

**BINDURA UNIVERSITY OF SCIENCE EDUCATION  
FACULTY OF SOCIAL SCIENCES AND HUMANITIES**



**the impact of the covid-19 pandemic on the delivery of the justice system: the case of the high court of zimbabwe**

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A Dissertation Submitted to the Department of Peace and Governance in partial fulfilment for the requirements for the requirements for the Bachelor of Science Honours in Peace and Governance Degree

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### **Abstract**

*The purpose of this study is to investigate the multifaceted effects of the pandemic on the delivery of justice and provide insights into the consequences to the High Court of Zimbabwe. The research employs qualitative interviews with judges, clerks and lawyers. The findings reveal that the COVID-19 pandemic had detrimental effects on the delivery of justice such as delays in hearings, trial and the issuance of court orders and judgements, emotional breakdowns amongst court workers, difficulties in securing witness testimonies and financial strains on the judicial system due to reduced government budgets. The conclusions drawn from the analysis emphasize that there should be of call to action for policymakers, legal practitioners, and civil society actors to collectively address the enduring impacts of the COVID-19 pandemic on the justice system. The recommendations put forth include implementing measures to reduce overcrowding within correctional facilities such as reviewing non-violent offenders for early release or alternative sentencing options to reduce the spread of viruses or diseases, providing training and technical support to judges, lawyers and court staff to ensure the effective use of digital tools and participating in webinars, conferences or online forums to exchange insights and experiences with fellow legal professionals.*

### **Declaration form**

I, (B201063B), solemnly declare that this dissertation is the outcome of my independent research and academic efforts, with the exception of acknowledged sources and references

cited within the text. Additionally, I affirm that this work has not been previously submitted, in part or entirety, to any university for the purpose of obtaining any academic degree.

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Student's Signature

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Date

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**Dedication**

I lovingly dedicate this dissertation to my family and friends, whose unwavering support has been a constant source of inspiration. I am especially grateful to my mother and grandmothers, whose encouraging words and steadfast belief in my abilities have motivated me to persevere. Additionally, I extend my heartfelt appreciation to my brother Bryan, who has been a steadfast source of encouragement and support throughout my academic journey, serving as my most devoted cheerleader.

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**List of abbreviations and acronyms**

ACJR-Africa Criminal Justice Reform

AU-Africa Union

CJZ-Chief Justice of Zimbabwe

GoZ-Government of Zimbabwe

HC-High Court

HCZ Rules-High Court of Zimbabwe Rules

HCZ-High Court of Zimbabwe

HCZJ-High Court of Zimbabwe Judges

IBA-International Bar Association

IECMS-Integrated Electronic Case Management System

JSCC-Judicial Service Commission Committee

JSC-Judicial Service Commission

JZ-Justice of Zimbabwe

LAZ-Law Association of Zimbabwe

LRF- Legal Resources Foundation

MoJCG-Ministry of Justice, Constitutional and Parliamentary Affairs

UNDP-United Nations Development Programme

WHO-World Health Organization

ZHR- Zimbabwe Human Rights

ZHRC-Zimbabwe Human Rights Commission

ZLJ-Zimbabwe Law Journal

ZLRC-Zimbabwe Law Reform Commission

ZLR-Zimbabwe Law Reports

ZLW-Zimbabwe Law Weekly

ZPCS-Zimbabwe Prisons and Correctional Services

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## **CHAPTER ONE**

### **1.0. INTRODUCTION**

#### **1.1. Background to the study**

The Covid-19 pandemic has had a profound and widespread impact on various facets of society, and the justice system is no exception. Globally, nations have grappled with unprecedented challenges in maintaining effective and efficient judicial processes. Scholars have extensively explored the multifaceted impacts of the pandemic on legal systems, emphasizing the need for in-depth analyses of its consequences on institutions such as the High Court (Olowu, 2021; Susskind 2020). On a global scale, the pandemic triggered disruptions in legal proceedings, leading to court closures, delays in trials, and a backlog of cases. The significant strain on the justice system prompted legal scholars like Susskind (2020) to highlight the urgent need for innovative solutions to ensure access to justice during crises. Additionally, international legal bodies such as the International Bar Association (IBA) stressed the importance of adapting legal systems to the "new normal" and fostering resilience against future shocks (IBA, 2021).

On a continental scale, the COVID-19 pandemic presented distinctive challenges to the African legal landscape. Acknowledging the profound impact on justice systems, the African Union advocated for the adoption of digital solutions in legal proceedings while simultaneously emphasizing the preservation of citizens' rights (African Union, 2020). Olowu's research further underscores this imperative, emphasizing the critical role of technological advancements in fortifying the resilience of African judiciaries during crises (Olowu, 2021).

As the pandemic unfolded, the call for innovative approaches in legal practices became increasingly pronounced, highlighting the urgency for technological integration to ensure the continued functionality of justice systems in the face of unforeseen disruptions.

Zooming in on the local context, Zimbabwe, like many other African nations, experienced disruptions in its justice system due to the pandemic. The High Court of Zimbabwe, a cornerstone of the nation's legal apparatus, faced unprecedented challenges in maintaining regular court operations (Chigara, 2021). Magaisa (2020) emphasized that the shutdown of courts, restricted physical access, and technological limitations revealed a pressing requirement for a thorough evaluation of the pandemic's effects on the High Court's operations and functionality. As the High Court of Zimbabwe strives to adapt to the evolving circumstances, examining the repercussions of the pandemic becomes imperative for understanding the vulnerabilities exposed and identifying potential reforms. Scholars like Chigara (2021) have emphasized the importance of such research to inform policy and institutional changes that can enhance the resilience of the justice system in the face of future crises.

Against the backdrop of the unprecedented challenges posed by the global COVID-19 pandemic to justice systems worldwide, it becomes imperative to delve into a focused examination of its effects on a specific jurisdiction. In this context, this research endeavors to comprehensively assess the repercussions of the pandemic on justice systems, with a particular emphasis on the High Court of Zimbabwe. By zooming in on this specific context, the study aims to unearth nuanced insights that contribute not only to the academic discourse on pandemic-induced challenges within legal systems but also to inform targeted strategies for enhancing the resilience and adaptability of justice institutions in the face of unforeseen crises.

## **1.2. Purpose of the study**

This research seeks to investigate the effects of the Covid-19 pandemic on the justice system, by using the case study of the High Court of Zimbabwe.

## **1.3. Statement of the problem**

The COVID-19 pandemic has presented unparalleled obstacles to justice systems globally, disrupting established norms and procedures. The High Court of Zimbabwe, as a crucial institution within the country's legal framework, has not been immune to these challenges. Nevertheless, a crucial knowledge gap exists regarding the precise ways and degree to which the pandemic has affected the High Court of Zimbabwe. This research investigation aims to address this gap by systematically investigating the multifaceted challenges encountered by the High Court during the pandemic, including but not limited to court closures, case backlogs, and the adoption of digital solutions. Additionally, the study seeks to identify the implications of these challenges on the administration of justice, access to legal services, and the overall functioning of the High Court. Through this exploration, the research aims to provide insights that are not only valuable for enhancing the resilience of the High Court of Zimbabwe but also contribute to the broader discourse on mitigating the effects of global crises on justice systems.

## **1.4. Research objectives**

- i. To investigate and analyze the extent of disruptions caused by the COVID-19 pandemic on legal proceedings within the High Court of Zimbabwe.
- ii. To discuss the broader socio-legal implications of the pandemic on the High Court of Zimbabwe.
- iii. To explore how the High Court of Zimbabwe adapted to the challenges posed by the pandemic by incorporating technology into its judicial processes.

## **1.5. Research questions**

- i. How extensively did the COVID-19 pandemic disrupt legal proceedings within the High Court of Zimbabwe, and what were the specific challenges encountered, including delays, case backlog, and procedural impediments?
- ii. What are the broader socio-legal implications of the COVID-19 pandemic on the High Court of Zimbabwe?
- iii. What specific technological innovations were incorporated by the High Court of Zimbabwe into its judicial processes and how effective and efficient were these technological adaptations?

### **1.6. Research assumptions**

- i. It is assumed that the incorporation of technology into the judicial processes of the High Court of Zimbabwe during the COVID-19 pandemic has positively impacted the efficiency and effectiveness of legal operations.
- ii. It is assumed that the COVID-19 pandemic has led to significant disruptions in legal proceedings within the High Court of Zimbabwe, resulting in delays, case backlog, and procedural challenges.
- iii. It is assumed that the broader socio-legal implications of the pandemic on the High Court of Zimbabwe include challenges related to access to justice, the protection of human rights, and the equitable administration of the law, affecting various segments of the population differently.

### **1.7. Significance of the study**

#### **i. Judicial Service Commission:**

The study holds paramount significance for judges, especially in the context of the Zimbabwean judicial system, where the amalgamation of prolonged working hours, remote

operations, and the strain of managing an extensive backlog of cases has led to burnouts and mental health issues. The tragic loss of Judge Clement Phiri to the COVID-19 pandemic underscores the urgency of tailoring solutions to the unique challenges faced by the Zimbabwean judiciary. This research contributes to the development of context-specific strategies, aiding judges in advocating for improved mental health resources. Moreover, the study informs future policy decisions and reforms, fostering a resilient and crisis-ready judicial system. The experience of adapting to remote hearings during the pandemic showcases the potential of technology to enhance the efficiency and accessibility of the judicial process, a lesson valuable for the ongoing evolution of the legal system. The study recognizes the crucial yet often overlooked aspect of the mental health of court staff, an area necessitating further exploration in the wake of the COVID-19 pandemic (Flood, 2021). Mental health issues, including anxiety and depression, have surged during the pandemic, affecting court staff who play integral roles in the judicial process. By highlighting this neglected aspect, the research advocates for policies and interventions geared towards supporting the mental well-being of court staff. The findings from this study can serve as a foundation for implementing measures to address mental health challenges, ultimately fostering a healthier and more resilient court environment.

