

JUDICIAL SERVICE COMMISSION



REMARKS BY THE SECRETARY OF THE JUDICIAL SERVICE COMMISSION, MR. W.T. CHIKWANA AT THE OCCASION OF THE OFFICIAL COMMISSIONING OF A NEW BLOCK OF OFFICES AT GUTU MAGISTRATES' COURT, GUTU, 17 MAY 2019.

HONOURABLE MINISTER, LADIES AND GENTLEMEN, it is my pleasure to welcome you all to this occasion to commission a new block of offices here at the Gutu Magistrates' Court. This occasion is not only meant to celebrate the completion of the new offices but is also an opportunity for the JSC to interact with and understand the needs of stakeholders in the administration of justice and other court users from Gutu.

The event is yet another landmark achievement in the Judicial Service Commission's quest to improve access to justice by everyone in the country. It comes barely three days after His Excellency, the President of the Republic of

Zimbabwe officially commissioned the new Labour Court building in Harare on 13 May 2019.

As you may be aware, at the beginning of 2016 the Judicial Service Commission set itself various strategic goals in its Strategic Plan 2016-20. Top amongst those goals is the promotion of greater access to justice.

The construction of this new block of offices and refurbishment of the old building is only one of numerous other access to justice projects that the Judicial Service Commission is carrying out countrywide. It is in line with the Commission's commitment to the general upgrade and expansion of infrastructure as a component of the access to justice programme.

While the JSC is satisfied with the steps it has taken to provide decent court infrastructure, we remain alive to the fact that access to justice means more than an individual's physical access to courts. The essence of the right finds expression in guaranteeing fair trial to those who appear in our courts and their ability to seek and obtain effective remedies through the formal institutions of justice.

HONOURABLE MINISTER, LADIES AND GENTLEMEN, it is a fallacy to talk of access to justice where citizens, particularly the vulnerable and marginalized members of society, fear the court system and consider it as burdensome and not theirs. Where the justice system is costly and financially inaccessible it becomes an albatross around the necks of the citizens it is supposed to serve; Where individuals have no lawyers or where they do not have

information or knowledge on how to vindicate their rights in courts, it as good as the courts do not exist. Meaningful access to justice therefore involves a whole range of principles of legal protection from availability of court infrastructure, citizens' awareness of their rights, legal aid and counsel, fair adjudication, enforcement of court orders and oversight on the administration of justice by society itself. When the courts accomplish these objectives, the benefit is apparent to society. Sustainable peace in societies is enhanced by affording citizens a more attractive alternative to self-help measures in the resolution of personal, commercial and socio-political disputes.

This is what the Judicial Service Commission seeks to achieve by its access to justice programmes.

With this in mind, the Judicial Service Commission realised that the administration of justice is not a soloist effort but a chorus. The synergy derived from partnering with other stakeholders in the justice delivery chain is immeasurable. That cooperation ensures that the indigent litigants in society get legal assistance. As a result, the JSC signed cooperation agreements with four (4) law-based organisations, namely Zimbabwe Women Lawyers Association (ZWLA), Women in Law Southern Africa (WLSA), Justice for Children Trust and Legal Resources Foundation (LRF) in terms of which these organisations set up help -desks at our court stations countrywide. Under this arrangement, the JSC

makes available office space and stationery to these partners at various magistrates courts. The partners in turn second staff to provide free legal aid to the indigent litigants. Almost all magistrates courts are already benefitting from this initiative. This has gone a long way in assisting the disadvantaged and vulnerable citizens who might not be aware of their rights or simply do not know how to deal with the complex legal procedures in court.

I am disappointed, HONOURABLE MINISTER, that Gutu Magistrates' Court is the only court station in Masvingo which does not have this legal aid service. The courthouse here was so small that there was no possibility of accommodating extra personnel.

You may also be aware MINISTER that the station is operating with one magistrate despite it being the busiest one after the provincial station at Masvingo. At one time when a second magistrate was deployed to the station he left because there was no decent office accommodation for him. These deficiencies jolted us into thinking away from the box. Due to budgetary constraints it dawned on us that the possibility of convincing Treasury to fund the construction of a bigger courthouse at Gutu was non-existent. It left us with no option but this innovation to construct a stand -alone office block to supplement the existing courthouse which was built with no plan for expansion.

The completion of this block of offices is significant to Masvingo province and Gutu station in more than one way. Firstly, it allows the JSC to immediately

deploy a second magistrate to the station to assist in reducing the turn-around times for cases heard at the station. In this regard I am pleased to announce that a new magistrate has already been identified and will report for duty at Gutu on 1 June 2019.

Secondly, the JSC's help desk partners are equally keen to open a legal aid desk as soon as we show them space to operate from. Now that the space is available, this again, will be attended to without delay.

