to Binga or Victoria Falls for station visits.

“We decided to deal with that problem once and for all by creating an additional province called Bulawayo Metropolitan province.

“Bulawayo is now being headed by Mr Magate. Stations under Bulawayo are West Commonage, Trade Gold, Tsholotsho and Nkayi.

“Mr Livard Philemon is now the new head for Mat North and he will be based in Lupane. His province includes stations like Lupane, Hwange, Victoria Falls, and Binga,” said Mr Chikwana.

It is hoped, Mr Chikwana said, that the separation of the provinces will have a positive impact on the operations of the provinces.

BASHED FORMER ASSISTANT SHERIFF AWARDED \$4 500 DAMAGES

MIRANDA WRITER

THE core function of the Sheriff of the High Court is simply enforcing court orders.

Simple as it may appear, most Zimbabweans have proved to be ignorant of the messenger's role in the administration of justice.

Considering that the job involves attachment and removal of property, evictions among other duties, resistance from the public is inevitable.

The Sheriff's representatives are generally wrongly viewed as public enemies who risk being attacked at any time.

In most cases, the assailants get away with murder, but the recent High Court judgment fired warning shots to those who believe they are above the law.

Justice Owen Tagu ordered Gweru Town Council to pay the town's former Additional Sheriff Mr Phaniel Kapfudzaruwa damages amounting to \$4 500 after he was attacked by three municipal police officers while executing his duties.

The three officers assaulted Mr Kapfudzaruwa in a bid to block attachment of council property over debt.

The trio – Misheck Mutindindi, Bernard Mambo and Samson Samukute – committed the offence while trying to save council property from attachment over a debt.

Justice Tagu found council and its workers liable for the violence perpetrated on Mr Kapfudzaruwa before ordering them to pay the damages.

"My final assessment is that the plaintiff adduced sufficient evidence showing that he was assaulted by the second to fourth defendants who were in the employ of the first defendant, while he was in the course of doing his lawful duties.

"It was aggravating that the plaintiff who was an additional sheriff of the High Court was assaulted for carrying out his lawful duties," Justice Tagu said.

The judge said council had other lawful options of stopping execution than attacking the officer of the court.

"The defendants had other legal options to prevent the removal of the property other than taking the law into their own hands," he said.

One of the employees pleaded with the court for leniency saying at the time of assault, he was not thinking properly but the judge said a correct message must be sent to other "unthinking" council cops.

"Given that the second defendant was not "thinking" as he told the court, damages should be awarded to send a message to the unthinking employees to think before they act unlawfully," said Justice Tagu.

The violent attack on Mr Kapfudzaruwa by the council officers, made headlines in the media since 2016.

While Mr Kapfudzaruwa was executing his duties, the three municipal policemen pounced on him and beat him up in the full glare of the people.

Mr Kapfudzaruwa sustained serious injuries, suffered humiliation and negative media publicity as a result of the attack. He also had to meet medical expenses. Mr Kapfudzaruwa also sought compensation for pain and suffering.

The court awarded him \$2 000 as damages for pain and suffering occasioned by the attack, plus \$1 500 for public humiliation.

A further \$500 was for loss of amenities of life, including difficulties in driving, walking and sleeping.

The court also ordered the local authority and its employees to pay \$500 to cover the medical expenses incurred by Mr Kapfudzaruwa.

HELPING COURTS BEAT INTERNET BLUES

MIRANDA WRITER

THE Zimbabwe Legal Information Institute (ZIMLII) has donated 100 flash discs with latest judgments and reportable cases for legal research and reference in an effort to bolster justice delivery.

ZIMLII is an independent non-profit trust which advocates open and free access to public legal information to further justice and the rule of law.

Its operations are superintended over by the Legal Resources Foundation (LRF).

The offline storage devices contain judgments that were distributed to magistrates countrywide at stations that do not have Internet services.

In a statement, ZIMLII said judicial officers without access to Internet services will benefit from the good gesture.

ZIMLII seeks to advance the quality of legal research, decision-making and legal education among stakeholders within and outside the justice delivery system.

The organisation said the Judicial Service Commission (JSC) was the first recipient of the legal library service donation.

"The first recipient of the PocketLaw in Zimbabwe was the Judicial Service Commission (JSC) which received 100 PocketLaw and manuals for distribution to areas which have difficulties in accessing Internet services.

"ZimLII anticipates that the donation will assist the JSC in achieving its vision of providing a world class justice as the PocketLaw will assist magistrates in legal research and improve the quality of judgments handed down without the barriers of failing to access the internet," reads the statement.

The second institution to receive the PocketLaw donation was the National Prosecuting Authority (NPA).

Acting Mr Prosecutor General Mr Kumbirai Hodzi received 100 discs from ZIMLII on behalf of the prosecutors.

Mr Hodzi said the will go a long way in enhancing the quality of justice in the country.

"We have hardworking and dedicated prosecutors across the country but they are not well resourced.

"They need access to Internet among other services. A visit to our stations will show that internet can only be accessed here at the head office.

"It is a good thing for prosecutors to walk around with the whole body of law in their pockets. We appreciate the donation by ZIMLII and we promise to put it to good use," said Mr Hodzi.

Mr Hodzi said the pocket library will strengthen the NPA's fight against corruption.

"Our thrust is to effectively prosecute the most serious offences especially economic crimes. These high profile complex cases, which include corruption, require a great deal of research, hence the pocket library becomes a necessary tool," he said.

Ms Sandra Muyengwa said her organisation was committed to partnering the NPA to sharpen prosecution in the country.

"Having access to information increases the quality of the work of prosecutors around the country," said Ms Muyengwa.



LEGAL CODEBREAKER QUIZ NO.8

BY MAYOR

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

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

CLUES	ANSWERS
Set of tools(9)	
Lying under oath(7)	
Restricted(9)	
Common juror's title(7)	
Grass patch(4)	
Upkeep (order)(11)	
Retain(4)	
Adv Thabani Mpofu's pith!(7)	
Stadium revenue(11)	
Aid in felony(4)	
Number(3)	
Part of the constitution(7)	
Ballerina's skirt(4)	
Decapitates(7)	
Fastener(3)	

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

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

WhatsApp Comments & Suggestions Welcome WhatsApp
+263776367719

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 @mayortoo3