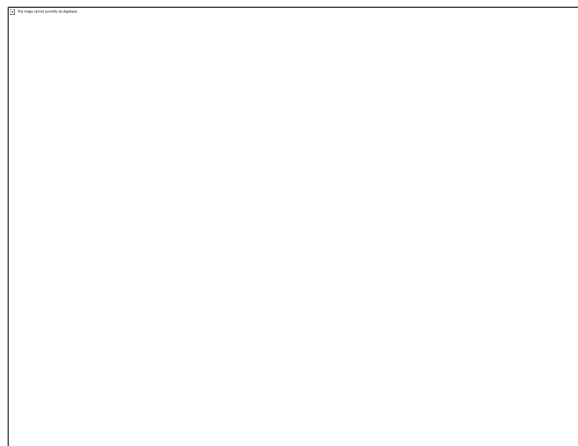




**THE EFFECTIVENESS OF THE ZIMBABWEAN JUDICIAL SYSTEM IN  
DELIVERING JUSTICE: THE CASE OF THE HIGH COURT.**

**BY**

**INNOCENT CHAPFIMVIRA (B213087B)**

**SUPERVISOR DR. R CHIPAIKE**

**A DISSERTATION SUBMITTED TO THE DEPARTMENT OF PEACE AND  
GOVERNANCE IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE  
BACHELOR OF SCIENCE HONOURS DEGREE IN PEACE AND GOVERNANCE.**

**BINDURA, ZIMBABWE**

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## **ABSTRACT**

The judicial system stands as the cornerstone of justice delivery, embodying the principles of fairness, accountability and the rule of law. In Zimbabwe, the effectiveness of the system has been a subject of intense scrutiny particularly in light persistent challenges such as judicial independence, resource constraints and public trust deficits. The purpose of the study was to examine the effectiveness of the Zimbabwean judicial system in delivering justice focusing on the case of the high court. The objectives of the study included to understand the role of the high court in delivering Justice in Zimbabwe and to show the effects of judicial misconduct by Judicial system in delivering justice in Zimbabwe. The other objective was to recommend solutions, strategies and Mechanisms to increase the effectiveness of the high court in delivering justice in Zimbabwe. Through the mixed methodology approach, the research found out that the high court is not very effective in delivering justice through analysis of the factors that underpin the judicial effectiveness. These factors included the judicial independence, access to justice, quality of justice and judicial efficiency. Through analysis these underpinning factors, the research found the loss of confidence of the public towards the judiciary, loss of hope and trust and the erosion of the rule of law. By benchmarking Zimbabwe's judicial framework against regional and international standards, this research identifies critical gaps and proposes actionable recommendations to enhance the system's efficiency. Ultimately, this thesis argues that a robust independent, transparent, efficient, accountable, accessible justice system is not only essential for justice delivery but also for fostering public confidence and sustaining democratic governance in Zimbabwe. The findings aim to contribute to ongoing discourse on judicial reform and provide a roadmap for strengthening the rule of law in Zimbabwe.

## Declaration Form

### STUDENT

I Innocent Chapfimvira, I thus certify that this dissertation is the result of my research and work, except when acknowledged.

**Signatory**



**Date 11/09/2025**

### Supervisor

I Dr R. Chipaike, do hereby confirm that this dissertation was completed by the student and submitted with my consent.

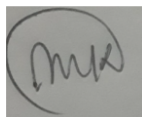
**Signatory**



**Date 11/09/2025**

**APPROVAL FORM**

The undersigned certify that they have supervised the student, B213087B's dissertation entitled: The effectiveness of the zimbabwean judicial system in delivering justice: The case of the high court. This dissertation is submitted by B213087B in partial fulfillment of the requirements of the Bachelor of Peace and Governance in Honors Degree at the Bindura University.

**Supervisor****Date ..... 11/09/2025****Chairperson .....****Date.....19/09/2025**

## **DEDICATION**

I dedicate this project to my mother in whose capacity she left this world very untimely. May her soul rest in peace.

## **ACKNOWLEDGEMENTS**

I want to express my warm gratitude to my supervisor in whose capacity endured my errors and mistakes in trying to shape this thesis through the provision of directions and encouragement in completing this project. My second expression follows to Bindura university of Science Education where I have found a golden space to pursue my academics. I also want to thank the department of Peace and Governance and the lecturers for such a wonderful academic, psychological support and encouragement in completion of this project. My warmest acknowledgements are set to the Judicial service commission of Zimbabwe particularly the high court in accepting and assisting me in the research for the completion of this project. More importantly I want to express with a wide smile special gratitude to my Father Mr Isaac Chapfimvira for the unheard off support in everything. I also extent my gratitude to my aunties, brothers, sisters and other relatives for their prayers, support and could always inquire on my whereabouts and progress in the completion of this project. I want also to express my gratitude to my friends who stood with me. My warmest gratitude is set to my own brother Mr Elias Chikohwa for the financial support and resources he sacrificed to channel for my good. I want also to express my warm hugs and kisses to my girlfriend in whose capacity she endured loneliness and showed extended affection throughout the completion of this project. Glory be unto the lord our God!

**RELEASE FORM**

Name of Author **B213087B**

Dissertation title **The effectiveness of Zimbabwean judicial system in  
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Permanent address 285 Samora Machel ave, Eastlea, Harare

Cell +263780944401

Email address [stinnocentchapfimvira@gmail.com](mailto:stinnocentchapfimvira@gmail.com)

## **Acronyms**

IECMS    Integrated electronic case management systems

ZANU-PF    Zimbabwe African National Union Patriotic Front

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## **CHAPTER 1: Introduction**

### **1.2 Background of the study**

The quality of justice delivery in Zimbabwe and the judicial system in general have since the turn of the millennia been challenged as not independent and captured since the last decade. According to Bosio (2023), access to justice is a key ingredient across literature which is used to measure the effectiveness of justice delivery. The judicial system in Zimbabwe has led to increased public mistrust, lacks public confidence and credibility. According to Transparency International Zimbabwe statistical report (2020), 69% of their research participants were not satisfied with the justice system in Zimbabwe. Corrupt judiciary promotes the corrosion of the rule of law and fuels judicial impunity and immunity. The Zimbabwean judicial system lacks public independence and suffers from allegations of being partisan. According to Magaisa (2016), reflects that in Zimbabwe, there is widespread belief that the executive tends to influence judges and magistrates and often interfere in politically contentious issues. In order to maintain judicial independence, judges must make unbiased decisions based on the law and the available data, shielding them from unwarranted outside influence from the public, other branches of government, and corporate executives according to (Dijk and Vos, 2019).

The Zimbabwean judicial system seems to focus more on retributive justice overshadowing the restorative justice that seeks to foster sustainable dispute and conflict settlement. Due to its accessibility, the informal court system promotes fair justice according to (Ahmad and Wangenheim 2021). Efforts to strengthen the delivery of justice system should ensure that the end users of the system have their needs and expectations met, (Law society of Zimbabwe, 2018). With the introduction of Integrated electronic case management system (IECMS) in superior courts like the High court has ushered in new problems on accessing justice by the

general public due to lack of ICT literacy, internet and resources by the general public to access justice electronically. The effectiveness of the High court in justice delivery have suffered from judicial capture, undue delays to fair trial, lack of impartiality, biased criteria of accreditation of judges, huge case backlogs, irrational approach to punishment, presumption of innocence and lack of independence in judiciary promoting a culture of judicial impunity and deterioration of the rule of law among other things that the thesis tries to add value through harnessing a divergence of views and perceptions to draw some lines of conclusion and possible recommendations to remedy the problem.

## **1.2 Purpose of the study**

To examine the effectiveness of the Zimbabwean judicial system in delivering justice focusing on the case of the high court.

## **1.3 Statement of the problem**

The judicial system in Zimbabwe has failed to stand its ground to deliver justice effectively to the entirety of the citizens. According to Bosio (2023), access to justice is a key ingredient to measure the effectiveness of justice delivery. The problem manifests as a result of undue delays to a right of a free and fair trial, lack of judicial impartiality and independence, lack of rational approach to punishment and presumption of innocence, partisan judges and huge case backlogs. This is a big problem to the civil society organisation, opposition political parties and leaders, human rights activists and the general public among other groups. However, the highlighted issues have led to judicial impunity and immunity.

## **1.4 Objectives of the study**

1. To examine the effectiveness of the judicial system in delivering justice in Zimbabwe.
2. To examine the role of the High court in delivering justice in Zimbabwe.
3. To show the effects of judicial misconduct by judicial system in delivering justice.

## **1.5 Research questions**

1. How effective is the judicial system in delivering justice in Zimbabwe?
2. What are the roles the High court in delivering justice in Zimbabwe?
3. What are the effects of the judicial misconduct in delivering justice in Zimbabwe?

## **1.6 Significance of the study**

The judicial system is vital for ensuring law abiding. It is mandated to the application of laws to specific cases and dispute settling. Given that it protects them from potential overreach by the legislative and executive branches, the public views the judicial system as the most important branch of government. The judicial system is more respected than the other two institutions because of its function as a defender and protector of the constitution and the people's fundamental rights. The research will be important the following groups and organisations:

### **1.6.1 Citizens**

The rule of law is the universal legal boundary that keeps the world in order when observed very closely. Judicial system helps to enshrine the democratic principles through the constitution and regulations of economic relationships. The rights of the people are fundamental aspects that need to be upheld to advance peace, unity and development of any form. Resolution and settlement of disputes between the wrong and the wronged helps foster transparency, unity, trust and the spirit of sovereignty as well as mutual understanding. This research will be crucial to the citizens as it tries to make possible recommendations that would improve judicial effectiveness to restore public confidence, trust, public legality and hope in their judicial system. Judicial impartiality and independence will help to advance and enhance development and effective governance.

### **1.6.2 Academics**

The judicial contribution in the process of policy making in public academics has become common in the living world. Judicial intervention proves to be inattentive to a philosophy of academics and a sense of what academic effectiveness is all about. It is challenging that notwithstanding the increased participation of the effective court system, the academics seem to be deteriorating. Academic policy making has been influenced by the need to deal with the legal rights of individuals than by the need to forward good academic practice for all within the larger definition of those rights. The judicial system priorities are based on legal entitlements so that academic rights are given by the law. This research is vital to the academic community as it seeks to make recommendations towards the betterment of the effectiveness of the judicial system in justice delivery towards policy making that also touches them in their academics in one way or the other.

