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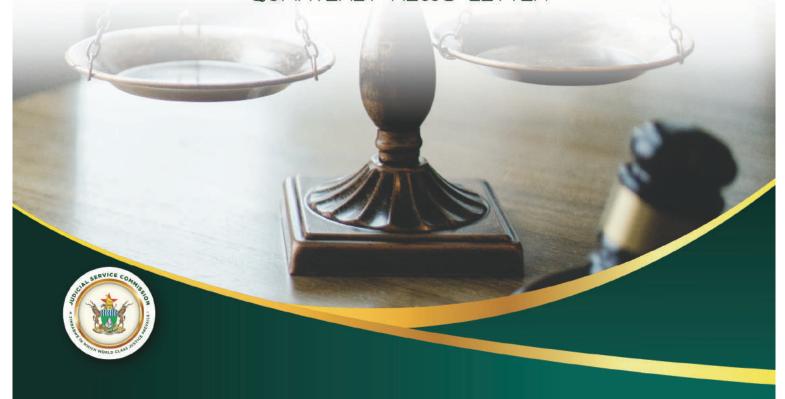
JSC approves establishment of JTIZ **P4**

Commission to fully embrace ICTs
P5

Massive nation-wide fumigation programme launched P9

JUDICIAL SERVICE COMMISSION

QUARTERLY NEWS LETTER





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MASHONALAND WEST:

Takesure Gora (Chinhoyi Magistrates' Court)

MATABELELAND SOUTH:

Servious Dube

(Gwanda Magistrates' Court)

MATABELELAND NORTH:

Isaac Siakwiye (Lupane Magistrates' Court)

MIDLANDS:

Peter Nyakudya

(Gweru Magistrates' Court)

o all our readers, welcome to the first edition of the Miranda 2021. Similar to the previous year, 2021 has not been a good one for the Judicial Service Commission (JSC) since Covid-19 has disturbed most of our operations. As a Commission, we lost legal giants, a void was felt and they will always be remembered for the hard work they did during their time. However, Covid 19 pandemic just like any other pandemic, is a temporary setback that shall come to pass. Let's all remain steadfast in our endeavors. Despite the hardships, the JSC continued to make significant strides making sure world-class justice is delivered under the difficult circumstances. Infrastructure development projects have been achieved in Chinhoyi, Mount Darwin, Lupane and Inyathi Magistrates Court.

The JSC has also given the green light for the establishment of the Judicial Training Institute of Zimbabwe (JTIZ), whose mandate is to equip Judicial Officers with the requisite skills through training for them to be able to execute their duties efficiently and effectively.

We will keep you updated on the various activities carried out by the Commission during the course of the year.

Enjoy your read and remember to send through your feedback to our contact details below.

Have a pleasant 2021 second quarter.

For feed back

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Table of contents

- 3 From the Secretary's desk
- 4 JSC approves establishment of JTIZ
- 5 Karoi Magistrates' Court resumes operations
- **5** Commission to fully embrace ICTs
- 6 Lupane Court building project on course
- **7** Resident Magistrates' Court for Inyathi
- 8 Lasting solution for Chitungwiza Magistrates' Court water woes
- 8 Sangoma dumps regalia at Chitungwiza Court reception
- 9 Massive nation-wide fumigation programme launched
- Zambian fish poachers flood Binga Court
- 10 Tragic blow for JSC as two legal luminaries fall
- 11 Sign Language manual Draft endorsed
- 12 Mr Paul Chapoterera Obituary
- 13 14 Magistrates Attend SOFA Wildlife workshop
- 14 Misconduct Watch
- 14 Love Affair Turns Nasty
- 15 Mt Darwin residents, stakeholders salute JSC
- 16 First quarter in pictures
- Compassion Fatigue The cost of helping the vulnerable
- JSC Bulawayo staff members form football team
- **20** Entertainment corner
- 21 Notice board









FROM THE SECRETARY'S DESK OF THE SECRETARY'S

he 30 th of March 2021 marked a year since the introduction of lockdown restrictions meant to contain, control and combat the spread of the COVID-19 pandemic. Life as we know it has changed over the past year as we have had to adapt to what has come to be known as the 'new normal' of wearing face masks; sanitization and washing of hands; and practising social distancing in an effort to ameliorate the deleterious effects of this pandemic.

2021 began on a very unusual note on the national front. As early as 2 January 2021, another total national lockdown was pronounced commencing 3 January 2021 after realising that the pandemic was rearing its ugly head again and if drastic action was not taken, we would suffer collateral damage. Indeed, as the quarter unfolded, we lost a number of our heroes, comrades, relatives and friends to the pandemic. The statistics were no longer just numbers but names of people we knew and related with. It was a difficult beginning and a bitter pill to swallow.

The lockdown restrictions were to stretch up to the 1st of March 2021 when they were relaxed.

Courts have been declared essential services. Under the two month normal operations hiatus, we remained open, but entertained limited cases like urgent applications and processes, bail applications and initial remands. The Honourable Chief Justice issued five practice directions to guide on court operations while my office issued three circulars to members of staff as safety instructions.

On 18 February 2021 the nation rolled out its first COVID-19

vaccination programme. Judging by media reports, the uptake is improving. The tendency to relax is very tempting, but we should bear in mind that if we do not get vaccinated, the programme will be very good on paper, yet we will have nothing to show for it. We are not out of the woods yet. The vaccination programme is as good as our uptake of it.

We can safely say there is light at the end of the tunnel. However, if you take time to read our 2020 Annual Report (available on our website), you will note that the pandemic has left an indelible mark on court operations given the reduced number of cases we handled last year. This is something we have to live with, but it does not define our course going forward. In line with our theme as pronounced by the Honourable Chief Justice when he virtually opened the 2021 legal year, we pledge our support to ensure an effective and efficient judiciary. We still look forward to opening doors of our flagship projects at Chinhoyi, Lupane, Mount Darwin and Commercial Division of the High Court. We still look forward to rolling out the Integrated Electronic Case Management System (IECMS) and the Virtual Courts. We still look forward to the Judicial Training Institute of Zimbabwe. Our hopes for the JSC in 2021 have not been dashed by the somewhat tumultuous start of the year.

MIRANDA 3 •••• MARCH 2021

JSC approves establishment of JTIZ

By Tarisai Mafura

he Judicial Service Commission (JSC) has approved the establishment of the Judicial Training Institute of Zimbabwe (JTIZ) in collaboration with the University of Zimbabwe (UZ) aimed at capacitating judicial officers and keeping them abreast with best international practices in dispensing justice.

