



HIGH COURT OF NAMIBIA  
ANNUAL REPORT 2015 - 16



CELEBRATING JUDICIARY-LED REFORMS TOWARDS COURT  
EXCELLENCE AND IMPROVED SERVICE DELIVERY

This Report is issued in terms of Rule 137 of the Rules of the High Court of Namibia and relates to the performance of the High Court during the period 1 January 2015 – 31 December 2016.



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# FOREWORD BY

HIS LORDSHIP THE CHIEF JUSTICE,  
THE HONOURABLE PETER S SHIVUTE



This is the first report on the activities of the High Court since the new High Court Rules came into force on 1 April 2014. Rule 137 of the Rules of the High Court obligates the Court to report on its performance at the end of a legal year.

I commend the High Court for finalising and publishing its very first report covering the years 2015 and 2016. It is apparent from the 'Update on Judgments Delivered' that the judges of the High Court have made great strides in reducing the number of reserved judgments remaining reserved outside the Guidelines approved by the Judicial Service Commission.

Apart from providing the reader with information about the performance of the Court, the report gives an insight into future plans aimed at improvement in service delivery.

I fully support the initiatives being undertaken at the High Court to make justice more accessible, affordable and responsive to the needs of court users.

I cannot stress too strongly the critical role the Judiciary plays in bringing about societal harmony, a sense of safety for all and, not least important, creating a legal environment where business thrives and economic activity is enhanced, in the interest and for the benefit of all inhabitants of our country. The year 2017 and beyond holds enormous promise for Namibia's Judiciary now that it has attained administrative and financial autonomy from the Executive. I have no doubt that the judges and administrative staff at the High Court will seize the moment and make the High Court a center for service excellence in dispensing speedy and impartial justice to all without fear or favour.

I wish to add my voice to the concern raised in this report about the practice of indiscriminate resort to the High Court in respect of matters falling within the magistrate's court jurisdiction.

Shunning the magistrate's courts denies the magistracy the opportunity to acquire civil experience and the novice practitioners the forum to sharpen their litigation and advocacy skills before they try their hands at High Court litigation. It bears reminding the profession of the Legislature's injunction in section 39 of the High Court Act 16 of 1990 that 'The High Court must be reserved for the more complex litigation.' This phenomenon only highlights the urgency of enhancing the civil jurisdiction of the Regional and district courts.

In conclusion, I hope the reader finds the report informative. We certainly would welcome any suggestions aimed at improving the services the Judiciary delivers to the public.

Peter S Shivute  
Chief Justice





## JUDGE PRESIDENT'S PREFACE

Momentous changes have taken place at the High Court since 2011. We witnessed tentative steps being taken in 2011 to introduce judicial case management. Although the concept sounded alien some five years ago, it is hard to imagine the High Court today without judicial case management. In 2014 we saw a wholesale and comprehensive overhaul of the High Court's Rules and Practice Directions to consolidate the gains made with case management. In the same year, we witnessed yet another first for the High Court: court-connected mediation. Although, just like case management, it was at first viewed with scepticism by the practising profession (and some judges I may add!), mediation has now become an integral part of High Court civil practice – not least because of the enthusiasm with which the profession, to its credit, embraced its rationale and the ethos it represents.

Another marquee initiative is the roll-out of e-justice in June 2016. This paperless electronic filing system, a unique experiment in Africa, makes it possible for litigating lawyers to file, track cases and exchange pleadings entirely electronically.

Another one of our important milestones is the Aspirant Judges Training Programme (AJTP) which was launched by the Hon. Chief Justice on 1 December 2015. The AJTP aims to provide magistrates basic training in High Court civil procedure and practice in order to open up for them opportunities for acting appointments at the High Court. Three individuals (happily all female) who benefited from the programme were appointed acting judges of the High Court. We intend to continue the programme in 2017 and beyond.

The creation of the office of Deputy Judge-President (DJP) has enormously lightened the burden on the Judge-President. With the appointment of Justice Angula as DJP, I have delegated to him the day-to-day management of the Civil Stream at both the Main Division and the Northern Local Division. My hands are now much freer to concentrate on effective management of the Criminal Stream and keeping the focus on the strategic vision for the High Court.

The initiative that gives me most joy is the appointment of judges' research assistants. To assist judges with legal research for judgment writing, the Office of the Judiciary has appointed a core group of young law students to serve as research assistants to judges. The judges of the High Court have confirmed to me that this programme has immensely lightened their burden. I am truly proud of these young professionals whose value and contribution is reflected in the marked drop in reserved judgements outside the judgement delivery guidelines. I have no doubt that they are destined for great things in the legal profession!

Much still needs to be done to make the High Court more efficient and to respond to the challenges of an ever-changing and more sophisticated society. For example, the World Bank's 'Doing Business in Africa' Index has consistently given Namibia a negative rating under the rubric 'Enforcement of Contracts' due to the absence of a special regime for dealing with commercial disputes. I have, therefore, identified this as



a priority issue for reform. We are in the process of developing a policy framework for the introduction of a Commercial List at the High Court. The draft will be discussed with the Attorney-General, the organised legal profession, and the business community for stakeholder input and buy-in.

In this report we report on the High Court's activities for the years 2015 and 2016, since the 2015 report's release was delayed. It is our wish to release the 2017 legal year report by the end of this legal year.

It is a great privilege and honour to be of service.



Petrus T Damaseb  
JUDGE-PRESIDENT



# ACCOUNTABILITY AND TRANSPARENCY

In terms of Rule 137 of the Rules of the High Court, the registrar of the High Court must at the end of every legal year publish, with the approval of the Judge-President, a report containing the following information about the work of the Court:

- all cases, according to type of case, registered at the registry;
- the number of cases, according to type of case, completed;
- the number of reserved judgments, according to type of case, the length of time during which a judgment remained reserved and the deadline by which the judgment should have been delivered in terms of any directive of the Judge President; and
- the status of each case and type of case.

The objective of the report is in line with the principles of transparency and accountability to the High Court ascribes

## Cautionary Note

By way of cautionary note, complete compliance with Rule 137 is not possible with a manual system kept and maintained with a 50% human resource capacity. We can only fully comply with the rule once the electronic system is fully implemented and functional in all areas of the Court's work. Therefore, we are unable at this time to provide a complete picture about the Northern Local Division because for a long time proper records were not being kept in that division due to staff shortage. With the appointment in 2016 of Ms Wakatama as the deputy registrar of that division, things have improved and a reasonably reliable record of statistics is being kept to enable us to report on the Northern Local Division's activities and performance going forward.



## WHAT WE DO

The High Court of Namibia has original jurisdiction to hear and adjudicate upon all civil disputes and criminal cases, including cases which involve the interpretation, implementation and upholding of the Constitution and the fundamental rights and freedoms guaranteed thereunder. The High Court hears appeals from magistrates' courts, is a Court of Admiralty, the Labour Court and an Electoral Court.

## COMPOSITION OF THE HIGH COURT

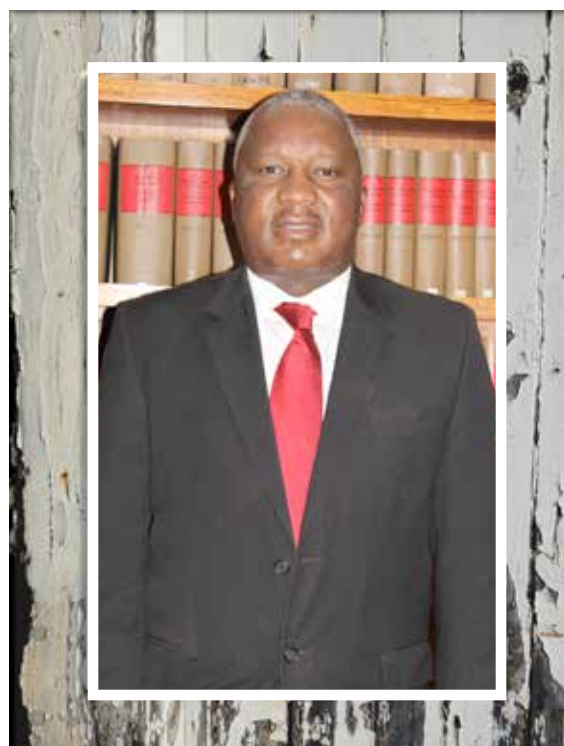
### HEAD OF THE JURISDICTION

The High Court consists of a Judge-President as head of jurisdiction, deputised by the Deputy Judge-President, and additional judges and acting judges of the High Court. All appointments are made by the President of the Republic on the recommendation of the Judicial Service Commission.

The current Judge-President is the Hon. Petrus Tileinge Damaseb appointed on 12 July 2004. The Deputy Judge-President is the Hon. Ezer Hosea Tala Angula appointed on 1 January 2016.



***THE HON. MR JUSTICE  
PETRUS TILENGE DAMASEB***



***THE HON. MR JUSTICE  
EZER HOSEA TALA ANGULA***



## ADDITIONAL JUDGES OF THE HIGH COURT

The following are (were) the additional (permanent) judges of the High Court during the period 2015 - 2016:



**THE HON. MR JUSTICE  
ELTON PHILLIP BENJAMIN HOFF**  
Appointed March 2011  
Elevated to Supreme Court on  
1 May 2016



**THE HON. MR JUSTICE  
NATE GERVASIUS NDAUNDAIPO**  
Appointed 1 May 2008



**THE HON. MR JUSTICE  
JOHN CHRISTIE LIEBENBERG**  
Appointed 1 December 2009



**THE HON. LADY JUSTICE  
NAOMI NDILIMEKE SHIVUTE**  
Appointed 1 December 2009



**THE HON. LADY JUSTICE  
MARLENE ANTOINETTE  
TOMMASI**  
Appointed 1 December 2009



**THE HON. MR JUSTICE  
ALFRED MUBITA SIBOLEKA**  
Appointed 16 March 2010



**THE HON. MR JUSTICE  
HARALD GEIER**  
Appointed 1 April 2012



**THE HON. MR JUSTICE  
SHAFIMANA FIKAMENI  
IMMANUEL UEITELE**  
Appointed 1 July 2012



**THE HON. MR JUSTICE  
MAPHIOS CHEDA**  
Appointed 1 August 2013



**THE HON. MR JUSTICE  
HERMAN CHRISTO JANUARY**  
Appointed 11 August 2014



**THE HON. LADY JUSTICE  
DINAH USIKU**  
Appointed 1 May 2015



**THE HON. MR JUSTICE  
THOMAS SIBUSISO MASUKU**  
Appointed 1 January 2016

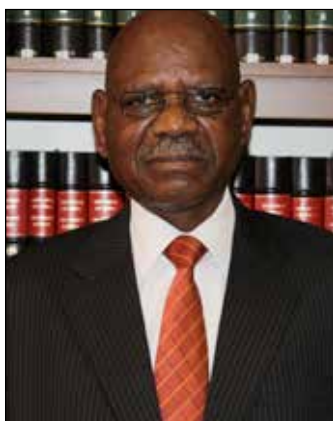


**THE HON. MR JUSTICE  
GABRIEL HERMANUS  
OOSTHUIZEN**  
Appointed 15 January 2015

The following acting judges were appointed during the 2015 - 2016 legal years:



*THE HON. MR JUSTICE  
COLLINS PARKER, ACTING  
1 January 2015 - 31 December 2016*



*THE HON. MR JUSTICE  
EPAFRADITUS PETRUS UNENGU, ACTING  
1 January 2015 - 31 December 2016*



*THE HON. MR JUSTICE  
PETRUS JACOBUS MILLER, ACTING  
1 January 2015 - 31 December 2016*

The Hon. Mr Justice Gerson Hinda, Acting (20 – 30 November 2015)

The Hon. Lady Justice Esi Schimming-Chase, Acting (15 April 2015 - 21 August 2015)

The Hon. Mr Justice Patrick Kauta, Acting (16 January 2015 - 15 April 2015)

The Hon. Lady Justice Leezhel Van Wyk, Acting (2 March 2016 - November 2016)

The Hon. Mr Justice Gerson Narib, Acting (1 July 2016 - 30 September 2016)

The Hon. Lady Justice Elise Angula, Acting (20 September 2016 - 1 December 2016)

The Hon. Mr Justice Boas Usiku, Acting (5 September 2016 - 31 December 2016)

The Hon. Lady Justice Philanda Christiaan, Acting (1 November 2016 - 31 December 2016);

## HIGH COURT REGISTRY

Registry staff and judges' supporting staff are public servants under the Office of the Judiciary. The head of the Registry is the Chief Registrar of the High and Supreme Courts. The Registrar performs statutory, and administrative functions.

