



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$6.00

WINDHOEK - 29 April 2020

No. 7198

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Government Notice

OFFICE OF THE JUDICIARY

No. 111

2020

AMENDMENT TO DIRECTIONS ISSUED BY THE CHIEF JUSTICE UNDER REGULATION 13 OF STATE OF EMERGENCY - COVID-19 REGULATIONS,

In terms of regulation 13 of the State of Emergency - Covid-19 Regulations published under Proclamation No. 9 of 28 March 2020, I amend the Directions published under Government Notice No. 19 of 31 March 2020, as set in the Schedule.

P.S. SHIVUTE

CHIEF JUSTICE

BY ORDER OF THE CHIEF JUSTICE

Windhoek, 28 April 2020

SCHEDULE

Definitions

1. In these directions a word or an expression to which a meaning has been assigned in the State of Emergency - Covid-19 Regulations published under Proclamation No. 9 of 28 March 2020, has that meaning and, unless the context indicates otherwise -

“the Directions” means the directions published under Government Notice No. 19 of 31 March 2020.

Amendment of direction 1 of Directions

2. Direction 1 of the Directions is amended by the substitution for the definition of “lockdown” of the following definition -

“period of lockdown” means the period of lockdown referred to in regulation 3 of the Regulations, and includes the period of lockdown, commencing at 14:00 on 28 March 2020 and ending at 23:59 on 17 April 2020, that was imposed prior to the amendments to the State of Emergency - Covid-19 Regulations published under Proclamation No. 9 of 28 March 2020.”.

Substitution of direction 2 of Directions

3. The Directions are amended by the substitution for direction 2 of the following direction -

“2. These directions apply to the courts for the duration of the period of lockdown.”.

Substitution of direction 3 of Directions

4. The Directions are amended by the substitution for direction 3 of the following direction:

“3. The following provisions apply to all criminal matters in all courts:

- (a) the set down date of all cases set down during the period of the lockdown. is to be postponed to a date specified in the Annexure, which Annexure the Chief Justice may amend from time to time, and the applicable order dealing with the status of the accused must correspond to that date;
- (b) no accused person, irrespective of his or her status, is required to attend any court proceedings during the period of lockdown: Provided that the following are excluded -
 - (i) accused persons brought to court as a first appearance in the Magistrate’s Court;
 - (ii) accused persons bringing a bail application;
 - (iii) accused person who is the appellant in an appeal against the refusal of bail;
- (c) no witness subpoenaed or warned to be in any court of law on a date during the lockdown period is required to attend any court proceedings during such period.”.

Amendment of direction 8 of Directions

5. Direction 8 of the Directions is amended by the substitution for the introductory sentence of the following introductory sentence -

“8. The Magistrates’ Courts will be open for litigants, practitioners and the public on weekdays, excluding public holidays, from 8h00 to 13h00 with functions restricted to the following:”.

Substitution of direction 9 of Directions

6. The Directions are amended by the substitution for direction 9 of the following direction:

“Provisions relating to suspension of laws

9. Despite the suspension of certain provisions of the Magistrates Court Act, 1944 (Act No. 32 of 1944), the High Court Act, 1990 (Act No. 16 of 1990), the Supreme Court Act, 1990 (Act No. 15 of 1990), the Criminal Procedure Act, 1977 (Act No. 51 of 1977), the Labour Act, 2007 (Act No. 11 of 2007) and the Electoral Act, 2014 (Act No. 5 of 2014), the following proceedings will continue:

- (a) applications brought as urgent applications in terms of the rules of the applicable court;
- (b) bail applications;
- (c) appeals against the refusal of bail;
- (d) domestic violence matters;
- (e) any case involving children issues;
- (f) first court appearance in a criminal case; and
- (g) solemnization of marriages in terms of the Marriages Act, 1969 (Act No. 25 of 1969).

Substitution of direction 10 of Directions

7. The Directions are amended by the substitution for directive 10 of the following direction:

“10. The Judge President, the Chief Magistrate and the Registrar of the Supreme Court and High Court are directed to implement these Directions and to advise the Chief Justice on adjustments if a need arises.”

