

JUDICIAL SERVICE COMMISSION

“A Zimbabwe in which world class justice prevails!”



ADDRESS BY

**THE HONOURABLE MR JUSTICE LUKE MALABA,
CHIEF JUSTICE OF ZIMBABWE**

**ON THE OCCASION OF THE OFFICIAL OPENING
OF THE 2022 LEGAL YEAR ON 10 JANUARY 2022**

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**THEME: USE OF TECHNOLOGY TO ENHANCE
EFFICIENCY AND THE RULE OF LAW IN THE
JUDICIARY**

SALUTATIONS,

Mr Prosecutor–General, Mr Attorney–General, and Advocate ..., the Legal Year Opening Ceremony presents us, once again, with an opportunity to publicly set the tone for the impending judicial year and to discuss the key issues that are central to the efficient administration of justice. It also gives us a rare opportunity to take stock of our work as we report to the public, from whom we derive judicial authority, on our operations and performance in the preceding year.

Due to the prevalence of the deadly COVID–19 pandemic and the national lockdown that was in place at the time, the 2021 Legal Year Opening Ceremony was not held.

As we are gathered here to commemorate the Opening Ceremony of the 2022 Legal Year, COVID–19 remains a significant global challenge. I, therefore, find it appropriate to say a few words about it in my address.

Allow me at this juncture to take this opportunity to pay my and the Judiciary’s collective respect to members of the Judicial Service who passed on during the last two years due to COVID–19 related illnesses.

These, and other members who passed on during the course of 2021 due to other causes, will be fondly remembered for their contribution to the cause of justice. May their souls rest in eternal peace.

USE OF TECHNOLOGY TO ENHANCE EFFICIENCY AND THE RULE OF LAW IN THE JUDICIARY

The theme for the 2022 Legal Year is — “**USE OF TECHNOLOGY TO ENHANCE EFFICIENCY AND THE RULE OF LAW IN THE JUDICIARY**”. The aspect of an efficient Judiciary was discussed as part of last year’s theme. One reason for reaffirming efficiency is that it is a goal, the achievement and sustenance of which depend on consistent and collective effort by critical players in the justice delivery system. Efficiency and justice go hand in hand.

One of the key principles provided for in section 165(1)(b) of the Constitution, by which the Judiciary must be guided in the performance of its functions, is that justice must not be delayed. To that end, members of the Judiciary must perform their judicial duties **efficiently** and with reasonable promptness. The promotion of the rule of law and development of a culture of efficiency in the Judiciary are key strategic

focus areas captured in the Judicial Service Commission (“the JSC”) Strategic Plan for 2020-2025.

As stated in the remarks made at the opening of the 2021 Legal Year, efficiency entails performance at the highest level possible using the available resources. In the context of the Judiciary, efficiency transcends beyond the institution’s aspirations or the accepted international standards. It is a legal imperative that is imposed on the courts. Section 164 of the Constitution requires the courts, in addition to being independent and impartial, to apply the law **expeditiously** without fear, favour or prejudice.

Section 190 of the Constitution requires the JSC, among other functions, to promote and facilitate the independence and accountability of the Judiciary and the **efficient** administration of justice in Zimbabwe. This guiding principle has a dual residual role - firstly, it obliges members of the Judiciary to perform their judicial duties efficiently and, secondly, it enjoins the JSC to promote and facilitate the efficient administration of justice in Zimbabwe. The performance of the constitutional obligation of ensuring efficiency in

the administration of justice promotes the rule of law. The improvement and modernisation of the system, the Constitution and the laws created to interpret and give meaning to the law itself is a legal exercise. In other words, it is the duty of the JSC to make the system of justice work better.

The synergetic relationship between the Judiciary and the rule of law has been extensively canvassed in prior speeches. At this point, it suffices to state that the rule of law is a vital cornerstone in the effective functioning of a democratic state. At its conceptual level, it is the antithesis of arbitral rule. For some, the concept merely has a purely formal meaning. Under this concept of the rule of law, the State must act in accordance with the laws it has promulgated and these laws must meet a certain number of minimum characteristics. For others, the concept has a wider, more substantive, meaning, in that it incorporates ideals of justice and fairness. It is on the basis of the latter definition that this year's theme has been formulated.

A key component of the administration of justice which continues to gain prominence and relevance is the use of **technology**. It has now

been accepted as part of best practices that the use of technology in the justice delivery system would go a long way in enhancing the efficiency of the courts. With the advent of the COVID-19 pandemic and the adoption of measures for preventing its spread with restrictions on in-person interactions, the use of information communication technology has assumed greater importance as a means of ensuring that the justice system would continue to be accessible to the public.

The impact of the COVID–19 pandemic, though traumatic and harrowing in many respects, has revealed a certain truth about the use of technology. Various professions have now embraced digitisation in their day to day activities. Only recently the country witnessed His Excellency the President launching an electronic passport or e-passport - heralding the country’s entry into the era of smart technology in the travel and identification documents sector.

The Judiciary appears to have been slow in adopting electronic justice as it has found comfort in traditional ways of doing things, such as reliance on hard copies of books, allowing of physical appearances in courts, and the filing of physical documents. The Judiciary is doing this

at its own peril, as the use of information communication technology has increasingly become the normal way of doing any business, including the business of delivering justice. It is important to note that there is a formidable challenge ahead that calls for a major shift in the ways the choice of the means by which the objectives of the justice delivery system have hitherto been undergirded.

The problems presented to the Judiciary by the nature and gravity of the impact on the justice delivery system by the consequences of the lockdown and the restrictive measures put in place by the Government to prevent and contain the spread of COVID-19 are enough justification for the reform of the justice system. For the JSC, its constitutional mandate does not involve prescription of policy on matters of the administration of the affairs of the courts only. It includes the duty to carefully select and adopt measures designed to ensure that an efficient administration of justice prevails in the country and is maintained.

