

SIANE ANNE TERBLANCHE  
versus  
REGISTRAR GENERAL OF CITIZENSHIP  
and  
PRINCIPAL DIRECTOR OF IMMIGRATION  
and  
THE MINISTER OF HOME AFFAIRS AND CULTURAL HERITAGE  
and  
THE ATTORNEY GENERAL OF ZIMBABWE

HIGH COURT OF ZIMBABWE  
ZHOU J  
HARARE, 19 March 2019

### **Opposed Application**

*S Machiridiza with T.R Mugabe*, for the applicant  
*Ms P Kashiri-Chiyangwa*, for the 1<sup>st</sup> & 3<sup>rd</sup> respondent

ZHOU J: This is an application for a declaration that the applicant is a citizen of Zimbabwe by birth as provided for in terms of s 36 (1) (a) and (b) of the Constitution of Zimbabwe. Consequential relief is also sought for the first respondent to amend his records to reflect the citizenship of the applicant and for the applicant to be issued with all the documents, including a birth certificate, national identity document and passport, to which a citizen is by law entitled.

The substantive relief is not being contested any more by the first and third respondents who filed opposing papers. The only outstanding issue is of costs. The applicant asked for costs on the attorney-client scale but has indicated that she is not pressing on with the scale or award of costs on the attorney-client scale. That attitude is commendable. Ms *Kashiri-Chiyangwa*, for the first and second respondents insists that each party should bear its own costs. Her contention is that after the last matter which had been instituted by the applicant was withdrawn the applicant

did not present herself for what she referred to as a verification exercise. In the light of the facts which appear to be common ground and/or are not in dispute I am unable to understand what the so-called verification exercise was meant to achieve. The applicant having been born in Zimbabwe to a father who was a Zimbabwean born in Zimbabwe, is clearly a citizen of this country. The respondent would have the relevant records with then and, in any event, after the previous application they would have these facts before them. For these reasons, the applicant would only have needed to present herself for the purpose of obtaining the relevant documents to which a citizen is entitled and not for a verification exercise, whatever that means. This application was therefore necessitated by the respondents' conduct. Further, after communication in writing was sent by the applicant's legal practitioners one would have expected the respondents to also respond in writing inviting the applicant to attend to obtain the identity and other documents. That did not happen. For these reasons, the applicant is entitled to her costs on the ordinary scale.

In the result, the application is granted in terms of the draft order as amended so that costs are to be paid on the ordinary scale.

*TRM Legal Counsel*, applicant's legal practitioners  
*Messrs Thodhlanga & Associates*, 1<sup>st</sup> & 3<sup>rd</sup> respondents' legal practitioners