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PROCLAMATION

by

HIS EXCELLENCY THE HONOURABLE EMMERSON DAMBUDZO MNANGAGWA, G.C.Z.M., President of Zimbabwe and Commander-in-Chief of the Defence Forces of Zimbabwe.

WHEREAS section 237(2) of the Constitution of Zimbabwe, 2013, provides that, a member of an independent Commission may be removed from office only on the ground that the member concerned has been guilty of gross misconduct;

AND WHEREAS section 237(3) of the Constitution of Zimbabwe, 2013, provides that the procedure for the removal of a judge from office applies to the removal from office of a member of an independent Commission;

AND WHEREAS section 187(3) of the Constitution provides that if the Judicial Service Commission advises the President that the question of removing any judge, including the Chief Justice, from Office ought to be investigated, the President must appoint a tribunal to inquire into the matter;

AND WHEREAS the Judicial Service Commission, by letter dated 8th September, 2020, formally advised the President that the question of removal from office of Commissioner Frank Muchengwa, ought to be investigated;

AND WHEREAS section 187(4) of the Constitution of Zimbabwe, provides that, the President may, when he considers it advisable, appoint a tribunal consisting of three (3) or more members;

AND WHEREAS section 187(9) of the Constitution of Zimbabwe, provides that, a tribunal appointed under section 187 has the same rights and powers as commissioners under the Commissions of Inquiry Act [*Chapter 10:07*], or any law that replaces that Act:

NOW, THEREFORE, under and by virtue of the powers vested in the President as afore said, I do, by this proclamation—

Proclamation 5 of 2020

- (a) establish a Tribunal to inquire into the question of removal from office of Commissioner Frank Muchengwa;
- (b) appoint Retired Justice Nicholas Ndou; as Chairperson of the Tribunal;
- (c) appoint the Secretary for Justice, Legal and Parliamentary Affairs to be the Secretary to the Tribunal;
- (d) direct that the Tribunal shall be held for a period of five months from the date of swearing in of Members, at such appropriate venue as shall be determined by the Tribunal;
- (e) direct that the report shall be availed at the conclusion of the inquiry; and
- (f) direct that the Terms of Reference shall be as follows —
 - (i) to investigate into the matter of the removal from office of Commissioner Frank Muchengwa of the Zimbabwe Anti-Corruption Commission;
 - (ii) to investigate into the matter of Commissioner Frank Muchengwa's conduct, whether it can be deemed to be tantamount to gross misconduct;
 - (in) to investigate whether Commissioner Frank Muchengwa interfered with the course of justice during the conduct of his duties;
 - (iv) to investigate whether Commissioner Frank Muchengwa interfered with investigations, received bribes and passed on confidential information concerning matters that he was investigating;
 - (v) to investigate whether or not Commissioner Muchengwa presided over matters that he had a conflict of interest;
 - (vi) to consider all information submitted by the Judicial Service Commission in order to arrive at an appropriate recommendation to the President;
 - (vii) to investigate any other matter which the Tribunal may deem appropriate and relevant to the inquiry;

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- (v iii) to recommend on whether the Commissioner Frank Muchengwa, is fit to hold office in the light of the foregoing; and
- (ix) to report to the President, in writing, the result of the inquiry within a period of one month after completion of the inquiry from the date of swearing in of the Members;
- (g) direct that the inquiry shall be held both in public, or privately, as the exigencies of the Tribunal may determine; and
- (h) appoint the Members listed in the Schedule.

SCHEDULE

APPOINTMENT OF MEMBERS TO THE TRIBUNAL

1. Retired Justice Nicholas Ndou (Chairperson);
2. Dr. Tarisai Mutangi (Member); and
3. Ms Tecla Mapota (Member).

Given under my hand and the Public Seal of Zimbabwe at Harare this twenty-sixth day of September, in the year of our Lord two thousand and twenty.

E. D. MNANGAGWA,
President.

By Command of the President.

PROCLAMATION

by

HIS EXCELLENCY THE HONOURABLE EMMERSON DAMBUDZO MNANGAGWA, G.C.Z.M., President of Zimbabwe and Commander-in-Chief of the Defence Forces of Zimbabwe.

