

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)(c) of the Constitution of Zimbabwe, provides that a member of an Independent Commission may only be removed from office on the ground that the member concerned has been guilty of gross misconduct;

AND WHEREAS, section 237(3) of the Constitution of Zimbabwe, 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 of Zimbabwe, 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 12th October, 2022, formally advised the President that the question of removal from office of Commissioner John Makamure, 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 at least three 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 4 of 2022

- (a) establish a Tribunal to inquire into the question of removal from office of Commissioner John Makamure;
- (b) appoint Retired Justice Maphios Cheda 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 (5) 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;
- (f) direct that the Terms of Reference shall be as follows—
 - (i) to investigate into the matter of the removal from office of Commissioner John Makamure of the Zimbabwe Anti-Corruption Commission;
 - (ii) to investigate whether or not Commissioner John Makamure failed to disclose his interest as the founder and trustee of the Southern African Parliamentary Support Trust (SAPST) whose objects are allegedly inconsistent with the functions of the Zimbabwe Anti-Corruption Commission and Government;
 - (iii) to investigate whether or not Commissioner John Makamure failed to disclose his involvement in political activities which is inconsistent with the duties and functions as Commissioner of Zimbabwe Anti-Corruption Commission;
 - (iv) to investigate whether or not Commissioner John Makamure directed one Lee Sung to fund his political campaigns in Gokwe in return for his protection;
 - (v) to investigate whether or not Commissioner John Makamure's conduct can be deemed to be tantamount to gross misconduct;
 - (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;
- (viii) to recommend on whether Commissioner John Makamure, 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;
- (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. Mr. Charles Warara, Member; and
3. Ms. Regai Thandiwe Hove, Member.

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

E. D. MNANGAGWA,
President.

By Command of the President.