Officially opening the 2021 Legal Year on 11 January 2021 virtually, the Honourable Chief Justice Mr Luke Malaba said the college's establishment was part of the implementation of JSC's Strategic Plan.

"The establishment of the JTIZ comes as part of the JSC's Strategic Plan implementation enabling Judicial officers to comply with the requirements of section 165(7) of the Constitution, which enjoins them to ensure that they 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," said Chief Justice Malaba.

He lauded this development as one of the international best practices which also strengthens the independence of the Judiciary in the country.

"The professional development is intended to further strengthen the independence of the Judiciary by ensuring that its staff, both judicial and non-judicial, have the necessary skills required to effectively, efficiently and competently discharge their duties



Honourable Chief Justice Luke Malaba

through structured, curriculum-based and continuing training offered through the JTIZ," said Chief Justice Malaba

The Honourable Chief Justice Malaba added that the collaboration with the University of Zimbabwe is not coincidental, describing it as a strategic move designed to tap into the latter's experience and excellence in academic research and development.

He also revealed that the teaching staff will be drawn mainly from the university lectureship and other suitably experienced resource persons from the JSC and the legal profession, supported by a team of researchers to enhance the capacity of the Training Institute to come up with solutions to evolving challenges.

JTIZ objectives include organising workshops, seminars and conferences specifically for sharing knowledge and experiences to develop and strengthen the human and institutional capacity of the JSC.

The Training Institute is expected to be operational in the first guarter of the year.

Daring thieves break into Karoi Magistrates' Court . . . as station resumes operations

By Brian Nkiwane

Daring thieves broke into the new Karoi Magistrates' Court, The Miranda has learnt.

The break-in happened on 9 February 2021. The matter was reported at Karoi Police station and investigations are underway.

Speaking to the Miranda in Karoi recently, Karoi Magistrates' Court Resident Magistrate Mr Godswill Mavenge said the thieves took advantage of the non-availability of staff members at the station. The station was ordered to close doors after five of its staff members tested positive for Covid-19 sometime in January this year. Since then, the station had not resumed operations.

The thieves cut the fence at the far side of the court

premises to gain entry into the yard.

"Several people from the surrounding areas know very well that the station has not been operational since January. So I think they took advantage of that to come and break-in," said the Magistrate.

However, the Magistrate realised that even after the break-in, nothing was stolen.

"At first, we thought these thieves were targeting computers from the Resident Magistrate's office, everything else that was in here is still there. However, I cannot concretely say they did not take anything as of now, we might then shortly find out that they stole something especially records, but we are yet to see anything missing," he added.

...To Page 5

Commission to fully embrace ICTs

By Tarisai Mafura

ardships brought by the COVID-19 pandemic coupled with restrictive health protocols to curtail the spread of the virus made physical gatherings for court hearings impossible, and that came as a wake-up call for the Judicial Service Commission (JSC) to fully embrace Information Communication Technologies (ICTs).

In his virtual speech during the opening of the 2021 Legal Year on the 11th of January 2021, the Honourable Chief Justice Mr Luke Malaba made a clarion call for the JSC to embrace ICTs.

Chief Justice Malaba said plans to introduce virtual court sittings were at an advanced stage to make sure courts keep abreast with best practices such as harnessing the potential of ICTs in ensuring uninterrupted access to justice.

"To this end, plans to introduce virtual court sittings are at an advanced stage. The process involves the presentation of submissions by litigants and parties to disputes without them being required to be physically present in court".

"This digitisation of the courts and their processes has already been adopted and is in use in other jurisdictions in the region and beyond," said Chief Justice Malaba.

He said the JSC has entered into memoranda of understanding with cooperating partners such as the United Nation Development Programme, International Commission of Jurists and United Nations International Children's Emergence Fund to assist with

the establishment of virtual courts throughout the country.

In its endeavour to fully embrace ICTs, the JSC also accelerated the pace of introducing a more advanced Integrated Electronic Case Management System (IECMS).

Chief Justice Malaba revealed that the implementation of IECMS had been stalled by service providers who reneged and pulled out of the contract at the last minute in 2020. The tender was later awarded to Synergy International of Armenia and the project needed to be expedited.

The IECMS is touted as one of the technological advancements that allows for efficiency, transparency and improved access to justice.

"Court procedures will be expedited while minimising direct human contact at certain stages of the process, thus eliminating opportunities for corrupt tendencies".

"The first phase of implementing the system will involve the Constitutional Court, the Supreme Court and the Commercial Division of the High Court. Bristol House is expected to be officially opened in April 2021 and the setting up of the IECMS will immediately follow, as the court is earmarked to be the first paperless court in the country," said Chief Justice Malaba.

...From Page 4

Meanwhile the Court recently resumed operations having closed doors for 40 days after five staff members had tested positive for Covid-19.

Mr. Mavenge confirmed the latest development to The Miranda.

The decision was arrived at after the Judicial Service Commission (JSC) took all the necessary steps to make sure the station was now safe to operate.

"We have always been guided by provincial medical experts. They were aware of what befell us as a station and they have been monitoring our journey to this end. The station has been fumigated and disinfected and all the employees that tested positive are no longer showing any symptoms. So, the provincial medical experts made it clear that if reasonable time frame has been taken to make sure these employees recover well and that the station is disinfected and fumigated, all was in place for us to resume operations," said the Resident Magistrate. He added, "I have been in contact with my Provincial

Magistrate who asked me to contact the medical team and they told me the same thing that the station has been closed for 40 days which is too much to allow those that tested positive to recover. I am now just waiting for her approval so that we open the doors. Office orderlies will be disinfecting the premises again on (Monday). So all will be in place for us to start operations."

Mr Mavenge thanked the JSC for rolling out a fumigation and disinfecting programme that started in Harare before spreading to all the provinces across the country.

He also commented that resumption of Karoi Magistrates' Court operations was a noble idea and of great benefit to the JSC and the community at large.

Karoi Magistrates' Court closed its doors on 19 January 2021 after five staff members tested positive for Covid-19 and the JSC was left with no option, but to close the court for some time.

Lupane Court building project on course

By Isaac Siyakwiye

he Judicial Service Commission (JSC) has expressed its desire to speed up construction work at the new Lupane Court site.

This was said by the JSC Deputy Secretary Support Services Mr Sithembinkosi Msipa during a tour recently. Mr Msipa was accompanied by Chief Magistrate Mr Munamato Mutevedzi, Head of Procurement Services Mr Elias Muzenda and Projects Officer Mr Kudakwashe Nzvere.