## **ii. Lawyers**

For lawyers in Zimbabwe, the study addresses the profound impact of lockdown measures on their ability to practice law effectively. With initial exclusion from the classification of "essential services," lawyers faced challenges in assisting clients during the pandemic. The arrests of lawyers, including Dumisani Dube, Thabani Mpofu, Tapiwa Makanza, and Joshua Chirambwe, underscore the complexities faced in conducting professional duties. By highlighting these issues, the research provides a platform for advocating the importance of legal services during crises and emphasizes the need for

protection of lawyers' rights. The study serves as a catalyst for discussions on legal practice during emergencies, urging policy adjustments and safeguards to ensure lawyers can fulfill their professional duties without impediments Pozen (2022).

### **iii. Public**

The study contributes to a broader understanding of the impact of COVID-19 on court trials, bringing attention to the vital concept of access to justice, particularly during crises. The research sheds light on the disproportionate challenges faced by marginalized groups, such as women and people with disabilities, as highlighted by reports from the Legal Resources Foundation (LRF) in Zimbabwe. By emphasizing the urgent need for interventions to prevent the exclusion of these groups, the study aligns with the human rights-based approach, recognizing the importance of equal access to justice for all, irrespective of economic or social status (Scheffer, 2021). Insights from this research, coupled with existing studies from civil society organizations, offer a comprehensive view of the multifaceted challenges and inform strategies to ensure justice remains accessible for all segments of society.

### **iv. Zimbabwe Prisons and Correctional Services**

The impact of the COVID-19 pandemic on the Zimbabwe Prisons and Correctional Services (ZPCS) has been significant. During the pandemic, the ZPCS faced a number of challenges, including a lack of resources and overcrowding. These challenges put the health and safety of inmates and staff at risk. In addition, the pandemic disrupted the ZPCS's ability to carry out its rehabilitation programs, as many inmates were unable to participate in activities due to lockdown restrictions. Despite these challenges, the ZPCS has taken steps to mitigate the effects of the pandemic on its operations. These steps include implementing measures to prevent the spread of COVID-19 in prisons, such as social distancing and increased sanitation. The ZPCS has also made efforts to provide inmates with the resources they need to cope with

the pandemic, such as access to health care and mental health support. Overall, the COVID-19 pandemic has had a significant impact on the Zimbabwe Prisons and Correctional Services, but the organization has made efforts to adapt and address the challenges it faces.

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

The delimitations of this study are essential considerations that shape the research's scope and should be acknowledged when interpreting the results. The primary delimitation is the exclusive focus on court trials within the High Court of Zimbabwe from 2019 up to the end of 2022. This study does not encompass other components of the justice system, such as police investigations or sentencing, which may provide a more comprehensive understanding of the broader legal landscape. Furthermore, the research is confined to the period of the COVID-19 pandemic, excluding the examination of the impact of other events like natural disasters or political unrest. Additionally, the study concentrates on soliciting the perceptions and experiences of legal professionals, omitting the perspectives of other stakeholders such as victims of crime or witnesses. Recognizing these delimitations is vital for a nuanced interpretation of the findings, ensuring that the study's outcomes are appropriately contextualized within the specified boundaries.

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

This study is not without its limitations, which warrant consideration for a nuanced interpretation of its findings. Firstly, the research relies heavily on the perspectives and experiences of legal professionals, potentially overlooking the insights of other key stakeholders such as victims of crime or witnesses. Their perspectives could provide valuable dimensions to the overall impact of the COVID-19 pandemic on the justice system.

Additionally, the exclusive focus on court trials within the High Court of Zimbabwe restricts the breadth of the study, omitting an examination of other integral components of the justice system like police investigations or sentencing. This limited scope may not fully capture the intricacies of the legal landscape during the pandemic. Furthermore, the study's temporal constraint, centered solely on the period of the COVID-19 pandemic, excludes the exploration of the impact of other events, such as natural disasters or political unrest, that could potentially influence the justice system. Acknowledging these limitations is crucial for a balanced understanding of the study's outcomes and emphasizes the need for complementary research efforts to provide a more comprehensive picture of the challenges faced by the justice system in diverse contexts.

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

#### **i. COVID-19:**

COVID-19 refers to a highly contagious zoonotic disease caused by the Severe Acute Respiratory Syndrome Coronavirus-2 (SARS-CoV-2). Characterized by respiratory symptoms, COVID-19 primarily spreads through respiratory droplets in the air, posing a significant global public health threat (World Health Organization, 2023). The virus has led to widespread health, social, and economic implications, prompting unprecedented responses from governments and communities worldwide.

#### **ii. Justice System:**

The justice system encompasses a comprehensive network of institutions and processes entrusted with upholding the law, administering punishment, and ensuring fairness in the treatment of individuals within a society. This multifaceted framework involves courts, law enforcement agencies, correctional facilities, and legal procedures aimed at maintaining order,

protecting citizens, and facilitating a just society (Akers, 2020). It serves as a cornerstone for societal governance, safeguarding individual rights and contributing to the overall stability and equity of a legal system.

### **iii. Impact:**

Impact, within the context of this study, is defined as the effect, whether positive or negative, that emerges because of a specific action or event. It encompasses a broad spectrum of outcomes and consequences, ranging from immediate and tangible effects to more subtle and long-term repercussions. Understanding the impact of the COVID-19 pandemic on the justice system involves a nuanced exploration of the changes, challenges, and transformations experienced within the legal framework, including both direct and indirect consequences on legal proceedings, societal perceptions, and the functioning of legal institutions.

### **iv. Pandemic**

Pandemic is generally defined as a widespread outbreak of a disease that affects a large number of people across multiple countries or regions (Markel, 2021).

## **1.11. DISSERTATION OUTLINE**

The dissertation comprises of five chapters as indicated below.

## **CHAPTER TWO: INTRODUCTION**

The problem statement is the foundation of the dissertation, and it should clearly and concisely define the specific issue or question that the research aims to address. The problem statement should be informed by the existing literature on the topic, and it should be clearly linked to the research questions and objectives of the study. In addition, the problem statement should be relevant and significant, and it should be grounded in the larger body of research on

the topic. The problem statement should also be written in a way that is accessible to a wider audience, beyond just the dissertation committee.

## **CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK**

The literature review is a critical part of the dissertation, and it should provide a comprehensive and up-to-date overview of the existing research on the topic. The literature review should be organized in a logical and coherent way, and it should include both primary and secondary sources. Primary sources include empirical research studies, while secondary sources include reviews of the literature, books, and other materials that provide an overview of the topic. The researcher will critically evaluate the strengths and weaknesses of the impact brought about by the COVID-19 in the High Court of Zimbabwe and should identify any gaps in the research that the dissertation aims to fill.

## **CHAPTER THREE: RESEARCH METHODOLOGY AND DESIGN**

The research methodology section of the dissertation provides a detailed description of the methods and tools used to conduct the research. This section should include information on the research design, the sample and sampling method, the data collection method, and the data analysis method. The research methodology should be rigorous and appropriate for the research questions and objectives of the study. In addition, the research methodology should be clearly linked to the problem statement and the literature review. The research methodology should also be written in a way that is accessible to a wider audience, beyond just the dissertation committee.

## **CHAPTER FOUR: DATA PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS**

The data analysis section of the dissertation presents the findings of the research, and it should be clear, concise, and well-organized. This section should include both quantitative

and qualitative data, if applicable. The data analysis should be based on the research methodology, and it should be linked to the research questions and objectives. The data analysis should also be critically evaluated, and it should include a discussion of the limitations of the data. The data analysis should be presented in a way that is accessible to a wider audience, beyond just the dissertation committee.

## **CHAPTER FIVE: SUMMARY, CONCLUSIONS, RECOMMENDATIONS AND AREAS FOR FURTHER RESEARCH**

The conclusion and recommendations section of the dissertation is the final section, and it should provide a clear and concise summary of the findings of the research. This section should include both a summary of the research findings and a discussion of the implications of the findings. The conclusion and recommendations should also be linked to the problem statement and the literature review. In addition, the conclusion and recommendations should include specific and feasible recommendations for future research or practice. Finally, the conclusion and recommendations should be written in a way that is accessible to a wider audience, beyond just the dissertation committee.

## **CHAPTER TWO**

### **2.0 LITERATURE REVIEW AND THEORETICAL FRAMEWORK**

#### **2.1 Introduction**

This chapter is dedicated to a comprehensive review of the literature pertinent to the study, with a primary focus on providing a thorough understanding of the existing discourse surrounding the research topic. The initial section of the chapter delves into the exploration of the guiding theoretical framework employed in this study. It scrutinizes the fundamental tenets of the chosen theoretical framework, critically evaluating its strengths and weaknesses, and assessing its applicability to the specific context of this research. Following the exposition of the theoretical framework, the chapter proceeds to a thorough examination of the existing literature and empirical evidence concerning the disruptive impacts of the COVID-19 pandemic on legal proceedings within the courts. Furthermore, the study broadens its scope to discuss the socio-legal implications of the pandemic on the functioning of courts. Beyond the immediate challenges to legal proceedings, the chapter explores the ripple effects on the broader legal landscape, considering societal and institutional consequences. In the final section of this literature review, the study shifts its focus to the adaptive measures implemented by some courts in response to the challenges posed by the pandemic.

#### **2.1 Theoretical framework**

This study is guided by the social justice theory. Social Justice Theory is a framework that emphasizes the fair and just distribution of resources, opportunities, and rights within a society (Rawls, 1971). It seeks to address and rectify social inequalities, ensuring that all individuals have equal access to basic goods and services. In the context of the COVID-19 pandemic and its impact on the High Court of Zimbabwe, this theory provides a lens through which we can examine how the crisis may have exacerbated existing social disparities in accessing justice.

