



IN THE CONSTITUTIONAL COURT OF ZIMBABWE

Constitutional Application CCZ No. 08 of 15

In the matter between:

**THE PROSECUTOR GENERAL OF ZIMBABWE ON THE QUESTION OF HIS
CONSTITUTIONAL INDEPENDENCE AND PROTECTION FROM THE
DIRECTION AND CONTROL OF ANYONE**

Constitutional Court Application.

HARARE: Wednesday the 28th day of October, 2015

Before the Honourable **Mr Justice Chidyausiku**, CJ
the Honourable **Mrs Justice Ziyambi**, JCC
the Honourable **Mrs Justice Gwaunza**, JCC
the Honourable **Mr Justice Garwe**, JCC
the Honourable **Mrs Justice Gowora**, JCC
the Honourable **Mr Justice Hlatshwayo**, JCC
the Honourable **Mr Justice Patel**, JCC
the Honourable **Mrs Justice Mavangira**, JCC
and the Honourable **Mr Justice Uchena**, JCC

T. Mpfu & S. Hashiti, for the applicant
T. Mafukidze & D.T. Hofisi, 1st *Amicus curiae*
C. Warara, 2nd *Amicus Curiae*

WHEREUPON, after reading documents filed of record and hearing counsel,

IT IS ORDERED THAT:-

1. That the application be and is hereby dismissed with costs on a legal practitioner and client scale in favour of both *amicus curiae*.
2. It is apparent from the record of these proceedings that orders were issued by the High Court in case Number HC 10203/12 and by the Supreme Court in Judgment No. SC 1/14 which was confirmed by this Court in case Number CCZ 8/14.
3. It is also apparent that the applicant has disobeyed those orders in clear contravention of s 164(3) of the Constitution.
4. In terms of s 165(1)(c) of the Constitution of Zimbabwe, this Court is obligated to uphold the rule of law and to make such orders as are necessary to achieve that purpose in accordance with its inherent jurisdiction.
5. It is accordingly ordered that:-
 - (i) The applicant is committed to imprisonment for a period of 30 days the whole of which is suspended on condition that the applicant complies with the above orders of the High Court and the Supreme Court by issuing the requisite certificates *nolle prosequi* within 10 days of the date of this order.

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- (ii) In the event that the applicant fails to comply with this order, he shall in his personal capacity be barred from approaching or appearing as a legal practitioner in any court in Zimbabwe.
6. Full reasons for judgment will follow in due course.

BY THE COURT


REGISTRAR

jb