

JUDICIAL SERVICE COMMISSION



WELCOME REMARKS BY

THE HONOURABLE MR JUSTICE L. MALABA,

CHIEF JUSTICE OF ZIMBABWE,

ON THE OCCASION TO MARK THE OFFICIAL

LAUNCH OF THE JUDICIAL SERVICE

COMMISSION 2021 – 2025

STRATEGIC PLAN

ON

02 DECEMBER 2020

(HARARE INTERNATIONAL CONFERENCE CENTRE)

YOUR EXCELLENCY,

It is my pleasure to welcome you and all other invited guests to this occasion to mark the launch of the Judicial Service Commission's Strategic Plan for the period 2021- 2025. Today's event is, in many ways, very significant to the administration of justice in Zimbabwe.

The launch of this Plan marks another milestone in the Judicial Service Commission's ("the Commission's") never ending quest to improve access to quality justice for all Zimbabweans. Needless to say, the Commission's constitutional mandate is an onerous responsibility which can only be properly discharged in terms of a well-thought out strategy.

This Strategic Plan, **YOUR EXCELLENCY**, is the third instalment of the Commission's five-year plans following similar strategic plan documents for the periods **2012-2016** and **2016-2020**. Those earlier Strategic Plans signified the Commission's major steps in the effort to achieve the vision of a Zimbabwe in which world class justice prevails by providing administrative support to a Judiciary that inspires public trust and confidence in the rule of law. As a result of strict adherence to the guiding principles in the Strategic Plan documents, the

Commission has been able to discharge its functions with distinction. To that extent, Judiciaries in sister jurisdictions in the region and beyond have been attracted to benchmark their operations with us. The Commission has also been invited to make presentations in various fora to share experiences in the area of effective management of the courts. The Strategic Plan which we have invited you to launch today comes just a few months after the Commission, on **10 June 2020**, celebrated ten years of existence. Although those celebrations occurred in the midst of the global COVID-19 pandemic, that threat did not dampen our spirits. It did not detract from the achievements that the Commission posted between 2010 and 2020. In a better environment we would have made the celebrations bigger.

Having been launched in the formative years of the Commission, the previous five-year plans naturally placed emphasis on key and basic strategic priorities relating to issues such as infrastructure development, physical access to justice, and efficient and effective management of cases in the courts. I stand before you, **YOUR EXCELLENCY**, with pride as I report that those strategic focus priorities have largely been achieved. The number of courthouses built around the country between

2012 and 2020 remains unprecedented. The clearance of case backlogs in our courts is a source of pride for all judicial officers. The decentralisation of the superior courts and the opening of new resident and circuit magistrates' courts were pivotal in taking justice to the people. Other vital services provided by offices such as the Master of the High Court and the Sheriff were equally decentralised.

The current plan, **YOUR EXCELLENCY**, seeks to consolidate the gains made over the last ten years and move the Commission's focus to the maturity stage of strategic planning. That on its own called for a more rigorous planning exercise than before. The situation, as already mentioned, was made more complicated by the intervention of the coronavirus pandemic. One of the fundamental requirements of strategic planning is extensive and exhaustive consultations, not only with members of the Commission but also with all external stakeholders who collaborate with the Judiciary to ensure provision of effective justice to the people. Unfortunately, the disruptions caused by the pandemic and the restrictive health protocols which followed the outbreak made physical interaction difficult. Travel was restricted, gatherings were prohibited, many organisations shut down and

requested employees to work from home. Consequently, that compromised the Commission's desire to effectively engage its stakeholders to give their input which we consider invaluable in the drafting of the Strategic Plan.

Instead of discouraging it, these challenges spurred the Commission into embracing the technological opportunities which arose. The necessary interviews were conducted through virtual platforms such as Zoom and Skype. Fruitful engagements were held with key stakeholders such as the Ministry of Justice, Legal and Parliamentary Affairs, the National Prosecuting Authority, the Office of the Attorney-General, the Law Society of Zimbabwe, the Zimbabwe Anti-Corruption Commission, the Zimbabwe Republic Police, the Zimbabwe Prisons and Correctional Services, Civil Society and other development and cooperating partners. Internally, the process was equally inclusive. Members of the Judicial Service at all levels were consulted and gave their input and views. These included Judges, magistrates and non-judicial staff. The process culminated in the validation of the Strategic Plan by the Commissioners.

YOUR EXCELLENCY, allow me to emphasise that the crafting of a robust Strategic Plan is one thing but the successful implementation of that plan remains another. As a Commission, we have deliberately taken the failure by many public and private institutions to implement their blueprints as both a springboard and a dashboard to which constant reference is made in order to ensure that every single strategic priority is attended to during implementation. Any deviation from the priorities set out in the Strategic Plan will render the plan nothing more than another colourful booklet.