The Deputy Secretary expressed optimism on the manner in which work is progressing at the new site.

He said the contractor had assured him that work of laying floors to all structures with concrete was the next stage after the Public Works Engineers' inspections had been confirmed. He also highlighted that the solar-powered pump system which had developed a fault had been fixed and water was no longer a problem.

"I am optimistic that by April we will be celebrating the completion of our project in Lupane. Work has been going on well and I am very much sure the structure will be complete soon," he said.

The Chief Magistrate, Mr Mutevedzi also added his voice on the developments happening at Lupane.

"The construction of the Lupane Court is a welcome and pleasing gesture that the Judicial Service Commission [JSC] is committed to decentralising the wheels of justice to provinces as Lupane is the provincial centre for Matabeleland North Province," he said.

The Chief Magistrate was impressed with the structural progress and encouraged all those involved in the construction to do their best in completing the Lupane courthouse, which initially had been projected to be completed mid last year. The project was stalled due to the national lockdown restrictions following the Covid-19 pandemic outbreak.

"I am impressed with the structural developments which I see here, an indication that work is being performed well despite a plethora of challenges impeding progress. Some of these challenges are natural which we cannot control, while others are man-made. As such we have to come up with solutions for the challenges we have control over to finish what we started in time," said the Chief Magistrate.

He added that the materials for the construction should be availed in time so that the team on the ground is kept on its toes. He also remarked that had it not been



Men at work.... Workers at the Lupane new court site going through their daily work routine



The side elevation of the Lupane new court house

for the Covid -19 pandemic which triggered the national lockdown thereby virtually stopping all business operations, the Lupane courthouse could have been operational long back. He, nevertheless, indicated that there were assurances from the contractor, the Ministry of Public Works and National Housing, that construction could be complete by April this year and the handover by May or June 2021.

Mr Mutevedzi said the Procurement Department will soon flight a tender advertisement for the installation of the roof trusses.

The court project in Lupane would have the main superstructure housing two courtrooms and members of staff offices. The other detached structures at the site include a holding cell block, ablution block as well as litigants waiting shed, which are all at the same level of construction as the superstructure.

During the Chief Magistrate's visit to the project site, the Provincial Magistrate in Charge of Matabeleland North Province Ms Sekai Chiwundura, the Resident Magistrate for Lupane Mr Ndumo Masuku and the Provincial Administrator Mr Felix Dzingisai were present. The contractor was represented by the Provincial Director of Public Works Mr Simbarashe Ushe and the Public Works structural engineers.

MIRANDA ... • • • 6 • • • • • MARCH 2021

Resident Magistrates' Court for Inyathi



JSC building in Inyathi which is set to undergo massive renovations



One of the blocks at Inyathi already under renovations

By Sinikiwe Mlotshwa

he Judicial Service
C o m m i s s i o n
(JSC) has taken
a bold decision
to upgrade the
Inyathi Circuit
Court to a Resident
Magistrates' Court, The Miranda
can reveal.

The development is subject to the gazetting of the proposal by the Minister of Justice.

A team from the JSC Secretariat that

comprised the Deputy Secretary Support Services Mr Sithembinkosi Msipa, Chief Magistrate Mr Munamato Mutevedzi, Bulawayo Province Provincial Magistrate Mr Tavengwa Sangster, Projects Officer Kudakwashe Nzvere and members from Public Works head office and the local office toured the Circuit Court site to see how they could improve the structure in preparation for the opening of the Resident Magistrates' Court.

All the parties present agreed that the four offices used by the Judicial Service Commission should be renovated to match the residents' offices throughout the country, that new standard court furniture is bought and also that a block of uncompleted toilets be completed. Speaking at the site, the Chief Magistrate expressed optimism that their request to have a Resident Court in Inyathi will be gazetted soon.

The move to open Inyathi Resident Court by JSC has been necessitated by the number of cases that the court dealt with and also the JSC's Strategic Plan mandate to improve and strengthen access to justice to everyone, hence having courts in all cities, provinces and districts.

Improving structures and modernising buildings is one of the JSC's major priorities. The face lift and expansion of the Inyathi Court was highlighted in the JSC's 2021 goals. Inyathi is situated between Bulawayo (73km) and Nkayi (96km). It is currently sitting as a Circuit Court for Nkayi, where the Magistrate sits twice a week.

The Inyati Resident Magistrates' Court will house the Judicial Service Commission offices, supporting staff and other stakeholders. Renovations of the building have commenced with a private contractor and the court is expected to start its operations as soon as the gazetting goes through and renovations are complete.

MIRANDA •••• • 7 •••• MARCH 2021

Lasting solution for Chitungwiza Magistrates'

Court water woes

By Brian Nkiwane

he Judicial Service
Commission (JSC)
has finally come up
with a panacea to the
Chitungwiza Magistrates' Court
water situation, The Miranda
reports.

The water situation at the station has been giving the JSC sleepless nights, but with the assistance of other stakeholders, the Commission had to come up with a lasting solution.

The problem emanated from a situation where Chitungwiza Municipality was failing to provide water to its residents as well as the courts. The council had proposed a rationing schedule which did not fit well in the operations of many institutions within the town, including Chitungwiza Magistrates' Court.

The station was among those hard hit. In 2014, the JSC sunk a borehole at the station and installed a 2000 litre water tank whose capacity was however insufficient.

The problem persisted until late 2020 when the JSC Administration Department decided to deal with the problem once and for all.

Speaking to The Miranda, the JSC Head of Administration Mr George Madzikura said they have since addressed the water problems at the Chitungwiza station.

"We drilled a borehole in 2014 and installed a 2000 litre tank. We thought we had done our best but water problems at the station persisted. In 2020, we decided to deal with this once and for all. We replaced the small pump that we had previously put there with a much bigger pump and installed an additional much bigger tank, 10 000 litres, just to make sure that we are no longer going to hear about

water problems at Chitungwiza. Since then, water has been in abundance, no more complaints," said Madzikura.

His sentiments were echoed by one of the Magistrates at the station Mr Brighton Danana when The Miranda crew visited the station recently.

"I can safely say the water problem is now a thing of the past. We now have enough water here. I know the court has not been running at full capacity due to the national lockdown restrictions, but trust me, we now have water here," he said.

The availability of water could be evidenced by the variety of flowers and other plants around the station which are full of life.



10 000 litres water tank at the station

Sangoma dumps regalia at

Chitungwiza Court reception

By Brian Nkiwane

In Nollywood movie style where characters do much of juju initiations, a self-proclaimed Sangoma dumped his regalia at the Chitungwiza Magistrates' Court reception area, leaving a handful of employees who had reported for work on that day scurrying for cover.