### **1.6.3 Scholars**

The collection and writing of deep information through research are very vital for it helps the coming generations with the touchable knowledge of what they intend to know about. By having done the research on a particular area of focus, it helps to construct the context of which the scholars would examine and analyse on the project. It produces the refined research revealing the accurate knowledge on a particular problem and make possible recommendations towards the focus of the problem. Therefore, from this thesis, the scholars would benefit through some few important fragments or grey areas that may be highlighted worth for special attention for better researches and subject to written discourses for the scholars.

### **1.6.4 Civil society organizations**

Civil society organizations are a pillar towards the development and formulation of policies that affect the people and other groups. Operations of the civil society groups have been

ongoing in very restrictive environment due to the policies and laws passed by the judicial system towards their existence and lines of operation. This could be as a result of the capture of the judicial system by the incumbent government and used to deflect civil society organizations due allegations of influence from western countries to disturb the state sovereignty indirectly through diplomacy being soft power. However, the thesis seeks to reveal these grey areas calling for the special attention to address such misconduct through the recommendations made to improve judicial independence, impartiality, responsibility, fairness and effectiveness.

### **1.7 Assumptions of the study**

1. The high court is not very effective in doing its work to deliver free and fair justice in Zimbabwe.
2. The judicial system is a captured system by the incumbent government to influence judicial misconduct and bias.
3. The judicial system in Zimbabwe is being used to weaponize against the purported government opponents.
4. The judges' accreditation criteria is a biased system.

### **1.8 Delimitations of the study**

The research focuses on the effectiveness of the judicial system in delivering justice in Zimbabwe. The research is also going to be focused on the High court of Zimbabwe as the research area. It is time bounded from the last decade until the current date (2014-2024).

### **1.9 Limitations of the study**

Several problems could be faced during the research. The research participants could conceal some of the information for their organizational confidentiality purposes that could have undermined the value and quality of the research. To solve this problem, there was the use of

open-ended questions to encourage narrative responses and offer insights into the interviewee's perspective to potentially reveal inconsistencies and hidden details. This could trip up the participants fabricating the information and made them contradict themselves. Some of the key participants were not willing to participate and some were allowed in the research process. The researcher used the ethical considerations like anonymity and privacy to deal with the participants' conducts. The researcher also engaged with the authorities of the organization to allow employees' participation in the research. That the participants could try to manipulate the information to glorify their organization, but however, the thesis was subjected to the use of the same set of questions for every interviewee to avoid manipulation of information and ensured a level of consistency between interviewees.

#### **1.10. Definition of key terms**

- Madhuku (2010) defines law as a body of rules and regulations that regulate social interactions and human behaviour and are subject to state enforcement.
- According to (Hedling, 2017), a constitution is a set of fundamental laws and standards that outline the general structure and functioning of the state. These norms and principles serve as the foundation for and guide all government actions.
- The rule of law is a fundamental governance principle that holds individuals, organizations, and institutions - including the government - accountable to clear, fair, and publicly known laws. These laws are enforced impartially, judged independently, and align with global human rights standards, ensuring justice, equality, and protection for all.
- Democracy is the rule of the people, according to (Stevenson, 1958).

### **1.1 Dissertation outline**

#### **Chapter 1**

An introduction that includes the study background and the study's purpose opens the chapter. The problem statement is followed by the study's assumptions, research questions, and objectives. Furthermore, the study's importance is still contained in Chapter 1. The study's restrictions, delimitations, definitions of important terminology, dissertation outline, and references are among the other contents of chapter 1.

## **Chapter 2**

The chapter 2 is going to comprise of the theoretical framework and literature of this research.

## **Chapter 3**

In this section I am going to explore the research methodology and research design as well as sampling and data collection methods in this research.

## **Chapter 4**

In this chapter I am going focus on data presentation, data analysis and discussion of findings at large.

## **Chapter 5**

In this chapter I am going to focus on the summary of the research and some lines of conclusions drawn from the research. The chapter also focuses on possible recommendations and solutions to the research problem. This chapter is also going to focus on areas for further research to uncover the other untouched aspects related to the research problem.

## **Chapter 2: Literature review and Theoretical Framework**

### **2.1 Introduction**

This chapter focuses on reviewing literature on the research problem. The literature is going to be guided by two theories that help to shape the research and produce the actual perception of the thesis. The research is going to be guided by Aristotle's theory of justice and Rawls' theory of justice. This chapter also reviews and acknowledges the literature from different scholars in line with the research problem.

### **2.2 Aristotle's Theory of justice**

Aristotle's theory perceives justice as an act in consonance with law. It connotes a moral disposition rendering men apt to do just practices and which cause them to act justly and to wish what is just. That people should respect the phenomenon of being just and take it as a norm rather. Aristotle's view of justice is mainly concerned with the observance of certain authoritative rules of human conduct ought to be termed the virtue of righteousness or moral justice. He embraces the rule of law in his theory. This for instance cements the adoption of the constitution which holds the authoritative rules of Zimbabwe which the judicial system seeks to enforce.

Aristotle also views justice as a signifying equality which concerns the proportionate ratio of commensurable goods. His enquiry into justice commences with the question about the highest good achievable by human actions proceeds to answer it as happiness. For Aristotle, the laws, judges and governors are the law's servants. In contrary to this, in Zimbabwe where quarrels have arisen due to judicial systems instead are making the law to be their servant to attain their interest with the elite against the opposition party leaders, activists, civil society organisations among many others. According to Munyoro (2021), reflects cementing the above as he claims that, Zimbabwean authorities have often used the law to curtail the activities of NGOs that they

perceive as hostile to the government. Munyoro adds that in 2019, the government suspended several NGOs citing issues related to registration and foreign funding but however, the law was selectively applied as many pro-government NGOs have been allowed to operate freely despite similar issues regarding their registration or financial transparency. With Aristotle, the constitution together with the judicial system should work as servants of the law in an impartial manner which is contrary to the Zimbabwean context.

Aristotle also thought of justice in general sense as virtuous treatment of people in society and this treatment is determined by the government's law. That the nature of government's law determines the virtuous treatment of the people in a particular society. Given the situation in Zimbabwe, there has been the gross loss of trust in the government, loss of hope, confidence and credibility due to fear which the government has instilled through its laws that have failed to treat its people virtuously. There has been the selective application of the law promoting the culture of judicial impunity and corroding the rule of law in Zimbabwe which points to judicial ineffectiveness. According to Makumbe (2020), many have pointed that while the law appears to be equally applied on paper, it is selectively enforced when it comes to those in opposition to the government. While Job Sikhala's arrests, detentions and trials on inciting violence and disturbing the peace have been widely publicized, similar actions by members of the ruling ZANU-PF party, even when involving similar charges have gone unpunished or were treated with leniency, (Sithole, 2021). This reflects how the Zimbabwean law selectively applied.

### **2.3 John Rawls's Theory of Justice**

Rawls' theory of justice posits the most interesting modern attempts to defend principles of justice. That justice should be upheld and defended for. His philosophy demands several aspects that may include the maximization of liberty, subjected only to such limitations as are vital for the protection of liberty. In the Zimbabwean context, the liberty of the people has been living in a restrictive atmosphere of the judicial system which is used to exploit the liberty of

the people through selective application of the law, lack of impartial approaches to punishment and use of judicial system against the alleged government opponents. Rawls' other aspect is the equality for all with both in the fundamental liberties of social life and also in distribution of all other forms of social goods. This shows that social justice should be to all despite the social disparities. He also projects the need for the distribution of social goods whilst free from bias and corruption. He also posits for the fair equality of opportunity and extermination of inequalities of opportunity based on birth or wealth. That equality should not be determined by economic status or birth of which the well-off people, the influential people and the elite are subjected to judicial impunity in Zimbabwe. Magaisa (2016), reflects on the widespread influence of the executive and influential people have on judicial system promoting the culture of impunity. Rawls' basic concept of justice is that the principles of justice are those principles that free and equal rational persons would agree for regulation of their common association. Contrary to this claim, the regulation of the judicial system as an independent body has proven to be a failure due to influence by the government elite.

#### **2.4.0 Judicial effectiveness.**

According to Tunshnet (2019), judicial effectiveness involves advancing and addressing systemic inequalities, social justice and protecting the rights of the people. Therefore, several factors that make up the judicial effectiveness in justice delivery. According to Messick (1999), shows that independence, access, efficiency and quality are factors which underpin judicial effectiveness. When judicial system function effectively, accountability increases, trust in the government grows, confidence by the people grows, fosters credibility and business can invest with confidence due to protected rights. This section tries to review the evidence on judicial effectiveness and whether partial reform brings judicial effectiveness.

### **2.4.1 Judicial Independence**

According to (Dijk and Vos, 2019), judicial independence requires judges to make unbiased decisions based solely on the law and the available facts, shielding them from needless outside influence from the public, other branches of government, or corporate executives. This with case of Zimbabwe is definitely contrary to this in observing the judicial independence because the system is influenced by the elite, business people and other groups. Magaisa (2016), reflects that in Zimbabwe, there is widespread belief that the executive tends to influence judges and magistrates and often interfere in politically contentious issues. The distinction between *de jure* and *de facto* independence is a noteworthy aspect (Rjos-Figueroa and Staton 2014). A fair and essential aspect of judicial independence is judicial discretion, which grants judges the authority to reject cases or refer them to pre-trial mediation. that the effectiveness of court processes is closely tied to judicial discretion.

The judges' accreditation criteria can be a determining factor in independence to attain judicial independence. The political party that appoints and judges' previous political background heightens the probability of employee success by about 10% points, (Booth and Freyens 2014). This cements the case of Zimbabwe where most judges due to their previous political parties and accrediting political party colour, courts happen to be so aligned with the ruling party, ZANU-PF especially on political cases. A vital component of the judiciary's independence, according to research on Ukraine, is the competitive selection of judges (Shcherbanyuk 2018). According to another study on Pakistan, trials in favour of the government drastically decreased and the calibre of court rulings increased when the president's choice of judges was replaced by peer appointments according to (Mehmood 2021).

### **2.4.2 Access to Justice**

The ability of the legal system to produce results that are available to everyone, regardless of money, status, or gender, is measured by access to justice. According to Bosio (2023), access

to justice is a key ingredient to measure the effectiveness of justice. This entails taking down obstacles that prevent individuals from understanding and exercising their rights and providing equitable outcomes for all citizens, especially those who are financially and otherwise disadvantaged according to (Peysner, 2014). Some people in Zimbabwe have problems on accessing justice especially in rural and remote areas due to lack of resources, internet and lack of ICT literacy following the introduction of integrated electronic case management system (IECMS). Dzeuguelewski (2016), reveals that forced marriages and illiteracy prevent many women from accessing justice. Formal and informal legal systems coexist in many developing nations. Because of their accessibility, informal systems benefit society by promoting equitable justice. as also postulated by (Wangenheim and Ahmad, 2021).. In Zimbabwe, informal judicial systems are not being encompassed on strategic cases in which they would foster sustainable justice through restorative mechanisms. Formal judicial systems seem to take much precedence over informal systems which leaves the gap for short lived justice.

