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PRESS STATEMENT

COMPROMISED ADMINISTRATION OF JUSTICE IN ZIMBABWE

Zimbabwe Lawyers for Human Rights (ZLHR) wishes to add its voice to those who have spoken out recently on the dire straits in which the Judiciary, and therefore the administration of justice, finds itself.

The official opening of the 2007 Legal Year was marked by speeches from the Judge President, Mrs. Justice Rita Makarau, in Harare and Mr. Justice Maphios Cheda in Bulawayo. The two judges, particularly Justice Makarau, brought attention to invidious poisons which are negatively affecting the administration of justice in the country, namely insufficient resources and corruption within the judicial system.

The Judges pointed out that personnel within the judicial system are poorly remunerated, promoting rampant corruption. She was concerned that the court is failing to effectively and expediently carry out its duties because of the adverse shortage of stationery and computers, and the poor equipping of the libraries. Such impoverishment led to the courts failing to hold a circuit in Masvingo in 2006, meaning that awaiting-trial detainees continue to remain incarcerated for unduly long periods whilst they wait for justice. The Judge President noted that the conditions of the police cells and remand prisons continue to amount to inhuman and degrading treatment.

The independence of the judiciary is one of the cornerstones of any democratic society and is protected in various international agreements including the United Nations (UN) Basic Principles of the Independence of the Judiciary as well as in section 79B of the Constitution of Zimbabwe. This principle is necessary to curtail arbitrariness and ensure that the law is applied fairly and equally, so that there is access to justice for all. Independence of the judiciary entails both institutional independence and the individual independence of judicial officers. When a judiciary is underfinanced and understaffed, the institutional independence of the judiciary is grossly undermined; where the resourcing of the judiciary is subject to the control of a central authority, the quality of justice dispensed is seriously compromised and it is the general populace which suffers. As the Judge President stated: *'It is wrong by any measure to make the judiciary beg for sustenance. It is wrong to make the judiciary beg for resources from central government.'*

Courts are failing to deal with the backlog of cases, especially criminal cases, especially in outlying and more remote areas. The populace is therefore failing to access justice. This inevitably breeds loss of confidence in the justice delivery system. The failure of justice administration in the country gives rise to impunity, anarchy (with people taking the law into their own hands) and a gateway to continued violations of human rights and the breakdown of the rule of law.

ZLHR therefore wishes to add its voice to the calls for due attention to be paid to the needs of the judicial sector, and the related arms of law enforcement. In this respect, we call upon the government of Zimbabwe to:

1. Review constantly the conditions of service of judicial officers in Zimbabwe in light of rampant inflation and guard against a situation where they have to beg central government for their sustenance as this is violent disregard of Section 79B of the Constitution of Zimbabwe
2. Show commitment to the United Nations (UN) Basic principles of the independence of the judiciary (endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985) which state that it is the duty of each Member State to provide adequate resources to enable the judiciary to properly perform its functions.
3. Ensure that they adhere to and show reverence to the rule of law and international norms and values especially the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights which, properly understood, enshrine judicial rights and the independence of the judiciary as a matter of law, not just principle.
4. Ensure that witness expenses are constantly reviewed in light of rampant inflation.
5. Improve detention conditions at Matapi Police Station, Highlands Police station and all other places of detention in Zimbabwe, especially in light of the undue delays experienced before matters are brought to court.

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