



ZIMBABWEAN

GOVERNMENT GAZETTE

EXTRAORDINARY

Published by Authority

Vol. LXXXII, No. 26A

31st MARCH, 2004

Price \$4 200,00

General Notice 224A of 2004.

CONSTITUTION OF ZIMBABWE

Notice of Appointment of Tribunal to Inquire into the Removal from Office of a Judge of High Court and Terms of Reference Thereof

IT is hereby notified that His Excellency the President, having been advised by the Chief Justice in terms of subsection (3) of section 87 of the Constitution that the question of the removal from office of Mr. Justice Benjamin Paradza ought to be investigated, has—

- (a) appointed a tribunal to inquire into the matter consisting of Mr. Justice Dennis Kamoni Chirwa, Mr. Justice John Mroso and Mr. Justice Isaac Mtambo;
- (b) designated Mr. Justice Dennis Kamoni Chirwa as Chairperson of the tribunal;
- (c) appointed Mr. Jameson Mupariwa Mukaratirwa as secretary to the tribunal;
- (d) directed that the oath be made and subscribed by members of the tribunal and should be taken before the Chief Justice;
- (e) directed that the inquiry be conducted in accordance with the terms of reference contained in the Annexure;
- (f) directed that the inquiry should not be held in public.

ANNEXURE

TERMS OF REFERENCE OF TRIBUNAL TO INQUIRE INTO THE REMOVAL FROM OFFICE OF MR. JUSTICE BENJAMIN PARADZA

WHEREAS it is alleged that Mr. Justice Benjamin Paradza attempted to defeat or obstruct the course of justice, or acted corruptly, or acted in a manner inconsistent with or prejudicial to the discharge of his duties;

WHEREAS the afore-said allegations arise from Mr. Justice Benjamin Paradza's conduct in connection with an application for the variation of bail conditions imposed upon an accused person, Russell Wayne Labuschagne;

WHEREAS the President has appointed a tribunal in terms of subsection (3) of section 87 of the Constitution to inquire into the conduct of Mr. Justice Benjamin Paradza and to investigate the question of his removal from office;

AND WHEREAS the provisions of the Commissions of Inquiry Act [Chapter 10:07] shall apply, *mutatis mutandis*, in relation to a tribunal appointed in terms of subsection (3) of section 87 of the Constitution;

NOW, THEREFORE, the terms of reference of the tribunal shall be to conduct an inquiry into whether Mr. Justice Benjamin Paradza's conduct as aforesaid constitutes misbehaviour in terms of subsection (3) of section 87 of the Constitution and, in particular, but without derogation from the generality of the foregoing, to investigate the following—

- (a) the constitution and operations of Safari Trackers;

- (b) the nature and extent of Mr. Justice Benjamin Paradza's interest in Safari Trackers and its affairs;
- (c) the relationship between Mr. Justice Benjamin Paradza and Russell Wayne Labuschagne;
- (d) the nature and extent of Mr. Justice Benjamin Paradza's involvement in the handling of Russell Wayne Labuschagne's application for variation of his bail conditions in January, 2003;
- (e) the nature and details of the discussions between Mr. Justice Benjamin Paradza and:
 - (i) Mr. Justice Maphios Cheda;
 - (ii) Mr. Justice Chiweshe;
 - (iii) Mr. Justice Kamocho; and
 - (iv) Mr. Justice Ndou;
 in connection with Russell Wayne Labuschagne's aforementioned application;
- (f) the involvement of the following or any other persons:
 - (i) Ralph Nkomo;
 - (ii) Diro Anand;
 - (iii) Joseph Jones;
 - (iv) Charles Mabisa;
 in connection with Russell Wayne Labuschagne's aforementioned application;
- (g) any other matter the tribunal may deem appropriate and relevant to the inquiry;

AND THEREAFTER to submit to the President its report on its findings of fact and to recommend whether or not the President should refer the question of the removal of Mr. Justice Benjamin Paradza from office to the Judicial Service Commission, in terms of subsection (6) of section 87 of the Constitution.

Given under my hand and the Public Seal of Zimbabwe at Harare this twelfth day of February, in the year two thousand and four.

R. G. MUGABE,
President.

By Command of the President.

D. MANGOTA,
Secretary for Justice, Legal and
Parliamentary Affairs.

31-3-2004.

CONTENTS

General Notice

Number		Page
26A.	Constitution of Zimbabwe: Notice of Appointment of Tribunal to Inquire into the Removal from Office of a Judge of the High Court and Terms of Reference Thereof	304A

Statutory Instrument Issued as a Supplement to this Gazette Extraordinary

Number	
78A.	Date of Commencement: Meteorological Services Act [Chapter 13:21].