Substitution of Annexure to Directions

8. The Directions are amended by the substitution for the Annexure of the following Annexure:

“ANNEXURE**GENERAL**

- 1. All criminal court orders will contain an extension of bail, warning or detention, whichever is applicable.
- 2. Accused persons and witnesses are informed and warned to be at court on the dates indicated in this Annexure.

HIGH COURT

1. The following postponement dates will apply to any criminal case in the High Court irrespective of the reason for set down:

- 1.1. Case Management;
- 1.2. Plea;
- 1.3. Trial;
- 1.4. Continuation of trial, including submissions;
- 1.5. Ruling or Judgment, including sentence;
- 1.6. Trial-within-a-trial;
- 1.7. Any application ancillary to the main case, including an application for recusal;
- 1.8. Leave to Appeal to the Supreme Court; or
- 1.9. Criminal Appeals set down for hearing.

Set down type	Date to be postponed to
Criminal Appeal Mentions	19 May 2020
Criminal Trial Mentions	14 May 2020
Criminal Trial Pre-Trial	15 May 2020
Ruling and Judgments, including sentence	7 May 2020
Plea	*** 6 May 2020
Trial	*** 6 May 2020
Continuation of trial, including submissions	*** 6 May 2020
Trial-within-a-trial	*** 6 May 2020
Any application ancillary to the main case	*** 6 May 2020
Leave to appeal to the Supreme Court	*** 6 May 2020
Criminal Appeals set down for hearing	*** 6 May 2020
*** <i>Appearance for purpose of determining and allocation of a new date before the judge assigned to the matter</i>	

2. Reference to rulings and judgments in the table hereinbefore, includes judgments and rulings in criminal appeal matters.

MAGISTRATE'S COURT:

3. The following postponement dates will apply to any criminal case in the Magistrate's Courts, including District, Regional, Periodical, and Circuit Courts, irrespective the reason or purpose of set down:

Week of 30 March 2020 - 3 April 2020	
Date of appearance	Date to be postponed to
Monday 30 March 2020	Tuesday 5 May 2020
Tuesday 31 March 2020	Wednesday 6 May 2020
Wednesday 1 April 2020	Thursday 7 May 2020
Thursday 2 April 2020	Friday 8 May 2020
Friday 3 April 2020	Monday 11 May 2020

Week of 6 April 2020 - 10 April 2020	
Date of appearance	Date to be postponed to
Monday 6 April 2020	Tuesday 12 May 2020
Tuesday 7 April 2020	Wednesday 13 May 2020
Wednesday 8 April 2020	Thursday 14 May 2020
Thursday 9 April 2020	Friday 15 May 2020
Friday 10 April 2020	Public Holiday (Good Friday)

Week of 13 April 2020 - 17 April 2020	
Date of appearance	Date to be postponed to
Monday 13 April 2020	Public Holiday (Easter Monday)
Tuesday 14 April 2020	Monday 18 May 2020
Wednesday 15 April 2020	Tuesday 19 May 2020
Thursday 16 April 2020	Wednesday 20 May 2020
Friday 17 April 2020	Friday 22 May 2020

Week of 20 April 2020 - 26 April 2020	
Date of appearance	Date to be postponed to
Monday 20 April 2020	Tuesday, 26 May 2020
Tuesday 21 April 2020	Wednesday 27 May 2020
Wednesday 22 April 2020	Thursday 28 May 2020
Thursday 23 April 2020	Friday 29 May 2020
Friday 24 April 2020	Monday 1 June 2020

Week of 27 April 2020 - 3 May 2020	
Date of Appearance	Date to be postponed to
Monday 27 April 2020	Tuesday 2 June 2020
Tuesday 28 April 2020	Wednesday 3 June 2020
Wednesday 29 April 2020	Thursday 4 June 2020
Thursday 30 April 2020	Friday 5 June 2020