

September 2000

# CJIEI *Bulletin*

*Commonwealth Judicial Education Institute*

## **SPECIAL MEMORIAL NUMBER**

Friends and Colleagues remember two CJIEI Fellows, the late Mrs. Beatrice Rose Donzwa and the late Mr. Winter Qoto.

## **CJIEI mourns the passing of two distinguished alumni**

The Commonwealth Judicial Education Institute was greatly saddened by the loss of two distinguished Fellows – Mrs. Beatrice Rose Donzwa, Registrar of the High Court of Zimbabwe and Mr. Winter Qoto, Registrar of the High Court of Malawi.

Mrs. Donzwa and Mr. Qoto had earned not only the respect but also the deep affection of their colleagues. Their loss diminishes their judiciaries and our Institute. We extend our deepest sympathy

to their families, their judiciaries and their many friends throughout our Commonwealth. The Board of Directors of CJIEI has asked that books be presented to the judicial libraries of Zimbabwe and Malawi in their memory as a mark of our respect and to record our gratitude for their positive contribution to the work of the Institute in improving the administration of justice throughout the Commonwealth.

– Hon. Judge Sandra E. Oxner, President, CJIEI

### **IMPORTANT MEETING, Sept. 14, 2000**

**Harris Room 1, Edinburgh International Conference Centre  
Thursday, September 14, 2000, 12.45 - 14.00**

There will be a meeting of the Commonwealth Judicial Education Institute in Harris Room 1 at the Edinburgh International Conference Centre between 12.45 - 14.00 on Thursday, September 14, 2000, at which time presentations will be made to the Judiciaries of Zimbabwe and Malawi to honour the memories of the late Mrs. Beatrice Rose Donzwa and Mr. Winter Qoto. All Commonwealth judges, magistrates and court administrators are members of the Institute and all are welcome to attend.

Following the presentations there will be a period for discussion of CJIEI activities including the January 2001 Symposium on Judicial Reform to be held in Kampala, Uganda and the meeting of Commonwealth judicial educators to be held concurrently in Kampala.

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**WE'RE ON THE WEB!**  
[WWW.DAL.CA/~CJIEI](http://WWW.DAL.CA/~CJIEI)

## Beatrice Rose Donzwa (1954-1999)

*In memory of late Beatrice Rose Donzwa for whom the bell tolled.*

*Beatrice always wore colorful dresses and she was full of life and wit. We developed a friendship. She had a kind of simplicity and innocence like a child which makes one to be with her in a kind of untied attachment. Yet she was so composed and resolute, patient and attentive in all the minute details of judicial activities. Most of the days we took a stroll from the Cambridge Suites to Dalhousie, beneath the maple bough, over the fallen leaves...beside the church, where the bell tolled. Who knows when a green leaf falls too, an echo of...the Victoria Falls which at times she referred to with great ecstasy. Every death diminishes me, but her death diminished me to the point beyond expressible return. May Almighty bestow rest in the heaven.*

Hasan Shadeed Ferdous  
Director, Judicial Administration Training Institute  
Bangladesh



Beatrice Rose Donzwa

## Remarks by Chief Justice Gubbay, Harare, January 2000

We start the arduous year ahead, however, with a heavy heart. Just three weeks ago the Registrar of the High Court, Mrs Beatrice Rose Donzwa, passed away at the untimely age of forty-five. It is most fitting therefore that I take the opportunity this occasion offers to officially express the deep remorse and sense of loss felt by the Judiciary and members of the offices of the Registrar and Master, and to pay tribute to her sterling qualities.

Mrs Donzwa was born in Rusape. She joined the High Court in February 1978, having obtained a Bachelor of Science Psychology Degree from the then University of Rhodesia. Over the next twenty-one years of the most loyal and conscientious service, she rose rapidly up the employment hierarchy, fulfilling a variety of administrative duties. She excelled in whatever task she undertook. In August 1985 she was appointed to the post of Senior Assistant Master. In September 1987 she held office as Acting Master, Registrar and Sheriff. In 1991 she was deservedly appointed substantively as Registrar and Sheriff of the High Court. It was during this period that Beatrice Donzwa, a widow with three minor children, returned to the University of Zimbabwe and obtained a Bachelor of Laws Honours Degree.