Social Justice Theory places a strong emphasis on the equitable distribution of resources and opportunities. It asserts that every individual has the right to a fair and impartial legal system (Rawls, 1971). The theory also promotes the active participation of all members of society in legal processes, irrespective of their socio-economic background. Inclusivity is crucial for fostering a just legal system (Fraser, 1998). Social Justice Theory asserts that individuals have inherent rights and dignity that should be respected and protected by the legal system. This includes ensuring access to justice without discrimination (Sen, 2009). The theory supports measures to redistribute resources to address existing inequalities. In the legal context, this might involve policies to ensure equal access to legal representation, information, and fair trial procedures (Fraser, 1998).

While Social Justice Theory provides a robust framework for understanding and addressing social inequalities, it is not without criticism. (Sen, 2009) argue that the theory can be vague and challenging to operationalize in practice. Critics also contend that the emphasis on equal outcomes may clash with individual freedoms and incentives for hard work. Additionally, implementing social justice measures can face opposition due to ideological differences and concerns about the potential for unintended consequences (Sen, 2009).

In the context of the impact of the COVID-19 pandemic on the High Court of Zimbabwe, Social Justice Theory can be applied to assess how the crisis influenced the equitable distribution of justice. For instance access to Technology: Evaluate how the shift to virtual court proceedings during the pandemic affected individuals with varying levels of access to technology. Socially disadvantaged groups may have faced additional barriers in participating effectively in legal processes. Examine the economic impact of the pandemic on individuals and how it translated into differential access to legal representation. Financial constraints may have hindered the ability of certain groups to seek justice. Analyze how health disparities influenced individuals' ability to engage with the legal system. Vulnerable populations may have faced greater health risks, affecting their participation in legal proceedings.

## **2.2 Disruptive impacts of the COVID-19 pandemic on legal proceedings within courts**

The COVID-19 pandemic has introduced unprecedented challenges to various sectors, including the legal system. Scholars have extensively investigated how the crisis has affected access to justice, court operations, and the overall functioning of legal systems. Various scholars have written on the disruptive impact of the COVID-19 pandemic on legal proceedings on the courts. These include; Karim, Hayat, and Islam (2020), who have written on “*Impact of COVID-19 on the Justice System; A Global Overview*”, which speaks on how the COVID-19 pandemic has affected justice systems worldwide, including disruptions in court proceedings, backlogs in legal cases, and challenges in ensuring access to justice. A report by International Commission of Jurists (2020) titled “*The Impact of COVID-19 on the Administration of Justice and Access to Justice and the Potential Contribution of Digitalization*”, examines the effects of the COVID-19 pandemic on the administration of justice and access to justice globally, highlighting issues such as delays in legal proceedings and disparities in access to justice. The following are some of the key issues which have been presented by various scholars.

### **2.2.1. Shift to virtual proceedings**

The COVID-19 pandemic necessitated a rapid and substantial transformation in the legal landscape, prompting a critical shift towards virtual court proceedings to ensure the continuation of legal activities (Vosk, 2020). While this adaptation played a crucial role in maintaining essential legal functions, it also brought to light a myriad of challenges that have significant implications for the justice system. The transition to virtual court proceedings posed challenges in several key areas, as highlighted by contemporary research. Benjamin (2020) emphasizes the multifaceted nature of these challenges, encompassing issues related to technology access, digital literacy, and the preservation of due process. The sudden shift forced both legal professionals and litigants to navigate digital platforms, raising concerns about equitable access to justice.

Technological access emerged as a central challenge during the transition. Vosk (2020) notes that not all individuals had equal access to the necessary technology for virtual court proceedings. Disparities in access to high-speed internet, computers, and other essential devices became apparent, potentially hindering certain individuals' ability to effectively participate in legal processes. Moreover, digital literacy emerged as a critical factor influencing the effectiveness of virtual court proceedings (Benjamin, 2020). Participants, including litigants, lawyers, and even judges, faced a learning curve in adapting to the technological tools required for online hearings. Benjamin (2020) suggests that inadequate digital literacy could compromise the quality of legal representation and the understanding of legal proceedings.

One of the most pressing concerns raised by Albright (2021) is the potential exclusion of individuals with limited technological resources and skills. Vulnerable populations, often already marginalized, faced additional barriers to participating effectively in virtual court proceedings.

### **2.2.2. Backlog and delay in legal cases**

The global outbreak of the COVID-19 pandemic has precipitated a substantial backlog of legal cases, a phenomenon extensively examined through empirical studies (Lepore, 2020). This backlog is primarily attributed to the disruptive consequences of the pandemic on the regular functioning of legal systems. The research by Lepore (2020) underscores the severity of this issue, shedding light on the multifaceted challenges that have emerged.

One significant contributing factor to the burgeoning backlog is the closure of courts, which became a necessary measure to curb the spread of the virus (Lepore, 2020). The closures disrupted the normal flow of legal proceedings and created a backlog of cases awaiting resolution. Restrictions on in-person proceedings further compounded the issue, as the legal system grappled with the need to adapt to remote or virtual alternatives (Greene, 2021). The shift to virtual hearings, while crucial for continuity, brought its own set of challenges, such as technological constraints, digital literacy issues, and concerns about preserving due process.

Additionally, the implementation of safety measures within court facilities, including social distancing protocols and sanitation practices, resulted in reduced court capacities and efficiency (Greene, 2021). The necessity for such measures, while imperative for public health, has had the unintended consequence of prolonging case resolutions and exacerbating the backlog. The implications of the increased backlog are significant and extend beyond the immediate delays in case resolutions. Lepore's study (2020) suggests that the backlog raises fundamental concerns about the right to a timely and efficient legal process.

### **2.2.3. Disparities in access to justice**

The evidence gleaned from various studies strongly indicates that the COVID-19 pandemic has not only highlighted but exacerbated pre-existing disparities in access to justice,

particularly affecting vulnerable populations (Chu, 2020). Chu's research (2020) underscores that vulnerable populations, often characterized by lower socio-economic status, encountered heightened difficulties in accessing legal services during the pandemic. Economic hardships, exacerbated by the economic fallout of the crisis, intensified barriers to legal representation and support.

Moreover, the digital divide, a pre-existing gap in access to technology, has been exacerbated by the pandemic, with profound implications for marginalized communities (Van Dorn, 2020). As legal proceedings shifted to virtual platforms, individuals lacking access to reliable internet, computers, or digital literacy skills found themselves further marginalized.

The implications of these disparities extend beyond the immediate challenges faced by individuals. The inability of vulnerable populations to access legal services and participate fully in court proceedings amplifies existing inequalities, perpetuating a cycle of disadvantage. Chu's findings (2020) emphasize that without targeted interventions, the pandemic could leave vulnerable groups further disenfranchised within the legal system.

### **2.2.3. Technological and security concerns**

Scholars have discussed the challenges related to the adoption of technology in legal proceedings during the pandemic. Concerns about data security, privacy issues, and the reliability of virtual platforms have been raised (Taylor, 2021). Research emphasizes the importance of addressing these concerns to maintain the integrity of legal processes (Martin, 2020).

### **2.2.4. Impact on legal professionals**

The pandemic has also affected legal professionals, with studies highlighting the stress and burnout experienced by judges, lawyers, and court staff (APA, 2020). The shift to remote

work, increased workloads, and emotional strain have implications for the overall functioning of the legal system (Bal, 2021).

### **2.3. Socio-legal implications of the COVID-19 pandemic on the functioning of courts**

The COVID-19 pandemic has triggered unprecedented challenges for legal systems worldwide, influencing the functioning of courts and raising socio-legal implications.

#### **2.3.1. Transition to virtual court proceedings**

The onset of the COVID-19 pandemic necessitated a swift and substantial transformation in the way legal processes were conducted, leading to a widespread adoption of virtual court proceedings as a means of ensuring the continuity of justice (Morgan, 2020). This monumental shift represented a response to the unprecedented global crisis, leveraging technology to conduct hearings, maintain court operations, and uphold fundamental principles of justice.

Scholars have recognized several potential benefits associated with the adoption of virtual proceedings. Increased accessibility stands out as a key advantage, allowing litigants, lawyers, and other stakeholders to participate in legal proceedings without the constraints of physical location (Morgan, 2020).

Additionally, the transition to virtual court proceedings has been associated with reduced costs for both the legal system and participants. The elimination of the need for physical courtroom spaces, reduced travel expenses, and streamlined administrative processes contribute to potential cost savings, making the justice system more resource-efficient (Morgan, 2020).

However, the rapid shift to virtual proceedings has brought forth a set of challenges that need careful consideration. A prominent concern is the digital divide, highlighting the

disparities in access to technology and internet connectivity among different segments of the population. Not all individuals have equal access to the required technology, potentially exacerbating existing inequalities in accessing justice (Hodges , 2020).

Furthermore, scholars have raised concerns about the impact of virtual proceedings on due process. The need for technological literacy becomes crucial, as not all participants may be familiar with or equipped to navigate the digital platforms used for court hearings (Cortesi & Vogl, 2020).

### **2.3.2. Access to justice and inequalities**

Empirical evidence reveals a stark reality concerning the exacerbation of existing inequalities in accessing justice amid the COVID-19 pandemic, with a particular emphasis on vulnerable populations (Arias, 2021). The global response to the crisis, including the swift transition to virtual court proceedings, has unearthed a series of challenges that disproportionately impact individuals already marginalized within the legal system.

The shift to virtual platforms, while a necessity for continuity, has magnified digital disparities, presenting a formidable barrier for those lacking technological resources (Hodges , 2020). This has resulted in a digital divide where individuals with limited access to the internet, computers, or digital literacy find themselves marginalized within the evolving legal landscape. The disparities are further compounded by limitations in resources and disruptions in legal aid services. Vulnerable populations, including low-income individuals and marginalized communities, have faced heightened challenges in navigating legal processes during the pandemic (Uttamchandani , 2021). Economic constraints, exacerbated by the pandemic's socio-economic impact, have led to increased difficulty in accessing legal representation and aid, deepening existing inequalities.

Studies indicate that these challenges have real and tangible consequences. Marginalized groups are experiencing impediments in their ability to engage effectively with the legal system, hindering their pursuit of justice (Stern, 2020). The pandemic has not only exposed but accentuated the pre-existing fault lines in the justice system, raising critical concerns about the potential perpetuation and deepening of these disparities.