The use of technology allows reliance on innovative and electronically guaranteed and controlled procedural activities such as virtual hearings, electronic filing, electronic payments and electronic case management,

to name but a few. The added advantage of the adoption of an electronic justice system is that technology continues to develop and improve. The costs of accessing justice would depreciate and, by extension, the realisation of the rule of law aided. The Judiciary ought to be receptive to the relevant technological changes and embrace the benefits of the digitisation of the judicial function as the vanguard of the rule of law and the last line of defence in the justice system.

Access to the courts should not be impeded merely because of the impossibility of litigants physically presenting themselves in a courtroom. The contemplation of the role of a court in the context of video hearings challenges the holding of the traditional view of a court hearing as a physical assemblage of parties in dispute, with their legal representatives and witnesses, before a judicial officer in a room officially designated for the purpose.

With these considerations in mind, it is important that the Judiciary considers the practical import and relevance of the aspect of using technology to enhance efficiency, as set out in this year's theme. This, in itself, is a call to innovate and reconsider the modes of operation that

are being used. Positive outcomes are expected to emerge as a result of the use of technology to conduct judicial business. Firstly, the overall performance of the Judiciary would be enhanced because of the efficiency brought about by the use of information communication technology. Resultantly, there would be a correlative increase in output from all the courts. Secondly, there would be uniform efficiency across the different courts, stemming from the use of the same technologies in different courts. In the absence of the use of technology, the efficiency of each court station is dependent on the relative competence of the persons manning it.

THE INTEGRATED ELECTRONIC CASE MANAGEMENT SYSTEM

The flagship activity that the Judiciary has taken to enhance efficiency and the rule of law is the Integrated Electronic Case Management System – “the **IECMS**”. In the 2021 Legal Year opening address, it was stated that the JSC had concluded the contract for the implementation of the **IECMS** with an Armenian company — Synergy International Systems. It was also indicated that the first phase of the system, which will involve the Constitutional Court, the Supreme Court

and the Commercial Court, would be ready for implementation in January 2022. The designing of the system for the three courts is now complete. The process of testing the system by the registrars working with the JSC ICT team and officials from Synergy International Systems has started. It has, however, not been possible to deploy the system in the respective courts by 01 January 2022 as promised because of some challenges encountered during the course of the year which disrupted the work plans. The delays in deploying and testing the system were occasioned by the various lockdowns and restrictions imposed to curb and curtail the spread of COVID-19 between January and July 2021. The procurement of equipment for the DATA CENTRE that will house the entire system has commenced. The date for the launch of the system has had to be rescheduled to 01 May 2022.

The **IECMS** underpins the use of information communication technology as a means of enhancing efficiency and the promotion of the rule of law in the courts. It will be a records management tool that will remove the storage challenges that have been faced by court registries in all the years gone by. In addition to virtual hearings, the system will enable electronic payments, electronic filing and service as

well as ensuring the end-to-end management of a case life cycle. The system is expected to assist in the management of court backlogs and in decisively dealing with the vice of corruption, as it contains components such as automatic case allocation. Justice demands such a system that anticipates and meets its needs.

The system integrates all the players in the justice sector. These players are the legal practitioners, the National Prosecuting Authority, the Office of the Attorney-General, the Zimbabwe Anti Corruption Commission, the Zimbabwe Republic Police and the Zimbabwe Prisons and Correctional Service. It is important that each institution embraces and understands how the system operates. Arrangements have been made for intensive training to be conducted by the service provider and the JSC ICT team. The training will take place during the next two months. The JSC will be requesting each institution to second members of staff who will be involved in accessing and using the system so that they are trained.

Filing of documents in the system may be done using any of the available electronic gadgets such as a smart phone, an iPad or tablet, a

laptop or a computer. The JSC will be opening e-filing centres at all courthouses. These centres will be manned by skilled members of staff, who will assist members of the public to lodge their matters in the system. What this entails is that if one wants to file any matter or document in any of the three courts mentioned above, and one lacks the skill or gadget to perform the task, one only needs to visit a court nearest to where one resides to make use of the e-filing centre and equipment at that station.

As indicated earlier, a key component of the **IECMS** is the use of virtual courts. In view of the effects of the COVID-19 pandemic on the justice delivery system, the JSC took the position that virtual courts be established without delay even before the launch of the **IECMS**. To that end the JSC partnered with the UNDP, UNICEF and the ICJ to set up virtual courts in each of the ten Provincial Centres and the High Court. Virtual court equipment has already been installed at Harare Magistrates' Court and at the High Court in Harare. The system connects the two courts with Harare Remand Prison. I expect the commissioning of the equipment during the course of this term.

The message is that the JSC is now taking concrete action to implement the **IECMS** as the solution to the problems arising from features of the justice delivery system which have hindered the realisation of its maximum benefits by the public it is intended to serve. The public will measure the efficiency of the system by the experiences of the reality of the results of the actions taken.

The adoption and use of appropriate technology in the delivery of justice does not mean that the system will lose the fundamental attributes of transparency, independence, impartiality, accountability, openness and ability to present one's case on which it is anchored. It is a fundamental principle of the Constitution that there should be at any given time a system for the delivery of justice which incorporates procedures and processes that guarantee the promotion of these values.

JSC ACTIVITIES DURING THE YEAR 2021

JUDICIAL APPOINTMENTS

The formal separation of the Constitutional Court from the Supreme Court in 2020 was consolidated in 2021 through the enactment of the

Constitutional Court Act [*Chapter 7:22*] and the substantive appointment of Constitutional Court Judges on 20 May 2021.

The five Constitutional Court Judges appointed are the Honourable Mr Justice Paddington Garwe JCC, the Honourable Mrs Justice Rita Tambudzai Makarau JCC, the Honourable Mrs Justice Anne Mary Gowora JCC, the Honourable Mr Justice Ben Hlatshwayo JCC and the Honourable Mr Justice Bharat Patel JCC.