Deeply interested in improving the rights of women in Zimbabwe, Beatrice Donzwa co-authored a number of books, the best known of

which are Inheritance in Zimbabwe, Law, Customs and Practices; Women's Access and Control of Resources; and, more recently, Family Arrangements in Zimbabwe. She also attended several Conferences in other parts of the world where she presented papers on gender issues and customary law and women's rights.

But what of Beatrice Donzwa as a person? Her illness was a protracted one. She bore it with great courage and tenacity and continued to carry out her onerous responsibilities, only taking sick leave when absolute necessity compelled her to do so. I know that all the Judges and members of staff will miss the sound advice and assistance she was forever willing to give.

She was always courteous and equable, fair and compassionate. Good-humoured and helpful, she enjoyed the company of other people as did they her. A most modest, unassuming and gracious lady.

Sad as we are at Beatrice's death, we must console ourselves by remembering how privileged we were to have known her, to have worked with her and to have counted her as a friend.

To her three daughters and other family relatives go our heartfelt sympathy in the great loss they have suffered. Her memory will remain, as she was loved, admired and respected by so many.

*I was deeply saddened to learn of the death of Beatrice Rose Donzwa, Registrar of the High Court of Zimbabwe. During our time together at the CJEI in 1998, I was impressed by her quiet dignity, openness and gentle manner. We both shared the hope to meet each other again sometime. My sincere condolences to her children and her other relatives.*

Magistrate Cheryl A.P, Albury  
Nassau, Bahamas

*"Beatrice impressed me as one with vision and plan to transform the Judicial Service of Zimbabwe to meet the needs and demands of her country in the new millennium"*

— Hon. Mr. Justice  
Emmanuel Osadebay  
Senior Justice, Supreme Court,  
Nassau, The Bahamas

*"All CJEI Fellows of the 1998 class at Dalhousie Law School will remember Beatrice's pleasant personality and lively manner..[we] join the Zimbabwe judiciary and her family in mourning her untimely death."*

— Hon. Mr. Justice  
Lameck M.S. Mfalila,  
Court of Appeal  
Dar es Salaam, Tanzania

*"Beatrice [Rose Donzwa] was one of the most dynamic, conscientious and immovably independent persons I have met to date. What I admired most in her comportment is the fact that she always refused to be intimidated and resolutely stuck to her convictions. How vividly I recall some of the hot debates that she participated in so gallantly!"*

— Hon. M.M. Ramodibedi, Judge  
of the High Court, Lesotho

## In Memoriam

Less than a fortnight after I left Halifax in 1997 and precisely on October 9, 1997 I had occasion to send greetings and best wishes to Winter Qoto in Malawi from Saint Lucia in the Caribbean. I told him then that it had been a distinct pleasure to meet him and the rest of the group at Halifax and that in two short weeks we had blended together so well. My views and sentiments remain exactly the same today.

Winter was one of the live wires of the group. He displayed remarkable knowledge and skill in the workings of the court system and the Republic of Malawi, without doubt,

has lost a very capable Master or Judge. He was also a warm, kind and friendly person.

To his sorrowing relatives and friends I ask to take some comfort from the words of John Greenleaf Whittier:

*"If I long for household voices gone,  
For vanished smiles I long;  
But God hath led my dear ones on,  
An he can do no wrong."*

Hon. Albert J.J. Matthew  
Justice of Appeal and Director of Studies,  
East Caribbean Judicial Education Institute



Winter Qoto

## Winter Qoto

I participated in the Intensive Judicial Education Course of 1997 with Winter Qoto.

I remember that Winter was a very active and humorous participant in all our sessions. He drew our attention to the Malawi experience. He impressed me as a strong believer in undiluted judicial independence. I recall him explaining to me how the late Dr. Hastings Banda, the former President of Malawi had created the Elders Courts upon which he bestowed jurisdiction to try capital offences like murder. Winter passionately told me how every respectable lawyer in Malawi had struggled after Malawian multiparty elections to ensure security of tenure of offices for Judges by getting into the constitution provisions to that effect. I am not quite sure but I think Winter said that the new Judicial Service Commission was independent of the executive and he vowed to fight to ensure independence of the judiciary. So that no judicial officer should ever suffer as a consequence of pronouncing a judgment unfavorable to the Government of the day.