### **2.3.3. Legal backlog and case management**

The pandemic-induced disruptions have led to a substantial backlog of cases in many jurisdictions, significantly affecting court efficiency and the timely delivery of justice (Cohen, 2020). The increased caseload, combined with court closures and resource limitations, underscores the need for innovative case management strategies. Scholars argue that addressing these challenges requires a revaluation of traditional case management approaches and the adoption of innovative solutions to enhance efficiency, reduce delays, and ensure fair and expeditious justice delivery (Hart, 2021).

## **2.4. Empirical evidence from Uganda on the socio-legal implications of the COVID-19 pandemic on the functioning of courts in Uganda**

Uganda, like many other nations, faced significant socio-legal implications due to the COVID-19 pandemic. The disruptions brought about by the virus influenced the functioning of the judicial system, with notable consequences on access to justice, court efficiency, and the overall socio-legal landscape.

### **2.4.1. Access to justice challenges**

The pandemic-induced restrictions in Uganda posed substantial challenges to accessing justice. With lockdowns and social distancing measures in place, individuals faced

impediments in physically reaching courts, thereby limiting their ability to file cases, attend hearings, and participate in legal processes (Okumu-Wengi, 2020).

#### **2.4.2. Transition to virtual proceedings**

In response to the challenges posed by the pandemic, Ugandan courts undertook a transition to virtual proceedings. However, the shift to remote hearings was not without difficulties. Issues such as limited internet connectivity, technological literacy, and the availability of necessary infrastructure presented obstacles to the effective implementation of virtual court sessions (Zimbabwe Human Rights Commission, 2020).

#### **2.4.3. Legal backlog and case management**

The pandemic contributed to a backlog of cases in Ugandan courts, impacting the efficiency of legal proceedings. Court closures, reduced working hours, and disruptions in administrative processes led to delays in case resolution. Scholars argue that addressing this backlog requires innovative case management strategies tailored to the specific challenges faced by the Ugandan judiciary (Kabumba, 2021).

#### **Socio-Economic Impact and Legal Aid:**

The pandemic's socio-economic impact further complicated matters for vulnerable populations in Uganda. Financial constraints and health concerns affected individuals' ability to seek legal representation and access legal aid services (Africa Criminal Justice Reform, 2022). This created disparities in the ability of different segments of the population to engage with the legal system (Okumu-Wengi, 2020; Kabumba, 2021).

The case study of Uganda illuminates the multifaceted socio-legal implications of the COVID-19 pandemic on the functioning of courts. Access to justice challenges, the transition to virtual proceedings, legal backlog, and the socio-economic impact underscore the need for

context-specific strategies to navigate these challenges. The experiences of Uganda offer valuable insights for other jurisdictions grappling with similar issues, emphasizing the importance of innovative and adaptive approaches to maintain a resilient justice system in times of crisis.

## **2.5. Adaptive measures of courts in response to the challenges posed by the COVID-19 pandemic**

The COVID-19 pandemic has posed unprecedented challenges to legal systems worldwide, prompting courts to implement adaptive measures to ensure the continuity of justice.

### **2.5.1. Virtual court proceedings**

The transition to virtual court proceedings emerged as a pivotal adaptive measure in response to the challenges posed by the COVID-19 pandemic. Courts worldwide swiftly embraced digital technologies, such as videoconferencing and online platforms, to conduct hearings and trials remotely. Empirical evidence underscores the rapid adoption of virtual proceedings, indicating a seismic shift in traditional courtroom dynamics (Cohen, 2020). Notably, esteemed judicial bodies like the United States Supreme Court and various European courts recognized the imperative to leverage technology and promptly implemented virtual proceedings to minimize disruptions to judicial processes (Gifford, 2021).

The empirical studies on the adoption of virtual court proceedings reveal a multifaceted impact on the justice system. Scholars argue that this transition has substantially enhanced accessibility and efficiency in court proceedings (Aldridge, 2020). By leveraging virtual platforms, courts have overcome geographical barriers, allowing litigants, legal practitioners, and witnesses to participate without the constraints of physical presence. This adaptability has

proven particularly crucial in ensuring the continuity of legal proceedings during lockdowns and restrictions on movement.

However, the shift to virtual court proceedings has not been without challenges. Some scholars note concerns related to technological disparities and access issues, particularly for marginalized or technologically underserved populations (Smith, 2021). Additionally, there are ongoing discussions about the effectiveness of virtual proceedings in certain types of cases, such as those requiring a high degree of sensitivity or nuanced interpersonal communication.

In navigating these challenges, courts have implemented innovative solutions, such as providing technology assistance programs and developing guidelines for conducting virtual hearings effectively (Gomez, 2020).

### **2.5.2. E-filing systems**

The implementation of electronic filing (e-filing) systems represents a strategic response to the pandemic's challenges, offering a transformative shift in how legal documents are submitted, processed, and managed. Courts worldwide have introduced or expanded digital platforms for case submissions, filings, and document exchange, aiming to minimize physical contact and streamline administrative processes (Cohen, 2020; Hook, 2020). Empirical studies provide insights into the positive impact of e-filing on case management and the reduction of administrative burdens within the legal system (O'Brien, 2021).

The adoption of e-filing systems has facilitated a more efficient and secure exchange of legal documents (Dube, 2020).. Legal professionals can submit and access case-related materials remotely, reducing the reliance on physical paperwork and the need for in-person interactions at courthouses. This not only aligns with public health considerations during the

pandemic but also contributes to the long-term goal of transitioning towards a more digitally-driven and environmentally sustainable legal process.

Empirical evidence highlights the increased speed and accuracy associated with e-filing, leading to improved case processing times (Smith, 2021). The reduction in administrative burdens and the enhanced organization of legal documents contribute to a more streamlined and effective judicial system. Moreover, e-filing systems have been observed to improve transparency by providing real-time access to case information for relevant stakeholders, including litigants, legal professionals, and the public.

However, challenges related to the digital divide and the need for technological infrastructure upgrades have been acknowledged. Courts and policymakers have recognized these challenges and are actively working on initiatives to address disparities in access to e-filing systems, ensuring inclusivity and equal participation in the legal process (Gomez, 2020).

### **2.5.3. Remote access to legal resources**

Courts have also adapted by providing remote access to legal resources. Online databases, virtual libraries, and digital repositories have become crucial tools for legal professionals during the pandemic (Lyons, 2020). Empirical evidence suggests that such initiatives have facilitated research, case preparation, and knowledge sharing among legal practitioners (Gomez, 2021).

### **2.5.4. Flexible case management**

Empirical studies reveal that courts adopted flexible case management strategies to address the backlog of cases caused by the pandemic-related disruptions (Gifford, 2021). Flexible scheduling, alternative dispute resolution mechanisms, and prioritization of urgent

matters have been observed as effective measures to manage the increased workload (Aldridge, 2020).

### **2.5.5. Public Health Measures in Physical Courts**

For courts continuing physical operations, empirical evidence highlights the implementation of public health measures. These include social distancing protocols, sanitization procedures, and the use of personal protective equipment to ensure the safety of court staff, legal practitioners, and litigants (Hook, 2020; Gomez, 2021).

### **2.5.6. Technological infrastructure investment**

Scholars argue that the pandemic has spurred courts to invest in technological infrastructure to support remote operations (O'Brien, 2021). Empirical evidence indicates that courts that had previously invested in digital capabilities were better equipped to adapt to the challenges posed by the pandemic (Lyons, 2020).

## **2.6. Chapter summary**

In conclusion, this conclusive chapter summary encapsulates the comprehensive literature review undertaken in this study, which aimed to establish a robust foundation for understanding the impacts of the COVID-19 pandemic on legal proceedings within the courts. The primary objectives of this review were twofold: firstly, to enrich the study with insights from established arguments in the field, bolstering its validity and reliability; and secondly, to identify and address potential research gaps that contribute to the unique contribution of this study.

## **CHAPTER THREE**

### **3.0. RESEARCH METHODOLOGY AND DESIGN**

#### **3.1 Introduction**

The data collection and analysis procedures for this study will be the focus of this chapter. The fundamental framework or plan for how the study will be conducted in terms of data collection is established by the research methodology. The research approach that will be used in this study will be the first topic covered in this chapter. The research design for the study is then presented in the chapter. The chapter next presents the study's sample and demographic information after the research design. The chapter then moves on to explore sample approaches before discussing data collection techniques and tools. In addition, the validity and reliability of the study are discussed in this chapter. The chapter also considers how data should be analysed and presented. The study's research ethics are also presented before concluding the study with a chapter summary.

#### **3.2 Research Philosophy**

For a study on "The Impact of the COVID-19 Pandemic on the Justice Systems: The Case of the High Court of Zimbabwe," an interpretivist research philosophy shall be used. Denzin (2010) notes that, the interpretivism emphasizes understanding social phenomena from the perspective of the individuals involved, focusing on subjective meanings, interpretations, and experiences within their specific contexts. In this context, an interpretivist research philosophy would enable researchers to explore the nuanced effects of the COVID-19 pandemic on the justice system of the High Court of Zimbabwe from the perspectives of various stakeholders, including judges, lawyers, court staff, litigants, and other relevant actors. By adopting an interpretivist approach, researchers can delve into the lived experiences, perceptions, and narratives of these stakeholders to gain a deeper understanding of how the pandemic has impacted legal proceedings, access to justice, and the overall functioning of the High Court.

Furthermore, an interpretivist research philosophy aligns with the inherently dynamic and context-dependent nature of the justice system, which is shaped by social, cultural, political, and economic factors. By adopting an interpretivist approach, researchers can capture the nuances and complexities of the High Court's response to the pandemic, including how it adapts to new challenges, navigates institutional constraints, and addresses emerging issues.