#### **2.4.3 Judicial Efficiency**

When disagreements are resolved promptly, there are no financial costs to the parties, which spells the efficiency of the judicial system as an ingredient for its effectiveness and it promotes socioeconomic growth according to (Esposito et al 2014). Effective and efficient judicial system guarantees the productivity of the business (Chemin 2020) and also investment rises (Aboal et al 2014). Unlike in Zimbabwe where business growth and investment are limited due to lack of trust and credibility on the judicial system which has crippled the economic development and investment due to avoidance. A proxy for the extent to which conflicts are resolved at a low cost, (Deseau et al, 2019), indicates that a 1% improvement in access to justice raises the five-year GDP per capita by 0.86 percent. In order to avoid such investments, an economy that lacks an efficient judiciary is forced to produce generic goods.

#### **2.4.4 Quality**

The quality of court effectiveness on justice can be measured in two ways that measure the difference between the end users' expectations prior to using the courts and the evaluation made after their usage, as well as the extent to which the decision satisfies a specific number of factors and pre-established indicators. The latter's empirical metric is the likelihood that the first instance ruling will be reversed upon appeal according to (Coviello 2014). Judicial quality evaluations are also based on surveys of utilisation experience (Mbassi et al., 2019). The factors influencing the quantity-quality trade-off are evaluated by some data from Nepal. According to the findings, Nepal's judicial staffing has a pronouncedly good impact on court productivity. Judges' qualifications determine their quality, which is demonstrated by lower appeal reversals.

Researchers have explored the impact of performance measurement systems on efficiency in various jurisdictions. Studies by Smith et al. (2021) in Australian state-level jurisdictions and Siegelman (2020) on US federal civil cases from 1980 to 2017 found that performance measurement can increase efficiency, with judges closing more cases and attempting more motions before assessment cycles. Similarly, Chemin et al. (2023) discovered that performance evaluation enhances court efficacy in Kenya, providing further evidence of its benefits in improving management, service delivery, and resource allocation in public organizations, including courts.

#### **2.4.5 Chapter summary**

This chapter carries theories that support the thesis and shape the actual perceptions of the thesis. The combination of dual theories has been implied to interpret the thesis. These locate the conduct of justice by both the legal institutions for justice delivery and the general populace relating to the cases of Zimbabwe. However, several factors carry much relevance as they underpin the judicial effectiveness. These factors include the judicial independence, judicial efficiency, access to justice and the quality of justice. The factors stand a long way as indicators

of judicial effectiveness and its measure. However, the discourse has proven it hard to trace the judicial effectiveness in Zimbabwe through the consideration of the stated factors pointing the need for much attention on the problem of judicial failure.

## **Chapter 3: Research Methodology and Design**

### **3.1 Introduction**

The main task of the research was to examine the effectiveness of judicial system in delivering justice in Zimbabwe. The research also focused on resolving the questions on the roles of the high court in delivering justice and also the effects of the judicial misconduct as well as the possible recommendations that can be done as a solution to the problem of judicial ineffectiveness. Therefore, this chapter focused on how these requests could be attained.

The chapter focused on providing details on research philosophy, methodology and research design of the study. The chapter also narrowed on the data collection methods and how the gathered data could be presented and analysed. Moreover, the chapter also revealed on the ethical considerations which happened to be the precautions for the research study of which the researcher could be bound by.

### **3.2 Research Philosophy**

A research philosophy is a viewpoint on how information about a phenomenon ought to be collected. A research philosophy is a set of beliefs regarding the nature of knowledge and methods through which knowledge can be acquired, (Chaser, 2015). Therefore, interpretivism was found the suitable philosophy to do a study on examining the effectiveness of the judicial system in delivering justice focusing on the case of the High Court.

#### **3.2.1 Interpretivism**

Interpretivism provides that individuals build knowledge accordingly to their interpretations and experiences. Additionally, it emphasises how important viewpoints and personal interpretations are to comprehending social processes. This paradigm places a strong emphasis on the importance of comprehending social phenomena and human behaviour through subjective interpretation and the development of novel theoretical and social constructs

according to (Pulla & Carter, 2018; Walt, 2020). According to (Schwartz-shea, 2014), interpretivism emphasises the significance of human meaning-making and the fluidity of meaning in social processes.

Researchers can experience the truth about the science they are studying and solve issues with social interaction by using interpretivism according to (Adil et al., 2022). Interpretivism, which is characterised by subjectivity in research, reveals people's distinct perspectives, experiences, and ways of forming their worldview. that it aids in the investigation of actual facts and facets of the world. Interpretivism can be used to analyse quantitative data as well as qualitative methodologies according to (Babones, 2016). Interpretivists stress the importance of meaning in the creation of knowledge and contest positivist views of reality and objectivity (Scauso, 2019). In order to get detailed information about subjective experiences and meanings, it uses qualitative research techniques like focus groups, observations, and interviews. Interpretivism is constrained by contextual understanding, which emphasises the context of social interactions and emphasises the importance of identifying the social, historical, and cultural elements that influence people's perceptions and views.

### **3.3 Research Methodology**

Research methodology is a method solve a research problem. It is a systematic theoretical analysis of the ways applied in a field of study that incorporates the principles and rules guiding research design implementation, (Creswell, 2017). It is a combining word for the structured process of doing research. It is used to provide a clear-cut idea on what the researcher is carrying out the research. Additionally, it directs the researcher to incorporate and actively engage in their specific area of study according to (Cresswell, 2017). By comprehending and identifying the appropriate study type, strategy, philosophy, time, and ways, followed by the

appropriate procedures and techniques based on the research, a research methodology incorporates the internal environment. As a result, the mixed methodology bound the thesis.

### **3.3.1 Mixed methodology**

The research was bound by mixed methodology in developing the real concepts of the research problem. Mixed methodology is the implication or incorporation of qualitative and quantitative research and information in one study (Cresswell, 2014). Qualitative data originates from open-ended sources, such as interviews or observations, where responses are unrestricted and allow for in-depth insights. In contrast, quantitative data is derived from closed-ended sources, like surveys or tests, which yield numerical data. The mixed-methods approach combines these two methodologies, incorporating philosophical assumptions to guide the collection and analysis of data from multiple sources within a single study, providing a more comprehensive understanding of the research topic.

In order to approach difficult research problems, the mixed-methods approach combined the philosophical frameworks of interpretivism and post-positivism. It accomplishes this by combining qualitative and quantitative data in a way that makes it possible in offering a relevant explanation for research difficulties (Fetters, 2016). It also provided a logical basis, methodological flexibility, and a comprehensive understanding of minor cases as postulated by (Maxwell, 2016). By employing a mixed strategy, researchers can address research problems with adequate breadth and depth, which also facilitates the extrapolation of findings and consequences of the issues to the general population according to (Enosh et al., 2014).

Furthermore, qualitative and quantitative data could be triangulated, and vice versa. According to (Carter et al, 2014), triangulation is the process of combining data from several sources in order to test validity or gain a better understanding of a study problem. Combining two approaches may be better than utilising just one since it offers deep insights into the research

phenomenon that are hard to completely comprehend when relying solely on qualitative methods. Many information sources can be combined and synergised using a mixed methodology, which can aid in the research of challenging issues according to (Poth & Munce, 2020). The use of a mixed approach is similar to deliberate information collection, which gives researchers a broad perspective on their subject by allowing them to examine a phenomenon from a variety of research lenses and perspectives according to (Shorten & Smith, 2017). By combining two approaches in a way that balances the benefits of the qualitative approach against the drawbacks of the quantitative methods, the mixed methodology works to produce more rigorous results according to (Clark & Ivankova, 2016).

### **3.4 Research Design**

A research design stands as a procedural plan that adopted by a researcher to solve questions in a valid way. It is a process of planning a study considering the practical aspects such as time, ethical issues and resources, (Robson & McCartan, 2021). It is a framework of ways and techniques put by a researcher to incorporate several elements of research in a reasonably logical way, that the research problem is efficiently handled. It involves the blueprint for the gathering, measurement and analysis of information. It is also essential to a research project and serves as a beacon to direct the research activities. It serves as a series of markers to ensure that research is moving in the proper path. Besides, the research design enhances the efficiency of the researcher in his implementation. This thesis adopted the case study design as the research design that guided the research.

The thesis was bound by the case study as a research design. It is a thorough examination of a current event in the context of actual life. The case study relies on a variety of information sources to support its claims according to (Yin, 2018). A community, an organisation, a small group, or even a whole country could be involved (Miles et al., 2014). Therefore, it was applicable to the study on the examination of the effectiveness of judicial system in delivering

justice in Zimbabwe focusing on the case of the High Court. The mandate of case study research was to obtain detailed understanding of the case subject and to develop new theories or insights.

The application of the case study provided the researcher with the capacity to experience a phenomenon through a diverse of lenses. This multi-perspective way is important for a very in-depth and comprehensive understanding of aspects as well as to a space of real-life situations (Miles, 2015 & Pearson et al, 2015). The case provided the ability to delve into and examine more difficult situations and problems that might not have a clear-cut solution. It has been stated that the lines between case study and mixed methods research are permeable (Carolan, Forbat & Smith, 2016).

### **3.5 Population and sample**

The section focused on population of interest to the study. In this research study, the researcher was bound to employ data collected from the High Court of Zimbabwe. However, the primary targeted population were the judges, registrars, lawyers, politicians and civil society groups stood as population target in the study.

The research had a sample from a population consisting of both males and females aged between 35-75 years. The researcher used 2 judges, 4 registrars and 4 lawyers, 7 politicians and activists, 3 civil society groups as the population of interest for the study.

### **3.6 Sampling methods**

Sampling stands as a method used by a researcher to choose a comparatively smaller number of representative objects or people from a predetermined population to act as information sources for testing or observation in order to meet the study's stated goals. Purposive and expert sampling strategies were used to limit the investigation.

### **3.6.1 Expert sampling**

It is a way for the researcher to obtain information directly from a respondent or group of respondents by looking for consent specialists or recognised experts in the field of the study. It brought together a sampling of persons who could demonstrate their experiences or those who were experts in particular fields. Expert sampling offered a more effective way to shape the opinions of people who were subject matter experts.

