

What is a court?

A formal legal meeting in which evidence about crimes, disagreements, is presented to a judge and often a jury so that decisions can be made according to the law

How many types are there?

In Zimbabwe there are 2 types of courts. The Criminal and Civil courts. They are both divided into the Magistrates, High and Supreme courts. There is also the Appeal Court where all the appeals can be referred as well as the Constitutional court where all constitutional matters are referred to. This is seen in sections 166-169 of the Constitution of Zimbabwe Amendment (No.20) 2013

What are their jurisdictions and powers?

Magistrates Court

Mainly the Magistrates Court Act govern its operation

Composition

Presided by a Magistrate usually at four levels. Ordinary, provincial, senior and regional magistrates. Magistrates have an option of working with assessors.

Jurisdiction

- Has no jurisdiction of common law crimes committed outside Zimbabwe
- Has jurisdiction over crimes committed in the respective region or province
- Does not have jurisdiction over crimes like treason, murder and only the regional courts can have jurisdiction over rape matters
- The punishment in Magistrates Court depends on the level of the magistrate

High Court

As per section 170 of the Constitution of Zimbabwe, the High Court is a superior court of record.

Composition

Presided by a Chief Justice, The Deputy Chief Justice, The Judge President and other appointed judges from time to time. Judges have an option of working with assessors. The judge alone deals with issues of the law. The assessor's duty is agreeing on issues of fact together with the judge

Jurisdiction

- There is no limit regarding its jurisdiction regarding the nature of a crime
- The High Court has jurisdiction of common law crimes committed outside Zimbabwe although it is limited. It does not have extra-judicial powers when it comes to common-law crimes only when it comes to offences like treason and offenses where the harmful effect will be felt in Zimbabwe.
- It has automatic jurisdiction to matters heard in the Magistrates Court particularly if a sentence of less than 12 months is imposed
- The High Court also hears appeals on matters heard in the Magistrates Court against conviction and sentence

Supreme Court

The Supreme court is a superior court of record. It is governed by the Constitution of Zimbabwe and the Supreme Court Act.

Composition

Presided by a Chief Justice, The Deputy Chief Justice, 2 judges of the Supreme Court and other appointed judges from time to time. In matters involving question of application, enforcement or interpretation or an infringement of the Constitution the Chief Justice or Minister of Justice may direct that not less than 5 judges are on the bench. In the absence of such a directive 3 judges may sit on the bench.

Jurisdiction

- This is the final court of appeal in Zimbabwe
- It sits as an appellate court but it does not have original jurisdiction
- Although an act of Parliament may confer additional jurisdiction and powers on the Supreme Court

Besides the above are there any other courts?

There are specialist courts which include martial courts, Children's Courts, the Prisons courts.

Does Transparency International Zimbabwe work with the Courts?

The courts are the authority in the anti-corruption fight and thus TI Z does collaborate and partner with the courts in prosecuting and lobbying for speedy trials as well as providing capacity building and research to court officials.

TIZ is a research based organisation, its broad mandate is to fight corruption and related vices through networks of integrity in line with the Global Strategy. TIZ believes corruption can only be sufficiently tackled by all citizens including people at grass root level. TIZ does this through lobbying for anti-corruption policies and legislation, providing free legal aid services to victims and witnesses of corruption-related cases and advocacy.

For more information and Legal Advice



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