### **3.3 Research Methodology**

Regarding the research approach, this study is qualitative. The phases of a research process range from broad hypotheses to precise methods for collecting, evaluating, and interpreting data (Grover, 2015). The rationale for using a qualitative research approach in this study is the requirement to gather in-depth data from the participants regarding the impact of the Covid-19 pandemic on court trials. The only effective method for doing this is qualitatively, through in-depth interviews and observations. In support of this assertion, Creswell (2013)

notes that gathering, understanding, and interpreting participant viewpoints and arguments on a particular topic are the main goals of qualitative research. Additionally, Kumar (2012) argues that the systematic investigation of social phenomena in natural settings is the primary concern of the qualitative research technique. In this context, this study explores the social phenomenon of court trials during the Covid-19 pandemic.

### **3.4 Research Design**

The research design for this study is a case study approach. The researchers have chosen the case study design primarily because they aim to investigate the impacts of the COVID-19 pandemic on court rulings, using the high court as the specific case. This will allow them to develop findings that are not overly generalized. As explained by Starman (2013), case studies are a type of in-depth investigative research design that enable a focused examination of a particular topic, region, or event. In this specific study, the researchers are examining the case study of Shamva District to explore the effectiveness of community participation in local governance.

### **3.5 Population and Sample**

The study population will include clerks from the high court, judges, and representatives from various law firms. The target population refers to the specific group of individuals that the research is focused on and from whom conclusions will be drawn (Banerjee, 2010). Tadasse (2014) concurs that the population of a study encompasses everything considered within the field of study. This particular study will have a total sample size of 5 participants, comprising 2 high court clerks, 2 high court judges, and 1 lawyer from a law firm. As Cresswell (2013) explains, the sample is the specific group that the researcher will use to collect data. Kumar (2012) further defines a sample as a limited subset of a larger statistical population, which is studied to gain insights about the entire population.

### **3.6 Sampling Methods**

This study will utilize non-probability sampling techniques. Schutt (2012) explains that sampling is the process of selecting a specific subset of a population in order to draw statistical inferences about the characteristics of the entire population. For this investigation, non-probability sampling will be the predominant approach. Non-probability sampling is a technique where the researcher selects samples based on their own judgment, rather than through random selection (Patton, 2015). Non-probability sampling was chosen because the researcher needed to be involved in the participant selection process. Consideration was given to volunteers who could help the researcher meet the study objectives and formulate the best research questions. In this context, it is important for the researcher to incorporate their own expertise in the field when selecting participants. This study will employ various non-probability sampling methods, including snowball sampling and purposive (judgmental) sampling.

Purposive sampling will be used to select the participants who are clerks of the court and judges from the high court. For the selection of lawyers, the researcher will employ snowball sampling. Snowball sampling, also known as chain-referral sampling, is a non-probability sampling method used when the desired sample characteristics are challenging to find. With this technique, the current study participants provide referrals to help identify additional suitable participants for the research project (Teherani, 2015).

### **3.7 Data Collection**

Data collection is the procedure of compiling information from all pertinent sources to identify solutions to the study problem, test the hypothesis, and assess the results. Interviews and surveys will be used to collect data for this project Creswell (2013). Tools and techniques for acquiring qualitative data will be used in this project. Saunders (2019) claim that qualitative data gathering methods are

becoming frequently used to obtain understanding and recognize the underlying causes by digging deeper

### **3.7.1 Key informant interviews**

Through personalized interviews with clerks, lawyers and judges from the High Court, we will collect rich qualitative data, capturing on the advantages of thus well-established, widely employed, and highly effective research technique. A face to face interview is a purposeful, one on one conversation with a clear agenda, engaging with individuals who possess specialized knowledge and expertise, known as key informants to gather in-depth information and insights.

### **3.7.2 Secondary data**

Extensive secondary data is available from a variety of academic and industry sources to inform research on this topic. Scholarly journal articles provide in-depth analysis and empirical findings related to the impacts of the COVID-19 pandemic on judicial systems. For example, Hammergren (2020) has examined how court closures and disruptions have affected case backlogs and access to justice in developing countries, while Alreshidi and Alshammari (2021) have studied the technological challenges faced by courts shifting to remote proceedings. Government and non-profit reports also offer valuable secondary data, such as the United Nations Office on Drugs and Crime's (2020) global study on the effects of the pandemic on crime and criminal justice. Industry publications like the International Bar Association's (2020) survey of lawyers provide additional practitioner perspectives. These diverse secondary sources can offer critical context, benchmarks, and frameworks to guide primary research on this topic.

### **3.7 Validity and Reliability**

Creswell (2013) emphasizes that the quality of a study's data collection directly impacts its validity. Validity, in this context, refers to the degree to which a research tool successfully captures the intended information, ensuring that the results genuinely represent the concept or phenomenon being investigated. Highly valid results precisely capture the genuine attributes, patterns, and diversity present in the physical or social world. Kumar (2012) defines reliability as the consistency and dependability of a research method in producing stable and repeatable results, ensuring that the findings are trustworthy and robust. In light of these perspectives, the validity of research findings is understood to hinge on how accurately they capture the intended phenomenon, while the reliability of a study's findings is determined by its capacity to yield consistent results when repeated or reproduced, ensuring the trustworthiness and dependability of the findings.

The techniques of inquiry must be clearly specified in order for them to be reproduced and applied to a different population with identical results. This will ensure the validity and dependability of the study. The study must also connect its results to relevant earlier studies and to earlier works on the subject. Additionally, the study must be based on fieldwork without any data fabrication.

### **3.8. Data Presentation and Analysis**

Data presentation, as noted by Creswell (2013), is the process of utilizing a range of graphical representations to visually uncover and present the links and insights from diverse data sets to empower decision-makers with a comprehensive understanding. For the sake of this discussion, data will be presented in tabular, graphical, and narrative formats, but as some of the information was acquired in-person, it will also be presented by summarizing some of the key points made by the informants. It is also crucial to remember that some of the

information was recorded, therefore the presentation will use a transcription of what was said. A portion of the data gathered from the area will be given as a narrative summary.

Researchers utilize a process called data analysis to examine and combine the collected information. This allows them to derive meaningful insights from a large, unstructured dataset (Kumar, 2012). For this particular study, the data will be analyzed through thematic analysis and narrations. The thematic analysis focuses on identifying and discussing the most common and popular themes that emerge from the findings. Thematic analysis is a qualitative data analysis technique that involves thoroughly reviewing a data set to find, evaluate, and document recurring themes (Braun and Clarke, 2006). Thematic analysis is not merely a summarization technique, as it also involves interpretation when selecting codes and developing themes. In addition to thematic analysis, the researchers will also use narratives to present the data. Starman (2013) explains that narrative analysis allows researchers to understand how study participants construct stories and narratives based on their own lived experiences. This narrative analysis introduces a secondary layer of interpretation - first the participants use storytelling to make sense of their own lives, and then the researcher analyzes the structure and composition of those narratives. Narratives for this purpose can be drawn from a variety of qualitative data sources, such as journals, letters, conversations, autobiographies, interview transcripts, and other narrative-based research methods.

### **3.9 Ethical Considerations**

The research study will be conducted in accordance with established ethical principles. The researcher will assure participants that their information will be kept confidential and private, and that pseudonyms will be used in the research write-up to protect their anonymity. This ethical obligation means the researcher must avoid causing any harm to research participants (Cresswell, 2013). Kumar (2012) argues that researchers must ensure the research process

does not cause distress for those taking part. Voluntary participation refers to a human research subject freely choosing whether to engage in the research activities (Starman, 2013). Kumar (2012) defines cultural values as the core principles and ideals that underpin an entire community. Respect in this context speaks to recognizing research participants as autonomous, unique, and independent individuals.

### **3.11 Summary**

This chapter was focused on presenting the research methodology on how this study is going to collect and analyse data. The research methodology laid the general blueprint or plan on how the research is going to be carried out in terms of data collection. This chapter firstly looked at the research approach to be used in this study. The chapter went on to present the research design of the study. After research design, the chapter then presented the population and the sample of the study. The chapter then presented the sampling techniques before presenting the data collection techniques and tools. The chapter also took into consideration how data shall be presented and analysed. The study's research ethics are also presented before concluding the study with a chapter summary.

## **CHAPTER FOUR**

### **4.0 DA PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS**

#### **4.1. INTRODUCTION**

This chapter is focused on the presentation and analysis of data collected during field research as well as a discussion of these findings. The data being presented in this chapter was collected through in-depth interviews. The names of the participants are withheld in this chapter for purposes of maintaining confidentiality. In the first section the study presents on the demographic data of the participants. This is then followed up by the presentation of and discussion on the extent of disruptions caused by the COVID-19 pandemic on legal proceedings within the High Court of Zimbabwe. After that the research looks at the broader socio-legal implications of the pandemic on the High Court of Zimbabwe. Before concluding with a chapter summary, the research looks at how the High Court of Zimbabwe adapted to the challenges posed by the pandemic in its judicial processes.

#### **4.2 The extent of disruptions caused by the covid-19 pandemic on legal proceedings within the high court of Zimbabwe.**

The data collected during interviews revealed a general consensus among participants regarding the profound impact of the Covid-19 pandemic on the operations of the High Court of Zimbabwe, resulting in significant disruptions to legal proceedings. Participants highlighted several key factors contributing to these disruptions, including shifts in proceedings, backlog and delays in legal cases, disparities in access to justice, and security concerns. These findings are corroborated by existing scholarly literature, which extensively documents the disruptive effects of the Covid-19 pandemic on legal systems worldwide. For instance, Karim, Hayat, and Islam (2020) conducted a comprehensive study titled "*Impact of COVID-19 on the Justice System: A Global Overview*," which elucidates the multifaceted challenges faced by justice systems globally. Their research underscores how the pandemic has led to disruptions in court proceedings, exacerbated backlogs in legal cases, and posed significant obstacles to ensuring equitable access to justice.

Similarly, the International Commission of Jurists (2020) published a report titled "*The Impact of COVID-19 on the Administration of Justice and Access to Justice and the Potential Contribution of Digitalization*." This report meticulously examines the far-reaching implications of the pandemic on the administration of justice and access to legal recourse on a global scale. Among its key findings are the detrimental effects of Covid-19-induced delays on legal proceedings and the exacerbation of existing disparities in accessing justice.