Thirdly, I am proud HONOURABLE MINISTER, LADIES AND GENTLEMEN that this project fits perfectly into government's broader framework of devolution. In that scheme of things Masvingo was also the first province outside Harare and Bulawayo to have a permanent High Court station. When the Judicial Service Commission embarked on the construction of magistrates' courts around the country, Masvingo again benefited most with five new courthouses at Chiredzi, Bikita, Zaka, Mwenezi and Chivi at a time when other provinces were getting one or two courthouses at most.

During the official opening of the new Labour Court Building on Monday, His Excellency, the President implored the Chief Justice and the Judicial Service Commission to expedite the decentralisation of the Labour Court to provinces. Allow me HONOURABLE MINISTER to also beseech you as head of the province to rally everyone in Masvingo from our traditional leaders, heads of government institutions and local authorities to embrace this call by providing the

JSC with land on which to build courts or infrastructure which can be renovated and customised into courthouses. The spirit of devolution necessarily requires each province to champion its own developmental projects. The JSC remains saddled with a national constitutional mandate and cannot therefore handhold each of the ten provinces of Zimbabwe.

In that regard several projects have also been undertaken elsewhere. These include the establishment of a permanent High Court station in Mutare, expansion of the High Court in Bulawayo by addition of three (3) new courtrooms, the acquisition, renovation and customisation of a building to house the Labour Court in Harare, construction of new magistrates' court buildings in Chinhoyi, Mt Darwin, Gwanda and Lupane. The Commission is also refurbishing several courts around the country.

The commission is considering further interventions by simplifying court processes in order to remove barriers caused by complexity of adjudication and legal proceedings. These tend to result in proceedings which are lengthy and costly to the ordinary citizen. To this end, we have already implemented the changes brought about by amendments to the Small-Claims Act, the Magistrates Court Act and the Magistrates Court (Civil) Rules which are aimed at simplifying procedures and shortening proceedings, and ultimately reducing the cost of litigation.

These developments are in support of, and resonate very well with the government's thrust to ease the doing of business in order to attract increased Foreign Direct Investment which in turn will grow the economy. The commissioning of these offices would not therefore have come at a more opportune time.

The importance of courts in the development of society cannot be over-emphasized. Courts exist to ensure orderly and equitable resolution of disputes and to maintain peace and order in society. A peaceful environment where disputes are swiftly resolved is conducive for development. It is certain, therefore, that the judiciary will become an indispensable conduit through which devolution and successful economic participation of provinces will be realised. Inevitably, the courts will be called upon to determine disputes emanating from increased commercial traffic brought by devolution.

The modern courts are not there to supplant the jurisdiction of the courts of our traditional leaders but to complement them. We value the work of the local courts presided over by our traditional leaders. In 2018, the JSC partnered with the Legal Resources Foundation in a bid to enhance the operations of the local courts. In 2019 the same programme will be cascaded to all headmen across the country. This clearly shows our desire to work with local leadership for the improvement of the administration of justice. What binds us together is stronger than that which separates us.

HONOURABLE MINISTER, I assure you that the Judicial Service Commission remains firmly committed to the fight against corruption championed by His Excellency. As you are aware the commission has started the process to decentralise the specialised anti-corruption courts to provinces. The official launch of the specialised courts in Masvingo will be held on 31 May 2019.

It will be unfortunate **HONOURABLE MINISTER** if I did not mention that this intervention at Gutu, was also meant to improve the not-so-friendly working environment that our staff were working under. As a result of expansion of the facilities the morale of judicial officers and all support staff will be boosted and that will spur them to serve the public with more verve.

These difficulties did not spare prosecutors at the station either. They were squeezed in a tiny office but this will now be a thing of the past. A bigger and more spacious office has been availed to prosecutors in the new office block. That gesture speaks to the unbreakable professional relationship that exists between the Judicial Service Commission and the National Prosecuting Authority.

It is my fervent hope that this move will go a long way to enhance efficient and expeditious disposal of cases. The frequency of the circuit court at Chartsworth will undoubtedly mean shorter distances travelled by litigants to access justice.

As we commission these offices today, it is imperative for me to reemphasise that courts do not belong to Judicial Service Commission but are community facilities.

To that end, we call upon the Gutu community to take ownership of this facility. We must all preserve the courthouse for posterity. Thus the invitation of our community leaders to this occasion, among them our venerated chiefs and headmen, was not fortuitous by deliberate.

As I conclude, I wish to make a special mention of the people who have always stood by us to ensure timeous completion of the project, the Ministry of Local Government, Public Works & National Housing and the Ministry of Finance and Economic Development remain the JSC's all whether partners in our quest to provide world class justice .

HONOURABLE MINISTER, LADIES AND GENTLEMEN, I now have the pleasure of declaring these new offices officially opened.

Tatenda,

Thank you!