### **3.6.2 Purposive sampling**

The purposive sampling can also be judgemental, or subjective or selective sampling. The researcher's judgement was necessary in order to choose which units would be the subject of studying. It is also a non-probability sampling technique in which the researcher selected the participants for the sample based on a number of factors, such as their competence and willingness to participate in the study or their specialised understanding of the research question. Purposive sampling's primary goal was to focus on certain traits of interested parties that made it possible to address the study issues. This method might provide the researcher with the rationale to draw broad conclusions from the sample under investigation. Purposive sampling provided a variety of non-probability sampling techniques for the researcher to use. For example, critical case sampling was used to determine whether a phenomenon merited more investigation before using an expert sampling approach to look more closely at particular issues.

## **3.7 Data collection Methods**

These are tools employed to gather relevant and useful information for the research. Therefore, two tools were applied to gather data for the research which include the primary and secondary data.

### **3.7.1 Primary Data Collection Methods**

The primary sources refer to original materials or first-hand information that have not been altered, interpreted, interpreted or analysed by other researchers. The primary sources are directly related to the research topic and provided raw data or original accounts. These sources could include interviews, questionnaires and observations. Primary sources are crucial for research because they offered direct access to the research problem. Therefore, the research adopted interviews and questionnaires to obtain information on examining the effectiveness of the judicial system in delivering justice in Zimbabwe focusing on the case of the high court. The primary sources made the research problem highly valuable for producing new knowledge or insights.

The researcher used key informant interviews and questionnaires to the judges, lawyers, civil society groups, political leaders and activists as well. These were of much relevance because they were influenced by the research problem of the study. The researcher gathered information using the primary sources on the quality of justice, accessibility of justice, independence status of the judicial system and efficiency as well as some possible recommendations on the future of the judicial system from the participants.

### **3.7.2 Secondary Data Collection Methods**

The secondary data collection methods involve the use of existing data gathered by others rather than gathering new data directly, Kumar (2016). Secondary sources of data are used to investigate questions that may not have resources to address through primary data collection such as large-scale surveys or historical data. It is the data that has been previously collected for other purposes but can be reanalysed for a new research question, Creswell (2016). The secondary data was very crucial because they provided understandable facts that could be similar to a research problem upon examining the effectiveness of judicial capacity in

delivering justice in Zimbabwe. The researcher is therefore, used books, newspapers, journal articles and the legal pieces of legislation like the constitution for the collection of data.

### **3.8 Validity and Reliability**

Data collection methods that were bound by this research thesis on uncovering the effectiveness of the judicial system in delivering justice in Zimbabwe were very valid and reliable due to several strength they hold. The adoption of the use of key informant interviews helped to understand the material data required from the participants' experiences and perceptions on the effectiveness of judicial system in delivering justice in Zimbabwe using the case of the high court. Questionnaires provided structured data that measure the attitudes and behaviours related to for instance the effective justice delivery in Zimbabwe focusing on the case of High Court.

The use of the data collection methods like the books, newspapers and journal articles were also reliable and valid. These were very much reliable sources of data collection because reference is always flexible to be made because they are written evidence. These sources were also valid and reliable because they provided proper guidance and diverse lines of argument based on previous researches acknowledged by other scholars on similar research problems from other jurisdictions. The legal piece of legislation like the constitution is very valid because it constitutes the legal expected guidelines on the conduct of judicial system on justice delivery in Zimbabwe focusing on the case of the high court.

### **3.9 Data presentation and analysis**

This section focused on how the gathered data was presented in the write up. It also focused on how the gathered data was analysed in the research documentation. Since the research was subject to mixed methodology, the dual approach to data presentation was employed to cater and satisfy for combined methods in mixed methodology (qualitative and quantitative methods). The researcher employed the use of tables, charts and graphs to interpret and

present the quantitative data. Also, that the researcher adopted the use of significant main themes and pictures to present the data.

Data analysis was done through the thematic means, a qualitative means for identifying, analysing and reporting patterns and shifts of information. According to Bohringer & Jochem (2014), data analysis involves examining, clearing, converting and modeling information in order to find relevant information, make interferences and aid in decision making. Braun and Clarke (2018) reflect that, thematic analysis is a technique for finding, examining, and summarising patterns in data that essentially arranges and thoroughly defines your data collection. Thematic analysis was also relevant in the study on uncovering the research problem on the effectiveness of judicial system in justice delivery in Zimbabwe focusing on the case of the High Court unveiling the complex issues.

### **3.10. Pilot Testing**

Pilot testing is the process of pre-testing a specific research tool, like a questionnaire or interview schedule, as well as miniature copies of an entire study. Pilot testing is the term used to describe an initial trial of a study of intervention to assess its viability, duration, cost, risk and unfavorable outcomes. Potential failure sites for the major study project, possible protocol breaches, and whether the planned instruments or procedures are too complicated or inappropriate were all foreshadowed by the pilot test. According to Thabane et al (2010), pilot testing involves a small-scale trial of a study that is intended to identify and address potential problems before the main study is conducted. It is important to use pilot testing because it reflects the potential challenges before the full scale because it helps ensure the study is methodologically sound, culturally sensitive, logistically feasible, and ethically responsible (Teijlingen & Hundley, 2017). This helped the researcher to identify areas to be maintained and revised to make effective and efficient full-scale implementation.

### **3.11 Ethical Considerations**

As a licence to access the conduct of the research at the high court of Zimbabwe and as well as to other expected participants, the researcher accessed the consent clearance form from the university which testified the authenticity for the research. However, adherence to the precautions of the research, the researcher was bound by several aspects of the ethical considerations which may include confidentiality, anonymity, informed consent from participants and the protection of harm.

#### **3.11.1 Confidentiality and anonymity**

Confidentiality is the act of keeping participants' personal information and data secure ensuring that it is not disclosed to unauthorized parties. According to Beskow et al (2014) confidentiality involves ensuring that information provided by participants is kept private and only shared with individuals or organizations authorized access to it under predefined conditions. This keeps the participants safe from being questioned and followed against their input to the research. Anonymity includes to ensure that participants' particulars are not linked to the information they provide in any way. Anonymity is the protection of participants' identity such that no personal identifiers are collected or if they are separated from the data and cannot be traced back to the individual (Tuckett & Parker, 2014). The researcher adhered to confidentiality and anonymity at the high court of Zimbabwe on uncovering the effectiveness of judicial system in delivering justice in Zimbabwe.

#### **3.11.2 Autonomy**

According to Chirenje et al, autonomy refers to the capacity of individuals in decision making on their participation in research based on full understanding and voluntary consent without external pressure or manipulation. Therefore, the researcher could not pressurize the

participants on the time of response and participation. The researcher did not coerce the participants to respond to questions that they were refusing to answer. The participants could be allowed to withdraw from the interview without incurring penalties and intimidations from the researcher. The researcher could not request the account for the failure of participants to respond to the questions if any decline of questions occurred.

### **3.11.3 Informed consent**

The researcher was bound to articulate well the purpose and the entire interests of the study to the intended participants to make them understand the nature of the study and convince them. The researcher then sincerely asked for the permission of the participants to respond to the key informant interviews and questionnaires. This technique gave credible capacity due to participation of members without suspicion of infiltration and gave room for producing reliable and practical real information about the research problem.

### **3.11.4 Summary**

This chapter carries much relevance to the problem of study as it carries the research methodology and design that do guide the thesis. The chapter reflects on the research philosophy which is the set of beliefs towards the nature of knowledge about the effectiveness of judicial system in delivering justice in Zimbabwe focusing on the case of the High Court. The section also reflects on the importance of samples and sampling methods that carry the big merit in uncovering the study. The cements on the data gathering ways that are going to be employed for the research problem to be efficient and effective. It has also constituted the reliability and validity of the material for the research and how effective is it. The consideration of the presentation of data and analysis as well as the observance of the ethical considerations

carries much relevance as projected in the chapter to shape and narrow the thesis to the actual point of focus to reach the intended lines of conclusion of the research study.

## Chapter 4: DATA PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS

### 4.1 Introduction

The chapter analyses, presents and discusses the major findings. The study focused on the High court of Zimbabwe as the case study although the findings and recommendations may have broader relevance in similar circumstances. The findings of the research were interrelated to the objectives of the research and the discussion was framed in terms of other relevant literature.

### 4.2 Demographic characteristics

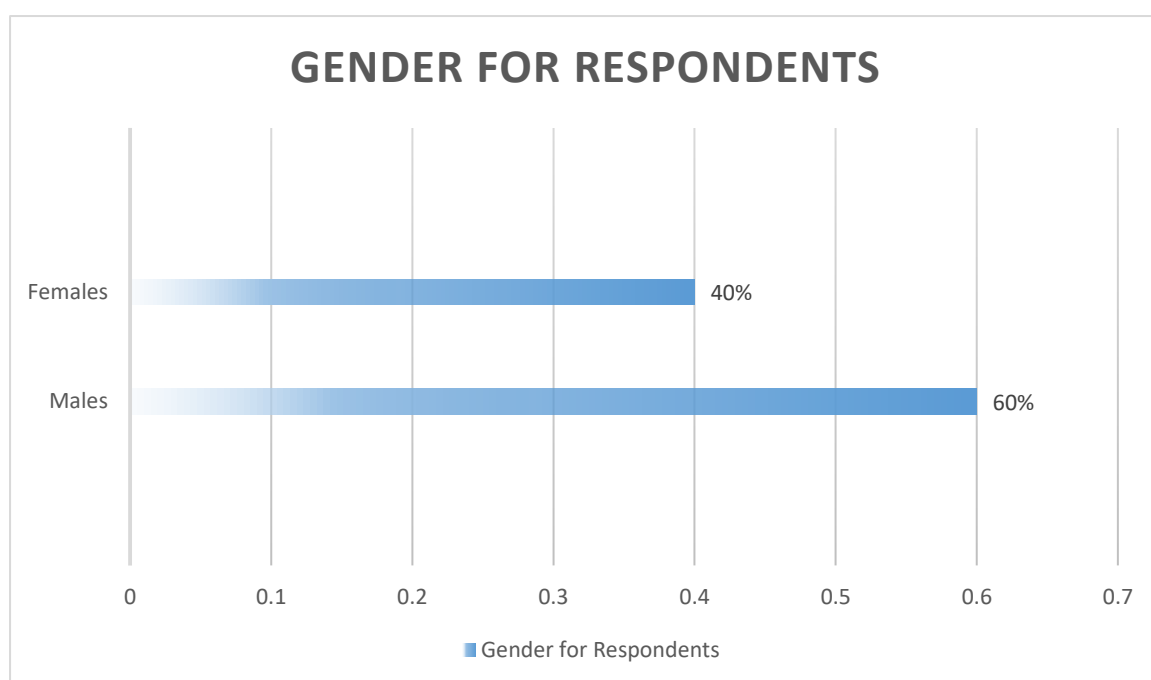


Fig 4.2: Gender of respondents (source: primary data)

A total of 20 participants participated in the research. The female respondents were 8 (40%) and their male counterparts were 12 (60%). Less female participants could participate due to fear and their limited participation in politics, holding top offices and less involvement in legal expertise. Gender respondents as a factor reflects how justice is perceived by both genders.