I would like to publicly congratulate the Honourable Judges on their appointment to the highest court in the land. As the first substantive appointments to the Constitutional Court, they carry the heavy burden of meeting the expectations of developing home-grown constitutional jurisprudence, considering the fact that the decisions of the Constitutional Court are final and binding on every person and every institution of Government.

The substantive appointment of the above five Judges to the Constitutional Court necessitated the subsequent appointment of six new Judges to the Supreme Court bench. The Judges of Appeal appointed from the High Court are the Honourable Mr Justice George

Chiweshe JA, the immediate past Judge President of the High Court, the Honourable Mr Justice Alphas Chitakunye JA, the Honourable Mr Justice Samuel Kudya JA, the Honourable Mrs Justice Felicia Chatukuta JA, the Honourable Mr Justice Joseph Musakwa JA and the Honourable Mrs Justice Molly Mwayera JA. The elevation of these Judges to the Supreme Court will ensure that the Supreme Court is in a position to meet the challenges of the rising case load. I wish to publicly congratulate the Honourable Judges on their appointment.

The composition of the High Court was affected by the knock-on effect of the promotion of some of its Judges to the Supreme Court bench. Consequently, the JSC conducted an elaborate interview process to identify fit and proper persons for appointment to the High Court, bearing in mind the fact that of the Superior Courts this is the most frequently accessed judicial forum in the land.

After completion of the public interview process, the following persons were appointed as Judges of the High Court - the Honourable Mr Justice Rodgers Manyangadze, the Honourable Mr Justice Joseph Chilimbe, the Honourable Mrs Justice Kate Catherine Bachi-Mzawazi, the Honourable Mr Justice Bongani Ndlovu, the Honourable

Mr Justice Samuel Deme, the Honourable Mr Justice Never Katiyo, the Honourable Mr Justice Munamoto Mutevedzi, the Honourable Mr Justice Elijah Makomo and the Honourable Mrs Justice Lucie-Annie Chipo Mungwari. They joined the Honourable Ms Justice Gladys Mhuri, the Honourable Mrs Justice Fatima Maxwell and the Honourable Mrs Justice Emilia Muchawa, who were elevated from the Labour Court to the High Court in accordance with section 180 (4a) of the Constitution. I would like to also congratulate the Honourable Mrs Justice Zimba-Dube on her appointment to the position of Judge President of the High Court.

These significant judicial appointments in the Superior Courts are meant to ensure that the Judiciary is suitably equipped to administer justice. The administration of justice entails that there should be no undue delays in the hearing and determination of disputes brought before the courts.

Judges and magistrates are guardians of the law. The principle of the rule of law which governs the scope and manner of the performance of the judicial function demands that the integrity of the Judiciary should be beyond reproach. Judges and magistrates must inspire confidence in

all those who appear before them that justice will always be done, irrespective of whether one wins or loses a case. There must be a demonstrable display of conduct consistent with zero tolerance to corruption in the Judiciary. Members of the Judiciary must always avoid putting themselves in situations in which their conduct gives rise to complaints involving allegations of corruption.

ENACTMENT OF THE NEW HIGH COURT RULES, 2021

This past year finally saw the enactment of the new High Court Rules. During the initial stages of the application of the Rules, gaps and inconsistencies are likely to be identified by stakeholders. The Rules Committee will attend to all the identified imperfections in the High Court Rules.

I would like to thank the Ministry of Justice, Legal and Parliamentary Affairs, the Office of the Attorney-General, the Law Society of Zimbabwe, civic organisations and other stakeholders who partnered the JSC to review the Rules before their enactment.

JUDICIAL TRAINING INSTITUTE OF ZIMBABWE

You will be aware that the JSC launched the 2020-2025 Strategic Plan.

A key component and strategic focus area of the Strategic Plan is the establishment of the Judicial Training Institute of Zimbabwe (“the JTIZ”) as a means of the execution of the policy of ensuring continuous education of members of the Judicial Service. The JTIZ has now been established and became operational during the period under review.

The JTIZ operates under the auspices of the JSC. It facilitates and promotes the training and capacity development of all staff members within the Judicial Service, including Judges and magistrates. The formation of the JTIZ is also a fulfilment of the provisions of section 165(7) of the Constitution, which place an important obligation on members of the Judiciary to take reasonable steps to maintain and enhance their professional knowledge, skills and personal qualities, and in particular to keep themselves abreast of developments in domestic and international law.

It is through skills development that an efficient Judiciary, which has the capacity to rely on the latest technology to enhance the rule of law,

protect fundamental rights and freedoms and ensure access to justice to all manner of people, can enjoy public confidence. Last year the JTIZ successfully organised and conducted an induction programme for the recently appointed Judges of the High Court. It also conducted training workshops for magistrates, research officers and Judges' assistants.

The JTIZ's mandate resonates well with the theme for this year. There is no doubt that one of the causes of an inefficient justice system, or what some academics have called the "misrule of law", is incompetence and lack of professional knowledge on the part of judicial officers and their supporting staff. The JTIZ will, therefore, contribute to the forestalling of inefficiency and the "misrule of law" by equipping members of the Judiciary and their supporting staff members with the skills necessary for the efficient administration of justice, as well as maintaining their professional knowledge – which is a prerequisite for the enhancement of the rule of law.

The JTIZ should be a centre of operational excellence for the impartation of the essential skills and professional competence necessary in the dispensation of quality justice by the courts.

Occupation of public office should never be an end in itself. It must be understood to be a necessary condition for the redefining of oneself and the assumption of the task to understand the nature of the duties of the public office occupied and the procedural demands of performing in the public interest. The dynamics of the interaction between the occupant of a public office and the demands of its duties requires continuous learning, performance management and evaluation. I am happy to state that the JSC has already procured a building to house the JTIZ.

