



REPUBLIC OF NAMIBIA

HIGH COURT OF NAMIBIA

Date: 20 May 2022

**HIGH COURT OF NAMIBIA
MAIN DIVISION AND NORTHERN LOCAL DIVISION**

**PRECAUTIONARY MEASURES AGAINST COVID-19 SPREAD
DIRECTIVES REPLACING COVID-19 DIRECTIVES DATED 26 JULY 2021**

The Hon. Judge President directed that the Covid-19 Directives applicable to the High Court of Namibia, dated 26 July 2021 be revoked and replaced with the following with effective date 23 May 2022:

1. OFFICE HOURS

The official court hours of the High Court are those provided for in Rule 2 of the Rules of the High Court.

2. CASES AND/OR PROCEEDINGS SET DOWN FOR HEARING

2.1. Mediations:

2.1.1. Face to face mediations will, subject to the following, continue:

2.1.1.1. Mediations will be conducted at the mediation facilities availed for mediations by the respective divisions of the High Court;

2.1.1.2. The mediation location must provide for double the seating capacity of the number of persons in attendance of the mediation;

2.1.1.3. Participants to the mediation must leave one chair open between any two persons;

2.1.1.4. All participants must at all times wear a mask, covering both the nose and the mouth;

2.1.1.5. All participants must at all times maintain the social distance of at least 1,5m – 2m;

2.1.1.6. All participants must sanitize their hands upon entering the mediation room;

2.1.1.7. All participants must complete the visitors register kept in the mediation room used upon entering the mediation room;

2.2. Taxations:

2.2.1. Face to face taxations will subject to the following, continue:

2.2.1.1. Taxations will be conducted at the mediation facilities availed for mediations by the respective divisions of the High Court or any other suitable room identified by the Registrar or Deputy Registrar;

2.2.1.2. The taxation location must provide for double the seating capacity of the number of persons in attendance of the taxation;

2.2.1.3. Participants to the taxation must leave one chair open between any two persons;

2.2.1.4. All participants must at all times wear a mask, covering both the nose and the mouth;

2.2.1.5. All participants must at all times maintain the social distance of at least 1,5m – 2m;

2.2.1.6. All participants must sanitize their hands upon entering the mediation room or room identified for the taxation;

2.2.1.7. All participants must complete the visitors register kept in the mediation room or room identified for the taxation upon entering the mediation room or room identified for the taxation;

2.3. Allocation of trial dates by the Registrar:

2.3.1. Face to face allocation of trial dates by the Registrar subject to the following, continue:

2.3.1.1. Allocation of trial dates by the Registrar will be conducted at the mediation facilities availed for mediations by the respective divisions of the High Court or any other suitable room identified by the Registrar or Deputy Registrar;

2.3.1.2. All participants must at all times wear a mask, covering both the nose and the mouth;

2.3.1.3. All participants must at all times maintain the social distance of at least 1,5m – 2m;

2.3.1.4. All participants must sanitize their hands upon entering the mediation room or room identified for the allocation of trial dates by the Registrar;

2.4. Residual Court:

2.4.1. Residual Court NLD and MD will continue to be in in open court;

2.4.2. Legal practitioners, parties and persons in the public gallery must leave one chair open between any two persons;

2.4.3. All persons must at all times wear a mask, covering both the nose and the mouth;

2.4.4. All persons must at all times maintain the social distance of at least 1,5m – 2m;

2.4.5. All persons must sanitize their hands upon entering the court building and again when entering the court room;

2.4.6. Residual court rolls will be divided into different time slots, therefore providing for less people to attend to court at the same time. The time slots will be indicated on the residual roll published on the Superior Court website;