#### 4.2.1 Age of respondents.

| Category | Participants | Percentage |
|----------|--------------|------------|
| 35-40    | 2            | 10%        |
| 41-45    | 5            | 25%        |
| 46-50    | 4            | 20%        |
| 51-60    | 7            | 35%        |
| 61+      | 2            | 10%        |

The participant's age groups ranged from 35 to 61 and above years. The researcher decided to start with the respondents with age 35 considering the span for expertise and experience in their respective disciplines be it in politics and in judicial system among many others. The highest participants were from the age of 51-60 years old with 7 (35%) due to their experiences and expertise in their respective disciplines. This was also followed by respondents with ages between 41-45 years totaled at 5 (25%), followed by those who had 46-50 years who also totaled at 4 (20%) and those with the ages between 35-40 years settled at 2 (10%) and finally those who had 61 and above years numbered up to 2(10%).

#### 4.2.2 Interview analysis.

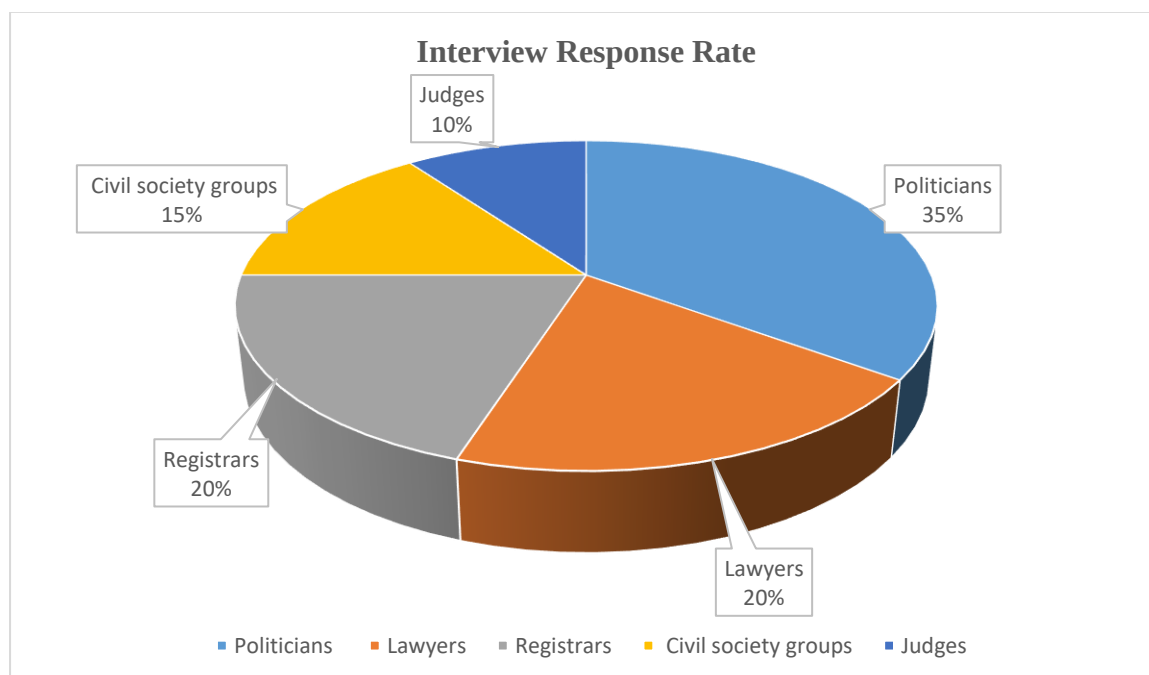
On the collection of the necessary data for the study, the researcher conducted face-to-face interviews with key informants and administered questionnaires. The researcher interviewed 20 participants who were chosen through expert and purposive sampling. The samples involved

the lawyers, judges, registrars, political leaders and activists as well as civil society groups were among the stakeholders interviewed. The response was 100% since all the intended stakeholders took part in the survey.

**Table 4.2.2 Respondents Interviewed.**

| Target stakeholders  | Actual numbers interviewed |
|----------------------|----------------------------|
| Judges               | 2                          |
| Registrars           | 4                          |
| Lawyers              | 4                          |
| Politicians          | 7                          |
| Civil society groups | 3                          |

**Fig 4.2.3 Interview Response rate**



### **Fig 4.3: The effectiveness of the high court**

The discoveries of this research exposed that the judicial system of Zimbabwe especially the high court is not very effective in delivering justice. According to Tunshnet (2019), judicial effectiveness involves advancing and addressing systemic inequalities, social justice and protecting the rights of the people. The research has found out that the high court has been under serious criticism for failing to address systemic inequalities, social justice and protecting the rights of the people. This has led to public mistrust towards the high court, loss of confidence and degradation of the rule of law. When judicial institutions function in an effective way, accountability increases, trust towards the government grows, confidence by the people grows, fosters credibility and business would invest with confidence given their rights are be protected. However, the Zimbabwean context has ushered in the curse of justice to its people.

One of the prominent lawyers argued that;

*“The high court as a judicial institution has failed to work out on issues of inequality. I can refer to the cases of Makunike Vs Dlamini and Anor (ref 2804 of 2012) and Mlanga vs Mlanga (HC 1131/14), have raised concerns about the court’s ability to address issues of inequality and provide justice to marginalized groups, that most of the people now lost hope, trust and confidence in this system”.*

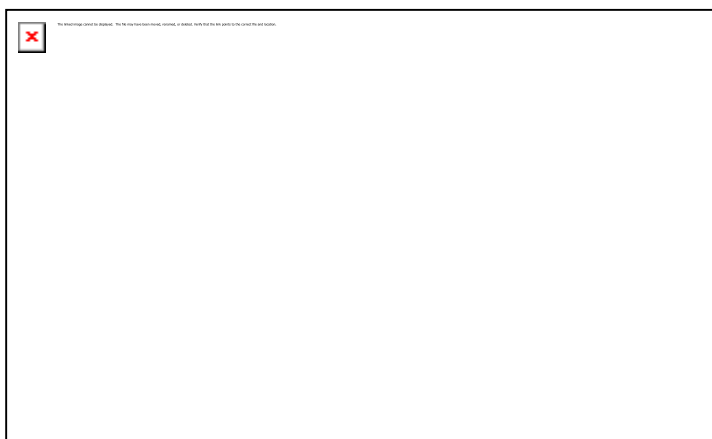


Fig 4.3.1: Prominent lawyers after a short interview with the researcher

One of the civil society representatives also added and had this to say;

*“In as much as we try as civil society groups to advocate for citizens’ rights, we are being labelled as enemies of the government. Hence, we are always in courts especially the high court. It is sometimes used as a weapon against us, which is a deliberate travesty to one’s constitutional rights”.*

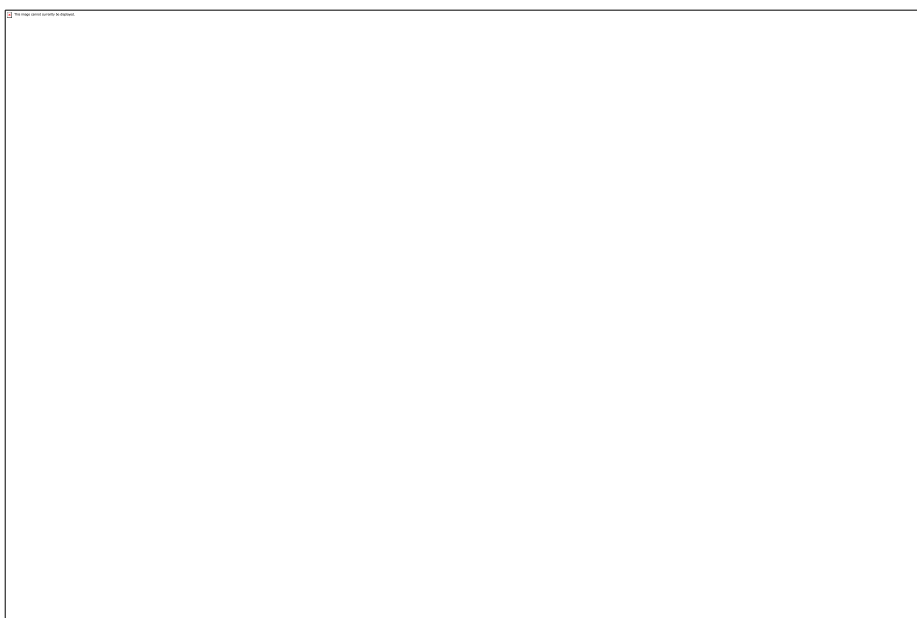


Fig 4.3.2: Civil society representative in remand

**Fig 4.3.3: Factors that underpin judicial effectiveness.**

Therefore, there are several factors that make up the judicial effectiveness in justice delivery. According to Messick (1999), judicial efficacy is supported by independence, access, efficiency, and quality. Judges are shielded from needless outside influence, whether from other governmental departments, the general public, or corporate executives, by judicial independence, which forces them to render unbiased decisions based only on the law and the available facts (Dijk and Vos 2019). Magaisa (2016), reflects that in Zimbabwe, there is widespread belief that the executive tends to influence judges and magistrates and often interfere in politically contentious issues.

One of the political activists said that;

*“It is very unfortunate that in Zimbabwe, the judicial independence has often been undermined by political interference, which significantly impacts the functioning of the high court. Political influence especially in high-profile cases involving government interests, often raises concerns about impartiality of the high court and this diminishes public confidence in the high court’s ability to deliver fair and unbiased judgements”.*

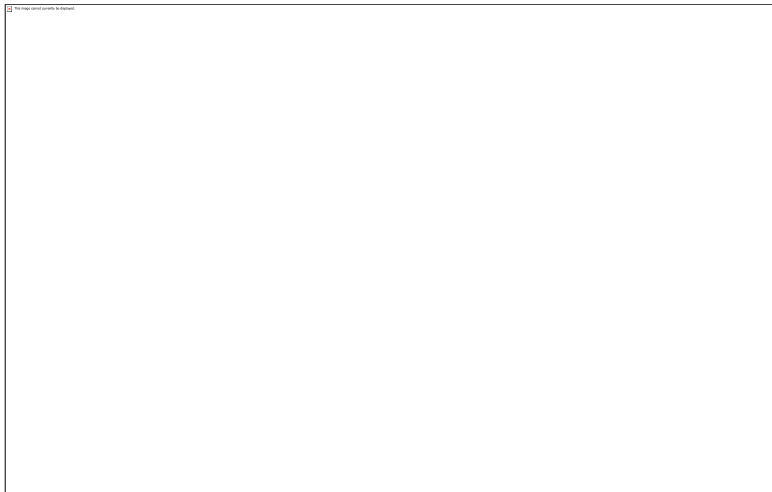


Fig 4.3.4: Executives with the top judicial officers

However, section 169 2 (a) of the constitution of Zimbabwe 2013 states that, any institution or agency of the government at any level, and no other individual may impede the courts' ability to operate since the independence, impartiality, and efficacy of the courts are essential to the rule of law and democratic governance.