REGIONAL COLLABORATION

The year under review saw our jurisdiction co-hosting with the Judiciary of Zambia the Southern African Chief Justices Forum (“SACJF”) Conference and Annual General Meeting. This is a gathering of Chief Justices and other stakeholders in the justice sector in the SADC region where matters relating to the administration of justice and the enhancement of the rule of law in the region are discussed. The Annual General Meeting and Conference were held in Victoria Falls from 23 to 25 September 2021. The Conference was

premised on the need to promote the use of information communication technology to enhance the efficiency of courts under the theme “**The Judiciary and Technology in Africa**”. The focus of discussions was the sharing of experiences and knowledge on the use of technology in the courts in the light of the challenges posed by COVID-19 pandemic.

Eleven Chief Justices and forty-two Judges from other countries attended the Conference. Allow me to express my profound appreciation, and indeed that of the Judiciary, to His Excellency the President, Dr E D Mnangagwa, for gracing the opening ceremony and delivering the keynote address. I also wish to thank the various arms of Government, including the security sector, who provided logistical and technical support in the hosting of the delegates and ensured that they were safe throughout the duration of their stay in Zimbabwe.

The SACJF Conference was followed by another meeting of Chief Justices and members of the Judiciaries in Africa hosted by the African Court under the 5th African Union Judicial Dialogue in Tanzania. The focus of the discussions was also on the harnessing the use of information communication technology in justice service delivery to increase transparency. These developments show the extent to which

the obligation on every Judiciary to adopt electronic case management in the delivery of justice has become an integral aspect of the rule of law.

INFRASTRUCTURE DEVELOPMENT AND PROJECTS

It has become customary that advantage is taken of this occasion to share with the nation the work that the JSC has done during the year under review aimed at improving access to justice and the administration of justice in general. Allow me therefore to share with you some of these infrastructural developments.

In May 2021 the JSC completed the construction of a district courthouse at Mount Darwin. The courthouse was officially opened by the former Chief Magistrate, who is now a Judge of the High Court – the Honourable Mr Justice Mutevedzi. This courthouse is an improvement for the court users and members of staff in Mount Darwin from a run-down building, which was inappropriate for the delivery of justice to the people in that area. The new building is more spacious and includes access ramps for people living with disabilities and has been fitted with modern furniture and equipment.

Since the beginning of last year the JSC has been working on the refurbishment of Bristol House. The refurbishment exercise is producing a state-of-the-art courthouse which stands ready to accommodate the Commercial Division of the High Court. The court will be paperless and will deal with commercial disputes only. I am happy to announce that the refurbishment of the building is nearing completion and it will be officially opened this year – paving way for legal practitioners and litigants to experience quality delivery of justice that will be undergirded by the IECMS.

Two very important projects, in Matabeleland North Province at Lupane and Matabeleland South Province at Gwanda, are outstanding. Lupane is the provincial capital for the Matabeleland North Province. As commented previously, it was an anomaly that the court structures did not have Matabeleland North as a Province. This was rectified in 2019, when it became the tenth Judicial Province.

The JSC did not have a courthouse at Lupane, as it was using offices rented from the District Administrator's Department. The construction of a courthouse commenced in 2019. The progress of the project has been fairly good as the buildings housing the main court, the prison

cells and the ablution facilities are all complete. Work on finishings such as plumbing, electricity, floor tiling and painting has commenced. The project should be completed by the end of the first term.

In previous addresses comments have been made on the slow progress at Gwanda, where the JSC is constructing a multi-purpose courthouse that will house the various departments. The nation was advised of interventions made by the Ministry of Local Government and Public Works leading to a new contractor taking over the project. The contractor has now moved on site and work will commence in earnest soon. The Secretary of the JSC has been directed to ensure that work moves with speed at this project, which should be completed within twelve months.

Finally, but certainly not least, the Chinhoyi Court Complex in Mashonaland West was completed and was officially opened by His Excellency the President, Dr E D Mnangagwa, on 03 September 2021. It is an edifice in its own right. The multi-disciplinary building, consisting of a couple of storeys, houses the Magistrates' Court, the High Court and the offices of the Sheriff of the High Court. The JSC has already deployed a Judge of the High Court to Chinhoyi and she

will be commencing court sittings this term. The Chinhoyi courthouse is fitted with customised equipment and furniture of superior quality, including modern technology for conducting virtual court hearings. The Chinhoyi courthouse exemplifies the direction the JSC is taking in providing clean halls of justice for the public.

CHALLENGES FACED BY THE JUDICIARY

The 2021 judicial year had its own fair share of challenges. These challenges militated against the smooth operations of the courts. Allow me to share some of the challenges hereunder.

DISRUPTIONS DUE TO COVID–19 INFECTIONS

The COVID-19 pandemic continued to be the major disrupter of court operations and the smooth administration of justice over the last two years. The continued spikes in the infections in the populace caused the Government to impose various forms of restrictions to contain the spread of the disease. Various Practice Directions aimed at controlling the movement of people in the courts and to protect staff and other court users from possible infections were also issued.

The disruptions meant that almost six months of court operations were lost, as nothing was happening in the courts except for the hearing of urgent matters. COVID-19 impacted negatively on the operations of the courts and the backlog of cases rose in some courts. The time has, however, now come to take the challenges presented by COVID-19 as opportunities. The need to accelerate the implementation of the requirements for the automation of the operations of courts by the adoption of an electronic case management system has inevitably arisen.

It is also important to appreciate and indeed accept that the only way to fight and defeat the COVID-19 pandemic is through vaccination. We all need to protect ourselves and each other by being vaccinated. It is in this context that the efforts of the Government in providing vaccinations against the disease to the public for free must be applauded. The JSC continues to urge members of the Judicial Service to get vaccinated.

WORKING CONDITIONS OF MEMBERS OF THE JUDICIAL SERVICE

In view of the economic environment that is prevailing in the country at the moment, workers in the public sector, including members of the Judicial Service, continue to experience financial hardships due to low remuneration levels. It is therefore important that the Government should constantly review the salaries of the workers so that they remain relevant to the prevailing economic situation.

