

**REMARKS BY THE CHIEF JUSTICE OF ZIMBABWE,
THE HONOURABLE MR JUSTICE LUKE MALABA
ON THE OCCASION OF THE OFFICIAL OPENING OF
THE HIGH COURT IN MUTARE**

ON 7 MAY 2018

**“SUPPORTING A ZIMBABWE THAT IS OPEN FOR
BUSINESS THROUGH ACCESSIBLE JUSTICE”**

SALUTATIONS

INTRODUCTION

Your Excellency, Distinguished Guests, Ladies and Gentlemen: I feel honoured to have the opportunity to make a few remarks about the significance of this historic occasion of the opening of the High Court as a permanent station in the city of Mutare in the Province of Manicaland. The Court, the official opening of which we are witnessing today, is the second permanent High Court station established in independent Zimbabwe. On 30 May 2016 the Judicial Service Commission and its partners in development invited **His Excellency** to officially commission the first permanent High Court station since independence at Masvingo in his then capacity as Vice President and Minister Responsible for Justice, Legal and Parliamentary Affairs.

That ceremony was momentous because the last permanent High Court station had been opened in Bulawayo 122 years earlier in November 1894. It was set up to complement the then Salisbury High Court. I recall that **His Excellency** remarked at that ceremony that he hoped it would not take another 122 years to open a fourth High Court station. **His Excellency** will be pleased to know that it has taken less than two years for Government to establish the fourth station. That, **Your Excellency, Distinguished Guests, Ladies and Gentlemen,** is a source of deserved pride and happiness for the Government, the Judiciary and the Judicial Service Commission.

Every positive change in the development of an institution, whose mandate is provision of service to the people, has its source in the seeds of benefit inherent in what are identified and conceived as

the causes of dissatisfaction with the delivery of the services to the intended beneficiaries. The Judiciary is no exception.

The figures coming out of all Courts indicate that litigation continues to rise, making it impossible for the three existing High Court stations to effectively serve the whole country. The High Court stations, particularly at Harare, are choking with case backlogs. Cases are taking long to be completed, despite the best efforts by Judges. To the ordinary person, the issues of delay, expense and corruption in the Courts are the most worrying. This made the need to increase High Court stations a priority. Once the inequity of centralising the operations of the High Court at Harare and Bulawayo was acknowledged, a deliberate decision was taken to address it. The Judicial Service Commission drew up a plan, which the Government supported, on how to decentralise the operations of the High Court.

The magnificent building housing the Court stands as a milestone in the implementation by the Government of the policy of decentralisation of the exercise of judicial authority to ensure that Courts are strategically located where people can easily access them. Justice which is speedily and easily accessible at reasonable cost is the purpose for which this courthouse has been built. It is, therefore, what happens in the courthouse that will tell whether the purpose for which the magnificent court is built is achieved.

A system can only be as efficient and effective as those who operate in it and advance its objectives strive to make it so. The justice delivery system is premised upon the principle that all persons who seek judicial service are equal and must be treated equally with due respect for their dignity as human beings, regardless of social, political and economic status. The work

ethics for every employee serving members of the public at every level of employment under the Judicial Service Commission demands adherence to a high standard of integrity and efficiency.

HISTORY OF THE NEW COURTHOUSE

The history of the magnificent structure we are gathered here to commission is interesting. I will not be able to chronicle it more graphically than the video presentation which you have just watched. Many of us here would, however, recall that this courthouse was an old and abandoned cinema house. The Judicial Service Commission, with the support of the Ministry of Finance, purchased it in that state. Its conversion from an old place of amusement into a courthouse is itself symbolic of the change in attitude of the Judicial Service Commission towards decentralisation of court services. With the assistance of experts

from the Department of Public Works, the building plan was reconfigured to accommodate the needs of a court.