I said that Winter actively participated in our course. This is illustrated by the fact that he played the role of one of the Advocates in the role model video, which was produced when I played the role of a presiding Judge towards the end of our course. I found his role quite educative and full of imagination.

I personally found Winter an amiable and respectful lawyer in the true tradition of the lawyers bred in the common law system.

Lastly, I realized that Winter was a devoted family man. He used to talk about expectations of members of his family upon his return to Malawi. They will miss him immensely.

It is sad to lose such a nice CJEI alumni. May the Almighty God rest his Soul in eternal Peace.

Hon. Justice J.W.N. Tsekooko  
Chairman, Uganda & East Africa  
Judicial Education Committee  
Supreme Court of Uganda

*"an amiable and respectful lawyer in the true tradition of the lawyers bred in the common law system."*

Space does not permit us to publish all the tributes that have poured in over the past several months. Additional messages of condolence will be posted on the CJEI website at [www.dal.ca/~cjei](http://www.dal.ca/~cjei)

## A Great Loss

I retain very fond memories of Mr. Winter Qoto. His passing is a great loss to the administration of Justice in his nation, and to all of us at CJEI in promoting the development of Judicial Education throughout the Commonwealth.

Hon. Chief Justice Sir Dennis Byron  
Eastern Caribbean Supreme Court  
Saint Lucia, West Indies

I received news of Mr. Qoto's demise with great shock and sadness. It was indeed most unexpected for a relatively young and vibrant person. Although in the midst of life lies death, the CJEI and the CMJA will be the poorer with the loss of such a charismatic judicial officer.

Hon. O.A.S. Jammeh  
Master & Registrar  
High Court of the Gambia

## Canada recognizes importance of Judicial Education

We are pleased to advise you that our President, the Honourable Judge Sandra E. Oxner, has been admitted to the Order of Canada, Canada's highest honour. The citation accompanying the announcement indicated that the appointment recognized her pioneer and developmental work in judicial education in Canada since 1971 as well as her voluntary work in judicial education and judicial reform abroad.

## CJIE's Intensive Study Programme for Judicial Educators maintains strong footing

In June of this year CJIE concluded its 7<sup>th</sup> Intensive Study Programme for Judicial Educators and we are pleased to report that it appears to have been a great success. In the words of Chief Justice Sawyer of The Bahamas and Justice Vitug of the Supreme Court of the Philippines respectively, "[the programme] did wonders for my comprehension of the topic" and "the course is an eye opener . . . and it provides good information on how to have an effective programme for judicial education".

This brings the number of judges who have been trained at CJIE to be core judicial education faculty in their own countries to 118. Four of these have been national Chief Justices.

The judges trained have come from over 38 countries.

## COMMONWEALTH JUDICIAL EDUCATION INSTITUTE in collaboration with the Uganda Judiciary CONFERENCE ON JUDICIAL REFORM KAMPALA, UGANDA, 7 - 12 JANUARY 2001

### Conference Topics

A. The role and function of the office of the Chief Justice (administrative judge). Outstanding international jurists will analyze the office of the administrative judge from the following perspectives: methods and criteria of appointment, impact on judicial reform, court management, the legal profession and the quality of justice. Presenters will include distinguished judges from all regions of the world.

B. Evaluation of judicial reform from jurisdictions undergoing reform. Topics: streamlining the court process through case flow management; mandatory mediation and ADR techniques; eliminating judicial corruption; specialized courts; contemporary threats to and mechanisms to protect judicial independence; review of appointment, promotion and discipline processes to promote public confidence in the judiciary; legal, judicial and community education to support a well functioning judiciary.

Distinguished international jurists will contribute theme comments for syndicate discussions on these topics. The conference will focus on arriving at recommendations for the way ahead based on the lessons learned from jurisdictions undergoing judicial reform.

**Book now!** Registration is limited in number. The two-day symposium on the role and function of the office of the Chief Justice is by application. The judicial reform conference is open to all up to the conference quota. Participants will be determined on the basis of registration date.

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