The JSC witnessed a high staff turnover in the year under review because of low salaries. During the year under review the JSC lost a total of **88** members of staff through resignations, of whom **18** were magistrates. Human capital is the most important resource in the success of any organisation. To stem the high turnover of professionally competent and skilled employees, an employer, whether public or private, must ensure that it has in place attractive and competitive conditions of service. It is no exaggeration to say that justice suffers when judicial officers are underpaid.

INADEQUATE FUNDING

The JSC experienced the challenge of inadequate funding. Time and again, a range of the activities that are carried out for the Judiciary, from the day-to-day administration of the courts to the construction and upgrading of infrastructure, were hindered by the challenge of inadequate funding. In certain instances, the JSC has had to cut down on its operations or rely on support from development partners.

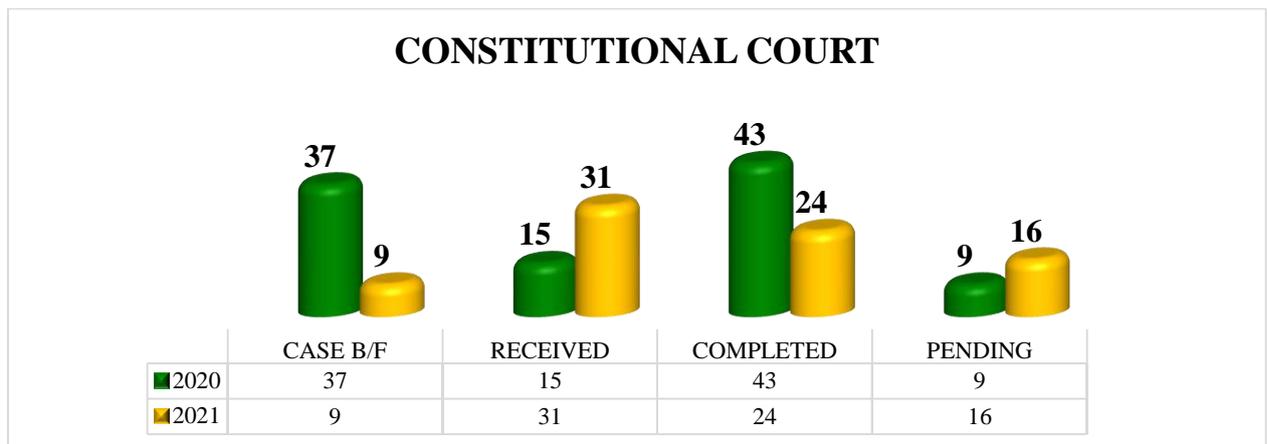
It is appreciated that the Ministry of Finance allocates funding to the different arms of the State in proportion to the revenue generated by the Consolidated Revenue Fund. Notwithstanding this, it is an undesirable situation when the Judiciary, which in terms of the Constitution must retain its independence from the other organs of State, has, through the JSC, to approach Treasury for funding of activities it would have decided to embark upon. On account of the comity expected from it due to the principle of separation of powers, the Judiciary ought not to be put in a situation in which it has to actively petition for funding from the Executive; nor should it be demanding the release of funds allocated to it thereby risking compromising the said comity.

The Judiciary is unable to actively fundraise. A Judiciary that knocks on several doors begging for funding or that engages in commercial activities for the generation of income undermines the public's perception of its ability to adjudicate on disputes impartially. It is hoped that Treasury will consider the implementation of the system of block release of adequate funds to the Judiciary from its appropriated Budget Funds to pre-empt the frequent visits to it by officers from the JSC pleading for money for its operational needs.

PERFORMANCE OF THE COURTS

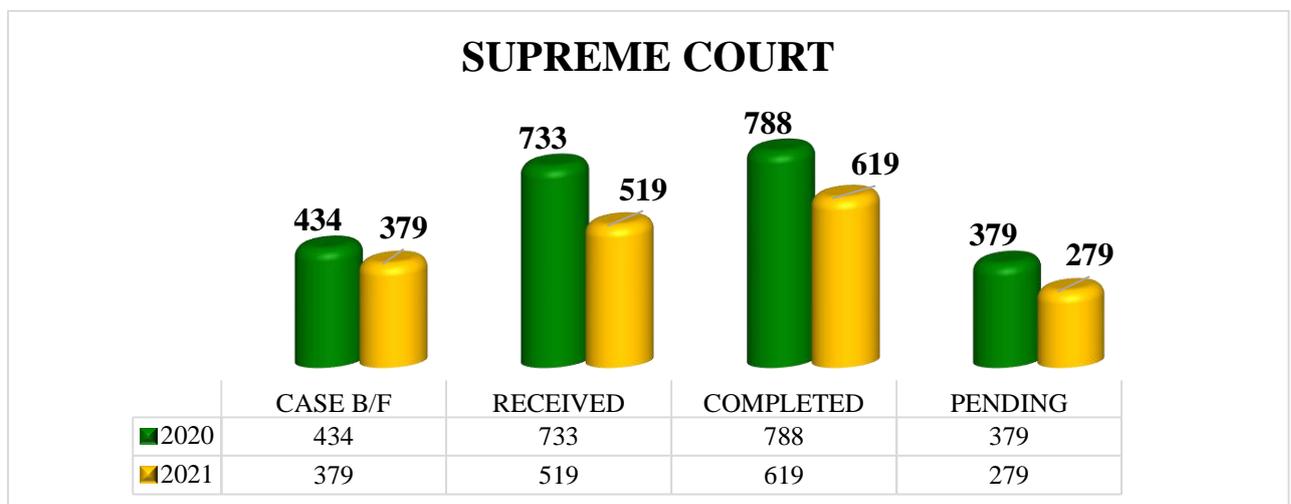
Whilst the judicial officers applied themselves commendably, the courts could not perform at optimum levels because of the constant lockdowns announced by Government to contain the spread of COVID-19. For more than six months of the year, the courts were offering very limited services to litigants. Even for those limited services, members of the public did not have access to the courts. The limitations in court operations resulted in fewer cases being finalised as compared to the last two years. In certain instances the backlog of cases has unavoidably risen.

