



REMARKS BY

THE CHIEF JUSTICE OF ZIMBABWE,

THE HONOURABLE MR JUSTICE LUKE MALABA,

ON THE OCCASION OF THE OFFICIAL OPENING

OF

THE COMMERCIAL DIVISION OF THE HIGH COURT

AT

BRISTOL HOUSE

ON

6 MAY 2022

SALUTATIONS

YOUR EXCELLENCY, Distinguished Guests, Ladies and Gentlemen, today is a historic day. It is a day of celebration as you preside over **YOUR EXCELLENCY**, the official opening of the first ever paperless Commercial Court of Zimbabwe which is a division of the High Court. It is also historic as we celebrate the launch of the first ever paperless courts in the form of the Constitutional Court, Supreme Court and Commercial Division of the High Court. As from the **1st of May 2022**, the three Courts became paperless through the Integrated Electronic Case Management System (IECMS).

YOUR EXCELLENCY, you may recall when we opened the 2022 legal year on **10 January 2022** I stated in my remarks that the Judiciary was ready to go digital and that we had now commenced the piloting programme of testing the system. I further promised stakeholders and the nation at large that we will go live with the first phase of digitising the courts on **1st of May 2022**. We did go live on this day and from this day, we no longer accept the filing of court documents physically in respect of the three courts. We now expect litigants to do so from the comfort of their homes and offices.

The Integrated Electronic Case Management System is a web based case management system that automates and tracks all aspects of a case life cycle electronically, from initial filing to disposition and appeal. The system integrates all the courts in the Judiciary with each other and it further integrates other players in the administration of justice system like Legal Practitioners, the Zimbabwe Republic Police, Zimbabwe Prisons and Correctional Service, the Zimbabwe Anti-Corruption Commission, the National Prosecuting Authority, the Office of Attorney General and the Ministry of Justice Legal and Parliamentary Affairs through the Legal Aid Directorate.

This system, **YOUR EXCELLENCY and Distinguished Guests** is a game-changer in the administration of justice in this Country. It will bring about efficiency, expedite case disposition, and deliver access to justice to the people of Zimbabwe without delay. The system seeks to;

- Reduce case back-logs,
- Prevent loss, theft and physical damage of documents in a case file,
- Enhance information accessibility, and
- Modernise the justice sector operations.

The system also provides the following advantages in the justice delivery sector;

- Digital record keeping which decreases paper work;
- Centralised data management which allows for remote access;
- Real- time updates and quick access to information;
- Efficient resolution of cases through effective collaboration;
- Increased transparency and clear audit trails;
- Improved and personalised customer care;
- It can be accessed on the phone, tablet and computer from anywhere in the Country and beyond;
- Follow up of cases and their current status can now be done online;
- The setting down of matters by judges and registrars and court calendaring can now be done online;
- Judgments, court orders and various other forms of court information can also now be accessed online.

These are but some of the benefits of managing our cases electronically. The system, I must add, also comes with a virtual hearing functionality that allows litigants to have their matters heard by a judge virtually. They do not

need to be present at the court house to participate in the proceedings.

YOUR EXCELLENCY, Distinguished Guests, Ladies and Gentlemen, you may be aware of the difficulties that the courts have been going through when court files and documents would go missing due to acts of corruption. I wish to assure you that this will be a thing of the past because the electronic system cannot be manipulated. All court files and documents filed are automatically stored into the system's database which can only be accessed after security checks and compliance. Any attempt or act of deleting files from the system is recorded in the system database as well and must be properly cleared and authorised.

As I have already indicated, the implementation of the system is being done in two phases. The first phase which commenced on **the 1st of May 2022** involves the Constitutional Court, Supreme Court and Commercial Court. We already have matters and pleadings filed in the Supreme Court and Commercial Court and the system has responded very well without difficulties at all. This is not surprising because of the intensive preparations that we did as we piloted the system from the **1st of**

January 2022. During that time, we managed to attend to all the challenges and gaps found in the system with assistance of the system designer **Synergy International (Pvt) Ltd** who I must commend for being professional and dedicated to the success of the project.

Now we have already moved into phase two of the implementation matrix. This phase will involve the other divisions of the High Court, the Labour Court, the Administrative Court, the Magistrates' Court and the office of the Sheriff. It is our hope that we will go live with these courts by the **1st of January 2023**. After that date, all the courts will be fully automated. I wish to assure you **YOUR EXCELLENCY**, that I, together with the entire Judiciary and indeed the JSC, are fully geared for and dedicated to the ultimate automation of all the courts. This project requires a lot of capital injection which is being fully funded by the Government of Zimbabwe through Treasury. The automation of courts is happening in various Countries in the region and beyond, as Zimbabwe, we are simply moving with international best practices.

YOUR EXCELLENCY, Distinguished Guests, ladies and Gentlemen, as we celebrate the automation of our

Courts through the IECMS system, we also rejoice yet another historic event in the history of the Judiciary in particular and administration of justice in general in this jurisdiction. You preside over **YOUR EXCELLENCY**, the opening of the Commercial Court which is a division of the High Court. This court, which will be dedicated to hearing and presiding over matters of a commercial nature, brings a refreshing scenario in the adjudication of matters of that nature. This is a specialised court whose Judges are trained to exclusively attend to commercial disputes and resolve them expeditiously. This is a court in which members of support staff who include registrars, researchers, court clerks and others, are all well capacitated and skilled enough to perform their functions expertly and professionally. Preparations for the establishment of this court started a long time ago with the conception of the idea and later the legislation of commercial court rules which was done after extensive consultation had been done by the committee I had set up to draft the rules. Allow me on this note **YOUR EXCELLENCY**, to express my appreciation to members of that committee who are Hon Mr Justice J Mafusire who was the chairperson, legal practitioners Mr E Manikai, Mr A Chinake and Mr T Bere.