The quasi-judicial functions performed by the Registrar include taxations, issuing of writs and issuing of summonses and other court processes such as subpoenas, warrants of arrest and mental observation orders under the Criminal Procedure Act 51 of 1877, and Admiralty Court process.

As Taxing Master the Registrar is responsible for the assessment of costs, the setting of security and taxation of bills of costs in civil and labour matters.

The Registrar is, by legislation, the Sheriff of Namibia with the responsibility of supervising, monitoring, and investigating all deputy sheriffs in the performance of their functions.

The current Registrar of the High and Supreme Court is Mrs Elsie Schickerling. She is deputised at the Northern Local Division by Ms Lorraine Wakatama and Mr Stephen Raurau at the Main Division. In addition, there are 14 assistant registrars at the Main Division and 4 assistant registrars at the Northern Local Division.





*MS ELSIE SCHICKERLING*  
*CHIEF REGISTRAR: SUPREME & HIGH COURTS*

*1 March 2009*



*MR STEPHAN RAURAU*  
*DEPUTY-CHIEF REGISTRAR: LEGAL & AUXILIARY SERVICES*

*5 November 2015*



*MS LORRAINE WAKATAMA*  
*DEPUTY-CHIEF REGISTRAR: HIGH COURT*

*1 May 2016*

## COURT FACILITIES

The main High Court Building at the corner of Lüderitz Street and John Meinert Street, Windhoek was built in the late 50's and commissioned in 1960. The building consisted of a registry, two judges' chambers, a library and two court rooms: currently known as B and C Courts. Over the years, additions were made to the building, the last being in the form of judges' chambers during the late 90's, extending capacity to eleven judges' chambers, a library, a registry and additional offices.



With the rapid increase in the work of the High Court and increased number of employees, the existing facilities became inadequate. It became necessary therefore to effect additions to the physical infrastructure at the Main Division and to secure additional physical space. We now have, in addition, the SADC Court facility and a court facility situated at the Central Correctional Facility.



## SADC COURT FACILITY



The SADC Court facility at the corner of Bahnhof Strasse and Robert Mugabe Avenue hosts three judges' chambers, one civil and labour courtroom, the mediation section, the criminal appeals registry and three additional staff offices.

## WINDHOEK CORRECTIONAL COURT FACILITY



Towards the end of 2014, in order to address security concerns associated with the Treason Trial, and to further streamline the costs associated with the transportation of the accused from the Central Correctional Facility to the High Court and back, the Ministry of Works and Transport was requested to convert the facility at the Windhoek Central Correctional Facility premises into additional criminal



court rooms and facilities. The project was concluded during December 2015 and became ready for use during February 2016. The facility is an extension of the High Court capacity as it provides additional two court rooms, two judges' chambers, a sub-registry for the criminal section and a vulnerable witness facility. Both court rooms are equipped with state of the art electronic equipment which includes digital recording and video conferencing.

### **RENOVATIONS TO THE HIGH COURT BUILDING (WINDHOEK)**



Renovations and additions to the existing main High Court building in the CBD, Windhoek, commenced in August 2014. The current project consists of two phases. Phase 1 is currently ongoing and is expected to be completed towards the end of the 2016/17 financial year. Provided funds are available, phase 2 will commence in 2017. Phase 1 involved renovations to the Judge President's chambers, a judges' boardroom, four separate registries to host the various sections and sub-sections of the registry, additional office space, a staff tearoom and renovations to a number of offices. Phase 2 will include demolition of four judges' chambers and other existing facilities, to be replaced by six court rooms, 11 judges' chambers, staff offices, new public toilets, a data centre for the Office of the Judiciary and a training facility. The Judge President's chambers area was handed over during December 2015 and is fully operational.

### **NORTHERN LOCAL DIVISION (OSHAKATI)**

Inaugurated on 25 September 2009 by former President H.E Dr Hifikepunye Pohamba, the architectural masterpiece housing the Northern Local Division of the High Court of Namibia situated at Oshakati in the Oshana Region stands out as a visible landmark.

The building has three floors and a mezzanine where additional courtroom galleries and machine rooms are situated. The ground floor houses the courtrooms and the Registry and is the most publicly used





part of the building. The first floor houses the Prosecutor-General and the second floor the Master of the High Court.

Upon entry from the front courtyard is a vast foyer with in-built benches for court users convenience which are located in front of the three courtrooms namely the Omugongo, where civil hearings are conducted, as well as the Omusati and Omwandi where criminal trials are conducted.

Further inwards, the office and courtroom spaces are separated by an indoor flowing water feature which serves as an ornamental water-cooling system.

## THE STREAMS

The work of the High Court in both the Main and Northern Local divisions is organised into a 'Criminal Stream' and a 'Civil Stream'. The Civil Stream is in turn sub-divided into 'Actions' and 'Motions'. The Judges are divided into the streams as follows:

### CRIMINAL STREAM

#### *Main Division*

The Hon. Mr Justice Nate Ndauendapo

The Hon. Mr Justice Christi Liebenberg

The Hon. Lady Justice Naomi Shivute

The Hon. Mr Justice Alfred Siboleka

The Hon. Ms Justice Dinah Usiku

The Hon. Mr Justice Boas Usiku, Acting



### *Northern Local Division*

The Hon. Ms Justice Marlene Tommasi

The Hon. Mr Justice Herman January

### **Judges of the Criminal Stream (Main Division)**



From Left To Right: The Hon. Mr Justice Christie Liebenberg; The Hon. Mr Justice Boas Usiku; The Hon. Mr Justice Hosea Angula, Deputy Judge-President; Lady Justice Dinah Usiku, The Hon. Mr Justice Petrus Damaseb, Judge-President; The Hon. Mr Justice Nate Ndaundapo; The Hon. Lady Justice Naomi Shivute; and The Hon. Mr Justice Alfred Siboleka

## **CIVIL STREAM**

### *Main Division*

The Hon. Mr Justice Hosea T Angula DJP

The Hon. Mr Justice Harald Geier

The Hon. Mr Justice Shafimana Ueitele

The Hon. Mr Justice Thomas Masuku

The Hon. Mr Justice Herman Oosthuizen

The Hon. Mr Collins Parker, Acting

The Hon. Mr Justice Petrus Unengu, Acting

The Hon. Mr Justice Kobus Miller, Acting

The Hon. Mr Justice Boas Usiku, Acting



### *Northern Local Division*

The Hon. Mr Justice Maphios Cheda

### **Acting Judges of the Civil Stream (Main Division)**



From Left To Right: The Hon. Mr Justice Collins Parker; The Hon. Mr Justice Thomas Masuku; The Hon. Mr Justice Hosea Angula, Deputy Judge-President; The Hon. Mr Justice Herman Oosthuizen, The Hon. Justice Petrus Tileinge Damaseb, Judge-President; The Hon. Mr Justice Shafimana Ueitele; The Hon. Mr Justice Petrus Unengu; The Hon. Mr Justice Harald Geier and The Hon. Mr Justice Boas Usiku, Acting Judges of the Civil Stream (Main Division)

## **RATIONALE OF THE STREAMS**

Namibia's environment makes specialisation inevitable. Criminal trials tend to be long and protracted and the civil docket system requires judges to devote fulltime attention to managing the files under their control such that if, in addition, they were to preside over criminal trials, managing their diaries would become impossible and cause great frustration to the public. The system has worked well by and large and the judges have found it the most practical and effective way of managing the court's business. The judges in the Criminal Stream conduct criminal trials, preside in pairs of two in criminal appeals and exercise a review jurisdiction over certain cases finalised in the Magistrate courts across the country.

Each judge in the Civil Stream conducts case management activity in the form of either (a) the case planning conference, case management conference or pre-trial conference to assist and compel the parties to move a case speedily to trial. Judges manage their own diaries and, in consultation with the parties, dispose of interlocutory motions and set cases down for trial.



# RECENT MAJOR REFORMS

## MEDIATION

Court-connected mediation as a form of alternative dispute resolution was introduced in the Namibian High Court with the coming into operation of the High Court Rules published on 16 April 2014.

The twin objectives of court-connected mediation in the High Court are: to promote settlement of disputes so as to free up court time for judges to concentrate on those disputes which are not susceptible of resolution outside court, and to reduce litigation costs for litigants. The bedrock of our mediation programme are the court-accredited mediators trained by the High Court.

During the period May – June 2014 a total of 103 court-accredited mediators were trained. During May 2015, three additional training courses were presented during which 74 persons were trained and 68 accredited. We currently have 165 court-accredited mediators.

Accredited court mediators sign up to a Code of Ethics. The performance and conduct of mediators are closely monitored and accreditation is renewed annually based on compliance with the Code of Ethics and the Rules and Policies of the High Court. The majority of our mediators are qualified legal practitioners, but we also have architects, psychologists, magistrates and other professionals. Mediators are paid a fee by the court for their services if the mediation court-connected as opposed to a private mediation.

The average litigation costs in respect of a defended High Court action amounts to anything between N\$50000 – N\$100000 per litigant, if represented. With at least two parties in every defended trial, it would be a fair assumption that a combined total trial fee to be paid by litigants in respect of a run-of-the-mill defended High Court action is in the order of N\$100 000 – N\$200 000 (depending on whether the baseline is N\$50 000 or N\$100 000).

During the 2015 and 2016 legal years a total of 1767 court-connected mediations took place in both divisions of the High Court. Of these, 1020 (57,72%) were successful, representing a minimum saving in the hands of litigants of approximately N\$102 000 000. The revenue expenditure incurred by the State in respect of 1767 court-connected mediations during the period January 2015 – December 2016 amounted to N\$4 409 704.

The average High Court action trial takes up approximately 3 court days. It is a fair assumption, therefore, that the 1020 successful mediations in the High Court saved at least 5301 trial days; in other words, time which can be devoted to other matters. In addition to judge-time saved, considerable amount of court time is saved which, but for the saving, would have been spent on judicial case management hearings, general court administration, preparation, research and judgment writing. What does a saving of 5301 trial days mean? The average legal year consists of approximately 185 court days. Five thousand three hundred and one (5301) court days saved, therefore, implies a saving of almost 29 years for one judge or 530 trial days (almost three legal years) for each of the ten trial judges in the Civil Stream.

The table below shows the number of cases successfully mediated and finalised without trial.



	SUCCESSFUL		FAILED		TOTAL PAID IN RESPECT OF MEDIATOR'S FEES		
	MAIND DIVISION	NORTHERN LOCAL DIVISION	MAIND DIVISION	NORTHERN LOCAL DIVISION	MAIND DIVISION	NORTHERN LOCAL DIVISION	HIGH COURT TOTAL
2015	572	39	354	17	NAD 1 897 735,00	N\$144 144,00	NAD 2 041 879,00
2016	355	54	249	19	NAD 1 943 325,00	N\$424 500,00	NAD 2 367 825,00

## EJUSTICE

Office automation is the most widespread form of information technology. It is also the most prevalent functionality used in courts globally. It includes mostly word processing, but also some calendaring and simple spreadsheets bundled in an office automation package. Leading jurisdictions world-wide took automation in their courts one step further by the inclusion of e-filing, which is the automated transmission of legal documents from practitioners to the court, from the court to the practitioners and from one practitioner to another practitioner or stakeholder.