CONSTITUTIONAL COURT



The court completed fewer cases in 2021 than it did in 2020. Whilst in 2020 the court finalised **43** cases, it only finalised **24** in 2021. The backlog for the legal year 2021 increased by **7** cases (**44%**).

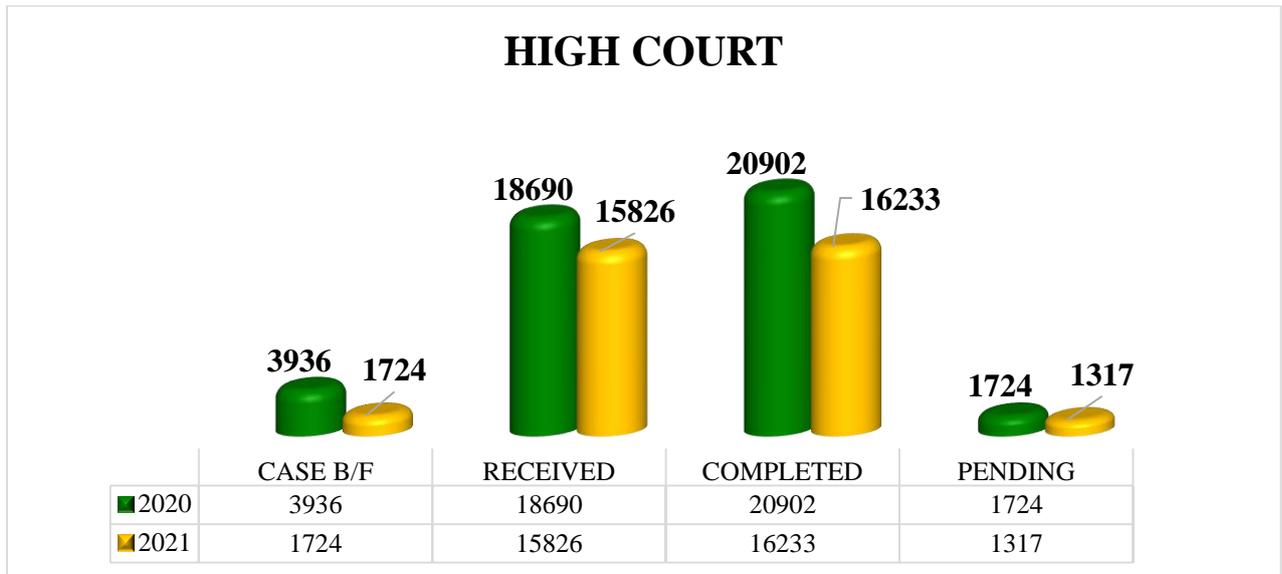
SUPREME COURT



The court completed **619** cases in 2021, less than the **788** matters completed in 2020. Whilst the backlog of cases in 2021 is reduced by **100** cases as compared to the previous year, it is not a reflection of better work output of that court but that the court received fewer cases

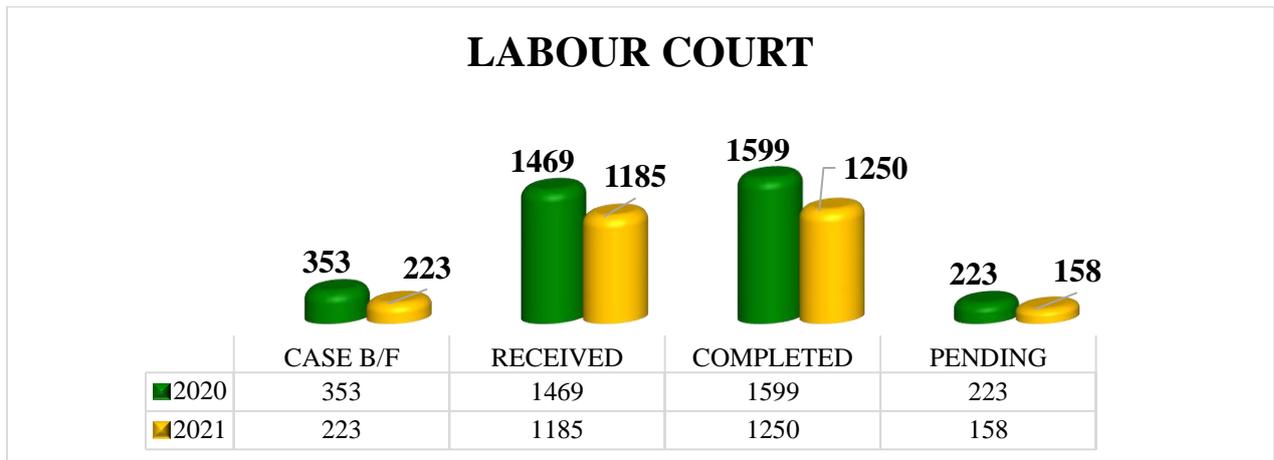
than the previous year. This is because the court received only **519** cases in 2021 which is much lower than the **733** cases received by the court in 2020.