According to eyewitnesses, the self-proclaimed Sangoma whose name could not be established, came dressed in full combat of Sangoma regalia and also carrying a lot of regalia they use when doing their job.

"The Sangoma came here in full combat and he was carrying the other regalia which he then dumped at the reception area. He was speaking at the top of his voice demanding to see the powers that be here. He said he has a case that is supposed to get into court soon. Before leaving he shouted the following words, 'Muchandiona ndauya kunyaya yangu hamusi kundiziva' and he disappeared," said the eye witness.

Speaking to The Miranda crew that visited the station recently, an employee who chose to remain anonymous said the dumped regalia was at the reception area for two days and no one was willing to even touch them

"We were all in shock, actually when this happened we all scurried for cover. Not even one of us wanted to touch or remove the regalia that was left at the reception. Fortunate enough the guy came back two days later and took his stuff," said the employee.

Massive nation-wide fumigation programme launched



By Kudzai Rusakaniko

The Judicial Service Commission (JSC) has rolled out a massive fumigation programme that will see all their service vehicles, court rooms and offices being disinfected three times a week. The programme started in Harare in January this year and is being implemented in all the 10 provinces countrywide. The programme is structured in such a way that all JSC service vehicles at every station around the country will be fumigated every Monday, Wednesday and Friday including Judges' vehicles. Courtrooms and JSC offices will also be fumigated three times a week. Speaking to The Miranda crew, JSC Deputy Secretary Support Services Mr Sithembinkosi Msipa said whatever route the Commission is taking is enshrined in the 2021-2025 Strategic Plan. It is part of the strategic priorities to make sure that the Covid-19 response measures are expanded and implemented before the end of January 2021.

The pilot projects of the fumigation programme were Courts 6 and 14 at Rotten Row Harare, as well as Court A at Harare High Court. Court 6 has some cubicles to make sure that there is social distance between the people in the courts.

Taking pride in achieving part of the strategic priorities, the JSC Secretariat has trained two staff members to carry out the exercise without outsourcing for such a service. They are expected to train other members of staff in different stations across the country. The trained staff members, namely Mr Khumbulani Mushowe and Mr Tendai Muderere, fumigate the Harare courts and the JSC offices 2- 3 days a week using knapsacks. Mr Mushowe so far has managed to train twelve people in Bulawayo and two people in Gweru and the fumigation process will be done twice a week that is Wednesday and Sunday.

The Commission also bought six foggers as a way of making sure that the premises are thoroughly disinfected and they are used twice every week. To add on, sanitizing spray was also bought so that members of staff in the records

department, feel free to handle files as they will be already disinfected without information being distorted or spoilt by the ordinary sanitisers. Shields as well as face disposable face masks were also procured for staff members, Legal Practitioners and Litigants to protect themselves from the deadly pandemic. Personal Protective Equipment (PPE), was bought and given to the staff members responsible for disinfecting the premises which consist of the head, foot and body gear. The Commission will continue with the fumigation programme until the pandemic is over.

Zambian fish poachers flood Binga Court

By Staff Writer

Fish poachers from neighbouring Zambia have invaded the Zimbabwean side of the Zambezi River threatening to extinguish small fish farming projects taking place in Zimbabwe.

This was said by Binga Magistrates' Court Resident Magistrate Urgent Vundla who noted that the cases of these foreign fish poachers were rising on a daily basis. Speaking to The Miranda during the Judicial Service Commission Secretary Mr Walter Chikwana's visit to Matabeleland North Province recently, Mr Vundla said they have been overwhelmed by such cases of late.

"Recently numbers of fish poachers coming to this court have risen. They argue that there is no longer enough fish for them from their side due to fishing methods that they have been employing," said Mr Vundla.

"However, they have even made it clear that the amount of fish they get when fishing from their side in one week, can be caught in one day from the Zimbabwean side." The Magistrate said since these poachers are mostly foreigners, Judicial Officers are left with no option, but to slap them with prison sentences.

"Most of these poachers are foreigners from Zambia so we are left with no option, but to slap them with prison sentences ranging from three to six months," said Mr Vundla.

About 10 foreigners were serving at Binga Prison for fish poaching offences at the time of the visit, according to the data availed to The Miranda by the Magistrate.

Tragic blow for JSC as two legal luminaries fall

By Tarisai Mafura

The Judicial Service Commission (JSC) plunged into mourning after the untimely death of two visionaries, Harare High Court Judge, Justice Clement Bigboy Phiri and veteran Magistrate Morgan Nemadire.

Justice Phiri (60) died on the 31st of January 2021 while Mr Nemadire (56) passed on in February.

Justice Phiri joined the High Court bench in September 2015 together with five other Judges after emerging victors in the first historic public interviews held according to the dictates of the new 2013 Constitution.

In his message of condolence to the Phiri family, the President of the Republic of Zimbabwe Dr Emmerson Mnangagwa, paid a befitting tribute to Justice Phiri.

"On behalf of Government, family and my behalf, I wish to express my heartfelt condolences to Justice Phiri's family especially his wife Mpho and the children, the judiciary and the legal fraternity who have lost a loving husband, father and professional colleague," said President Mnangagwa.

President Mnangagwa spoke highly of the late Justice Phiri saying the country lost a quiet, dignified legal guru and one of the best brains in the judiciary.

"In Justice Phiri, our country has lost a quiet and dignified Judge. The country's legal fraternity has become poorer after losing one of its best brains sitting on the High Court bench. His death has created a deep chasm in the High Court that will be very difficult to fill

"His passing on has dealt a huge blow to the legal fraternity in general and to our justice delivery system in particular which counted on his invaluable membership and wealth of experience in jurisprudence," he said.

The Judicial Service Commission also consoled Phiri family saying it will be difficult to replace him



The late Justice Clement Bigboy Phiri

taking into consideration his vast contribution to the development of jurisprudence in Zimbabwe.

"An astute but unassuming Judge, he will be fondly remembered for his immense contribution to the development of the Zimbabwean jurisprudence in the 34 years he was part of the justice delivery system."

Justice Phiri was a University of Zimbabwe law alumni.

He had a short stint at the then Local Government, Rural and Urban Development Ministry and in 1986, he got into private practice as a legal practitioner.

In 2004, he upgraded to Advocacy, a position he held until he became a judge in 2015.

He left behind his wife Mpho Phiri and four children.