At the beginning of 2017 extensive renovations and customisation began, which resulted in the structure we have today. What we all see now is a beautiful complex with four state of the art courtrooms fitted with modern recording equipment. There is enough space to create four Judges' chambers, two of which are ready for occupation. There are enough offices to accommodate the Court's registrar and all support staff, made up of assistant registrars, accountants, administration staff, assessors, interpreters and Judges' assistants. The office of the Master of the High Court, which deals with deceased estates, liquidation of companies and management of the Guardian's Fund, has offices in the complex. So does the Office of the Sheriff, which deals with service of court process and execution of court orders. The

Zimbabwe Republic Police will have a conducive area from which to operate. The basement of the building was customised into holding cells for the Zimbabwe Prisons and Correctional Services (“ZPCS”). During the design stages the ZPCS was consulted to ensure that the necessary security concerns were taken on board. There are robing rooms and offices reserved for prosecutors, officers from the Attorney General’s Office and members of the profession. In brief, the courthouse is a one stop service centre for court officials, litigants and other court users.

As you will shortly realise on the tour of the building, **Your Excellency**, the courthouse provides a unique ambiance to court officials and litigants alike. Its appearance and taste both inside and outside makes it the best courthouse in the country. It competes with the best in the region. It in all respects accords with the notion that justice must be dispensed from clean halls of

justice. We are grateful to the Ministry of Local Government, Public Works and National Housing. Honourable Minister, it was your officials who directed construction work at every turn in this project. The professional workmanship displayed here must be a source of pride, not only to you as their Minister but to every Zimbabwean. Thank you for that.

Your Excellency, Distinguished Guests, Ladies and Gentlemen, I have already mentioned that this comes as the fourth permanent High Court station in the country. I implore the people of Manicaland to make adequate use of the Court. The High Court in Harare is clogged with cases pending trial. Opening up these permanent stations is a way of unclogging the existing court stations. The High Court is not restricted by geographical jurisdiction. Litigants are free to choose which court they want to litigate in. Put in another way, there is no law which prohibits a

litigant in Hwange for instance from filing his/her case in the High Court in Mutare. One of the major objectives of decentralisation is to reduce pressure on stations like Harare and Bulawayo. I therefore urge legal practitioners and all litigants to take full advantage of the new stations at Masvingo and Mutare and make them busy.

Your Excellency, it is not a coincidence that the theme for this occasion is “**Supporting a Zimbabwe that is open for business through accessible justice**”. It was a deliberate choice in recognition of the direction the Government has taken to improve the economic climate and open the country for business. The Judiciary is ready to play its part, by not only providing an enabling environment for the resolution of commercial disputes but also ensuring that those disputes once brought to court are resolved without delay.

SPECIALISED ANTI-CORRUPTION COURTS

I have, **Your Excellency**, as head of both the Judiciary and the Judicial Service Commission, taken note of and internalised your call to fight corruption. We acknowledge the mechanisms Government has put in place to succeed in that fight. The Judiciary fully lends its support and pledges to take its place in the process. As you may recall, we have already established specialised anti-corruption courts in the magistrates' courts. These started as pilot projects at Harare and Bulawayo but will soon be cascaded to all provincial centres across the country. As we open the High Court in Mutare today, we are also exploring ways in which such specialised courts can be located at High Court level.

CHALLENGES

The major challenge that the Judiciary faces relate to shortage of judicial officers, particularly at the level of the magistracy. There is also a serious shortage of support staff. I must hasten to register my awareness of **Your Excellency's** keen interest in ensuring that these problems are solved. I remain optimistic that the solution will be found sooner rather than later.

CONCLUSION

Your Excellency, allow me to thank all partners with whom we worked on this project. These include the Ministry of Local Government, Public Works and National Housing, the Ministry of Finance, the Office of the Minister for Provincial Affairs, and all private companies which were contracted to do various works on the site. Thank you to all of you.

I also wish to publicly commend the Acting Secretary of the Judicial Service Commission and his team. The wonderful work which you did here is there for everyone to see. Once again thank you.