HIGH COURT



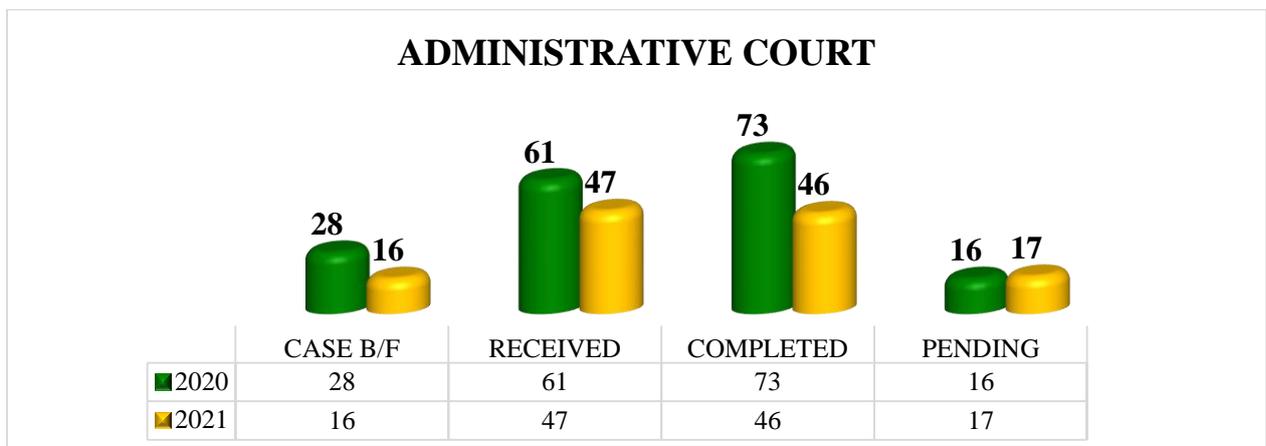
The High Court received **2864** less matters as compared to the year 2020, which is why its backlog of cases was lower, standing at **1317** cases as compared to **1724** of the previous year. The matters completed in the High Court were much lower than those completed in 2020. The general performance of the court therefore was not as good as that of the previous year.

LABOUR COURT



The performance of the Labour Court was similar to that of the High Court, in that it was subdued due to the COVID-19 lockdown restrictions. The court received less cases (that is **1185** cases compared to **1469** cases received in 2020) and completed less cases as well if compared with the performance of the previous year (**1250** cases completed versus the **1599** cases completed in 2020) .

ADMINISTRATIVE COURT

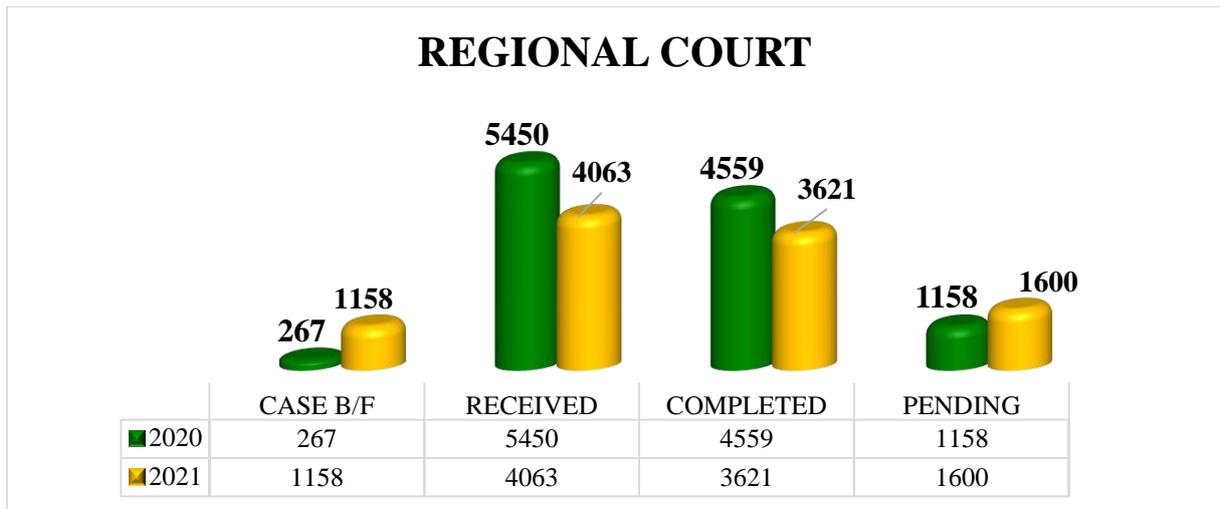


The total workload in 2021 was **63** cases as compared to **89** cases in 2020. Although the court almost completed all cases received in 2021, completed matters decreased by **37%** as compared to year 2020. **17** matters are being carried over to the 2022 legal year. The backlog went down by **1** case leading to a **73%** clearance rate.

MAGISTRATES COURT

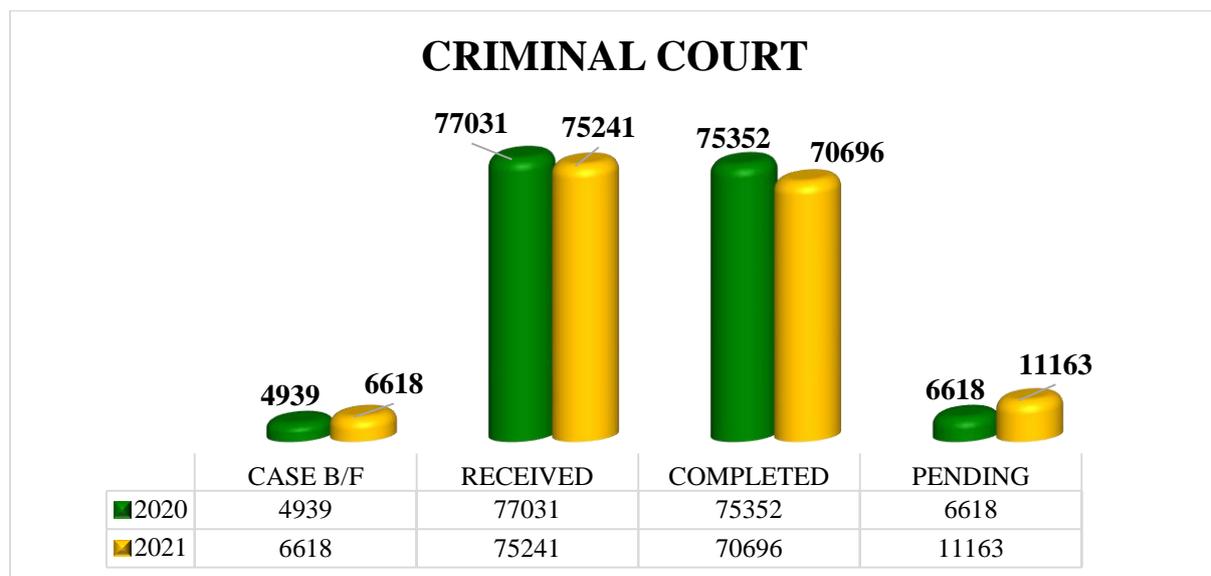
The temporary closure of courts at the beginning of the year, as well as from the end of July to August 2021 affected both the number of cases received and the number of cases completed in the Magistrates' Courts. The Magistrates' Courts are the busiest criminal courts in the country because the majority of all criminal cases are heard in this court. Most of these trials, however, did not take off due to the temporary closure of the courts. This invariably caused increases in the backlog.