Meanwhile, hundreds of people that included JSC leadership led by the Secretary Mr Walter Chikwana, Chief Magistrate Mr Munamato Mutevedzi, Deputy Chief Magistrate Ms Bianca Makwande, JSC employees, lawyers, family members and friends thronged Mr Nemadire's rural place to pay their last respects.

His untimely death was confirmed by the JSC through a public statement.

Addressing mourners in Birchenough, Mr Chikwana took time to narrate the long journey that the late Nemadire walked in the justice delivery system.

"JSC has been dealt a big blow



The late Regional Magistrate Morgan Nemadire

in that it has lost a senior Judicial Officer," said Mr Chikwana.

He added; "Mr Nemadire studied law in the then USSR after which he joined the Attorney General's Office as a Prosecutor and rose through the ranks to become a Chief Law Officer. In 2006, he joined the bench becoming a Regional Magistrate, a position he held for the past 15 years," said Mr Chikwana.

He described Mr Nemadire as a man who was a firm Magistrate, resolute and highly principled who could not be easily swayed as a Judicial Officer.

Speaking at the same gathering, the Chief Magistrate Mr Mutevedzi saluted the relatives, friends and workmates who took time from their busy schedules to come and give their friend a befitting send-off.

The Chief Magistrate also took the opportunity to thank JSC for their support rendered to the family in respect of all the diverse provisions that were offered just to make sure the late had a befitting send-off.

"It's a very unfortunate but inevitable occurrence in human life that we lose our beloved ones because of death. JSC has come to mourn one of its own and expresses its profound sympathy to the Nemadire family during this time of mourning the departed colleague." He said.

he Judicial Service Commission (JSC) in collaboration with the United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD) and Deaf Women Included held a meeting to validate the draft Sign Language manual at Meikles Hotel in Harare recently.

The validation meeting was attended by representatives from different stakeholders who work hand in glove with the JSC such as the Zimbabwe Republic Police (ZRP), Zimbabwe Prisons and Correctional Service (ZPCS), National Prosecuting Authority of Zimbabwe (NPA) among others.

The manual was produced by the JSC with support from UNCRPD in line with international best practices which are anchored on the principle of inclusive justice delivery and also in line with provisions of the Constitution of Zimbabwe that recognises Sign Language as one of the 16 official languages of Zimbabwe.

The manual has also been availed during a period when Zimbabwe has ratified the United Nations Convention on the Rights of Persons with Disabilities, (UNCRPD), which is a cue as well as a guide to reform the domestic legislation to ensure inclusion, substantive equality and non-discrimination for persons with disabilities.

Several authorities have described interpreting as an act that requires linguistic and cultural mediation to produce effective communication. Empirical evidence also shows that court cases that involve persons who are deaf are associated with lexical errors, semantic inaccuracies and the omission of tag question forms that would have allowed deaf persons to explain their actions.

Professional Sign Language interpretation and standards have been lacking in Zimbabwe due to limited knowledge and appreciation of the Deaf culture within the justice delivery system. The shortage of interpreters in legal settings results in dire

MIRANDA

Sign Language manual Draft endorsed



Participants follow proceedings during the Sign Language manual Draft validation workshop held in Harare recently

By Staff Writer

consequences for deaf litigants and defendants. The manual is one of the first steps that seek to reduce gaps associated with failed communication in the delivery of justice to persons who are deaf in Zimbabwe.

It is a reference source that is expected to lead to the provision of uniform justice services to persons who are deaf. It is also encouraging to note that the manual will act as a primer and reference source, providing basic information to officers of the court who include, but are not limited to Judges, Magistrates, Prosecutors, Legal Practitioners and Court Interpreters. Besides, the manual also provides critical information to other primary actors in the justice chain such as the Police. Prisons and Correctional Service. the Attorney General's Office and the Ministry of Justice, Legal and Parliamentary Affairs.

Historically, the JSC has been working with development partners to get sign language interpreters

in court cases involving deaf persons. While such partnerships will continue. the manual has created a framework for the JSC to have a better understanding and appreciation of Deafness and Sign Language, thus creating the basis to take charge of the processes involved in engaging Sign Language interpreters and dealing with clients who are deaf. This initiative will also enhance the delivery of quality services to deaf clients. Guided by the manual, the JSC will also guard against the proliferation of undertrained and less experienced Sign Language interpreters in courts, who pose potential ethical challenges in the discharge of interpreting duties in the courts. The manual is guided by the human rights approach to disability and respect for ethical standards of Sign Language interpreting will help officers of the court develop a shared vision and understanding of sign language interpretation and Deafness in general.

.... MARCH 2021

Mr Paul Chapoterera

(1956 - 2021) OBITUARY



The late Paul Chapoterera

By Bruno Shora

n the 3rd of February 2021 a dark cloud hung over Manicaland Province's gateway town of Rusape, Rusape Magistrates' Court and its surroundings in particular.

This time around, it was not because of Cyclone Idai nor the young sister, Cyclone Elois, No. Sad news of the untimely death of veteran long-serving and award winning Court Recorder Paul Chapoterera had filtered through to various associates who were scattered in dispersion at various hide-outs, taking cover, in a bid to mitigate the spread and adverse impact of Covid 19. Chapoterera had breathed his last.

This was at a time when I thought I had penned my last piece for the Miranda, but I felt once more compelled to make one more contribution, an obituary for the late Mr Chapoterera, in his honour. Besides being mere workmates for about a year between 2019 and 2020, we rendered our different duties in the same courtroom, the Regional Court and above all, we were once housemates for about three months at House number BC 01 Messengers Camp, Vengere, Rusape. Mr Chapoterera, who at the time was stationed at Mutare Magistrates' Court was supposed to come to Rusape Magistrates' Court on a relief basis. So a special arrangement was made by authorities that we accommodate him at our place of residence, alongside Mr Kamurai, a fellow workmate. This converted our residence to a "Boys High" comprising of "senior bachelors" of some sort. Later, Mr Chapoterera was to permanently transfer to work with us at Rusape Magistrates' Court. It is upon this basis that I thought having been privileged to interact with the late Mr Chapotera at a professional, social and personal level, I could come up with a brief obituary following his untimely demise.

Mr Chapoterera's loyalty and dedication to duty was one of its kind.

Usually, his day began as early as 4 am at a time when Mr Kamurai and myself would still be having breakfast. Mr Chapoterera would already be clad in his classic suit, folding his handkerchief and leaving for work. "Towonana mberi varume", he would say as he left for work well ahead of us. "Bolato mdara", we would acknowledge. We would then arrive at our workplace about an hour later after him. More often than not, there was always an attractive feature in the Attendance Register, a classic handwriting of the previous century by a fountain pen bearing the inscription "Mr P. Chapoterera" and then an indelible signature as he was always amongst the early birds to log-in.