During August 2011 the High Court of Namibia embarked upon the eJustice journey with the Ministry of Justice signing an agreement with CrimsonLogic, a Singaporean company specialising in developing case management and e-filing systems for a number of courts across the globe.

eJustice Namibia is a web-based end-to-end electronic filing and case management system developed for the High Court of Namibia's civil stream accessible to court users anytime, anywhere. The easy access auto-populated templates assist in reducing errors frequently seen on court documents, process and pleadings. The system-generated documents and electronic filing save time and costs.

User registration and training of High Court Judges, Court staff and admitted practitioners was conducted in April 2016. Thereafter, we registered and trained approximately 350 admitted legal practitioners, 50 staff members and 20 judges of the High Court over a period of two months.

This journey culminated with an e-justice roll-out on 27 June 2016. eJustice Namibia has added the Namibian Judiciary to the list of leading jurisdictions using court technology.

It is hoped that eJustice will not only significantly speed up the court process, but will also enable legal practitioners to handle greater caseloads more effectively and rapidly.

## ASPIRANT JUDGES TRAINING PROGRAMME (AJTP)

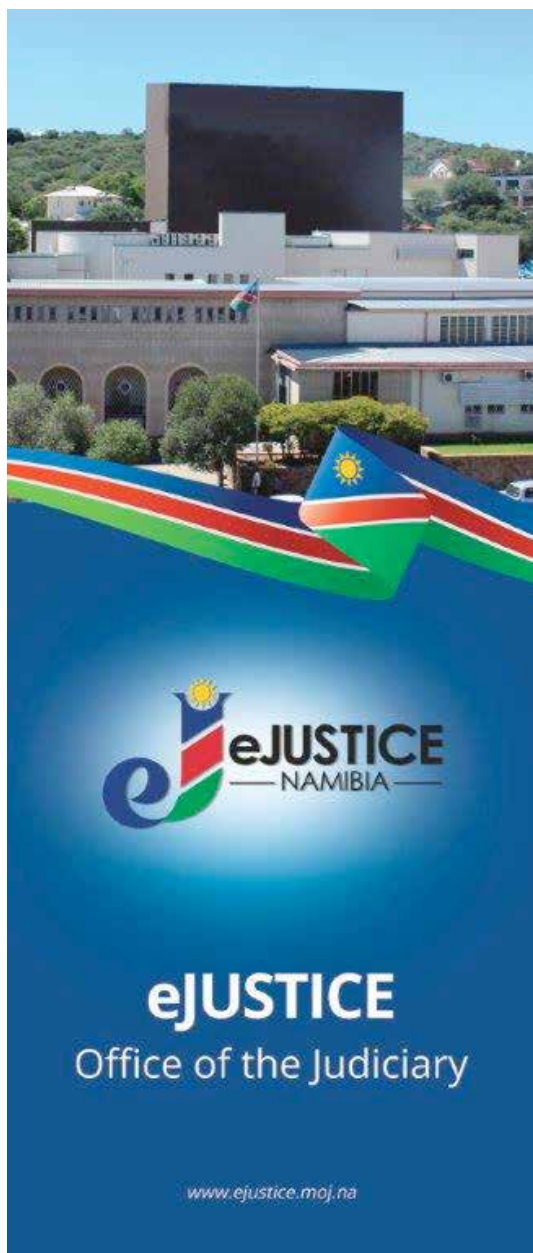
The AJTP is a programme conceived by the Namibian Judiciary to meet the needs of the Judiciary. It is a little known fact that the Judiciary has for long experienced challenges in recruiting High Court judges. It was generally assumed that the route to appointment to the High Court was via private practice – a notion rooted in our colonial past. In post-independence Namibia, the drive to encourage previously disadvantaged senior practitioners – both female and male - has not been very encouraging. Senior, al-



rounded previously disadvantaged practitioners (including females), have not found the bench attractive. But we could not sit with our hands folded. Something needed to be done urgently to enlarge the pool from which we can recruit judges. Hence the AJTP.

The objectives of the AJTP are threefold:

- To broaden the pool from which to recruit judges;
- To improve on the skills profile of the potential candidates to the bench
- To create jurisprudential depth in candidates eligible for appointment to the bench



The program's primary focus is magistrates. Depending on need we may enlarge the audience in future.

Until recently, we had been taking advantage of South Africa's AJTP by sending some magistrates to South Africa. We found, however, that it did not meet our needs entirely as the two legal systems are increasingly becoming divergent. Locally we have sufficient intellectual horsepower to mount tailor-made programmes that meet our needs. The AJTP is an endeavor to harness that locally available intellectual resource. We have secured the services of two experienced legal practitioners to conduct the training, complemented by judges of the Supreme Court and the High Court.

The AJTP is run by the Judiciary itself under the auspices of the High Court. At the end of the programme the candidates write a competitive exam to assess their potential. The first installment of the training focused on civil procedure in the High Court.

The programme is not a promise that the participants will become judges. Those candidates that demonstrate potential undergo mentoring to be considered for acting appointments in the High Court.

The following candidates participated in the maiden AJTP:



**Magistrates:**

P Christiaan  
L Hangalo  
D Munsu  
E.N. Nandago  
V Nicolaidis  
J.S. Prinsloo  
J Salionga  
F.F. Anderson  
I.J. Gawanab

**Research Assistants:**

L Ambunda  
Y Husselmann  
S Kandunda  
N Sikongo  
H Engelbrecht

**Private Practice**

L Van Wyk



# ENVISAGED REFORMS

## COURT EXCELLENCE

The High Court of Namibia is a member of the International Framework of Court Excellence (“the Framework”). The Framework is a statement of fundamental values courts must adhere to if they are to achieve excellence. It is a yardstick against which a court must assess its performance against seven detailed areas of court excellence and performance which provide clear guidance to improve performance. The Framework has identified the ten core values to successful functioning of the courts. They are: equality before the law, fairness, impartiality, independence of decision making, competence, integrity, transparency, accessibility, timeliness and certainty. The Framework has further specified seven areas for court excellence a court has to focus on in its pursuit of excellence. Those areas are: court leadership and management, court planning and policies, court resources (human, material and financial), court proceedings and processes, customers’ needs and satisfaction, affordable and accessible court services and public trust and confidence.

The High Court of Namibia aims at actively implementing the Framework in its quest for continuous improvement. In pursuit of this objective, senior Judges and Court Administrators attended international programmes on judicial governances and court excellence. During 2016, in collaboration with the State Courts of Singapore, Judges, Court Administrators and senior executive Members of the Office of the Judiciary participated in a one week intensive programme of self- assessment using the Framework’s tools. The Framework’s tools enabled us to identify our areas of strength as well as areas which require improvement with regard to our policies, process and procedures. At the same time, the exercise enabled us to prioritize our measures of improvement both for the short-term as well as the-long term. The Framework is a continuous improvement methodology and not a single one-off event. The leadership of the High Court of Namibia is therefore determined and committed to continuous improvement in our service delivery.

## COMMERCIAL LIST

The World Bank’s ‘Ease of Doing Business’ Index gives Namibia an unfavourable rating because of the absence in our court system of a Commercial Court or List dedicated to the adjudication of commercial disputes. For that reason, we are contemplating the creation in the High Court of a Commercial List for the adjudication of commercial disputes. As we conceptualise the creation of a Commercial List, we will engage with stakeholders in finding answers to the following questions:

- What does the court user now expect from a Commercial List that the current Court Rules and Practice Directions do not offer?
- What kind of cases must be in the Commercial List?



- Is it desirable to have a shortened procedure for commercial disputes?
- Which of our current rules and processes are ill-suited for commercial disputes?
- Do we need to retain the distinction between 'action' and 'motion' for the initiation of a commercial suit?
- Should there be pre-litigation protocols such as pre-litigation mediation/discovery for disputes falling under the Commercial List?
- Which of the interlocutory processes under the current rules of court are ill-suited for commercial disputes?
- What is an ideal disposal benchmark for a commercial dispute?



# WORK OF THE COURT

## PROMOTING ACCOUNTABILITY AND TRANSPARENCY

Judges of the High Court are expected to deliver judgement or rulings within specified timeframes. Practice Direction No 61 published by the Judge-President provides the following guidelines for delivery of reserved judgments:

NO.	NATURE OF CASE	SUGGESTED TIME FOR DELIVERY
1.	OPPOSED MOTIONS: INVOLVING DECLARATION OF UNCONSTITUTIONALITY OF LEGISLATION, COMMON LAW OR OTHER CONDUCT; REVIEW APPLICATIONS.	8 MONTHS
2.	OTHER OPPOSED MOTIONS:	6 MONTHS
3.	URGENT APPLICATIONS	3 WEEKS
4.	SIMPLE TRIAL ACTIONS (CIVIL)	4 MONTHS
5.	COMPLEX TRIAL ACTIONS (CIVIL)	8 MONTHS
6.	BAIL APPEALS	4 WEEKS
7.	SIMPLE CRIMINAL TRIALS	4 MONTHS
8.	COMPLEX CRIMINAL TRIALS	12 MONTHS
9.	CIVIL, CRIMINAL AND LABOUR APPEALS	6 MONTHS
10.	RULE 6(11) AND RULE 43 APPLICATIONS	2 WEEKS: ORDINARILY ONLY AN ORDER TO BE MADE, UNLESS REASONS REQUESTED IN WRITING IN WHICH EVENT REASONS TO BE PROVIDED WITHIN 4 WEEKS FROM THE DATE OF SUCH REQUEST.
11.	APPLICATION FOR LEAVE TO APPEAL	2 WEEKS
12.	EXCEPTIONALLY, ON ACCOUNT OF THE SPECIAL COMPLEXITY OF THE MATTER OR UNFORESEEN CIRCUMSTANCES, A MATTER WILL, IN CONSULTATION BETWEEN THE PRESIDING JUDGE AND THE JUDGE-PRESIDENT, BE TREATED DIFFERENTLY.	

The registrar must inform the Judge-President of any non-compliance with rule 133.

- If for any reason whatsoever the delivery of a judgment is to be postponed on the date set for its delivery to a new date and time, the postponement will be in open court and the presiding judge must provide a reason for not delivering the judgment on the set date.
- The registrar must inform the Judge-President about situations where the intended delivery date of a judgment has been changed more than twice.
- The confirmation of a criminal judgment in proceedings submitted for review by a magistrate or a request to the magistrate for a statement in terms of section 304(2)a of the Criminal Procedure Act



must be done within two weeks from the date on which a criminal review from the Magistrates' Court or Regional Magistrate's Court has been submitted to the Judge of the court.

- In the event of a judge of the court requesting a statement in terms of section 304(2)a from a Magistrate, the criminal review must be finalized and returned to the Magistrates' Court from where the criminal matter originated, within one month from the date on which the Magistrates' statement was received by the registrar.

The rules require that the Registrar report to the Judge-President any judge who does not keep to the guidelines. If the Judge-President is in default, the Registrar is required to report the matter directly to the Judicial Service Commission without reference to the Judge-President.

Another aspect of accountability and transparency is the requirement that the Court annually publish a report on its performance.

## STRIVING TOWARDS IMPROVED SERVICE DELIVERY

The High Court is striving at all time to improve service delivery to the public. Overall, the rules of court are designed to achieve that objective. But more specifically, that objective is given practical expression by embedding in the rules a strict non-adjudgment policy and disposal benchmarks. As for the former, judges are expected not to grant postponement of set down matters too readily. As regards the latter, the rules require the judges to finalise cases filed at the court within specified periods. Practice Direction No 62 stipulates the disposal benchmarks as follows:

### High Court Disposal benchmark and policies

The High Court's disposal benchmark for civil and labour cases measured from issuance of initiating process to finalisation of the matter is -

- matrimonial: eight months
- fixed roll cases of more than five days: 18 months
- floating roll cases / Fixed Roll cases of five days and less: 12 months
- motion proceedings: six months

The managing judge and the parties must, in setting target timelines for completion of pleadings in terms of the case plan order and in setting the trial date, have due regard to the applicable / disposal benchmark.

The High Court pursues a 100% clearance rate policy, and in pursuit of the policy, the court must, unless there are compelling reasons to adjourn or vacate, apply a strict non-adjudgment or non-vacation policy on matters set down for trial or hearing.