Another key issue on the independence of the judicial system is on the selection criteria of the judges which is politically aligned to the ruling party. Research on Ukraine shows that the acts of conducting competitive accreditation of judges is an important part of independence of the judiciary, (Shcherbanyuk 2018). Another prominent lawyer said:

*“I think we made a very big mistake in our constitution when we said in section 180 (1) that the president appoints the judges, which is where we lost it. It necessitated to all these justice quarrels we now have. Look at the 2024 judges’ interview sessions, most of them came out clearly in the interviews revealing their experiences with the ruling party ZANU-PF, then what more do you expect as fruits away from politicization of the high court judicial decisions then”.*

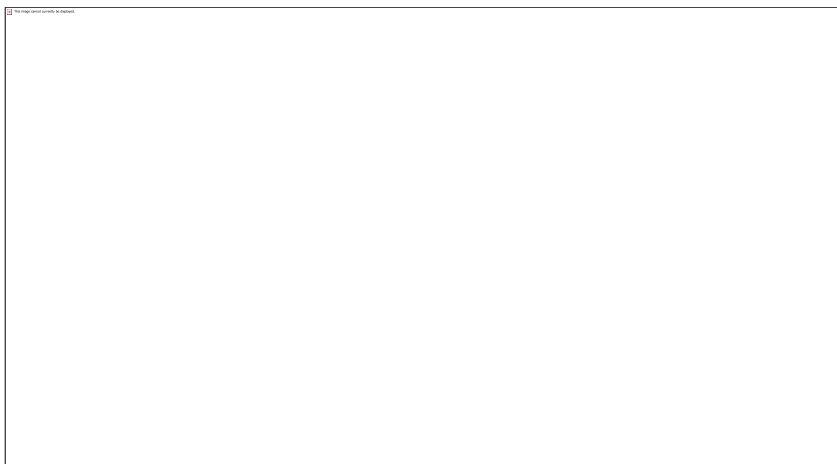


Fig 4.3.5 Lawyers against corrupt appointments in judiciary.

One of the prominent opposition political party leaders highlighted that;

*“Fear has now become very dominant in every belief towards the high court, we now suffer from judicial impunity and that other influential figures in the government and ruling political party are immune to the high court rulings and decisions, which is a deliberate inequality and denial of one’s rights”.*

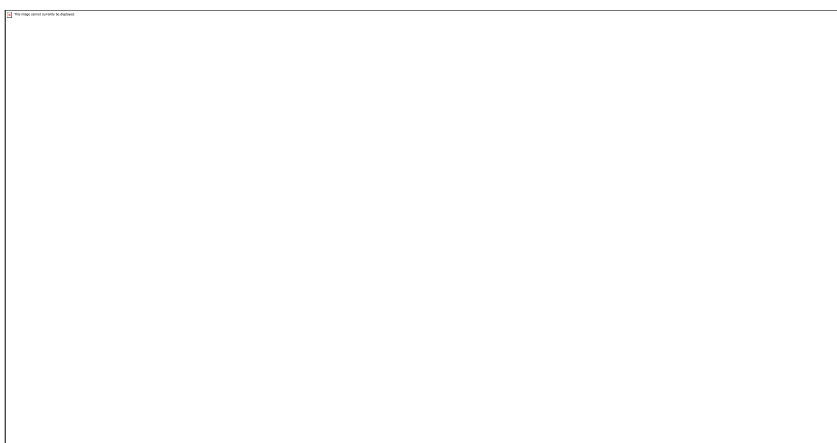


Fig4.3.6: Lawyers against judicial impunity.

.According to a study on Pakistan, court rulings in support of the government decreased and the calibre of judicial decisions increased after the president's choice of judges was replaced by peer appointments according to (Mehmood 2021).

**Fig 4.4: Access to Justice**

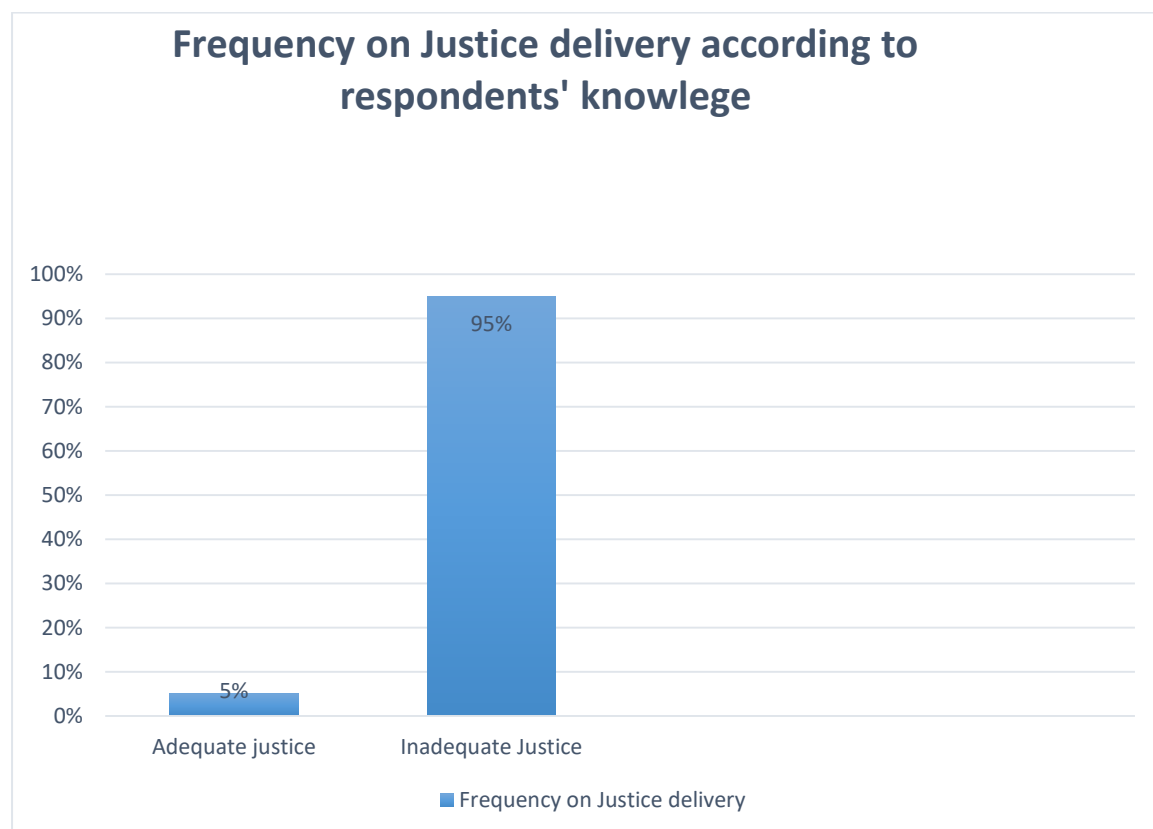


Fig 4.4.1 shows the frequency on Justice delivery according to the respondents

The research found out that, out of 20 respondents, only 1 respondent which is 5% highlighted that justice is adequate in Zimbabwe. The other 19 respondents in whose capacity constitute 95% highlighted that there is inadequate justice in Zimbabwe. Some of the reasons cited in the research included short of resources, staffing, infrastructure, technical knowledge of

computers, internet and power for the new electronic case management system, impunity and corruption within the judicial system.

. A lot of challenges are faced by the citizens of Zimbabwe to access justice. One of the high court registrars had this to say;

*“The slow pace of justice is compounded by a shortage of resources including underfunded courts and insufficient staffing which results in delays in proceedings. These delays deny litigants’ access to timely justice and exacerbate frustrations among those seeking redress. We also suffer from huge volumes of backlogs, which is a serious case with us also”.*

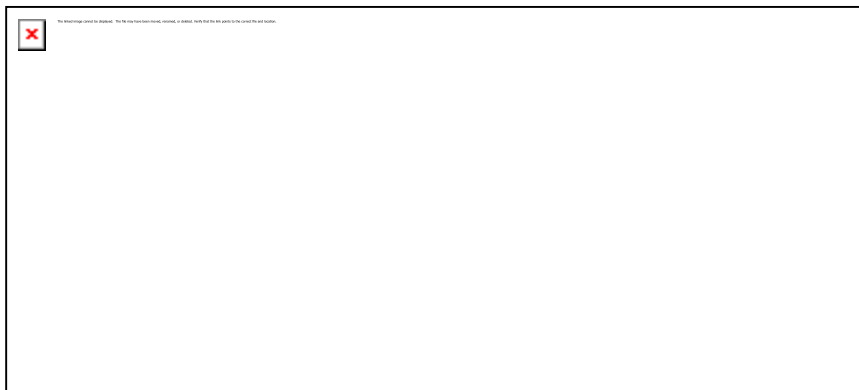


Fig 4.4.2: Newly appointed judicial officers.

The ability of the legal system to make decisions that are available to everyone, regardless of money, status, or gender, is measured by access to justice. Bosio (2023) asserts that one of the most important factors in determining the efficacy of justice is access to it. This entails removing obstacles that prevent individuals from understanding and exercising their rights as well as making decisions that are reasonable and fair for all citizens, including those who are financially and otherwise disadvantaged according to (Peysner, 2014).

Another high court registrar added that;

*“The other problem to do with access to justice emanates from the advent of Integrated Electronic Case Management System (IECMS) is that it requires computer literacy, internet and power. Now most of the people from rural areas are mostly victims on issues of access to justice due to lack of these requirements of the new system”.*

According to Gatsi (2022), cements this view as he highlights that, digitalisation has an impact on how the IECMS is used. It's possible that some residents of Zimbabwe's isolated rural areas lack the necessary electrical gadgets to access the system.. Therefore, the researcher found out that lots of people in remote rural areas may suffer from lack of access to justice because of challenges on the requirements of the new electronic case management system.