Upon arrival at work, it was Mr Chapoterera's norm to first ensure that his recording machines, the CCTV and microphone were up to date and in good working condition. He would also request a copy of the Day's Court Roll from the Public Prosecutor or the Clerk of Court so that he would know timeously and in advance cases on the roll for that particular day and retrieve the relevant tapes for the continuation of trials. Come 9 am sharp, all the Officers of the Court will be in Court Room C ready to do what they were called and anointed to do, with Mr Chapoterera putting on headphones and his right hand on the computer mouse as he made sure that all the court proceedings were audibly captured on tape.

I am sure every Regional Magistrate who worked with him would confirm that all records and registers which were under his care were always updated. I remember one day when his system of referencing and cataloguing saved the day as he was able to retrieve a particular memory card containing a case of interest tried several years back.

Although Mr Chapoterera might have had every reason to boast that he had been in the system and had seen and experienced it all more than anybody else at the station, he never exhibited such an attitude.

His deep Manyika accent fused with the English language made his verbal-discourse a charm to an extent that he earned himself an affectionate alias Mr Chapols from close associates.

Mr Chapoterera was also part of the crew which started court recordings at a time when courts would outsource such services from private players. When the then Ministry of Justice, Legal and Parliamentary Affairs made the initiative to run its Court Recording Services, Mr Chapoterera and others were assimilated into the system back in the 80s. He thus saved the system for a period close to four decades with due diligence and unwavering loyalty. The Judicial Service Commission appreciated his exemplary service by according him the much-coveted JSC Long Service Award last year in June 2020.

Being a smart man, he was always clean-shaven and gave a good image of the judiciary. Being a visionaryContinue on page 13

MIRANDA ••••• 12 •••• MARCH 2021



14 Magistrates attend SOFA wildlife training workshop

By Kudzai Rusakaniko

The Judicial Service Commission (JSC) in partnership with Speak Out For Animals (SOFA) hosted a two-day workshop for 14 Magistrates based in Masvingo Province at the Ancient City Lodge recently.

SOFA is a non-governmental organisation based in Harare which focuses on protecting wildlife. The main objective of the workshop was to equip Magistrates with the proper skills of dealing with wildlife poaching and trafficking of animals in court.

Atotal of 14 Magistrates attended the workshop including Mrs Judith Zuyu, the Senior Regional Magistrate Central Division and Mr Magate, the Provincial Magistrate with Honourable Justice Mawadze also gracing the event. Reference was made to the landmark ruling by

Honourable Justice Mawadze in the Mhango case, which was the first pangolin case to be appealed against in Zimbabwe. In many cases, High Court Judges have refused to grant bail to pangolin poachers since the offence is serious and has a nine year imprisonment. Speaking at the training workshop, Advocate Ever Chinoda who is the Executive Director of SOFA indicated that from various researches done, animals were being sold for US\$5000. The intrinsic value of animals must always be considered whenever judicial decisions are made and no amount of money or fine can compensate any lost species.

....From page 12

man, he was already preparing for his retirement which was just some months away. I remember him sharing with me that he had used much of his United States Dollars to buy farming inputs and he was confident that with good rains, he was guaranteed a bumper harvest. He was proud of his children including a son whom he said had recently imported a truck which was to be handed over to him upon retirement so that he would keep himself busy. He showed me the pictures on his phone. It was a silver-grey lorry truck. Mr Chapoterera would also update me saying that together with his son, they were in the process of upgrading his homestead by adding to the already existing structures

an urban-style mansion. Little did he, or even myself, know that his days on mother earth were numbered. I was to leave Rusape in November 2020. We were however, in constant touch. When I visited again in December 2020, I did not meet him, he was off duty. On New Year's Eve, he sent me seasonal greetings and a complimentary message. On the 3rd of February 2021, I received a message which I least expected, "Shora, mudhara wako hakuchina". My heart was broken into pieces. I emulate the old man for a life well lived such that he commanded everyone's respect.

He will always be missed and remembered. Mr Chapoterera was laid to rest in Nyanga on the 5th of February 2021. May his dear soul rest in peace.

MIRANDA •••• • 13 •••• MARCH 2021

MISCONDUCT Watch

CASE NUMBER ONE

The member was a Provincial Magistrate in charge of a station (Resident Magistrate). He was absent from duty without official leave for three (3) days. During the period that he was absent from duty without official leave, ten (10) cases that had been scheduled to be heard before him were moved to other dates, to the prejudice of court users who had come to court during that particular period.

The member entered a plea of guilty to the charge. The penalty which was given was as follows:-

- 1. A down grade from the grade of **PROVINCIAL MAGISTRATE** to **SENIOR MAGISTRATE** in terms of **section 53 (1) (c)** of the **Judicial Service Regulations**, **2015**.
- 2. Further, a removal from the position of **RESIDENT MAGISTRATE** in terms **section 53 (1) (c)** of the Regulations.
- 3. Thirdly, a transfer to a different court station at his own expense in terms of section 53 (1) (i) of the Regulations.

CASE NUMBER TWO

Contravening paragraph 22 of the Third Schedule to the **Judicial Service Regulations**, **2015** (In respect to Magistrates, any violation of the code of ethics for Magistrates shall constitute judicial misconduct) as read with section 6 of the Judicial Service (Magistrates Code of Ethics) Regulations, 2019.

Alternatively, contravening paragraph 20 of the Third Schedule to the Regulations (Any act or omission which is inconsistent with or prejudicial to the discharge of official duties, including the abuse of authority).

It is was established that on the 27th of May 2020, the Magistrate approached a plaintiff in a Civil Case that was appearing at the Magistrates' Court and questioned her why she had sued his friend and drinking mate. The Magistrate then offered the plaintiff US\$50 as part payment towards settlement of an outstanding balance which was the subject matter of the litigation. He promised to personally settle the balance and the costs that the plaintiff had incurred in filing the suit by the end of the following week. On the basis of that promise of settlement, he persuaded the plaintiff not to attend court on the 28th of May 2020, being the date on which the case was set to be heard. The plaintiff did not attend court on that day. The Magistrate subsequently failed to pay the outstanding balance. As a Magistrate, it was his responsibility to ensure that his conduct in and outside court was above reproach in the view of a reasonable person.