Your Government **YOUR EXCELLENCY**, through economic blue print policies clearly pronounced in **Vision 2030** and **National Development Strategy 1** is geared to this nation being an upper middle class economy by the year 2030. For this to happen all Government departments and Ministries are expected to play their different roles in implementing the objectives and action plans spelt out in these policy documents. **YOUR EXCELLENCY**, vision 2030 will remain a pipe dream if we, the State actors, are found wanting in terms of performing our functions that are meant to provide services to our people and improve the lives of our people.

Vision 2030 and NDS 1 have placed an obligation on the Judiciary together with the Ministry of Justice, Legal and Parliamentary Affairs to improve access to justice and justice delivery to our people. Access to Justice is now one of our key strategic focus areas including Digitising the Courts in the **JSC 2021-2025 Strategic Plan**. We have, as the Judiciary, worked towards meeting and fulfilling this objective. In a few years since the advent of the Second Republic, we have worked tirelessly to decentralise our courts. **YOUR EXCELLENCY**, you presided over the opening of the Labour Court and Chinhoyi

Courts complex only recently and the **Honourable Vice President** also presided over the opening of the Mutare High Court. These are state of the art courts furnished with modern furniture and equipment that can only compete with the best internationally. We have, in a short space of time, expanded the regional court bench in the magistrates' court from 25 to 40 with places like Plumtree, Beitbridge, Chipinge, Karoi, Kadoma and others now having the regional court resident in their areas. We continue to establish magistrates' court stations in areas that did not have like Inyathi in Bulawayo, Mutasa and Chimanimani in Manicaland, Concession in Mashonaland Central, amongst others. We are constructing new courts in Lupane in Matabeleland North, Chiredzi in Masvingo, Murehwa in Mashonaland East and Epworth here in Harare. We have a massive court complex under construction in Gwanda, Matabeleland South Province, which we expect to be complete in less than 18 months. We have embarked on massive and extensive rehabilitation of our courts and refurnishing them. One would only need to visit Harare Magistrates' Court at Rotten Row where we have completely changed the court ambiance from outside and reequipped the offices and court rooms to make

them user friendly. We have done the same at Harare High Court, Bulawayo Tredgold Magistrates' Court, Bulawayo High Court, Mutare Civil Court, and Hwange Provincial Court among others.

YOUR EXCELLENCY, access to justice should never be limited to the provision of courts close to the people only. It expands to other facets of administration of justice like the digitisation of courts which we are doing. It makes it easy for our people to litigate in the courts and more importantly, it makes our courts transparent, accountable and enables them to finalise matters with reasonable promptness. We, in that context, also simplified the rules of all the courts to make them user friendly and easy to apply.

As I present the stand-alone paperless commercial court to you today **YOUR EXCELLENCY**, I do so with pride and so much joy because I know it answers to the frustrations of both foreign and domestic investors, the corporates including banks, retailers, miners and other various forms of businesses including informal traders and small to medium enterprises caused by bottlenecks leading to delays in the disposal of such matters. It is a reassurance that commercial disputes, enforcement of contracts and

insolvency matters will now be done and dealt with expeditiously. I also hope **YOUR EXCELLENCY** that this court plays its part in the **ease of doing business** programme and it improves the Country rankings in that context with the World Bank. This court, I hope, will in the ultimate improve the lives our people, the people of Zimbabwe.

YOUR EXCELLENCY, as I conclude, allow me to express my utmost appreciation and indeed that of the JSC to various actors and Government departments who have provided us with support for us make the developments I have adverted to today. I wish to thank the Minister of Finance **Hon. Professor Mthuli Ncube** and his Permanent Secretary **Mr. George Guvamatanga** for believing in us and what we are trying to do for the nation through the provision of financial support. All this would not have happened without their support. I also wish to thank the Minister of Local Government and Public Works Hon **July Moyo** and the Permanent Secretary **Mr Churu** who continue to be with us and travel with us on this journey. We are always provided with experts who lead us and supervise our projects and at times they do the contracts themselves. The building that is before you today, you will

all agree that this is well designed structure and the architecture can only make our nation proud. The Minister of Justice, Legal and Parliamentary Affairs **Hon. Ziyambi Ziyambi** together with the Permanent Secretary **Mrs Virginia Mabiza** have been indeed our parent ministry in all our endeavours. The legislation of laws relating to the Judiciary and the assistance they always give us in our various functions is greatly appreciated. Lastly, but certainly not the least, I wish to publicly acknowledge the good work being done by the **Secretary of the JSC Mr Chikwana** and his team. Their dedication to work and commitment to duty has got us to where we are today.

I finally wish to thank everyone including **HIS EXCELLENCY** and the **Hon. Vice President** for gracing this occasion today. Your support to the Judiciary as another arm of government continues to inspire us.

I THANK YOU.