One of the high court judges had this to say;

*“We are having problems with most of our litigants on virtual court hearings that they cannot afford the system in terms of computer literacy, internet and power much of the time since we can even have some court sessions with them from their respective homes of residents”.*



Fig 4.4.4: The IECMS functionality

Certain individuals are unable to participate in virtual court sessions because to the nation's ongoing issues with internet access according to (Harris 2023). The implementation of online learning systems at Zimbabwean universities has been adversely affected by underdeveloped ICT infrastructure, and the IECMS may be similarly harmed according to (Chigora, Poshai & Mcilo 2022).

**Fig 4.5: Roles of the high court in delivering justice in Zimbabwe.**

The researcher also got to explore with discoveries on the roles of the high court in delivering justice in Zimbabwe. These roles also define or guide the effectiveness of the high court in delivering justice in Zimbabwe. One of the high court roles is to protect the human rights, ensuring that individuals are treated fairly and justly. The researcher found out that the high court has been criticised for failing to uphold with its official roles rather.

One of the political activists said;

*“I am in great fear, why the high court fails its role on protecting the human rights as it is used to abuse the rights of the people. Most of us were tried before it over expression of our thoughts through demonstrations, advocacy and lobbying in partnership with civil society individuals against the government. The political rights of the people have been denied through the high court rulings especially on election issues and demonstrations”.*

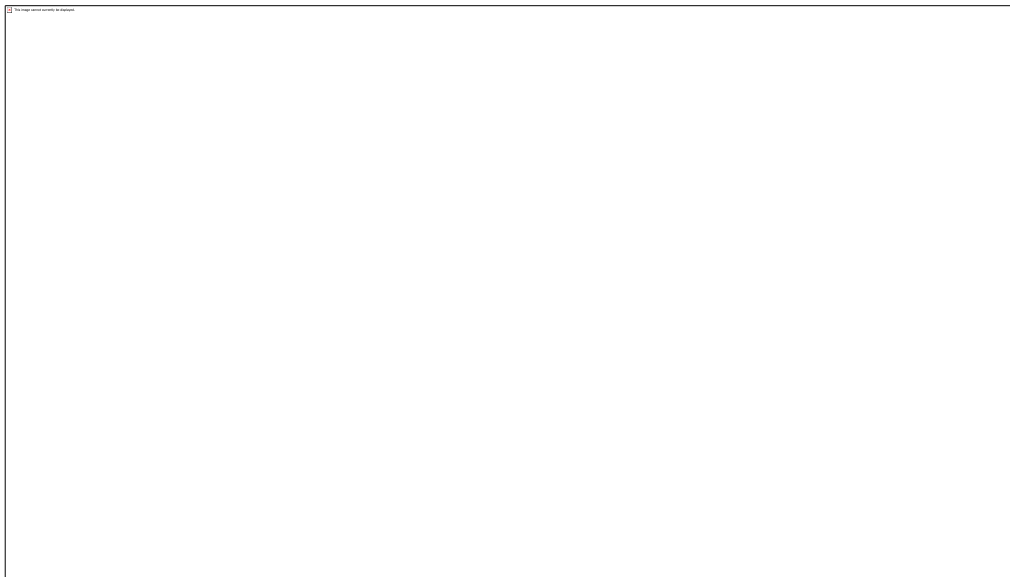


Fig 4.5.1: Shows a political activist in chains

Another role of the high court is to promote access to justice, ensuring that all people have equal access to the courts and the justice system. Despite, this principal role of the high court, access to justice has remained the question of debate around the high court due its shortcomings.

One of the high court registrars had this to say;

*“Access to justice is now easy and fast but only to those who are computer literate, who have access to internet and power. But however, we always have problems with people from rural*

*areas where there is no internet and adequate power to access their justice electronically. Therefore, electronic court proceedings are not accessible to all”.*

The above testifies that the high court is failing to promote justice to all due to the adopted system of integrated electronic case management system which require internet, power, computer and computer literacy which is a challenge to a number of people if not most of them.

One of the judges added;

*“I think the issue of resource constrains, short staffing and limited infrastructure may be the key aspects behind a limited access to justice to many as always attested”.*

The researcher also found out that the high court has a role of supporting the rule of law. That it ensures that the country is governed by a fair and just system of laws. Although the high court tries to uphold the rule of law, it has been alleged of violating the rule of law. Magaisa (2016), reflects that in Zimbabwe, there is widespread belief that the executive tends to influence judges and magistrates and often interfere in politically contentious issues. That the law is being applied selectively in favour of the elites who tend to enjoy the judicial impunity.

One of the civil society activists cited that;

*“The high court has failed to support the rule of law as its’ role, I can relate to the case of the Gold Mafia scandal, the government tender scandals, the 1<sup>st</sup> of August 2018 Harare shootings among other cases, share a better picture of how weak is the high court in supporting the rule of law since it failed to resolve these cases as to the requirements of the rule of law”.*

#### **Fig 4.6: Effects of judicial misconduct by judicial system in delivering justice**

The research also found on the effects of judicial misconduct by judicial system in delivering justice. The researcher then found out that there are several effects of judicial misconduct like erosion of public trust, undermining of the rule of law, damage to the independence of the

judiciary, denial of justice and emotional trauma. The researcher also found out that among those effects is the social unrest, increased crime rate and economic consequences. One of the prominent lawyers had this to say;

*“Judicial misconduct is a serious curse to the justice of the people, public trust towards the judicial system has been lost. Most of the people no longer have any confidence in the judicial system. It ends up with most no longer willing to approach the courts because of these misconducts”.*

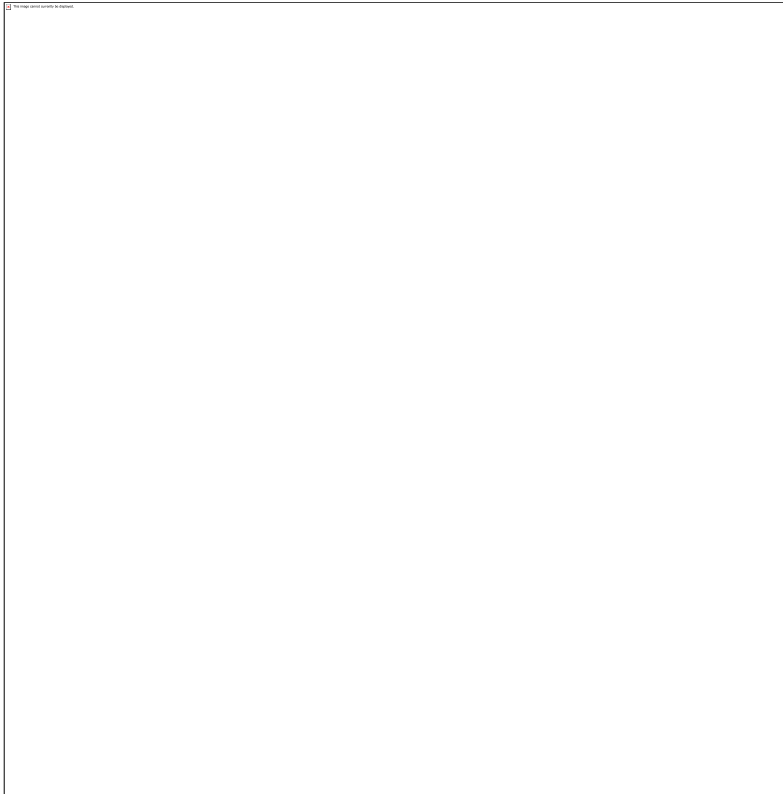
Another lawyer also added;

*“Judicial misconduct can erode public trust in the justice system leading to a loss of confidence in the ability of courts to deliver fair and impartial justice. When judges engage in misconduct, it creates an appearance of impropriety undermining the integrity of the judiciary”*

The researcher also found out that one of the outstanding effects of judicial misconduct is the denial of justice.

The other civil society representative said;

*“Judicial misconduct can result in the denial of justice to individuals, leading to wrongful convictions, unjust sentences or the dismissal of legitimate claims. This has caused severe consequences including the loss of liberty, reputation and even lives”*



**Fig 4.6.1: Civilians demanding their rights**

The researcher also found out that the judicial misconduct is a direct move to undermine the rule of law. Among the respondents, was another politician who submitted that;

*“Judicial misconduct undermines the rule of law, creating an environment where individuals feel that they can act with impunity. This leads to increased crime, social unrest and a breakdown in law and order like as it stands in our country”,*



**Fig 4.6.2: Lawyers against judicial impunity**

The effectiveness of the high court in Zimbabwe is crucial to the preservation of the rule of law, human rights protection and maintenance of public confidence within the judicial system. However, the challenges of case backlogs, inadequate resources, judicial independence and limited access to justice have hindered its capacity deliver timely and equitable justice.

#### **4.7: Chapter summary**

The chapter analysed the findings of the effectiveness of the judicial system particularly the high court in delivering justice in Zimbabwe. The research found out that the effectiveness of the judiciary is crippled by the interference of the executive members of the government which then leaves the gaps of judicial impunity and immunity limiting the judicial independence. The findings revealed that the high court is subjected to corrupt appointments of judges which then influence the judicial decisions upon matters involving high profiles cases involving the government officials.

The research also found out that, the rule of law has eroded in Zimbabwe resulting to degraded hope, trust and confidence in judicial system by the public towards the high court. That impartiality and fairness have become strange or selective leading to inequality and against marginalized groups. The research also found out that access to justice has been limited due to new technologies which is not yet user friendly to all especially from the remote and rural areas due to its requirements. The findings show that the high court is a politicized institution that is leading for its use to weaponize against the so-called government enemies such as the civil society and opposition political parties at most. The findings also highlighted that the sustainability of the high court is centred on its roles. However, the research proved that the high court has faced challenges to uphold its roles effectively such as promoting the rule of law and promoting access to justice among others. The research has recoded that these findings have totalled to the conclusion that the high court is not very effective in delivering justice in Zimbabwe.

## **CHAPTER 5: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

### **5.1 Introduction**

This chapter shows research conclusions and recommendations from the findings gathered upon the effectiveness of the judicial system in delivering justice with the case of the high court. the chapter explores the consequences of the research findings and situates them within a broader context of judicial contact. The high court is a judicial arm under the superior courts aimed at delivering justice at the highest level more effectively. The research reveals the factors that underpin the effectiveness of this institution, citing its core roles and effects associated with any misconduct. The chapter seeks to expose the cracks within the judiciary and highlight the areas for redress and with the need for improvement through the recommendations. The chapter also draws the lines of conclusion on the research situating the main goal of the findings and purpose.