# THE COURT'S PERFORMANCE IN 2015 - 2016

## MAIN DIVISION

### CRIMINAL STREAM

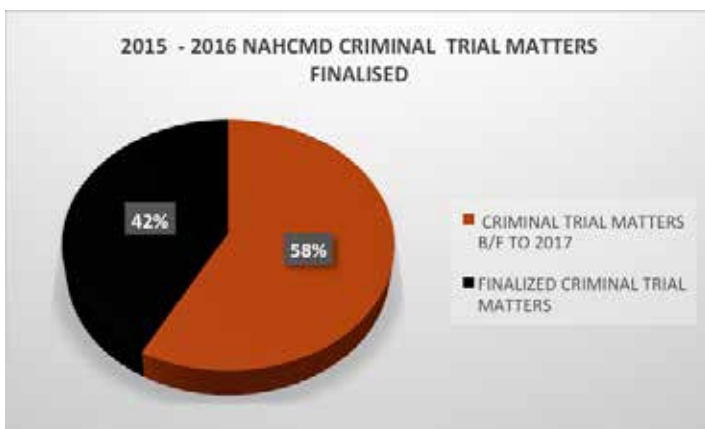
During the period under review there were five judges serving the Main Division: Criminal Stream. A total of 26 criminal trial matters, 49 criminal appeals and 1788 criminal reviews were finalised during the 2015 legal year. During 2016, 19 criminal trial matters, 72 criminal appeals and 1752 criminal reviews were finalised.

The average finalisation rate for the 2015 - 2016 legal years in respect of all criminal related matters in the Main Division is 88,78%. That includes matters brought forward from previous legal years as well as new matters registered during the reporting period.

### CRIMINAL TRIALS

Total brought forward from previous years	71
2015 New Registrations	16
2016 New Registrations	20
2015 Cases Finalised	26
2016 Cases Finalised	19
Total Brought Forward to 2017 Legal Year	62

During 2015 – 2016 legal years the judges of the Main Division presided over 107 active criminal trial matters, of which 45 were finalised during the reporting period, representing a 42% finalisation rate.



The pie chart illustrates the percentage of cases finalised in relation to the active cases brought forward to the 2017 legal year.

A review matter arises when unrepresented accused in a criminal case is convicted and sentenced by the magistrate. In such a case the Magistrate is obliged to refer the record of the criminal proceedings to a High Court Judge for the latter to review whether the proceedings in the



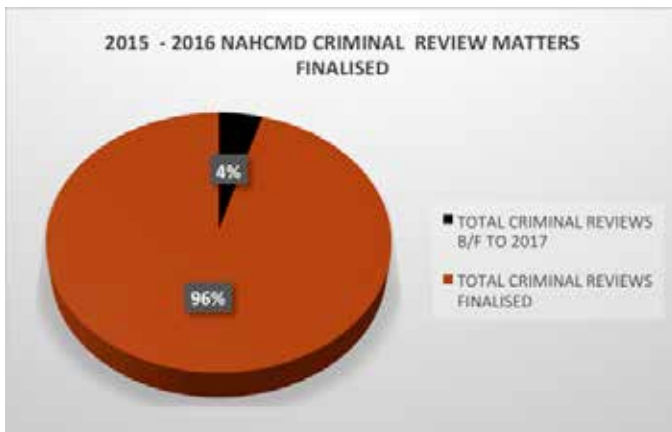
Magistrate's Court was 'in accordance with justice'.

If the judge is satisfied that the proceedings were in accordance with justice he/she confirms both the conviction and sentence. If he/she is not satisfied he/she either sets aside the conviction and sentence, alternatively confirm the conviction and amend or reduce the sentence.

## CRIMINAL REVIEW MATTERS

Total brought forward from previous years	60
2015 New Registrations	1863
2016 New Registrations	1782
2015 Cases Finalised	1788
2016 Cases Finalised	1752
Total Brought Forward to 2017 Legal Year	165

During 2015 – 2016 the judges of the Main Division attended to 3705 active criminal review matters, of which 3540 were finalised during the reporting period, representing a 96% finalisation rate.



The pie chart illustrates the percentage of cases finalised in relation to the active cases brought forward to the 2017 legal year.

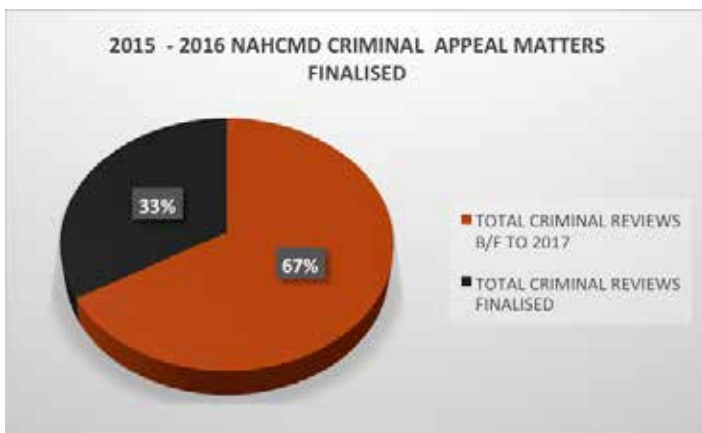
## CRIMINAL APPEALS

Total brought forward from previous years	170
2015 New Registrations	92
2016 New Registrations	100
2015 Cases Finalised	49
2016 Cases Finalised	72
Total Brought Forward to 2017 Legal Year	241



The reasons for appeal matters not being finalised within the year of registration vary, the most common ones being:

- Delays with appointment of legal representation due to lack of funds or slow processing of legal aid applications;
- Incomplete court records sent from the presiding magistrate;
- Non availability of interpreters;
- Absence of an application for late noting of an appeal where the appeal has been noted after the statutory period to note an appeal has lapsed.



During 2015 – 2016 the judges of the Main Division attended to 362 active criminal appeal matters, of which 121 were finalised during the reporting period, representing a 33% finalisation rate.

The pie chart illustrates the percentage of cases finalised in relation to the active cases brought forward to the 2017 legal year.

## BREAKDOWN IN RESPECT OF INDIVIDUAL JUDGES

### Damaseb JP

	B/F	2015 - 2016 AS-SIGNED	2015 FINALISED	2016 FINALISED	TOTAL B/F TO 2017
CRM TRIALS	1	0	1	0	0

### Hoff J

	B/F	2015 - 2016 AS-SIGNED	2015 FINALISED	2016 FINALISED	TOTAL B/F TO 2017
CRM TRIALS	1	0	1	0	0

### Ndauendapo J

	B/F	2015 - 2016 AS-SIGNED	2015 FINALISED	2016 FINALISED	TOTAL B/F TO 2017
CRM TRIALS	16	1	2	4	11

### Liebenberg J

	B/F	2015 - 2016 AS-SIGNED	2015 FINALISED	2016 FINALISED	TOTAL B/F TO 2017
CRM TRIALS	9	7	8	4	4



**Shivute J**

	B/F	2015 - 2016 AS-SIGNED	2015 FINALISED	2016 FINALISED	TOTAL B/F TO 2017
CRM TRIALS	13	3	7	2	7

**Siboleka J**

	B/F	2015 - 2016 AS-SIGNED	2015 FINALISED	2016 FINALISED	TOTAL B/F TO 2017
CRM TRIALS	20	0	4	5	11

**Cheda J**

	B/F	2015 - 2016 AS-SIGNED	2015 FINALISED	2016 FINALISED	TOTAL B/F TO 2017
CRM TRIALS	1	0	0	0	1

**D Usiku J**

	B/F	2015 - 2016 AS-SIGNED	2015 FINALISED	2016 FINALISED	TOTAL B/F TO 2017
CRM TRIALS	0	11	0	4	7

**Masuku J**

	B/F	2015 - 2016 AS-SIGNED	2015 FINALISED	2016 FINALISED	TOTAL B/F TO 2017
CRM TRIALS	0	1	0	0	1

**Parker AJ**

	B/F	2015 - 2016 AS-SIGNED	2015 FINALISED	2016 FINALISED	TOTAL B/F TO 2017
CRM TRIALS	1	0	1	0	0

**Unengu AJ**

	B/F	2015 - 2016 AS-SIGNED	2015 FINALISED	2016 FINALISED	TOTAL B/F TO 2017
CRM TRIALS	1	1	1	0	1

**Simpson AJ**

	B/F	2015 - 2016 AS-SIGNED	2015 FINALISED	2016 FINALISED	TOTAL B/F TO 2017
CRM TRIALS	1	0	1	0	0

**B Usiku AJ**

	B/F	2015 - 2016 AS-SIGNED	2015 FINALISED	2016 FINALISED	TOTAL B/F TO 2017
CRM TRIALS	0	4	0	2	2

**CIVIL AND LABOUR STREAM**

During the period under review there were seven judges serving the Main Division: Civil and Labour Stream. A total of 4345 civil actions, 895 civil applications and administrative reviews, 1 civil appeal, 220 labour applications and reviews and 39 labour appeals were finalised during the 2015 legal year. There were 3376 civil actions, 735 civil applications and administrative reviews, 1 civil appeal, 192 labour



applications and reviews and 17 labour appeals finalised during the 2016 legal year.

The average finalisation rate for the 2015 - 2016 legal years in respect of all civil and labour matters in the Main Division is 111,50%. This figure excludes matters brought forward from previous legal years, only taking into consideration new registrations and cases finalised during the period of reporting. A finalisation rate in excess of 100%, if measured against new registrations only, is indicative of a backlog being reduced.

## CIVIL ACTIONS

2015	New Registrations	3413
2016	New Registrations (Paper files)	2150
2016	New Registrations (eJustice files)	2033
2015	Cases Finalised	4345
2016	Cases Finalised (Paper files)	2875
2016	Cases Finalised (eJustice files)	501
Total paper file actions brought forward to 2017 Legal Year		Unknown
Total eJustice actions brought forward to 2017 Legal Year		1536

During 2015 – 2016 the judges of the Main Division finalized 7721 civil actions. The matters finalized consisted of matters brought forward from previous years as well as new actions registered during the reporting period. If a comparison is made between the finalization figure and the new registration figure, the finalisation of cases amounted to 101% - which is indicative of a backlog being worked down.



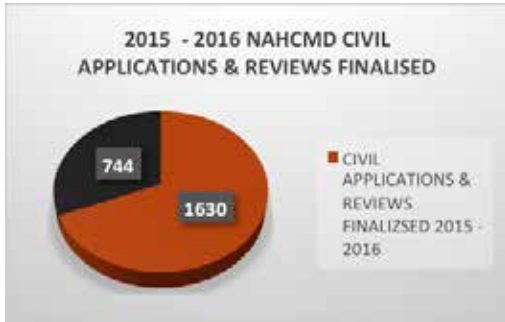
The pie chart illustrates the number of cases finalized in relation to the new civil actions registered during the period under review.

## CIVIL APPLICATIONS AND ADMINISTRATIVE LAW REVIEWS

2015	New Registrations	372
2016	New Registrations (Paper file)	185
2016	New Registrations (eJustice files)	187
2015	Cases Finalised	895



2016	Cases Finalised (Paper files)	651
2016	Cases Finalised (eJustice files)	84
	Total paper files brought forward to 2017 Legal Year	Unknown
	Total eJustice files brought forward to 2017 Legal Year	103



During the 2015 – 2016 legal years the judges of the Main Division finalised 1630 civil applications and reviews. The matters finalized consisted of matters brought forward from previous years as well as new applications and reviews registered during the period under review. If a comparison is made between the finalisation figure and the new registration figure, the finalisation of cases amounted to 219% - which is indicative of a backlog being worked down.

The pie chart illustrates the number of cases finalised in relation to the new civil applications and reviews registered during the reporting period.