By aligning with these scholarly perspectives, the insights gleaned from the interviews underscore the urgency of addressing the systemic challenges facing the High Court of Zimbabwe in the wake of the Covid-19 pandemic. In detail the following presented by the

participants as the disruptive Impacts of the COVID-19 Pandemic on Legal Proceedings within Courts.

#### 4.2.1. Shifts in proceedings

The study sought to understand how shifts in proceedings of court process affected the staff of the High Court of Zimbabwe

Clerk of Court A noted that:

*The COVID-19 pandemic has brought about significant disruptions to legal proceedings within our court. One of the most notable impacts has been the shift in how proceedings are conducted. Before the pandemic, most hearings and trials were conducted in person, but during the pandemic some of the trials were suspended due to lockdowns.*

Judge A argued that;

*From the perspective of a judge, the shift in legal proceedings due to the COVID-19 pandemic has been both challenging and transformative. Virtual hearings have required us to adapt our approach to conducting trials and hearings, including ensuring fairness and transparency in a virtual environment.*

Lawyer presented that:

*From my experience, the pandemic forced courts to adopt remote proceedings, such as virtual hearings and electronic filings. This shift required significant adjustments for both legal professionals and clients. I agree. Virtual hearings became the norm, leading to challenges with technology, connectivity issues, and ensuring confidentiality during remote proceedings.*

The responses from the participants highlight the significant impact of the COVID-19 pandemic on legal proceedings within the High Court of Zimbabwe, particularly the shift towards virtual hearings. The COVID-19 pandemic necessitated a rapid and substantial transformation in the legal landscape, prompting a critical shift towards virtual court

proceedings to ensure the continuation of legal activities (Vosk, 2020). Benjamin (2020) emphasizes the multifaceted nature of these challenges, encompassing issues related to technology access, digital literacy, and the preservation of due process. The sudden shift forced both legal professionals and litigants to navigate digital platforms, raising concerns about equitable access to justice. Technological access emerged as a central challenge during the transition. Vosk (2020) notes that not all individuals had equal access to the necessary technology for virtual court proceedings. Benjamin (2020) suggests that inadequate digital literacy could compromise the quality of legal representation and the understanding of legal proceedings. One of the most pressing concerns raised by Albright (2021) is the potential exclusion of individuals with limited technological resources and skills. Vulnerable populations, often already marginalized, faced additional barriers to participating effectively in virtual court proceedings.

#### **4.2.2. Backlog and delays in legal cases.**

The participants echoed the following:

Clerk of Court 1 was of the view that:

*"The COVID-19 pandemic has definitely caused significant disruptions in our court proceedings. With the implementation of social distancing measures and restrictions on gatherings, we had to limit the number of cases heard in court each day. This has led to a backlog of cases, particularly those that require in-person hearings."*

Clerk of Court 2 contended that:

*The backlog of cases has become a major concern for us. Even with the introduction of virtual hearings, we are still struggling to catch up with the backlog. Moreover, there have been*

*delays in processing paperwork and scheduling hearings due to reduced staffing levels and disruptions in administrative processes caused by the pandemic.*

Judge 1 argued that:

*The backlog and delays in legal cases have been a significant challenge for us as well. We have had to prioritize certain types of cases, such as urgent matters and cases involving vulnerable individuals, which has further exacerbated the backlog for other cases.*

Lepore's (2020) research, as highlighted in the literature review, emphasizes the severity of the backlog issue caused by the pandemic's disruptive consequences on legal systems worldwide. This aligns with the sentiments expressed by the stakeholders in Zimbabwe, who noted the significant challenges posed by the backlog of cases on the functioning of the High Court. The closure of courts, as highlighted by Lepore (2020), emerged as a significant contributing factor to the backlog, disrupting the normal flow of legal proceedings. Similarly, the interviewed clerks of court and judges in Zimbabwe emphasized the impact of court closures on exacerbating the backlog of cases awaiting resolution. Moreover, the shift to virtual hearings, as discussed by Greene (2021), was acknowledged by the stakeholders in Zimbabwe as a necessary adaptation to the pandemic but brought its own set of challenges, including technological constraints and concerns about preserving due process. This resonates with the experiences shared by the stakeholders, who noted the logistical challenges and limitations associated with virtual court proceedings.

#### **4.2.3. Disparities in access to justice**

The participants indicated the following;

Clerk of Court 1 asserted that:

*The backlog of legal cases has been a major issue at the High Court of Zimbabwe, exacerbated by the COVID-19 pandemic. We have been inundated with a surge of cases, but our resources are stretched thin. It was challenging to keep up with the demand, especially when we have to adhere to safety protocols, which slows down the process even further.*

Lawyer noted that:

*The backlog of cases has reached unprecedented levels. The pandemic forced us to implement remote working arrangements, but it's not always efficient, especially for complex legal proceedings.*

Judge 2 alluded that:

*The backlog has created a backlog within a backlog. We're constantly playing catch-up, and it's taking a toll on everyone involved in the legal process. Despite our best efforts, it seems like we're always falling behind.*

The findings from the interviews with clerks of court and judges regarding the backlog and delays in legal cases within the High Court of Zimbabwe resonate with the literature on disparities in access to justice exacerbated by the COVID-19 pandemic. Chu's research (2020) underscores that vulnerable populations, often characterized by lower socio-economic status, encountered heightened difficulties in accessing legal services during the pandemic (Ncube, 2020).. The responses from the interviewees reflect this, as they highlight how the backlog and delays in legal cases disproportionately affect marginalized communities who may lack the resources to navigate lengthy legal proceedings. Economic hardships, exacerbated by the economic fallout of the crisis, intensify barriers to legal representation and support, exacerbating disparities in access to justice (Howell, Brittain, A & Dash, 2021).. Furthermore, Van Dorn's study (2020) on the digital divide emphasizes how the shift to virtual platforms for legal proceedings exacerbates disparities in access to justice, particularly for marginalized communities. The interviewees' remarks regarding the challenges of remote working arrangements and the lack of clarity on prioritizing cases echo these concerns. Individuals lacking access to reliable internet, computers, or digital literacy skills are further marginalized, hindering their ability to participate fully in court proceedings.

#### **4.3. Socio-Legal Implications of the COVID-19 Pandemic on the Functioning of Courts**

The interviewed participant from the interviews all agreed that there were socio-legal implications of the COVID-19 Pandemic on the functioning of courts. The noted implications included; Access to Justice Challenges and Socio-Economic Impact and Legal Aid. These issues are articulated in detail as follows;

#### **4.3.1. Access to Justice Challenges**

The participants gave the following remarks;

Lawyer argued that:

*The COVID-19 pandemic did throw our court system into disarray. We had to implement numerous safety measures, like social distancing and sanitization protocols, which have significantly slowed down our operations. As a result, we were dealing with a massive backlog of cases, and it's been incredibly challenging to ensure timely access to justice for litigants.*

Clerk of Court 2 underscored that:

*The pandemic has disrupted our usual workflow, leading to delays and inefficiencies. Additionally, there have been instances where court staff themselves have fallen ill, further exacerbating the strain on our resources. It has been a struggle to maintain the integrity of our court proceedings while navigating these unprecedented circumstances.*

Judge 1 articulated that:

*From a judicial perspective, the pandemic presented numerous challenges. While we have adapted by conducting virtual hearings and prioritizing urgent matters, there is no denying that access to justice has been compromised.*

The responses from the interviewed court clerks, judges, and lawyers underscore the profound impact of the COVID-19 pandemic on the functioning of courts in Zimbabwe and the associated challenges to access to justice. The pandemic has disrupted traditional court operations, resulting in delays, backlogs, and disparities in access to legal recourse. The findings from the interviews with court clerks, judges, and lawyers align closely with the reviewed literature on the socio-legal implications of the COVID-19 pandemic on access to justice, particularly for vulnerable populations (Makumbirofa, & Shumba, 2021). Firstly, the literature emphasizes the exacerbation of existing inequalities in accessing justice during the pandemic, with vulnerable populations bearing the brunt of these disparities (Arias, 2021). The responses from the court clerks and judges reflect this reality, as they discuss the challenges faced by marginalized communities in navigating the court system amidst the pandemic.

Secondly, the shift to virtual court proceedings, while necessary for continuity, has highlighted digital disparities, creating barriers for individuals lacking technological resources (Hodges, 2020). This resonates with the concerns raised by the court clerks and judges regarding the difficulties in conducting remote hearings and ensuring equal access to justice for all litigants, regardless of their technological capabilities (Chakamba, 2020). Furthermore, the literature emphasizes the economic constraints faced by vulnerable populations, which have been exacerbated by the pandemic's socio-economic impact, leading to increased difficulty in accessing legal representation and aid (Uttamchandani, 2021). Finally, the literature underscores the real and tangible consequences of these challenges, with marginalized groups experiencing impediments in their ability to engage effectively with the legal system (Stern, 2020). This aligns with the experiences shared by the court clerks, judges and lawyers, who discuss the disruptions and delays in court proceedings, hindering litigants' pursuit of justice.