WHEREAS section 237(2) of the Constitution of Zimbabwe, 2013, provides that a member of an independent Commission may be removed from office only on the ground that the member concerned has been guilty of gross misconduct;

AND WHEREAS section 237(3) of the Constitution of Zimbabwe, 2013, provides that the procedure for the removal of judges from office as provided for in terms of section 187(3) of the Constitution that if the Judicial Services Commission advises the President that the question of removing any judge, including the Chief Justice, from office ought to be investigated, the President must appoint a tribunal to inquire into the matter;

AND WHEREAS section 296(3) of the Constitution of Zimbabwe, 2013, provides that section 237 applies in relation to the removal from office of members of the Zimbabwe Land Commission as if it were an independent Commission established by Chapter 12;

AND WHEREAS the Judicial Service Commission, by letter dated 8th September, 2020, formally advised the President that the question of removal from office of the Deputy Chairperson of the Zimbabwe Land Commission, Tadious Muzoroza and Commissioner Jeanette Marrie Manjengwa of the Zimbabwe Land Commission ought to be investigated;

AND WHEREAS section 187(4) of the Constitution of Zimbabwe, 2013, provides that the President may, when he considers it advisable, appoint a tribunal consisting of three (3) or more members;

AND WHEREAS section 187(9) of the Constitution of Zimbabwe, 2013, provides that a tribunal appointed under section 187 has the same rights and powers as commissioners under the

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Commissions of Inquiry Act [*Chapter 10:07*], or any law that replaces that Act:

NOW, THEREFORE, under and by virtue of the powers vested in the President as afore said, I do, by this proclamation—

- (a) establish a Tribunal to inquire into the question of removal from office of the Deputy Chairperson of the Zimbabwe Land Commission, Tadious Muzoroza and Commissioner Jeanette Marrie Manjengwa of the Zimbabwe Land Commission;
- (b) appoint Retired Justice Maphios Cheda (Mr) to be Chairperson of the Tribunal;
- (c) appoint the Secretary for Justice, Legal and Parliamentary Affairs to be Secretary to the Tribunal;
- (d) direct that the Tribunal shall be held for a period of five months from the date of swearing in of Members at such appropriate venue as shall be determined by the Tribunal;
- (e) direct that the report shall be availed within one month after the conclusion of the inquiry;
- (f) direct that the Terms of Reference shall be as follows —
 - (i) to investigate into the matter of removal from office of the Deputy Chairperson of the Zimbabwe Land Commission Tadious Muzoroza and Commissioner Jeanette Marrie Manjengwa of the Zimbabwe Land Commission;
 - (ii) to investigate whether the conduct of the Deputy Chairperson of the Zimbabwe Land Commission Tadious Muzoroza and Commissioner Jeanette Marrie Manjengwa of the Zimbabwe Land Commission amounted to gross misconduct;
 - (iii) to investigate whether the Deputy Chairperson of the Zimbabwe Land Commission, Tadious Muzoroza and Commissioner Jeanette Marrie Manjengwa of the Zimbabwe Land Commission co-authored and uploaded onto the World Bank Conference website an abstract which painted a negative picture of the Land Reform Programme,

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in respect of the land tenure and allocation of land to women, youths and farm workers, and whether the abstract made reference to the Zimbabwe Land Commission National Comprehensive Land Audit Phase One Report;

- (iv) to investigate any other matter which the Tribunal may deem appropriate and relevant to the inquiry;
- (v) to consider all information submitted by the Judicial Service Commission and any other relevant information in order to arrive at an appropriate recommendation to the President;
- (vi) to recommend on whether the Deputy Chairperson of the Zimbabwe Land Commission, Tadios Muzoroza and Commissioner Jeanette Marrie Manjengwa of the Zimbabwe Land Commission are fit to hold office in view of the foregoing;
- (vii) to report to the President, in writing, the result of the inquiry within a period of one month after completion of the inquiry from the date of swearing in of the Members;
- (g) direct that the inquiry shall be held both in public, or privately, as the exigencies of the Tribunal may determine; and
- (h) appoint the Members listed in the Schedule.

SCHEDULE

APPOINTMENT OF MEMBERS TO THE TRIBUNAL

1. Retired Justice Maphios Cheda (Chairperson);
2. Ms Angeline Vere (Member); and
3. Mr Godfrey Mutseyekwa (Member).

Given under my hand and the Public Seal of Zimbabwe at Harare this twenty-sixth day of September, in the year of our Lord two thousand and twenty.

E. D. MNANGAGWA,
President.

By Command of the President.