### CIVIL APPEALS

2015	New Registrations	3
2016	New Registrations	2
2015	Cases Finalised	1
2016	Cases Finalised	1

### LABOUR APPLICATIONS AND REVIEWS

2015	New Registrations	202
2016	New Registrations	108
2015	Cases Finalised	220
2016	Cases Finalised	192

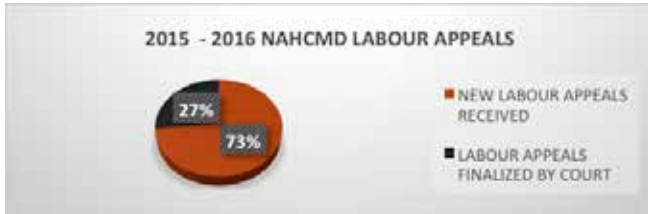
During 2015 – 2016 the judges of the Main Division finalised 412 labour applications and review matters, compared to the 310 new matters received. The matters finalised comprise of both matters under judicial case management and those finalised as unopposed in the Residual Court. The percentage of cases finalised in relation to the new cases registered amounts to 132,9%.

### LABOUR APPEALS

2015	New Registrations	78
2016	New Registrations	75



2015 Cases Finalised	39
2016 Cases Finalised	17



During 2015 – 2016 a total of 153 new labour appeals were registered in the Main Division. Fifty Six labour appeals consisting of old matters brought forward as well as new registrations were finalised. The finalisation rate of matters finalised compared to new registrations, during the

reporting period amounts to 27%. The low finalisation rate is in our view attributable to the litigant driven process applicable to labour appeal matters.

## CASES UNDER JUDICIAL CASE MANAGEMENT

The cases which were under JCM during the year 1 January 2015 – 31 December 2016 were, 4488 broken down as follows:

- 2015: 2867
- 2016: 1621

During the period under review we kept track of cases under JCM because in respect of the rest (undefended actions and motion proceedings) the plaintiff or applicant drives the process. The judges do not drive those processes and for that reason we do not as yet keep track of the ages of those matters. Therefore in this segment we report on cases finalised under JCM.

As at 1 January 2015 1505 civil and labour matters under JCM were recorded as active in the Main Division. During 2015 an additional 1362 and during 2016 a further 1621 (1082 paper files and 539 electronic files) files were placed under JCM and docket allocated to managing judges. Therefore a total of 4488 matters were under JCM during the period 1 January 2015-31 December 2016.

2781 paper files and 70 electronic files under JCM were finalised during 2015 and 2016. The 2851 JCM matters finalised consisted of:

- 1127 of the 2851 (39,52%) civil and labour matters under JCM brought forward from previous years; and
- 1724 of the 2851 (60,47%) matters placed under JCM during 2015 and 2016.

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS
BROUGHT FORWARD FROM 2014	1006	346	114	9	27
CASES ASSIGNED DURING 2015	775	341	162	23	40
CASES ASSIGNED DURING 2016	639	241	142	8	22
FINALISED DURING 2015	883	392	123	11	38



FINALISED DURING 2016	767	296	174	22	28
BROUGHT FORWARD TO 2017	770	240	121	7	23

EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ASSIGNED DURING 2016 – CASE REGISTRATION 2016	91	215	100	46	67	20
FINALISED 2016	4	33	4	4	20	4
BROUGHT FORWARD TO 2017	87	182	96	42	47	16

## BREAKDOWN IN RESPECT OF INDIVIDUAL JUDGES

### Damaseb JP

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	79	16	4	0	0	
ASSIGNED DURING 2015	1	0	1	0	0	
ASSIGNED DURING 2016	0	0	0	0	0	
FINALISED DURING 2015	25	12	1	0	0	
FINALISED DURING 2016	3	1	2	0	0	
BROUGHT FORWARD TO 2017	52	3	2	0	0	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	1	1	0	0	0
FINALISED 2016	0	0	0	0	0	0
BROUGHT FORWARD TO 2017	0	1	1	0	0	0

### Angula DJP

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	0	0	0	0	0	
ASSIGNED DURING 2015	0	0	18	0	0	
ASSIGNED DURING 2016	11	4	55	5	0	



FINALISED DURING 2015	0	0	0	0	0	
FINALISED DURING 2016	1	0	48	3	0	
BROUGHT FORWARD TO 2017	10	4	25	2	0	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	18	5
FINALISED 2016	0	0	0	0	5	1
BROUGHT FORWARD TO 2017	0	0	0	0	13	4

### Hoff J

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	1	0	4	0	2	
ASSIGNED DURING 2015	0	0	0	0	1	
ASSIGNED DURING 2016	0	0	0	0	0	
FINALISED DURING 2015	0	0	0	0	0	
FINALISED DURING 2016	1	0	4	0	3	
BROUGHT FORWARD TO 2017	0	0	0	0	0	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	0	0
FINALISED 2016	0	0	0	0	0	0
BROUGHT FORWARD TO 2017	0	0	0	0	0	0

### Ndauendapo J

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	0	0	0	0	0	
ASSIGNED DURING 2015	0	0	0	0	0	
ASSIGNED DURING 2016	1	0	0	0	0	
FINALISED DURING 2015	0	0	0	0	0	
FINALISED DURING 2016	1	0	0	0	0	
BROUGHT FORWARD TO 2017	0	0	0	0	0	



EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	0	0
FINALISED 2016	0	0	0	0	0	0
BROUGHT FORWARD TO 2017	0	0	0	0	0	0

### Shivute J

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	0	0	0	0	0	
ASSIGNED DURING 2015	0	0	1	0	0	
ASSIGNED DURING 2016	0	0	0	0	0	
FINALISED DURING 2015	0	0	1	0	0	
FINALISED DURING 2016	0	0	0	0	0	
BROUGHT FORWARD TO 2017	0	0	0	0	0	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	0	0
FINALISED 2016	0	0	0	0	0	0
BROUGHT FORWARD TO 2017	0	0	0	0	0	0

### Geier J

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	131	77	16	1	4	
ASSIGNED DURING 2015	36	82	9	1	11	
ASSIGNED DURING 2016	123	0	1	0	1	
FINALISED DURING 2015	91	126	23	2	10	
FINALISED DURING 2016	36	27	1	0	4	
BROUGHT FORWARD TO 2017	163	6	2	0	2	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	29	72	0	16	1	1
FINALISED 2016	1	11	0	2	0	0
BROUGHT FORWARD TO 2017	28	61	0	14	1	1



**Ueitele J**

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	88	43	27	3	5	
ASSIGNED DURING 2015	18	4	54	14	2	
ASSIGNED DURING 2016	1	0	34	1	0	
FINALISED DURING 2015	87	41	26	6	7	
FINALISED DURING 2016	6	3	47	10	0	
BROUGHT FORWARD TO 2017	14	3	42	2	0	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	19	0	16	6
FINALISED 2016	0	0	0	0	3	1
BROUGHT FORWARD TO 2017	0	0	19	0	13	5

**Cheda J**

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	1	0	0	0	0	
ASSIGNED DURING 2015	0	0	0	0	0	
ASSIGNED DURING 2016	0	0	0	0	0	
FINALISED DURING 2015	1	0	0	0	0	
FINALISED DURING 2016	0	0	0	0	0	
BROUGHT FORWARD TO 2017	0	0	0	0	0	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	0	0
FINALISED 2016	0	0	0	0	0	0
BROUGHT FORWARD TO 2017	0	0	0	0	0	0

**Masuku J**

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	0	0	0	0	0	
ASSIGNED DURING 2015	525	38	16	0	5	



ASSIGNED DURING 2016	38	0	1	0	1	
FINALISED DURING 2015	165	26	10	0	1	
FINALISED DURING 2016	180	0	4	0	1	
BROUGHT FORWARD TO 2017	218	12	3	0	4	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	31	61	0	14	2	0
FINALISED 2016	2	8	0	1	0	0
BROUGHT FORWARD TO 2017	29	53	0	13	2	0

### Oosthuizen J

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	0	0	0	0	0	
ASSIGNED DURING 2015	0	0	0	0	0	
ASSIGNED DURING 2016	544	0	1	0	0	
FINALISED DURING 2015	0	0	0	0	0	
FINALISED DURING 2016	321	0	0	0	0	
BROUGHT FORWARD TO 2017	223	0	1	0	0	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	30	73	0	16	3	0
FINALISED 2016	1	7	0	1	1	0
BROUGHT FORWARD TO 2017	29	66	0	15	2	0

### Van Niekerk J

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	8	0	3	0	0	
ASSIGNED DURING 2015	0	0	0	0	0	
ASSIGNED DURING 2016	0	0	0	0	0	
FINALISED DURING 2015	3	0	2	0	0	
FINALISED DURING 2016	0	0	0	0	0	
BROUGHT FORWARD TO 2017	5	0	1	0	0	



EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	0	0
FINALISED 2016	0	0	0	0	0	0
BROUGHT FORWARD TO 2017	0	0	0	0	0	0

### Parker AJ

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	95	40	34	3	1	
ASSIGNED DURING 2015	6	2	58	8	3	
ASSIGNED DURING 2016	2	0	57	2	1	
FINALISED DURING 2015	90	40	45	2	3	
FINALISED DURING 2016	12	2	71	9	1	
BROUGHT FORWARD TO 2017	1	0	35	2	1	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	19	7
FINALISED 2016	0	0	0	0	4	1
BROUGHT FORWARD TO 2017	0	0	0	0	15	6

### Unengu AJ

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	20	55	1	2	2	
ASSIGNED DURING 2015	4	187	9	0	11	
ASSIGNED DURING 2016	4	110	2	0	13	
FINALISED DURING 2015	18	92	5	0	6	
FINALISED DURING 2016	5	187	4	2	9	
BROUGHT FORWARD TO 2017	5	73	0	0	11	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	70	0	0	0
FINALISED 2016	0	0	4	0	0	0
BROUGHT FORWARD TO 2017	0	0	66	0	0	0



## Miller AJ

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	251	46	14	1	3	
ASSIGNED DURING 2015	280	29	5	0	1	
ASSIGNED DURING 2016	6	108	0	0	0	
FINALISED DURING 2015	300	33	8	1	0	
FINALISED DURING 2016	181	13	4	0	1	
BROUGHT FORWARD TO 2017	56	137	7	0	3	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	1	8	8	0	0	0
FINALISED 2016	1	8	0	0	0	0
BROUGHT FORWARD TO 2017	0	0	8	0	0	0

## Namandje AJ

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	1	0	0	0	0	
ASSIGNED DURING 2015	0	0	0	0	0	
ASSIGNED DURING 2016	0	0	0	0	0	
FINALISED DURING 2015	0	0	0	0	0	
FINALISED DURING 2016	1	0	0	0	0	
BROUGHT FORWARD TO 2017	0	0	0	0	0	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	0	0
FINALISED 2016	0	0	0	0	0	0
BROUGHT FORWARD TO 2017	0	0	0	0	0	0

## Schimming-Chase AJ

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	0	0	0	0	0	
ASSIGNED DURING 2015	51	2	4	0	3	



ASSIGNED DURING 2016	0	0	0	0	0	
FINALISED DURING 2015	46	2	4	0	3	
FINALISED DURING 2016	5	0	0	0	0	
BROUGHT FORWARD TO 2017	0	0	0	0	0	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	0	0
FINALISED 2016	0	0	0	0	0	0
BROUGHT FORWARD TO 2017	0	0	0	0	0	0

### Kauta AJ

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	0	0	0	0	0	
ASSIGNED DURING 2015	59	20	5	0	4	
ASSIGNED DURING 2016	0	0	0	0	0	
FINALISED DURING 2015	57	20	5	0	4	
FINALISED DURING 2016	1	0	0	0	0	
BROUGHT FORWARD TO 2017	1	0	0	0	0	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	0	0
FINALISED 2016	0	0	0	0	0	0
BROUGHT FORWARD TO 2017	0	0	0	0	0	0

### Van Wyk AJ

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	0	0	0	0	0	
ASSIGNED DURING 2015	0	0	0	0	0	
ASSIGNED DURING 2016	5	64	0	0	4	
FINALISED DURING 2015	0	0	0	0	0	
FINALISED DURING 2016	4	64	0	0	4	
BROUGHT FORWARD TO 2017	1	0	0	0	0	



EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	0	0
FINALISED 2016	0	0	0	0	0	0
BROUGHT FORWARD TO 2017	0	0	0	0	0	0

### Narib AJ

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	0	0	0	0	0	
ASSIGNED DURING 2015	0	0	0	0	0	
ASSIGNED DURING 2016	8	0	0	0	3	
FINALISED DURING 2015	0	0	0	0	0	
FINALISED DURING 2016	7	0	0	0	3	
BROUGHT FORWARD TO 2017	1	0	0	0	0	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	1	1
FINALISED 2016	0	0	0	0	1	1
BROUGHT FORWARD TO 2017	0	0	0	0	0	0

### Angula AJ

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	0	0	0	0	0	
ASSIGNED DURING 2015	0	0	0	0	0	
ASSIGNED DURING 2016	0	2	0	0	0	
FINALISED DURING 2015	0	0	0	0	0	
FINALISED DURING 2016	0	0	0	0	0	
BROUGHT FORWARD TO 2017	0	2	0	0	0	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	6	0
FINALISED 2016	0	0	0	0	6	0
BROUGHT FORWARD TO 2017	0	0	0	0	0	0



**Usiku AJ**

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	0	0	0	0	0	
ASSIGNED DURING 2015	0	0	0	0	0	
ASSIGNED DURING 2016	0	0	0	0	2	
FINALISED DURING 2015	0	0	0	0	0	
FINALISED DURING 2016	0	0	0	0	0	
BROUGHT FORWARD TO 2017	0	0	0	0	2	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	1	0
FINALISED 2016	0	0	0	0	0	0
BROUGHT FORWARD TO 2017	0	0	0	0	1	0

**Christiaan AJ**

PAPER FILES	ACTIONS (DELICT & CONTRACT)	ACTIONS (MATRIMONIAL)	APPLICATIONS	ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	
BROUGHT FORWARD FROM 2014	0	0	0	0	0	
ASSIGNED DURING 2015	0	0	0	0	0	
ASSIGNED DURING 2016	1	0	0	0	0	
FINALISED DURING 2015	0	0	0	0	0	
FINALISED DURING 2016	0	0	0	0	0	
BROUGHT FORWARD TO 2017	2	0	0	0	0	
EJUSTICE FILES	ACTIONS DELICT	ACTIONS CONTRACT	ACTIONS MATRIMONIAL	ACTIONS OTHER	APPLICATIONS	ADMINISTRATIVE REVIEWS
ISSUED DURING 2016	0	0	0	0	0	0
FINALISED 2016	0	0	0	0	0	0
BROUGHT FORWARD TO 2017	0	0	0	0	0	0



## CASE DISPOSAL

### DISPOSAL PERIODS

In terms of Practice Direction 62, the High Court of Namibia pursues a 100% clearance rate policy having regard to the case type. The following disposal periods are prescribed:

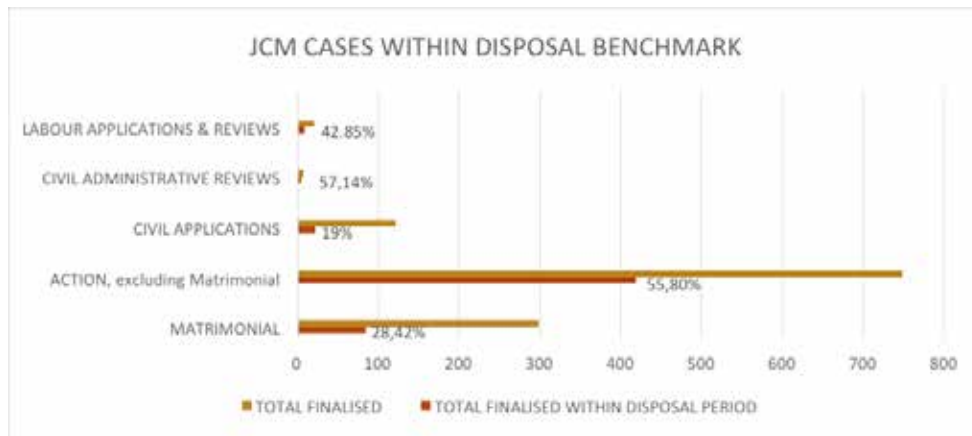
- Eight Months for matrimonial matters;
- 18 months for complexed civil actions;
- 12 months for simple civil actions; and
- Six months in motions (applications).

### Manual (Paper) Files

The table hereinafter reflects the respective case ages of the active cases under Judicial Case Management on 31 December 2016.

	MATRIMONIAL	ACTION, excluding Matrimonial	CIVIL APPLI- CATIONS	CIVIL ADMINIS- TRATIVE REVIEWS	LABOUR APPLI- CATIONS & REVIEWS	TOTAL CASES
30 DAYS	1	0	1	0	1	3
60 DAYS	4	23	0	0	0	27
90 DAYS	1	16	2	0	1	20
120 DAYS	9	18	4	1	2	34
150 DAYS	7	22	3	0	0	32
180 DAYS (6 MONTHS)	21	36	4	0	3	64
210 DAYS	29	52	9	3	2	95
240 DAYS (8 MONTHS)	13	32	1	0	0	46
270 DAYS	12	33	5	1	1	52
300 DAYS	9	29	2	0	2	42
330 DAYS	12	24	11	0	1	48
360 DAYS (12 MONTHS)	8	17	7	0	2	33
540 DAYS (18 MONTHS)	29	116	19	1	1	166
730 DAYS (2 YEARS)	19	56	13	1	1	90
OLDER THAN 2 YEARS	55	275	40	0	7	377
TOTAL CASES	299	749	121	7	21	1127



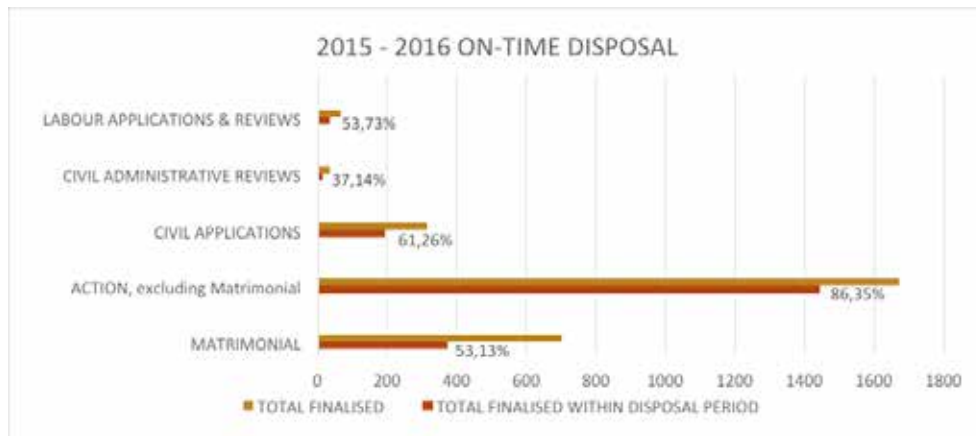


The figures listed above reflect that 47,82% of the active cases under judicial case management brought forward to the 2017 legal year were within the disposal benchmark as at 31 December 2016. The bar graph below demonstrates the extend of compliance with the disposal benchmark.

The table below reflects the respective disposal periods of the cases finalised during 2015 – 2016 under JCM.

	MATRIMONIAL	ACTION, excluding Matrimonial	CIVIL APPLICATIONS	CIVIL ADMINISTRATIVE REVIEWS	LABOUR APPLICATIONS & REVIEWS	TOTAL CASES
30 DAYS	10	63	81	2	17	173
60 DAYS	22	136	30	3	4	195
90 DAYS	30	158	38	3	8	237
120 DAYS	49	163	19	1	2	234
150 DAYS	75	147	13	2	4	241
180 DAYS (6 MONTHS)	81	109	12	2	1	205
210 DAYS	56	74	10	2	2	144
240 DAYS (8 MONTHS)	50	82	13	1	4	150
270 DAYS	50	79	7	4	1	141
300 DAYS	45	92	11	1	3	152
330 DAYS	37	69	4	1	2	113
360 DAYS (12 MONTHS)	34	58	7	1	2	102
540 DAYS (18 MONTHS)	92	213	21	7	8	341
730 DAYS (2 YEARS)	29	106	14	3	2	154
OLDER THAN 2 YEARS	30	103	33	2	6	174
<b>TOTAL CASES</b>	<b>702</b>	<b>1671</b>	<b>315</b>	<b>35</b>	<b>67</b>	<b>2790</b>





The figures above reflect that 73,76% of all cases under JCM were finalised within the prescribed disposal benchmark. The bar graph below shows the extend of compliance with the disposal benchmarks.  
eJustice (Electronic) Files

### eJustice (Electronic) Files

Since 29 June 2016 all civil actions, motions and administrative reviews are filed electronically on eJustice. That enables us to measure the disposal periods of both cases finalised on the residual court roll (unopposed / undefended matters) as well as matters finalised whilst under JCM. The table below reflects the average lifespan of eJustice cases finalised measured from the date of registration to the date of finalisation.

	Docket Allocated		Residual Court		Overall	
	Case Count	Avg. Lifespan (calendar days)	Case Count	Avg. Lifespan (calendar days)	Case Count	Avg. Lifespan (calendar days)
Action Proceedings (Contract)	32	93	349	60	381	63
Action Proceedings (Delict)	4	110	15	76	19	83
Action Proceedings (Matrimonial)	4	51	49	91	53	88
Action Proceedings (Others)	4	96	21	57	25	64
Motion Proceedings (Admission of LP)	0	0	28	54	28	54
Motion Proceedings (Ex Parte)	2	47	14	29	16	31
Motion Proceedings (General)	18	42	13	44	31	43
Motion Proceedings (Review)	4	39	0	0	4	39
<b>Overall</b>	<b>68</b>	<b>74</b>	<b>489</b>	<b>62</b>	<b>557</b>	<b>63</b>

All eJustice matters disposed of during the period under review were finalised within the disposal benchmark.



## DISPOSAL REASON

The reasons for the disposal of the 2851 JCM cases disposed of during 2015 and 2016 were stated as one of the following:

- Settlement;
- Action / Application withdrawn;
- Final order subsequent to sanctions hearing;
- Judgment after hearing;
- Transfer to Northern Local Division;
- Inactive in terms of Rule 132

The table below reflects the reasons recorded for finalisation in relation to the number of cases disposed of.

	SETTLED	ACTION / APPLICATION WITHDRAWN	SANCTIONS FINAL ORDER	FINAL ORDER / JUDGMENT AFTER HEARING	TRANSFER TO NORTHERN LOCAL DIVISION	INACTIVE ITO RULE 132	TOTAL CASES
MATRIMONIAL	434	63	14	182	1	0	694
ACTION, excluding Matrimonial	1183	189	17	288	11	5	1693
MOTION	103	39	11	167	0	13	333
ADMINISTRATIVE REVIEWS	16	10	0	13	0	0	39
LABOUR APPLICATIONS & REVIEWS	10	7	2	47	0	0	66
<b>TOTAL CASES</b>	<b>1746</b>	<b>308</b>	<b>44</b>	<b>697</b>	<b>12</b>	<b>18</b>	<b>2825</b>



The majority of civil and labour cases (73%) in the Main Division were finalised as a result of some form of agreement reached between the parties, resulting in either a settlement being made an order of court or the matter being withdrawn. Matters finalised as a result of a hearing (including sanctions hearings) amounts to 26% with 1% disposed of as a result of inactivity or transfer to the Northern Local Division.



## RESERVED JUDGMENTS

A total of 76 undelivered judgments were brought forward from previous years to the 2015 legal year while 265 judgments were reserved during the 2015 legal year totaling 341. 67% (230 judgments) of the 341 judgments were delivered during 2015. 111 judgments remained outstanding at the beginning of the 2016 legal year and an additional 365 judgments were reserved during 2016. 79% (378 judgments) of the 476 judgments remaining undelivered were delivered during the 2016 legal year with a total of 98 judgments brought forward to the 2017 legal year: of which 79 were delivered during the period 1 January 2017 – 18 April 2017 (80%).