#### **4.3.2 Socio-Economic Impact and Legal Aid**

The participants were of the following views

Clerk of Court 1 highlighted that:

*"The COVID-19 pandemic has drastically affected the functioning of our court. With limited resources and increased safety measures, we are struggling to keep up with the workload. Many cases have been postponed or delayed, causing frustration among litigants and legal practitioners."*

Clerk of Court 2 noted that:

*"The pandemic has disrupted our daily operations and exacerbated existing challenges. We are experiencing significant backlogs in processing cases, which has implications for access to justice. Furthermore, the socio-economic impact of the pandemic has heightened the demand for legal aid services, stretching our resources even further."*

Judge 1 contended that:

*"As judges, we are facing unprecedented challenges in administering justice during the pandemic. The shift to virtual hearings has posed technical difficulties and increased the risk of procedural errors. Moreover, the socio-economic consequences of the pandemic have disproportionately affected marginalized communities, highlighting the importance of legal aid in ensuring equal access to justice."*

Judge 2 presented that:

*"The pandemic has underscored the need for innovative solutions to address the socio-legal implications of the crisis. We must prioritize the protection of vulnerable individuals and communities, while also safeguarding the integrity of the justice system. Legal aid plays a crucial role in this regard, providing essential support to those in need."*

Overall, the interviews with clerks of court, judges and lawyers, highlight the profound socio-legal implications of the COVID-19 pandemic on the functioning of courts in Zimbabwe. The findings from the interviews align closely with the literature on the socio-legal implications of the COVID-19 pandemic, particularly as highlighted in the case study of Uganda. The literature emphasizes the multifaceted challenges faced by the justice system, including access to justice, transition to virtual proceedings, legal backlog, and the socio-economic impact on vulnerable populations (Okumu-Wengi, 2020; Kabumba, 2021). Similarly, the interviews with clerks of court, judges and lawyers in Zimbabwe underscored these same challenges. The socio-economic impact of the pandemic has compounded existing barriers to accessing legal representation and aid services, particularly for marginalized communities. Financial

constraints and health concerns have hindered individuals' ability to engage with the legal system effectively.

#### **4.4. Adaptive Measures of Courts in Response to the Challenges Posed by the COVID-19 Pandemic**

There have been various measures that have been adopted the justice system in Zimbabwe to deal with the challenges that have been posed by the COVID-19 pandemic. These include the adoption of an e-filing system and Remote Access to Legal Resources. These are presented in detail as follows:

##### **4.4.1.E-filing system**

The following were the responses from the participants;

Clerk of Court 1 argued that:

*"I have been working as a clerk of court at the High Court of Zimbabwe for over a decade now, and I must say, the COVID-19 pandemic has presented us with unprecedented challenges. One of the most significant challenges we faced was the sudden closure of court premises and the suspension of physical court hearings. This forced us to quickly adapt and implement new measures to ensure the continuity of court operations. One of the key adaptive measures we introduced was the implementation of an e-filing system, allowing litigants to file their court documents electronically. This system has proven to be invaluable in ensuring the smooth processing of cases during these difficult times."*

Clerk of Court 2 presented that:

*"As a clerk of court, I have witnessed first-hand the impact of the COVID-19 pandemic on our day-to-day operations. The sudden shift to remote work and the closure of court*

*premises posed significant logistical challenges for us. However, the implementation of the e-filing system has been a game-changer. It has not only facilitated the seamless submission of court documents but has also helped in reducing the backlog of cases. With the e-filing system in place, we can now efficiently manage court proceedings while ensuring the safety and well-being of all stakeholders."*

Judge 1 noted that:

*"As a judge at the High Court of Zimbabwe, the COVID-19 pandemic presented us with numerous challenges in administering justice. The closure of court premises and the suspension of physical hearings necessitated the adoption of alternative measures to ensure the continuity of court proceedings. The introduction of the e-filing system has been instrumental in this regard. It has enabled us to receive and process court documents remotely, allowing for the timely adjudication of cases despite the limitations imposed by the pandemic."*

Judge 2 was of the view that:

*"Since the onset of the COVID-19 pandemic, judges at the High Court of Zimbabwe have been faced with the daunting task of maintaining access to justice while ensuring the safety of all stakeholders. The implementation of the e-filing system has been a critical component of our adaptive measures. It has streamlined the filing process, reduced paperwork, and enhanced efficiency in case management. While there have been challenges in transitioning to this new system, overall, it has been instrumental in facilitating the continued functioning of the court during these challenging times."*

The responses from the interviewed clerks of court and judges underscore the critical role of adaptive measures, particularly the implementation of the e-filing judges system. Both the literature and the stakeholders' responses emphasize the transformative impact of e-filing on how legal documents are submitted, processed, and managed. Empirical evidence highlighted in the literature also underscores the increased speed and accuracy associated with

e-filing, leading to improved case processing times. Similarly, stakeholders noted improvements in the efficiency and organization of legal documents, contributing to a more streamlined and effective judicial system. However, challenges related to the digital divide and the need for technological infrastructure upgrades are acknowledged both in the literature and by stakeholders. Courts and policymakers, as mentioned in the literature, are actively working on initiatives to address these disparities in access to e-filing systems, ensuring inclusivity and equal participation in the legal process.

#### **4.4.2. Remote Access to Legal Resources**

The participants alluded the following:

Lawyer presented that:

*"The COVID-19 pandemic forced us to adapt quickly to ensure the continuity of legal proceedings. One of the key measures we implemented was facilitating remote access to legal resources. We established online platforms where litigants, lawyers, and judges could access case files, court documents, and legal databases from their homes or offices. This helped minimize physical contact and reduce the risk of virus transmission within the court premises."*

Clerk of Court B presented that:

*"Remote access to legal resources was a game-changer for us during the pandemic. It allowed us to maintain efficiency and productivity despite the challenges posed by lockdowns and social distancing measures. We provided training and technical support to ensure that lawyers and litigants were comfortable using the online platforms. Overall, it streamlined our operations and enabled us to continue delivering justice effectively."*

Judge A articulated that:

*"As judges, we embraced remote access to legal resources as a necessary response to the pandemic. It enabled us to conduct virtual hearings, review case files, and deliver judgments without the need for physical presence in the courtroom. While there were initial challenges, such as internet connectivity issues and adapting to new technology, we eventually found our footing and recognized the benefits of remote access in ensuring timely resolution of cases."*

Judges B noted that:

*"Remote access to legal resources transformed the way we approached our work at the High Court. It allowed us to maintain continuity in legal proceedings while prioritizing the safety and well-being of all stakeholders. By leveraging technology, we were able to overcome geographical barriers and reach litigants who may have otherwise struggled to access the court system. Moving forward, I believe remote access will continue to play a significant role in modernizing our judicial processes."*

The responses from the interviewed clerks of court, judges, and lawyers highlight the pivotal role of remote access to legal resources in adapting to the challenges posed by the COVID-19 pandemic. The findings from the interviews align closely with the literature reviews provided. Lyons (2020) emphasizes the adaptation of courts in providing remote access to legal resources, which resonates with the experiences shared by the interviewed clerks of court, judges and lawyers. The establishment of online databases, virtual libraries, and digital repositories, as highlighted by Lyons, mirrors the measures implemented by the High Court of Zimbabwe to facilitate remote access to legal resources during the COVID-19 pandemic. Furthermore, Gomez (2021) provides empirical evidence suggesting that initiatives aimed at enhancing remote access to legal resources have had positive outcomes, including facilitating research, case preparation, and knowledge sharing among legal practitioners.

#### **4.5 Chapter summary**

In this chapter, the presentation and analysis of data collected through in-depth interviews are provided. For confidentiality reasons, the names of the participants were

withheld. The chapter began with a discussion of the demographic data of the participants, offering insights into the diverse perspectives represented in the study. Through the voices of participants, the chapter highlighted the challenges faced by the court system, including shifts in proceedings, backlog and delays in legal cases, disparities in access to justice, and security concerns. Subsequently, the chapter explored the broader socio-legal implications of the pandemic on the High Court of Zimbabwe. It examined the multifaceted impact of the pandemic on the administration of justice, considering factors such as institutional resilience, access to legal resources, and the effectiveness of remote judicial processes. Furthermore, the chapter investigated how the High Court of Zimbabwe adapted to the challenges posed by the pandemic in its judicial processes. Finally, the chapter concluded with a comprehensive summary of the key findings, highlighting the significant disruptions caused by the COVID-19 pandemic on the justice system of the High Court of Zimbabwe. It reflected on the adaptive measures undertaken by the court to mitigate these challenges.

## **CHAPTER FIVE**

### **5.0. SUMMARY, CONCLUSIONS, RECOMMENDATIONS AND AREAS FOR FURTHER RESEARCH**

#### **5.1. Introduction**

This chapter focuses on presenting the summary, conclusion and recommendations of the study that focused on; THE IMPACT OF THE COVID-19 PANDEMIC ON THE JUSTICE SYSTEMS: THE CASE OF THE HIGH COURT OF ZIMBABWE. ." It presents a recap of the research objectives and highlights the key findings. The chapter concludes with overarching conclusions and provides recommendations for future actions and areas for further study.

#### **5.2. Summary**

The research comprised five chapters that aimed to examine and resolve the research problem

Chapter one of the research introduced the study by providing an overview. In the first section, the background of the study was presented, which included general arguments and issues that justified the research. The second section focused on stating the problem of the study, explaining the purpose and relevance of conducting this research. Additionally, the chapter included the research questions and objectives that guided the study, as well as the significance of the research in addressing certain issues. The chapter also discussed the limitations of the study, specifically identifying the stakeholders for whom the research was important and the reasons behind its importance to them. Furthermore, the research provided definitions of key terms used in the study and concluded with an outline of the chapter.

The chapter two focused on a comprehensive literature review of this study, which aimed to establish a robust foundation for understanding the impacts of the COVID-19 pandemic on legal proceedings within the courts. The primary objectives of this review were twofold: firstly, to enrich the study with insights from established arguments in the field, bolstering its validity and reliability; and secondly, to identify and address potential research gaps that contribute to the unique contribution of this study. The initial segment of the chapter delved into the exploration of the guiding theoretical framework, critically examining its fundamental tenets, strengths, weaknesses, and its applicability to the specific context of this research. This theoretical scrutiny laid the groundwork for a nuanced understanding of the conceptual underpinnings guiding the subsequent empirical investigation. The final section of the literature review shifted focus to the adaptive measures undertaken by some courts in response to the challenges posed by the pandemic. A specific emphasis was placed on the incorporation of technology into judicial processes as a strategic means of overcoming disruptions and ensuring the continuity of legal proceedings. This section highlighted the resilience of legal systems and the innovative approaches adopted to navigate unprecedented challenges. In synthesis, the literature reviews not only synthesized existing knowledge but

also laid the groundwork for the empirical phase of the study. The insights gathered from the literature will inform the analysis of empirical data, facilitating a deeper understanding of the adaptive strategies employed by courts. By encompassing theoretical foundations, empirical evidence, and adaptive measures, this literature review sets the stage for a comprehensive exploration of the research questions posed in this study.