2.4.7. Judges will, when possible, grant orders from chambers and in absentia of the parties prior to the proceedings;

2.5. Admission as Legal Practitioner on First Motion Court Roll:

- 2.5.1. The High Court acknowledges the tradition of family members and friends attending court proceedings for the admission as legal practitioner, wherefore applications for admission as legal practitioner will, for the safety of the judge, officers of court, the applicants and their loved ones be heard on a separate roll. The following will apply:
- 2.5.1.1. Each applicant is, for purpose of the court proceedings allowed to be accompanied by the following:
- 2.5.1.1.1. One instructing and/or one instructed counsel, if applicable;
 - 2.5.1.1.2. Four or less guests,
- 2.5.1.2. Applicants must bring their own pens (black ink) for signing of the oath;
- 2.5.1.3. Cases will be called with 10 minute intervals and applicant, counsel and guests must wait in the foyer;
- 2.5.1.4. Applicants, counsel and guests are, for the sake of social distancing, asked not to enter the court building earlier than 15 minutes before the scheduled time;
- 2.5.1.5. Applicant, counsel and guests may enter the court room, once the applicant, counsel and guests of the previous case on the roll have left the court room;
- 2.5.2. Since the admission of legal practitioners is an extension of the First Motion Court roll, all rules and/or Practice Directives applicable to Residual Court and in particular First Motion Court apply.
- 2.5.3. Legal practitioners, parties and persons in the public gallery must leave one chair open between any two persons;
- 2.5.4. All persons must at all times wear a mask, covering both the nose and the mouth;
- 2.5.5. All persons must at all times maintain the social distance of at least 1,5m – 2m;
- 2.5.6. All persons must sanitize their hands upon entering the court building and again when entering the court room;
- 2.5.7. The time slots for admission of legal practitioners will be indicated on the First Motion Court, residual roll published on the Superior Court website;

2.6. Judicial Case Management in civil and labour matters:

- 2.6.1. Judicial Case Management in civil and labour matters will continue to be in in open court;
- 2.6.2. Legal practitioners, parties and persons in the public gallery must leave one chair open between any two persons;
- 2.6.3. All persons must at all times wear a mask, covering both the nose and the mouth;
- 2.6.4. All persons must at all times maintain the social distance of at least 1,5m – 2m;
- 2.6.5. All persons must sanitize their hands upon entering the court building and again when entering the court room;
- 2.6.6. Judicial Case Management in civil and labour matters rolls will be divided into different time slots, therefore providing for less people to attend to court at the same time. The time slots will be indicated on the day roll;
- 2.6.7. Judges will, when possible, grant orders from chambers and in absentia of the parties prior to the proceedings;

2.7. Criminal Appeal Mentions roll:

- 2.7.1. Criminal Appeal Mentions roll will continue to be in in open court;
- 2.7.2. Legal practitioners, parties and persons in the public gallery must leave one chair open between any two persons;
- 2.7.3. All persons must at all times wear a mask, covering both the nose and the mouth;
- 2.7.4. All persons must at all times maintain the social distance of at least 1,5m – 2m;
- 2.7.5. All persons must sanitize their hands upon entering the court building and again when entering the court room;
- 2.7.6. The Criminal Appeal Mentions roll will be divided into different time slots, therefore providing for less people to attend to court at the same time. The time slots will be indicated on the day roll;
- 2.7.7. The Authorities of the Correctional Facility are called upon not to allow all appellants to enter the court building at the same time;

2.8. Criminal Trial Mentions and Review rolls:

- 2.8.1. Criminal Trial Mentions and Review rolls will continue to be in in open court;
- 2.8.2. Legal practitioners, parties and persons in the public gallery must leave one chair open between any two persons;
- 2.8.3. All persons must at all times wear a mask, covering both the nose and the mouth;
- 2.8.4. All persons must at all times maintain the social distance of at least 1,5m – 2m;
- 2.8.5. All persons must sanitize their hands upon entering the court building and again when entering the court room;

2.9. Criminal trials:

- 2.9.1. Criminal Trials will continue to be in in open court;
- 2.9.2. Legal practitioners, parties and persons in the public gallery must leave one chair open between any two persons;
- 2.9.3. The Authorities of the Correctional Facility and/or the Police must ensure that accused persons in the accused dock maintain a social distance of 1,5 meters and wear face masks covering both the nose and the mouth. Portions of the public gallery may be identified as an extension of the accused dock, when necessary;
- 2.9.4. All persons must at all times wear a mask, covering both the nose and the mouth;
- 2.9.5. All persons must at all times maintain the social distance of at least 1,5m – 2m;
- 2.9.6. All persons must sanitize their hands upon entering the court building and again when entering the court room;

2.10. Civil Roll Call

- 2.10.1. Civil Roll Call will continue to be in in open court;
- 2.10.2. Legal practitioners and parties must leave one chair open between any two persons;
- 2.10.3. All persons must at all times wear a mask, covering both the nose and the mouth;
- 2.10.4. All persons must at all times maintain the social distance of at least 1,5m – 2m;
- 2.10.5. All persons must sanitize their hands upon entering the court building and again when entering the court room;