The Disciplinary Authority imposed a penalty of discharge from the Judicial Service on him as provided in **section 53(1)** (a) of Regulations. The penalty was effective from 16 March 2021.

Alleged Love Affair Turns Nasty

By Holder Mangumbi

hamunorwa John (real name withheld) appeared before Concession Resident Magistrate Mr Nixon Mangoti facing allegations of unlawful entry into premises as defined in section 131 of the Criminal Law (Codification and Reform) Act, [Chapter 9:23].

The facts of the matter are that, on 18 February 2021 at around 0030 hours at Luxur Floor Roses Farm, Concession, the accused proceeded to the complainant's homestead and upon arrival, he pushed the door and entered. Lights were on so the complainant managed to identify the accused who took to his heels after the complainant raised alarm.

The accused denied the offence and upon being quizzed by the court why he was denying, he told the court that this was a matter where his love affair with the complainant (a married woman) had turned sour. "Your worship I was dating this married woman and we arranged that on the day in question we were supposed to have sexual intercourse, so after enjoying ourselves in her kitchen, as usual, the complainant asked for money. I told her that I had no money since I was not feeling well, that is when she said she would fix me for that".

He was asked where the complainant's husband was and how many times have they had sex with the complainant. The accused said he started dating the complainant two months ago and they had sex countless times. He said they would have sexual intercourse in the absence of the husband, especially when he was on night duty since they worked at the same farm.

One wonders whether what the accused was saying is true or a mere defence, but that is a story for another day. The matter was remanded to a further date so that the complainant would come and give her side of the story.

Mt Darwin residents, stakeholders salute JSC

By Brian Nkiwane

Mount Darwin residents and other stakeholders have saluted the Judicial Service Commission (JSC) for a job well done after the Commission built a state of the art court which is now in the final stages of completion.

Residents in and around the town could be seen milling around the premises to get a glimpse of the new court building.

Speaking to The Miranda crew that was in Mount Darwin on suggestion boxes opening exercise recently, a representative from the station said the new court building has been a welcome development in the town and everyone was looking forward to it.

"This is a very welcome development. Residents and other stakeholders have been waiting for this for a long time. Looking at the building that we have been using, we have been operating with limited space, our

clients have been finding it difficult at times even to enter some of the offices due to lockdown restrictions. The offices here are too small. Now that we will be moving to the new courthouse soon, residents, stakeholders and other people seeking our services will be feeling much relieved when they visit," the representative said. Speaking on behalf of lawyers that were doing business at the court, Lawrence Mhlanga, a legal practitioner, said the development was long overdue.

"We have been monitoring developments at the new project with keen interest. As lawyers, we needed this at all cost. We have limited operations at most court stations due to national lockdown restrictions, but with this project on course, we are assured of efficient service delivery," said the lawyer. Also speaking at the same forum on condition of anonymity, a representative from Zimbabwe Prison and Correctional Service

(ZPCS) said the completion of the Mount Darwin court project was a welcome development which is also going to see an improvement in the manner they execute their duties as enforcers of the law.

"We are pleased to be associated with such a development. It will go a long way in enhancing our operations as ZPCS as well. A look at the new building will tell you that someone took the time to design such a beautiful structure. We will no longer have problem with people with disabilities as the court has the wheelchair entrance (ramp) in place, making life easier for us as Prison Officers."

The general public that had come to seek services at the court also added their voices.

"I have watched this building develop from the initial stage until where it is today.

Apart from coming here as an accused person, there are a host of other services that we get from the courts. It is therefore imperative to have such a development in these hard times. We are assured of improved service delivery" said Mr Mark Butawo who had visited the court to seek legal services.



The new Mt Darwin courthouse

FIRST

IN PICTURES



JSC Secretary Mr W Chikwana and his team toured the Mount Darwin new court building recently



One courtroom at Hwange Magistrates' Court which has cubicles as a way of minimizing the spread of Covid-19 in courts





The picture combo shows JSC employees carrying out a disinfection exercise at the Supreme Court recently



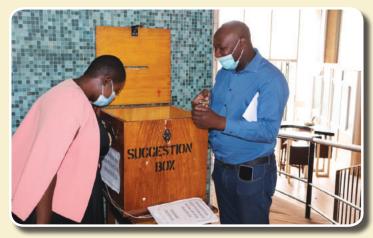
JSC Deputy Secretary Policy and Legal Services, Mrs Faith Mushure (centre) pictured with Lupane Magistrates' Court employees recently





The new Mount Darwin Courthouse which is almost complete





Pictures from the suggestion boxes opening exercise carried out in three provinces recently







Front and side elevation of the new Chinhoyi Courthouse which is nearing completion.



JSC team inspecting the Mvuma Courthouse which is developing cracks

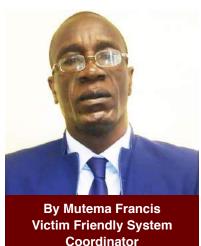




New furniture delivered at Mount Darwin Court

COMPASSION FATIGUE

The cost of helping the vulnerable



or countless Magistrates, times. Intermediaries Recorders are subjected to a barrage of harrowing and excruciating ordeals during trials of Rape, Armed Robberies and Attempted Murder. The same applies to Honourable Judges in the High Court who. on countless occasions, have to review these cases. Most judicial officers have spent their lifetime experiencing such testimonies. All this happens at a personal cost and compassion fatigue being the cost of helping the vulnerable within the justice delivery system.

Compassion fatigue is defined as the cumulative impact of continued exposure to traumatic or distressing stories and events when working in a helping capacity over a long period of time. Compassion fatigue may negatively impact one's work and personal life hence the need to raise awareness. Compassion fatigue may result in anxiety, indecisiveness, loss of enthusiasm and poor judament. Some people may begin to see the world as unsafe . Some people who have dealt with cases of rape may not

MIRANDA

allow their children to go out and even to visit relatives for fear that they may be abused.

One of the deleterious effects of compassion fatigue is that a judicial officer may become over involved in a case as they may become emotionally hooked. Compassion fatigue breeds this impaired psychological functioning due to empathetic attachment to victims of abuse. The flip side is developing hardened feelings, where one becomes less responsive to clients and even family members. One's feeling becomes numb.

There are risk factors that may result in compassion fatigue in our courts. Being exposed to graphic medical reports that are tendered as exhibits, hearing horrendous stories of pain, fear and suffering during trials and over investment one's work. Being empathetic may also expose one to risk of developing compassion fatigue. Due to such exposure, a Judicial Officer may become immensed in victim issues and if such trauma is unresolved, this may also lead to the development of compassion fatigue, hence it is always advisable to deal with all unfinished business.