### Summary

Reserved Total brought forward	76
2015 Reserved Total	265
2015 Delivered	230
2016 Reserved Total	365
2016 Delivered	378
Outstanding on 31 Dec 2016	98

### Damaseb JP

	Civil	Labour	Criminal
Reserved Total brought forward	7	0	0
2015 Reserved Total	0	0	2
2015 Delivered	3	0	2
2016 Reserved Total	1	0	0
2016 Delivered	5	0	0
Outside guidelines	8	0	0
Non-compliance with R133	1	0	0
Outstanding on 31 Dec 2016	0	0	0

### Damaseb JP et Miller AJ

	Civil	Labour	Criminal
Reserved Total brought forward	1	0	0
2015 Reserved Total	0	0	0
2015 Delivered	1	0	0
Outside guidelines	0	0	0
Non-compliance with R133	1	0	0
Outstanding on 31 Dec 2016	0	0	0



*Damaseb JP et Parker AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	1
2015 Delivered	0	0	1
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	0

*Angula DJP*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	2	0
2015 Reserved Total	1	0	0
2015 Delivered	0	2	0
2016 Reserved Total	41	0	0
2016 Delivered	18	0	0
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016, due date during 2017	24 <sup>1</sup>	0	0

*Hoff J*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	1	2	0
2015 Reserved Total	0	2	1
2015 Delivered	0	3	1
2016 Reserved Total	0	0	0
2016 Delivered	1	1	0
Outside guidelines	1	2	0
Non-compliance with R133	0	2	0
Outstanding on 31 Dec 2016	0	0	0

*Hoff J et Shivute J*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	5
2015 Reserved Total	0	0	2
2015 Delivered	0	0	5
2016 Reserved Total	0	0	0
2016 Delivered	0	0	2
Outside guidelines	0	0	5



Non-compliance with R133	0	0	5
Outstanding on 31 Dec 2016	0	0	0

### *J et Siboleka J*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	1
2015 Reserved Total	0	0	1
2015 Delivered	0	0	1
Outside guidelines	0	0	0
Non-compliance with R133	0	0	1
Outstanding on 31 Dec 2016	0	0	0

### *Hoff J et Unengu AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	2
2015 Reserved Total	0	0	2
2015 Delivered	0	0	2
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	0

### *Ndauendapo J*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	2	0	7
2015 Reserved Total	1	1	1
2015 Delivered	0	0	5
2016 Reserved Total	0	3	8
2016 Delivered	1	4	8
Outside guidelines	1	0	10
Non-compliance with R133	1	2	0
Outstanding on 31 Dec 2016	0	0	3 <sup>2</sup>

### *Ndauendapo J et Liebenberg J*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	1
2015 Reserved Total	0	0	2
2015 Delivered	0	0	2
2016 Reserved Total	0	0	7
2016 Delivered	0	0	4
Outside guidelines	0	0	0



Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	4 <sup>3</sup>

### *Ndauendapo J et Shivute J*

	Civil	Labour	Criminal
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	0
2015 Delivered	0	0	0
2016 Reserved Total	0	0	7
2016 Delivered	0	0	5
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	2 <sup>4</sup>

### *Liebenberg J*

	Civil	Labour	Criminal
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	13
2015 Delivered	0	0	13
2016 Reserved Total	0	0	11
2016 Delivered	0	0	11
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	0

### *Liebenberg J et Shivute J*

	Civil	Labour	Criminal
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	4
2015 Delivered	0	0	2
2016 Reserved Total	0	0	4
2016 Delivered	0	0	6
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	0

### *Liebenberg J et Siboleka J*

	Civil	Labour	Criminal
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	0



2015 Delivered	0	0	0
2016 Reserved Total	0	0	2
2016 Delivered	0	0	2
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	0

### *Liebenberg J et Usiku J*

	Civil	Labour	Criminal
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	0
2015 Delivered	0	0	0
2016 Reserved Total	0	0	3
2016 Delivered	0	0	2
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	1 <sup>5</sup>

### *Liebenberg J et Miller AJ*

	Civil	Labour	Criminal
Reserved Total brought forward	0	0	1
2015 Reserved Total	0	0	1
2015 Delivered	0	0	0
2016 Reserved Total	0	0	0
2016 Delivered	0	0	1
Outside guidelines	0	0	1
Non-compliance with R133	0	0	1
Outstanding on 31 Dec 2016	0	0	0

### *Shivute J*

	Civil	Labour	Criminal
Reserved Total brought forward	0	0	3
2015 Reserved Total	0	0	15
2015 Delivered	0	0	18
2016 Reserved Total	0	0	8
2016 Delivered	0	0	6
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	2 <sup>6</sup>



*Shivute J et Siboleka J*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	3
2015 Delivered	0	0	3
2016 Reserved Total	0	0	1
2016 Delivered	0	0	1
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	0

*Siboleka J*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	2
2015 Reserved Total	0	0	11
2015 Delivered	0	0	12
2016 Reserved Total	0	0	21
2016 Delivered	0	0	20
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	2 <sup>7</sup>

*Siboleka J et Usiku J*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	5
2015 Delivered	0	0	0
2016 Reserved Total	0	0	27
2016 Delivered	0	0	29
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	3 <sup>8</sup>

*Geier J*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	1	0	0
2015 Reserved Total	3	5	0
2015 Delivered	4	2	0
2016 Reserved Total	2	4	1
2016 Delivered	2	7	1



Outside guidelines	2	6	0
Non-compliance with R133	4	4	0
Outstanding on 31 Dec 2016	0	0	0

### *Geier J, Ueitele J et Miller AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	1	0	0
2015 Reserved Total	0	0	0
2015 Delivered	0	0	0
2016 Reserved Total	0	0	0
2016 Delivered	0	0	0
Outside guidelines	1	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	1	0	0

### *Ueitele J*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	12	2	0
2015 Reserved Total	21	5	0
2015 Delivered	14	4	0
2016 Reserved Total	16	0	0
2016 Delivered	26	2	0
Outside guidelines	36	4	0
Non-compliance with R133	11	3	0
Outstanding on 31 Dec 2016	9 <sup>9</sup>	1	0

### *Cheda J*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	1
Delivered	0	0	1
Outside guidelines	0	0	1
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	0

### *Usiku J*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	6



2015 Delivered	0	0	2
2016 Reserved Total	0	0	12
2016 Delivered	0	0	14
Outside guidelines	0	0	8
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	2 <sup>10</sup>

### *Masuku J*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	37	4	3
2015 Delivered	30	2	2
2016 Reserved Total	36	1	1
2016 Delivered	41	3	2
Outside guidelines	35	2	3
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	2 <sup>11</sup>	0	0

### *Masuku J et Miller AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	1
2015 Delivered	0	0	1
2016 Reserved Total	0	0	0
2016 Delivered	0	0	0
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	0

### *Oosthuizen J*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	0
2015 Delivered	0	0	0
2016 Reserved Total	17	0	0
2016 Delivered	13	0	0
Outside guidelines	11	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	4 <sup>12</sup>	0	0



*Silungwe AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	1	0	0
2015 Reserved Total	0	0	0
Delivered	0	0	0
Outside guidelines	1	0	0
Non-compliance with R133	1	0	0
Outstanding on 31 Dec 2016	1	0	0

*Parker AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	2	1	0
2015 Reserved Total	31	3	3
2015 Delivered	25	4	3
2016 Reserved Total	32	6	0
2016 Delivered	37	5	0
Outside guidelines	5	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016 <sup>13</sup>	4	1	0

*Parker AJ et Kauta AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	1
Delivered	0	0	1
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	0

*Van Niekerk J (retired)*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	12	0	1
2015 Reserved Total	0	0	0
2015 Delivered	7	0	1
2016 Reserved Total	1	0	0
2016 Delivered	0	0	0
Outside guidelines	13	0	1
Non-compliance with R133	13	0	0
Outstanding on 31 Dec 2016	6	0	0



*Botes AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	1	0	0
2015 Reserved Total	0	0	0
2015 Delivered	0	0	0
2016 Reserved Total	0	0	0
2016 Delivered	1	0	0
Outside guidelines	1	0	0
Non-compliance with R133	1	0	0
Outstanding on 31 Dec 2016	0	0	0

*Unengu AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	5	7	2
2015 Delivered	4	2	2
2016 Reserved Total	5	6	0
2016 Delivered	3	9	0
Outside guidelines	3	3	2
Non-compliance with R133	1	1	0
Outstanding on 31 Dec 2016 <sup>14</sup>	3	2	0

*Miller AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	10	2	1
2015 Reserved Total	37	2	0
2015 Delivered	29	3	0
2016 Reserved Total	36	0	0
2016 Delivered	44	1	0
Outside guidelines	44	3	1
Non-compliance with R133	22	0	0
Outstanding on 31 Dec 2016 <sup>15</sup>	10	0	1

*Miller AJ et Masuku AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	1
2015 Delivered	0	0	1
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	0



*Schimming-Chase AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	7	3	0
2015 Delivered	6	1	0
2016 Reserved Total	0	0	0
2016 Delivered	1	2	0
Outside guidelines	1	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	0

*Simpson AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	1
2015 Delivered	0	0	1
Outside guidelines	0	0	1
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	0

*Kauta AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	1	0	0
2015 Reserved Total	5	0	0
2015 Delivered	4	0	0
2016 Reserved Total	0	0	0
2016 Delivered	1	0	0
Outside guidelines	4	0	0
Non-compliance with R133	2	0	0
Outstanding on 31 Dec 2016	1	0	0

*Van Wyk AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	0
2015 Delivered	0	0	0
2016 Reserved Total	6	13	0
2016 Delivered	5	13	0
Outside guidelines	3	1	0



Non-compliance with R133	2	4	0
Outstanding on 31 Dec 2016	1 <sup>16</sup>	0	0

### *Narib AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	0
2015 Delivered	0	0	0
2016 Reserved Total	4	2	0
2016 Delivered	4	2	0
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	0

### *E Angula AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	0
2015 Delivered	0	0	0
2016 Reserved Total	7	3	0
2016 Delivered	6	2	0
Outside guidelines	2	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	1	1	0

### *B Usiku AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	0
2015 Delivered	0	0	0
2016 Reserved Total	0	0	6
2016 Delivered	0	0	4
Outside guidelines	0	0	2
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	0	0	2 <sup>17</sup>

### *Christiaan AJ*

	<b>Civil</b>	<b>Labour</b>	<b>Criminal</b>
Reserved Total brought forward	0	0	0
2015 Reserved Total	0	0	0



2015 Delivered	0	0	0
2016 Reserved Total	2	0	0
2016 Delivered	0	0	0
Outside guidelines	0	0	0
Non-compliance with R133	0	0	0
Outstanding on 31 Dec 2016	2 <sup>18</sup>	0	0

## ENDNOTES

- <sup>1</sup> All judgments brought forward to the 2017 legal year were delivered prior to the due date during the period 1 January 2017 – 18 April 2017.
- <sup>2</sup> All judgments brought forward to the 2017 legal year were delivered during the period 1 January 2017 – 18 April 2017.
- <sup>3</sup> Three of the 4 judgments brought forward to the 2017 legal year were delivered prior to the due date during the period 1 January 2017 – 18 April 2017. One judgment remains outstanding, but is still within the prescribed timelines.
- <sup>4</sup> One of the 2 judgments brought forward to the 2017 legal year was delivered prior to the due date during the period 1 January 2017 – 18 April 2017. One judgment remains outstanding, but is still within the prescribed timeline.
- <sup>5</sup> The judgment brought forward to the 2017 legal year was delivered prior to the due date during the period 1 January 2017 – 18 April 2017.
- <sup>6</sup> Both judgments brought forward to the 2017 legal year were delivered prior to the due date during the period 1 January 2017 – 18 April 2017.
- <sup>7</sup> Both judgments brought forward to the 2017 legal year were delivered prior to the due date during the period 1 January 2017 – 18 April 2017.
- <sup>8</sup> All judgments brought forward to the 2017 legal year were delivered prior to the due date during the period 1 January 2017 – 18 April 2017.
- <sup>9</sup> Six of the 9 judgments brought forward to the 2017 legal year were delivered during the period 1 January 2017 – 18 April 2017. Three civil and one labour judgment remains outstanding. All judgments outstanding are beyond the prescribed timelines for delivery.
- <sup>10</sup> Both judgments brought forward to the 2017 legal year were delivered during the period 1 January 2017 – 18 April 2017, one of which was delivered outside the prescribed timelines for the delivery of the judgment.
- <sup>11</sup> Both judgments brought forward to the 2017 legal year were delivered during the period 1 January 2017 – 18 April 2017, one of which was delivered outside the prescribed timelines for the delivery of the judgment.
- <sup>12</sup> All four judgments brought forward to the 2017 legal year were delivered during the period 1 January 2017 – 18 April 2017, three of which were delivered outside the prescribed timelines for the delivery of the judgment.
- <sup>13</sup> All judgments brought forward to the 2017 legal year were delivered prior to the due date during the period 1 January 2017 – 18 April 2017.
- <sup>14</sup> All judgments brought forward to the 2017 legal year were delivered during the period 1 January 2017 – 18 April 2017, one of which was delivered outside the prescribed timelines.
- <sup>15</sup> All judgments brought forward to the 2017 legal year were delivered during the period 1 January 2017 – 18 April 2017.
- <sup>16</sup> The judgment brought forward to the 2017 legal year was delivered during the period 1 January 2017 – 18 April 2017, but was delivered outside the prescribed timelines.