2.11. Civil trials

- 2.11.1. Civil Trials will continue to be in in open court;
- 2.11.2. Legal practitioners, parties and persons in the public gallery must leave one chair open between any two persons;
- 2.11.3. All persons must at all times wear a mask, covering both the nose and the mouth;
- 2.11.4. All persons must at all times maintain the social distance of at least 1,5m – 2m;
- 2.11.5. All persons must sanitize their hands upon entering the court building and again when entering the court room;

2.12. Civil and Labour Review and motion hearings , Civil, Labour and Criminal Appeal hearings, Civil and Labour Interlocutory hearings,:

- 2.12.1. Civil and Labour Review and motion hearings, Civil, Labour and Criminal Appeal hearings, Civil and Labour Interlocutory hearings will proceed in open court as set down;
- 2.12.2. The proceedings may proceed via video-conferencing if so directed by the Managing Judge.
- 2.12.3. The parties may in writing waive their right to be heard and consent to the matter being decided on the papers;
- 2.12.4. Legal practitioners, parties and persons in the public gallery must leave one chair open between any two persons;
- 2.12.5. All persons must at all times wear a mask, covering both the nose and the mouth;
- 2.12.6. All persons must at all times maintain the social distance of at least 1,5m – 2m;
- 2.12.7. All persons must sanitize their hands upon entering the court building and again when entering the court room;

2.13. Bail Applications

- 2.13.1. Bail Applications will proceed in open court as set down;
- 2.13.2. Legal practitioners, parties and persons in the public gallery must leave one chair open between any two persons;
- 2.13.3. All persons must at all times wear a mask, covering both the nose and the mouth;
- 2.13.4. All persons must at all times maintain the social distance of at least 1,5m – 2m;
- 2.13.5. All persons must sanitize their hands upon entering the court building and again when entering the court room;

2.14. In Chambers meetings with judges

- 2.14.1. No person other than court staff and judges are allowed in any of the judges' chambers and/or offices situated within the chambers area of the court.
- 2.14.2. In Chambers meetings are permitted, but must be held inside an open court room;
- 2.14.3. Persons attending in Chambers meetings must leave one chair open between any two persons;
- 2.14.4. All persons attending In Chambers meetings must at all times wear a mask, covering both the nose and the mouth;
- 2.14.5. All persons attending In Chambers meetings must at all times maintain the social distance of at least 1,5m – 2m;

2.14.6. All persons attending In Chambers meetings must sanitize their hands upon entering the court building and again when entering the court room;

3. GENERAL

3.1. All persons entering any of the High Court buildings are compelled to:

- 3.1.1. Wear a mask, covering both the nose and the mouth at all times;
- 3.1.2. Maintain the social distance of at least 1,5m – 2m;
- 3.1.3. Sanitize their hands upon entering the building;
- 3.1.4. Complete the visitors register kept at the entrance by providing correct contact details;
- 3.1.5. Measure temperature reading;

3.2. Movement of Litigants, practitioners and the public in general attending to the registry or court is restricted to the following areas:

- 3.2.1. Entrance of the building;
- 3.2.2. The way towards the registry;
- 3.2.3. The way towards the court room, if such person is to attend court proceedings;
- 3.2.4. Waiting areas in front of the court rooms;
- 3.2.5. The court room; and
- 3.2.6. Public Bathrooms;

3.3. Parties who wish to approach the Managing Judge for a direction to be heard via video conferencing must do so by:

- 3.3.1. Making a request from the bar during case management proceedings or sending a motivated request by email to the research assistant or secretary assigned to the managing judge, no later than five court days before the set down date, which request must contain the following:
 - 3.3.1.1. Motivation for request to be heard via video conferencing;
 - 3.3.1.2. The names, email addresses and mobile numbers of all parties and/or practitioners who will appear.

3.4. Legal practitioners and parties appearing in person are compelled to notify the judge prior to commencement of the proceedings through the relevant chambers support staff, if any person, which include a legal practitioner, party or witness:

- 3.4.1.1. was, during the past 7, in contact with a person who tested positive with C-19 during the past 10 days;
- 3.4.1.2. is waiting for a C-19 test result, which include but is not limited to a test result for purpose of travel;
- 3.4.1.3. is showing any C-19 related symptoms



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