REGIONAL COURT



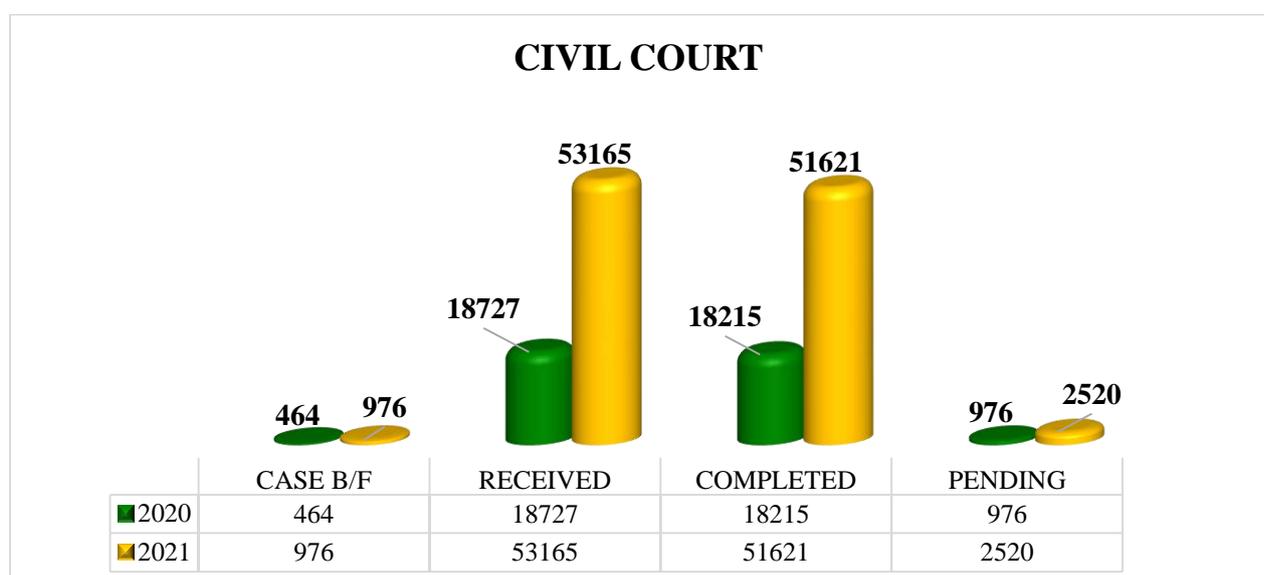
The Regional Division received less cases in the year under review, that is, **4063** cases, as compared to **5450** cases received in 2020. Completed cases went down by **938** matters in 2021. The backlog increased by **442**. The clearance rate was **69%** in the year under review as compared to **80%** in 2020.

CRIMINAL COURT



The criminal court had **6618** cases as at 1 January 2021. It received **75241** matters in 2021 as compared to **77031** matters in 2020. This resulted in the backlog increasing by **4545** matters. The clearance rate was **86%** in 2021 as compared to **92%** in 2020.

CIVIL COURT



The Civil Court had **976** cases as at 01 January 2021. It received **53165** matters in 2021 as compared to **18727** matters in 2020. This resulted in the backlog increasing by **1544** matters. The clearance rate was **95%** in 2021 as compared to **94.9%** in 2020.

CONCLUSION

The statistics on the performance of the courts show that the measures taken to prevent and contain the spread of the COVID-19 pandemic had a serious negative effect on the administration of justice during the year under review, as the efficiency of the courts was seriously undermined.

This negative impact fortifies the choice of the theme for the current legal year and the message that Judiciaries have no option but to embrace technology and the digitisation of the justice delivery systems.

The address cannot be complete without expressing my gratitude to stakeholders who aid the efforts in the administration of justice. These include the Ministry of Justice, Legal and Parliamentary Affairs, the Ministry of Finance and Economic Development, the National Prosecuting Authority, the Zimbabwe Republic Police, the Zimbabwe

Anti Corruption Commission, the Zimbabwe Prisons and Correctional Service, the Law Society of Zimbabwe, and law-based civil society organisations.

It would be remiss of me to fail to acknowledge the support, co-operation and partnership the JSC has received and continues to receive from UNDP and UNICEF. Most of the successes scored during the year under review in areas of training, child justice, the setting up of virtual courts and the JTIZ have been as a result of their support. Such support and commitment in the provision of the means for ensuring that the benefits of the rule of law accrue to the poor, vulnerable and marginalised members of society is greatly appreciated.

The special sitting to mark the opening of the 2022 Legal Year shall now officially close with a prayer, as we beseech the Lord to grant us the wisdom to deliver justice to all in the year ahead. To that end, Reverend Dr Farai Mutami of the Anglican Church will give us a word of prayer, after which the special sitting of the Court will adjourn.