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**Press Statement on passing of the Constitutional Amendment Bill (No.1) of 2016 by the National Assembly**

The Law Society would like to express its concern and dissatisfaction over the adoption of the Constitutional Amendment Bill No. 1 of 2016 by the members of the National Assembly on Tuesday 25 July, 2017. The effect of passing of this Bill is to give exclusive and unfettered discretion to the President of Zimbabwe to appoint the Chief Justice, Deputy Chief Justice and Judge President of the High Court whenever vacancies for such posts arise. Thus the conducting of public interviews of prospective candidates for these posts will no longer be applicable.

Whereas section 328 of the Constitution provides for amendments to the Constitution, it is without doubt that such amendments to constitutional provision ought to be progressive rather than retrogressive. Importantly the motive behind the amendment has to be representative of the wishes of the majority not narrow political interests and security of few individuals. The amendments ought not negate the values of good governance as enshrined in the Constitution. The Law Society of Zimbabwe has been consistent in its position that where a Constitutional provision is deemed unreasonable, absurd or unpractical it should be substituted by a reasonable and progressive provision. The reason why the amended provision found its way into the Constitution was the desire to enhance the independence of the judiciary. There was a desire to remove the judicial appointment system from Executive manipulation. In the interest of ensuring the equality of the arms of the state there was a real need to remove the perception of a Judiciary that is beholden to the Executive and therefore liable to Judicial manipulation. Whilst the current position remained unsatisfactory the process had already started to give a measure of public confidence in the appointment process. Regrettably this development has been rolled back for what can only be attributed to political expediency.