### **5.2 Summary of Research Findings**

The thesis shows key findings on the effectiveness of the judiciary in justice delivery based on the case of the high court. The research harnesses the aspects that underpin the effectiveness of the judicial system showing the gaps that need to be filled. These aspects include, judicial independence, access to justice, quality and judicial efficiency. The research proves the need for judicial independence and space from executive influence. The matter of limited access to justice has been as a result of a combination of aspects from delayed judgements, backlogs, short of resources for the new system, short of staff and inadequate infrastructure. The lack of transparency and corrupt judicial appointments influenced by politics and bias through presidential appointments of judges have led to the politicization of the high court often suffering the allegations of being weaponized against the opposition political parties and civil societies.

The research found out that these triggered public loss of trust, hope and confidence in the judicial system particularly the high court. The thesis reveals a court system that, while striving to maintain its integrity, often finds itself entangled in the political machinations of the day raising questions about its ability to deliver impartial justice.

The research also found out that, due to all these vagaries, the high court suffers to uphold its roles to promote the rights of the people as well as justice among others which demotivates the public from even bothering with the high court. The thesis also acknowledges on the effects of judicial misconduct. That, the judicial misconduct can lead to the erosion of the rule of law and the integrity of the high court as the judicial institution. The judicial misconduct comes with a bad package of undermined judicial impartiality and miscarriages of justice resulting to wrongful convictions, acquittals or sentences. The research found out that delayed or denied justice accompanied by erosion of democratic institutions through loss of public faith in democratic institutions both stand as effects of judicial misconduct.

### **5.3 Conclusions**

The high court stands at a crossroads, its role as a bastion of justice tested by the flames of political interference, systematic inefficiencies and eroding public trust. The high court stands as a pivotal institution in the nation's quest for justice, yet its effectiveness remains a subject of both hope and critique. While the high court has demonstrated resilience in upholding the rule of law and addressing complex legal disputes, challenges such as judicial delays, resource constraints, under staffing, loss of judicial independence and allegations of political interference continue to undermine its full potential. The research found out that the high court's ability to deliver justice is not merely a legal imperative but a moral one deeply intertwined with the aspirations of Zimbabwean citizens for fairness, accountability and equality before the law. To

surely strengthen the high court's effectiveness, there should be the comprehensive reforms including increased transparency, enhanced judicial independence and greater public trust. Only then can it fully embody its role as a beacon of justice, capable of navigating through the wave of transitioning democracy and delivering verdicts that not only resolve disputes but also inspire confidence in the rule of law.

The research also finds out that the high court has failed to stand its roles including the human rights protection, fair and just treatment of people and promoting access to justice to all as well as supporting the rule of law. This poses great mistrust and serious erosion of legal trust following these failed roles. The research also finds out the effects of judicial misconduct by judicial system in delivering justice. These may lead to erosion of public trust, undermining the rule of law, damaging the independence of the judiciary, denial of justice and emotional trauma, social unrest, increased crime rate and economic consequences among many.

#### **5.4 Recommendations**

Focusing upon the analysis and key findings, recommendations are set for strengthening the effectiveness of the high court in delivering justice in Zimbabwe. Safeguard Judicial Independence: There should be the establishment of a transparent, merit-based system for judicial appointments, free from political interference. That also the enactment of the legislation to insulate judges from external pressures would help them produce impartial rulings without fear of retribution or victimization.

Enhance Accountability and Transparency: The initiation of mechanisms for public oversight of judicial conduct such as an independent judicial ethics committee. That the high court should publicize detailed reports on court proceedings, judgements and case backlogs to foster trust and accountability to the members of the public.

Improve access to justice: Expand legal aid services to ensure marginalized and vulnerable populations can afford representation. That there should be the decentralization of court services to rural areas and also reduce barriers to access for those in remote regions especially on internet, computer literacy and power challenges due to the introduction of the electronic system.

Address case backlogs and delays: Through hiring additional judges and supporting staff to remedy case backlogs and delays.

Promote public confidence: Through launching public awareness campaigns in alerting people on their rights and the role of the judiciary so that they stay well informed. The research sets also to recommend on encouragement of an open dialogue between the judiciary, civil society and the public to rebuild trust in the legal system that has been lost.

Protect whistle blowers and human rights defenders: Enactment of laws to protect individuals who expose judicial misconduct or corruption. There is also the need for strengthening mechanisms to safeguard human rights defenders and activists who can challenge injustices in court.

## **5.5 Areas for Further research**

Focusing upon the analysis and findings of the study on the effectiveness of the judicial system in delivering justice in Zimbabwe with the case of the high court, the following areas are identified for further research.

The impact of political interference on judicial decision-making: Investigate the extent to which political pressures influence specific rulings and the long-term implications for judicial

independence in Zimbabwe. Also explore comparative studies with other jurisdictions that have successfully mitigated political interference in the judiciary.

**The role of technology in Enhancing Judicial Efficiency:** Examine the potential of digital tools such as e-filing systems, virtual courtrooms and AI-assisted case management to reduce backlogs and improve access to justice. The other thing is to assess the challenges and opportunities of implementing technology in a resource constrained environment like Zimbabwe.

**Civil Society's role in Judicial reform:** Study upon the role of civil society organizations in advocating for judicial reforms and holding the judiciary accountable. Identify successful strategies used by civil society to promote transparency, fairness and access to justice. This will reflect the extent to which the civil society stand to shape the judicial systems through advocacy and lobbying for the betterment of judicial services. The task will also expose mechanisms and initiatives to be implemented by civil societies in doing checks and balances upon the judicial systems performance in justice delivery.

**Role played by international law and human rights in Domestic Courts:** Analyze how the high court incorporates international human rights standards into its rulings and the challenges of enforcing these standards locally. Examine the impact of regional bodies such as the African court on human and people's Rights on domestic judicial processes. This will locate the position of the High Court of Zimbabwe in terms of its alignment with the international high court standards in the incorporation of the human rights and how they are being perceived. It will also help to expose how the high court of Zimbabwe cooperates with continental and regional bodies in advancing justice delivery effectiveness bound by international standards.

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## APPENDIX 1

### QUESTIONNAIRE FOR THE RESEARCH

My name is Innocent Chapfimvira, a student BSc Honors Degree in Peace and Governance at Bindura University of Science Education. In partial fulfilment of my degree, I am expected to conduct a research project titled "The effectiveness of Zimbabwean judicial system in delivering justice using the case of the High court". The purpose of this questionnaire is to assess the effectiveness of the Zimbabwean judicial system in delivering justice in Zimbabwe. Your responses will contribute to a better understanding of the strengths and weaknesses of the judicial system and inform recommendations for improvement.

#### Section 1: Demographics

1. What is your age?
2. What is your occupation?
3. What is your level of education?
4. Have you ever been involved in a court case in Zimbabwe? (Yes/No)

#### Section 2: Access to Justice

1. How easy is it for you to access the courts in Zimbabwe? (Scale: 1-5, where 1 is "very difficult" and 5 is "very easy")

|    |  |
|----|--|
| 1. |  |
| 2  |  |
| 3. |  |
| 4. |  |
| 5. |  |

2. How long do you think it takes for a case to be resolved in the Zimbabwean courts?  
(Less than 6 months, 6-12 months, 1-2 years, more than 2 years)

|                    |  |
|--------------------|--|
| Less than 6 months |  |
| 6-12 months        |  |
| 1-2years           |  |
| More than 2 years  |  |

3. Have you ever experienced any barriers to accessing justice in Zimbabwe? (Yes/No) If yes, please describe.

.....

.....

.....

.....

.....

### Section 3: Fairness and Impartiality

1. How confident are you that the Zimbabwean judicial system is fair and impartial?  
(Scale: 1-5, where 1 is "not confident at all" and 5 is "very confident")

|   |  |
|---|--|
| 1 |  |
| 2 |  |
| 3 |  |
| 4 |  |
| 5 |  |

2. Have you ever witnessed or experienced any form of bias or discrimination in the Zimbabwean courts? (Yes/No) If yes, please describe.

3. How important is it for you that the judicial system is independent and free from political interference? (Scale: 1-5, where 1 is "not important at all" and 5 is "very important")

|   |  |
|---|--|
| 1 |  |
| 2 |  |
| 3 |  |
| 4 |  |
| 5 |  |

#### Section 4: Efficiency and Effectiveness

1. How satisfied are you with the efficiency of the Zimbabwean judicial system? (Scale: 1-5, where 1 is "very dissatisfied" and 5 is "very satisfied")

|   |  |
|---|--|
| 1 |  |
| 2 |  |
| 3 |  |
| 4 |  |
| 5 |  |

2. Have you ever experienced any delays or inefficiencies in the court process? (Yes/No) If yes, please describe.

3. How effective do you think the Zimbabwean judicial system is in delivering justice? (Scale: 1-5, where 1 is "not effective at all" and 5 is "very effective")

|   |  |
|---|--|
| 1 |  |
| 2 |  |

|   |  |
|---|--|
| 3 |  |
| 4 |  |
| 5 |  |

### Section 5: Corruption and Accountability

1. Have you ever experienced or witnessed any form of corruption in the Zimbabwean judicial system? (Yes/No) If yes, please describe.

.....  
.....  
.....  
.....

2. How important is it for you that judges and magistrates are held accountable for their actions? (Scale: 1-5, where 1 is "not important at all" and 5 is "very important")

|   |  |
|---|--|
| 1 |  |
| 2 |  |
| 3 |  |
| 4 |  |
| 5 |  |

2. Do you think the Zimbabwean judicial system has adequate mechanisms in place to prevent corruption? (Yes/No)

Your cooperation is greatly appreciated. Thank you.

## APPENDIX 2

### PROJECT INTERVIEW GUIDE

My name is Innocent Chapfimvira, a student BSc Honors Degree in Peace and Governance at Bindura University of Science Education. In partial fulfilment of my degree, I am expected to conduct a research project titled “The effectiveness of Zimbabwean judicial system in delivering justice using the case of the High court”. The goal of this interview guide is strictly academic. The researcher respectfully requests your aid by answering the questions below.

***NB: The information requested is solely for academic purposes and the names of responders are not necessary. The information will be maintained as private and confidential.***

1. How effective is the judicial system in delivering justice in Zimbabwe?
2. How do you comment on the judicial independence especially of the high court and how does it affect its effectiveness.
3. How do you comment on the efficiency of the high court and the quality of justice that it delivers to the people of Zimbabwe
4. Given the advent of IECMS, how do you comment on the access of justice to the entirety of the citizens?
5. What are the roles of the high court in delivering justice in Zimbabwe?
6. What are the effects of judicial misconduct by the judicial system in delivering justice particularly the high court?
7. What are your recommendations to enhance and advance the effectiveness of the high court in delivering justice in Zimbabwe?



100 pages, 1000 words, 1000 characters