The chapter three provided a comprehensive roadmap for the data collection and analysis processes integral to our investigation. It commenced by establishing the fundamental framework for our study, firmly anchored in our chosen research methodology. The research navigated through the intricacies of the research approach and design, offering a clear understanding of the study's organizational structure. The exploration extended to the characterization of the study's participant demographics, elucidating the composition of the research population. The research then ventured into the realm of sample selection, meticulously considering various approaches that guided our choices and informed our research methodology. The chapter unveiled the meticulous planning behind our data collection, encompassing methodologies, techniques, and tools thoughtfully selected to acquire robust and comprehensive data. With unwavering commitment, the research scrutinized the study's validity and reliability, recognizing their vital roles in ensuring the trustworthiness of our findings. Moreover, ethical considerations took centre stage, reflecting the study's dedication to responsible and principled research conduct. This chapter has laid the solid groundwork for the subsequent phases of the study,

The chapter four focused on the presentation and analysis of data collected through in-depth interviews are provided. For confidentiality reasons, the names of the participants were withheld. The chapter began with a discussion of the demographic data of the participants, offering insights into the diverse perspectives represented in the study. Following the demographic overview, the chapter delved into the extent of disruptions caused by the COVID-

19 pandemic on legal proceedings within the High Court of Zimbabwe. Through the voices of participants, the chapter highlighted the challenges faced by the court system, including shifts in proceedings, backlog and delays in legal cases, disparities in access to justice, and security concerns. Subsequently, the chapter explored the broader socio-legal implications of the pandemic on the High Court of Zimbabwe. It examined the multifaceted impact of the pandemic on the administration of justice, considering factors such as institutional resilience, access to legal resources, and the effectiveness of remote judicial processes. Furthermore, the chapter investigated how the High Court of Zimbabwe adapted to the challenges posed by the pandemic in its judicial processes. Through insights from stakeholders, including clerks of court, judges and lawyers, the chapter evaluated the measures implemented to ensure the continuity of legal proceedings and access to justice during unprecedented times.

Chapter five encompassed the summarization of the study, the conclusion drawn from the research, and the presentation of the study's recommendations. The summary of the study primarily involved providing an overview of the content covered in each chapter. To summarize, the chapters of the project were structured as follows. Chapter one served as an introductory chapter, introducing the research topic. The second chapter focused on presenting the literature review, examining existing research on the subject. Chapter three provided an in-depth description of the research methodology employed in the study. Chapter four centred around the presentation of the collected field data, along with its analysis and discussion. Lastly, chapter five concluded the study by offering a summary of the findings, presenting the overall conclusion derived from the research, and providing recommendations based on the study's outcomes.

### **5.3. Conclusions**

In conclusion, this research has shed light on the multifaceted impacts of the COVID-19 pandemic on legal proceedings within courts, the socio-legal implications for the functioning of courts, and the adaptive measures implemented in response to the challenges posed by the pandemic. Through the voices of stakeholders including judges, lawyers, clerks of court, and judges, the study gained valuable insights into the profound disruptions experienced within the justice system of the High Court of Zimbabwe.

Firstly, the research has elucidated the disruptive impacts of the COVID-19 pandemic on legal proceedings within courts. Participants highlighted significant challenges such as shifts in proceedings, backlog and delays in legal cases, disparities in access to justice, and security concerns. These disruptions have not only affected the efficiency and effectiveness of court operations but have also raised fundamental questions about the delivery of justice and the protection of rights during times of crisis.

Secondly, the research has underscored the socio-legal implications of the COVID-19 pandemic on the functioning of courts. Beyond the immediate challenges to legal proceedings, the pandemic has exposed underlying structural inequalities within the justice system, exacerbating disparities in access to justice and widening existing gaps in legal representation and advocacy. Moreover, the pandemic has highlighted the interconnectedness of social and legal systems, underscoring the need for holistic approaches to address systemic issues and promote social justice.

Lastly, the research has explored the adaptive measures implemented by courts in response to the challenges posed by the COVID-19 pandemic. From the establishment of remote access to legal resources to the adoption of virtual hearings and digital case management systems, courts have demonstrated resilience and innovation in adapting to the evolving circumstances. These adaptive measures have not only facilitated the continuity of

legal proceedings but have also opened up new possibilities for enhancing access to justice and promoting inclusivity within the justice system.

Reflecting on the Social Justice Theory, which emphasizes the pursuit of fairness, equity, and human rights in society, it is evident that the COVID-19 pandemic has brought to the forefront the imperative of ensuring equal access to justice for all, particularly for marginalized and vulnerable populations. As we navigate the challenges and uncertainties of a post-pandemic world, it is essential to uphold the principles of social justice in our efforts to rebuild and strengthen our justice systems. By addressing systemic inequalities, promoting transparency and accountability, and fostering meaningful engagement with communities, we can work towards a more just and equitable society where the rule of law prevails.

In conclusion, this research serves as a call to action for policymakers, legal practitioners, and civil society actors to collectively address the enduring impacts of the COVID-19 pandemic on the justice system. By embracing a social justice lens and prioritizing the needs and rights of all individuals, we can build a more resilient, inclusive, and equitable justice system that upholds the principles of fairness and justice for generations to come.

### **5.3. Recommendations**

Based on the conclusions drawn from this study, several recommendations are put forth to the JSC, ZPCS, Ministry of justice and lawyers to address the challenges identified and promote a more resilient and equitable justice system:

#### **1.JSC:**

Develop guidelines and protocols for virtual hearings to ensure fairness, transparency and security.

#### **2.ZPCS:**

Implement measures to reduce overcrowding within correctional facilities such as reviewing non-violent offenders for early release or alternative sentencing options to reduce the spread of viruses or diseases

### **3.Ministry of justice:**

Provide training and technical support to judges, lawyers and court staff to ensure the effective use of digital tools

### **4.Lawyers:**

Participate in webinars, conferences or online forums to exchange insights and experiences with fellow legal professionals.

### **5.4. Areas for further research**

The purpose of this study was providing a valuable insights into the impact of COVID-19 in the delivery of justice at the High Court of Zimbabwe, there are several areas that warrant further investigation. Further research could evaluate the effectiveness of adaptive measures implemented by courts in response to the challenges posed by the COVID-19 pandemic, particularly in promoting access to justice for marginalized and vulnerable populations.

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## **Annexures**

### **INTERVIEW GUIDE FOR CLERKS OF THE HIGH COURT:**

#### **1. Introduction:**

- Can you briefly describe your role and responsibilities as a clerk of the High Court?
- How long have you been working at the High Court?
- Can you provide some insight into the typical operations of the High Court before the COVID-19 pandemic?

#### **2. Disruptions Caused by the COVID-19 Pandemic:**

- In your experience, what were the main disruptions caused by the COVID-19 pandemic on legal proceedings within the High Court of Zimbabwe?
- How did these disruptions affect the efficiency and effectiveness of court operations?
- Were there any specific challenges or obstacles faced by the clerks of the High Court during this time?

#### **3. Socio-Legal Implications of the Pandemic:**

- From your perspective, what are the broader socio-legal implications of the COVID-19 pandemic on the functioning of the High Court of Zimbabwe?
- How do you think the pandemic has impacted access to justice for litigants and other stakeholders?

- Have there been any noticeable changes in the dynamics of cases or the types of cases handled by the High Court as a result of the pandemic?
- 4. Adaptation to Challenges:
  - How did the High Court of Zimbabwe adapt to the challenges posed by the pandemic, particularly in terms of incorporating technology into its judicial processes?
  - Can you provide examples of specific technological solutions or initiatives implemented by the High Court during this time?
  - What were some of the key successes and challenges encountered in adopting technology for court proceedings?
- 5. Conclusion:
  - Thank the participant for their time and contributions.

## **INTERVIEW GUIDE FOR JUDGES:**


1. Introduction:
  - Can you briefly describe your role and responsibilities as a judge in the High Court of Zimbabwe?
  - How long have you been serving as a judge?
  - What were the typical court proceedings like before the onset of the COVID-19 pandemic?
2. Disruptions Caused by the COVID-19 Pandemic:
  - In your experience, what were the main disruptions caused by the COVID-19 pandemic on legal proceedings within the High Court of Zimbabwe, from the perspective of a judge?
  - How did these disruptions impact the administration of justice and the adjudication of cases?
  - Were there any specific challenges or obstacles faced by judges during this time?
3. Socio-Legal Implications of the Pandemic:
  - From your perspective, what are the broader socio-legal implications of the COVID-19 pandemic on the functioning of the High Court of Zimbabwe?

- How has the pandemic affected access to justice for litigants appearing before the High Court as a result of the pandemic?
4. Adaptation to Challenges:
- How did the High Court of Zimbabwe adapt to the challenges posed by the pandemic, particularly in terms of incorporating technology into its judicial processes?
  - Can you provide examples of specific technological solutions or initiatives implemented by the High Court during this time, and how they have impacted your work as a judge?
  - What were some of the key successes and challenges encountered in adopting technology for court proceedings?
5. Conclusion:

Thank the participant for their time and insights.

**A letter from the department and the approval from the High Court of Zimbabwe**

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BINDURA UNIVERSITY OF SCIENCE EDUCATION

Date: 02/02/24

TO WHOM IT MAY CONCERN

=====


RE: REQUEST TO UNDER TAKE RESEARCH PROJECT IN YOUR ORGANISATION/AREA

=====

This serves to introduce the bearer D. Makwerere & Signature Student Registration Number 820106313 who is a H5Sc Peace and Governance student at Bindura University of Science Education and is carrying out a research project in your area.

Your usual cooperation and assistance is therefore being sought.

Yours faithfully



D. Makwerere (Dr)  
CHAIRPERSON - PEACE AND GOVERNANCE