For judicial officers to be able to guard against compassion fatigue, it critical to identify its telltale signs. These inter alia include having strong feelings of anxiety, difficulty in concentrating and sleeping. Being constantly on guard and alert to possible threats of self and family members is also a bad sign. Some judicial officers may start to have

images from cases that they would have handled intruding into their thoughts and most commonly in dreams. Some people become easily irritable and some may For judicial officers to be able to guard against compassion fatigue, it critical to identify its telltale signs.

experience loss of ability to experience joy. Some became chronically fatigued and may suffer depression.

There are a number of things that judicial officers may do in order to ameliorate the risk of compassion fatigue. Self-care in important. One should get physical nourishment and rest. Good sleeping habits allow the body to the replenish hence it is important to have enough sleep. There is need to have a good work-life balance.

Having planned vacations and taking time off work to recharge one's batteries is a good practice. Debriefing sessions are also important. Regularly, judicial officers should be able to debrief with their supervisors or peers. This may take the form of a discussion of distressing experiences at the end of each day. Workshops and retreats are good practices where judicial officers will be able to unwind away from the hustle and bustle of their work stations. Social contacts are always important. Always keep in touch with family and friends. Equally, it is important for one to attend to one's spiritual needs.

Compassion fatigue is the cost that those working in the Victim Friendly System pay for caring for the vulnerable. Not everyone is affected the same and not everyone is affected. However, one judicial officer affected is one case too many.

.... ● 18 ● • • • • MARCH 2021

JSC Bulawayo staff members form football team

SPORTS

By Sheriffah Ndlovu

udicial Service Commission (JSC) staff members in Bulawayo do not only execute their duties and skills in the courts only, but they have also taken it upon themselves to form a football team and execute their skills in the field of play.

This has seen the birth of a football team called Tredgold FC. based at Tredgold Court. The team comprises Magistrates. Clerks', Interpreters, **Prosecutors** from the National Prosecuting Authority (NPA), members from the Deeds Office and a few other members from private firms.

The formation of the football team was necessitated by the need to socialise and keeping members fit.

Speaking to The Miranda's Bulawayo correspondent, team spokesperson and chairperson Mr Kudakwashe Jaravaza said the Secretary of the JSC Mr Walter Chikwana has on numerous occasions called upon JSC employees to form social groups such as sports teams to keep themselves fit.

"The Secretary is always encouraging us to form these sporting teams so that as employees we find time to interact, socialise while we maintain good health. The team is here, now we hope to get the much-needed support from JSC as we are going to

increase visibility wherever we will be playing," he said.

Mr Jaravaza said the team has no permanent home ground since they were still hiring venues in and around Bulawayo.

"The team hires match venues from surrounding schools. Before the national lockdown, players would contribute towards the hiring of the match venue as well as refreshments during and after the match", Jaravaza said.

The team boasts of having played several games before the national lockdown and against reputable teams such as Steward Bank, POSB Bank, Dynamos Supporters, Caps United Supporters and Beitbridge Magistrates' Court. However, Mr Jaravaza's wish

is to have their team registered in the Bulawayo Social Soccer League.

"At some point, we were handed the chance to join the Bulawayo Social Soccer League, but due to lack of funding, we could not. We hope the Secretariat will give us the much needed support so that we can be part of this once the pandemic is gone," he said.

The chairman also made it known that the team needed a soccer kit, preferably branded with JSC colours, at least five soccer balls and a reasonable monthly budget that will go towards the hiring of match venues and refreshments.

"I know we have a listening Secretary who loves sports as well. We know he will hear us out," added Jaravaza.



Tredgold FC pictured in Bulawayo recently

MIRANDA 19 •••• MARCH 2021

minantertainment



THE MIRANDA PUZZLE NO.18 SET BY MAYOR Using the clues below, find all the words needed to fill this crossword puzzle. The numbers inside the grid are meant to guide you in word positioning as each number represents the same letter throughout. If you fit all the correct answers in the workspace below, the letters along each coloured row, spell,							8			13			21	17
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NOTICE BOAR

Appointments

Francis Mukusha Database Administrator, JSC Secretariat George Mushati Database Administrator, JSC Secretariat Attain Bhariko Software Developer, JSC Secretariat Chitova Jongwe Software Developer, JSC Secretariat Sandra Chawabvunza PA to the Secretary, JSC Secretariat Sebenzile Sibanda Accounting Assistant, Labour Court- Byo Allen Karumbidza Accounting Assistant, Harare Magistrates' Court Jealous Masunda VIP Driver, High Court-Harare Obvious Magaso Graphic Designer, JSC Secretariat

Promotions

Brian Nkiwane Acting Deputy Head of Corporate Services, Secretariat

Retirements

Esina Kaseke Executive Assistant, Master's Office-Harare Kreto Muchongwe Office Orderly, Kariba Magistrates' Court

Early Retirements

Jill Sibanda Driver, High Court-Harare Cosmas Nhemachena Accounting Assistant, Chiredzi Magistrates' Court Dick Kapende Driver, Constitutional Court

Rumbidzai Takawira Head of Communications & Corporate Affairs Secretariat Msengezi Patrick Assesor High Court Harare Evidence Maroyi Court Interpreter Chivi Magistrates' Court Monalisa Magwenzi Judge's Assistant High Court-Harare Getrude Shoko Judge's Assistant High Court-Harare Thomas Chanakira Judge's Assistant High Court-Harare Yvonne Chigariro ICT Officer/ Data Clerk Bulawayo Magistrates' Court Lydia Kachasu Executive Assistant High Court-Harare Tendai Chigiya Accounting Assistant Harare Magistrates' Court

Deaths

Justice Hon Clement Phiri Judge of the High Court, High Court-Harare Morgan Nemadire Regional Magistrate, Chitungwiza Paul Chapoterera Senior Court Recorder, Rusape Magistrates' Court Shepherd Bwanya Assessor, High Court-Harare Casper Madzimbamuto Court Interpreter, High Court-Harare Takawira Mungazi Watchman, Chinhoyi Magistrates' Court

Graduations



MIRANDA

Lainah Beans

Executive Assistant at Mutare Magistrates' Court graduated with a Bachelor of Science Honors Degree in Public Administration and Management from Africa University recently.



Phillip Makondo

Graduated with an LLB Honours Degree from the Great Zimbabwe University recently. He has been appointed Magistrate, formerly Chief Court Interpreter, Bulawayo.

SERVICE CORP.

JUDICIAL SERVICE COMMISSION SECRETARIAT