I assure you, **YOUR EXCELLENCY**, that the Commission will not be distracted from its objectives. To achieve that, the Commission has resolved to establish a Strategic Plan Implementation Monitoring Committee (“SPIC”) comprising members of the Judicial Service across the board. The committee’s responsibility will be to oversee implementation and report to the Commission’s Secretariat, the implementation achievements, any challenges being faced and to recommend solutions. The Secretary of the Commission is in turn required to periodically report to the Commission on the progress being made in the implementation of the Strategic Plan.

I also wish to add that the JSC's new five-year plan addresses fundamental principles that guide the Judiciary in every democratic society. The plan, in many respects, resonates with Government's key national policies such as Vision 2030 and the National Development Strategy, which place emphasis on economic development and the attainment of a prosperous and empowered upper-middle income society by the year 2030. These strategies also make devolution central to economic development.

It is on that basis, **YOUR EXCELLENCY**, that the Commission's Strategic Plan recognises that the attainment of sustainable social and economic development is dependent on strict adherence to the rule of law and protection of fundamental rights and freedoms of the people. The achievement of that objective requires an effective, highly efficient and independent Judiciary. Through this Strategic Plan the Commission seeks to enhance the independence and financial autonomy of the Judiciary in order to continue modernising it and making it more accountable to the public from whom judicial authority derives.

The primary purpose of every Judiciary is to ensure that all conduct by every natural or juristic person is in terms of the law. The courts are the custodians of the Constitution and the bulwark against the erosion of human rights and freedoms. In that regard, the requirement for an independent and accountable Judiciary cannot be overemphasised. As is evident, this Strategic Plan seeks to strike a balance between judicial independence and judicial accountability. It adopts the policy of “responsible independence” or “independence with accountability”.

It is in this context that the fight against corruption and incompetency at every level of the Judicial Service has been identified as one of the key strategic focus areas under the accountability matrix of the plan. The Commission undertakes to continue complementing the Government in its fight against corruption by providing a strong Judiciary equipped to decisively deal with all cases of corruption that are brought to the courts. At the same time, I wish to assure you, **YOUR EXCELLENCY**, and all Zimbabweans that no amount of diversion strategies will detract the Commission from pursuing and dealing with corrupt and incompetent elements within the Judiciary and other ranks of the Judicial Service. In modern and democratic societies, the

Judiciary must account for all its work to the public. The days when judicial officers would seek to hide behind independence for ineptitude are long gone. The Commission stands more determined than ever to fight corruption and incompetence within the Judicial Service.

Allegations of interference with the Judiciary, either by the Executive or the Office of the Chief Justice, should be dismissed with the contempt they deserve. Where one is aggrieved with a decision made by a court there are available legal remedies of review and appeal. Any method outside these acceptable legal procedures is contrary to the dictates of a democratic society.

YOUR EXCELLENCY, the automation and digitisation of courts and court processes continue to take centre stage across the world. As a result, the new Strategic Plan places a lot of emphasis on the automation of the courts and modernisation of administrative systems. While the process to automate some of these operational procedures has already started, albeit on a limited scale, the Commission will now commence a full scale roll out.

It is in the same context that the installation of the Integrated Electronic Case Management System (“IECMS”) is being implemented. All the

players in the administration of justice will benefit. The Commission realises the folly of leaving behind critical players such as the National Prosecuting Authority, the Zimbabwe Republic Police, the Law Society of Zimbabwe and the Attorney-General, amongst others. The use of ICT in the courts has become an international best practice. Many jurisdictions have embraced the benefits that come with e-justice systems. Zimbabwe should not lag behind in that regard.

YOUR EXCELLENCY, the programme of events constrained me to welcoming you and all invited guests. I could not, however, resist the temptation to share with you some of the highlights of the Commission's Strategic Plan.

We are eternally grateful, **YOUR EXCELLENCY**, that every time the Judicial Service Commission invites you to participate in our programmes you are always the listening President that you promised Zimbabweans to be. Despite your very busy and taxing schedule, you agreed to preside over the launch of the Commission's ambitious five-year plan. Your presence here will certainly give every one of us the impetus to ensure full implementation of the document.

It will be remiss of me, **YOUR EXCELLENCY**, to conclude my remarks without acknowledging the presence of the UN Resident Coordinator, Ms Maria do Valle Ribeiro, and members of the UNDP who are present today. The UNDP partnered the Judicial Service Commission in this project. They provided financial and technical support in the drafting of the Plan. In addition, the UNDP supported the Commission in the training of magistrates throughout the country in various aspects of their judicial work. The Judges' Symposium recently held in Nyanga was also financially supported by the UNDP. They have further offered to give the Commission support in the setting up of virtual courts in all the Provinces. That aspect is particularly important given the ravages of the COVID-19 pandemic. The relationship between the Commission and the UNDP is one to cherish. It is born out of mutual respect. Despite the immense financial assistance offered to the Commission, the UNDP has not sought to interfere with the mandate of the Commission.

Once again, **YOUR EXCELLENCY**, I welcome you and wish to express to you my gratitude and that of the entire JSC for gracing this occasion. I also wish to welcome all our partners and stakeholders.

Your presence assures us that we must be travelling in the right direction.

I THANK YOU!