<sup>17</sup> Both judgments brought forward to the 2017 legal year were delivered prior to the due date during the period 1 January 2017 – 18 April 2017.

<sup>18</sup> One of the 2 judgments brought forward to the 2017 legal year was delivered prior to the due date during the period 1 January 2017 – 18 April 2017. One judgment remains outstanding, which is still within the prescribed timeline.

## REGISTRY

The Registry (Registrar's Office) is responsible, amongst others, for the issuance of writs of execution and the Taxation of Bills of Costs.

2015	Writs of execution issued	1549
2016	Writs of execution issued	1480
2015	Taxations	325
2016	Taxations	363

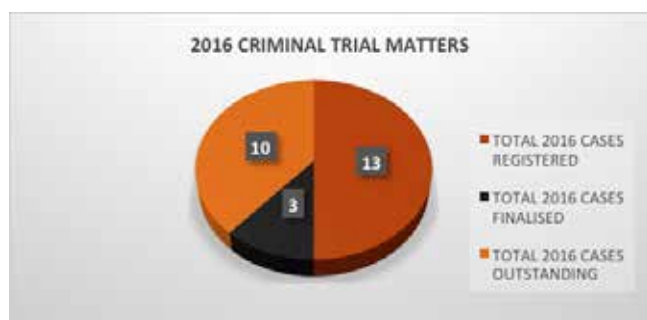
## NORTHERN LOCAL DIVISION

We are unable at this time to provide a complete picture about the Northern Local Division because of lack of staff for a long time. Even though records were kept they are not reliable for reporting purposes. With the appointment in 2016 of Ms Wakatama as the deputy registrar in the Northern Local Division things have improved and reasonably reliable records and statistics are being kept to enable us to report on the Northern Local Division's activities since her appointment.

## CRIMINAL STREAM

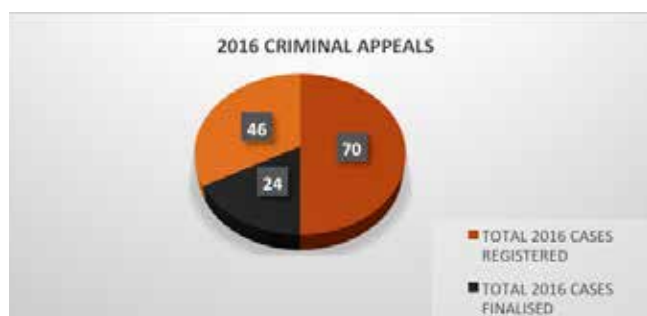
### CRIMINAL TRIALS

2016 New Registrations	13
2016 Cases Finalised	3
Total 2016 Cases Brought Forward to 2017 Legal Year	10



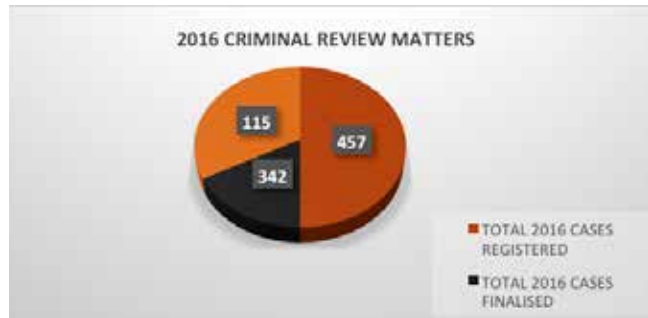
### CRIMINAL APPEAL MATTERS

2016 New Registrations	70
2016 Cases Finalised	24
Total 2016 Cases Brought Forward to 2017 Legal Year	46



## CRIMINAL REVIEW MATTERS

2016 New Registrations	457
2016 Cases Finalised	342
Total 2016 Cases Brought Forward to 2017 Legal Year	115



Tommasi J	Reviews Received	200
	Reviews Queried	15
	Reviews Finalised	83
	Reviews Outstanding	102
Cheda J	Reviews Received	51
	Reviews Queried	3
	Reviews Finalised	48
	Reviews Outstanding	0
January J	Reviews Received	206
	Reviews Queried	0
	Reviews Finalised	193
	Reviews Outstanding	13

## CIVIL AND LABOUR STREAM

### CIVIL AND LABOUR MATTERS

2016 New Registrations	287
2016 Cases Finalised	264
Total 2016 Cases Brought Forward to 2017 Legal Year	2



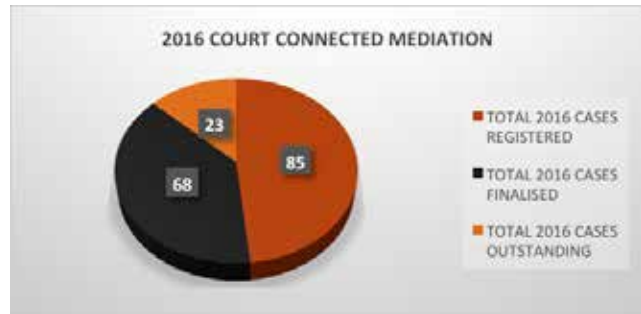
### CIVIL APPEAL MATTERS

2016 New Registrations	5
2016 Cases Finalised	5
Total 2016 Cases Brought Forward to 2017 Legal Year	0



## COURT CONNECTED MEDIATIONS

2016 New Registrations	85
2016 Cases Finalised	68
Total 2016 Cases Brought Forward to 2017 Legal Year	23



## REGISTRY

The Registry (Registrar's Office) is responsible, amongst others, for the issuance of writs of execution and the Taxation of Bills of Costs.

2015 Writs of execution issued	38
2016 Writs of execution issued	62
2015 Taxations	19
2016 Taxations	73



# OUR KEY CONCERNS

## CRIMINAL STREAM

### VIOLENCE AGAINST WOMEN AND CHILDREN (GBV)

Violence against women and children shows no sign of abating. Of the criminal cases registered at the High Court during 2015 and 2016 a staggering 70 % involve the murder or rape of a woman or a child.

CASES FINALISED: TOTAL		CASES FINALISED: 2016		CASES FINALISED: 2015	
VIOLENCE AGAINST WOMEN & CHILDREN: YES	VIOLENCE AGAINST WOMEN & CHILDREN: NO	VIOLENCE AGAINST WOMEN & CHILDREN : YES	VIOLENCE AGAINST WOMEN & CHILDREN: NO	VIOLENCE AGAINST WOMEN & CHILDREN: YES	VIOLENCE AGAINST WOMEN & CHILDREN: NO
33	12	17	3	16	9

The table below shows the cases heard by judges of the Criminal Stream (Main Division) during 2015 - 2016 and the average sentences imposed:

INDIVIDUAL CHARGES: VIOLENCE AGAINST WOMEN AND CHILDREN								
		2015			2016		2015 + 2016	
			NR OF CHARGES: 2015	AVERAGE SENTENCE: 2015	NR OF CHARGES: 2016	AVERAGE SENTENCE: 2016	TOTAL CHARGES 2015 & 2016	AVERAGE SENTENCE 2015 & 2016
MD	MURDER	GUILTY	9	30years	13	33years 4months	22	31years 6months
		NOT GUILTY	1		1		2	
	ATTEMPTED MURDER	GUILTY	7	5Y10M	3	9Y4M	10	7Y7M
		NOT GUILTY	4		0		4	
CULPABLE HOMICIDE	GUILTY	1	8Y			1	8Y	
	NOT GUILTY					0		
RAPE	GUILTY	15	20years 8 months	11	17years	26	18years 10months	
	NOT GUILTY	8		1		9		
ATTEMPTED RAPE	GUILTY	1	5Y			1	5Y	
	NOT GUILTY					0		
ASSAULT GBH	GUILTY	3	6Y			3	6Y	
	NOT GUILTY	1		1		2		
ASSAULT BY THREAT	GUILTY	1	2Y			1	2Y	
	NOT GUILTY	1				1		
ROBBERY	GUILTY	5	10Y2M			5	10Y2M	
	NOT GUILTY					0		
POINTING / POSSESSION FIREARM	GUILTY	4	1Y7M			4	1Y7M	
	NOT GUILTY					0		
HUMAN TRAFFICKING	GUILTY	5	5Y			5	5Y	
	NOT GUILTY	5				5		
SOLICITING A CHILD TO PERFORM IMMORAL ACT	GUILTY					0		
	NOT GUILTY	2				2		

It is clear from the above that the average sentence for murder involving GBV is 31 years and for rape 9 years.



## CIVIL STREAM

It is a matter of regret that most debt collection practitioners continue to use the High Court as the principal forum for debt collection matters that fall within the magistrate's court jurisdiction. This practice places an unnecessary burden on the High Court judges who already carry a heavy case-load.

E-justice generated statistics in respect of causes of action based on breach of contract for the period 27 June – 31 December 2016 show that of the 937 cases registered figure (39%) fall within the Magistrate's court jurisdiction.

Judges already have the power not only to deny litigants High Court costs for matters which fall within the magistrate's court jurisdiction but to deny them all costs (*Kalahari Wire product (PTY) Ltd v Property Investments No. 5 CC [2014] NAHCMD 191* (20 June 2014)).

Other troubling concerns are the too many interlocutory skirmishes during a case's lifespan and the high incidence of postponements that scupper set down trial actions. Interlocutory applications which do not contribute to bringing a matter to a quick resolution undermine the ethos of judicial case management. The rationale of Rule 32(9) is to encourage the parties to resolve procedural issues without adjudication. The certainty and integrity of trial dates is an essential part of our case management system. Trial dates must therefore only be vacated exceptionally and not for the asking – certainly not without the party seeking it satisfying the court of the need for a postponement.

Another issue which needs our urgent attention is ensuring that mediation continues to serve the function it was intended for: to encourage out-of-court settlement of legal disputes under the auspices of the court so as to reduce the pressure on judges, and to limit litigants' legal costs. Mediation should not be caught up in a culture of delay and procrastination. If parties do not settle a matter within the time set by the court, they should be granted their wish to have their day in court and not be allowed to string out the process by seeking more and more mediation opportunities.



## UPDATE ON OUTSTANDING JUDGMENTS FOR 2015 - 2016

In order to show the tremendous progress made in the meantime with the delivery of reserved judgments, we provide hereunder an update on judgments delivered to date by those judges who had several judgments outstanding outside the guidelines at the close of the 2015 legal years. As at the end of 2016 the judges listed below had undelivered judgments outside the Guidelines. We report below on the status of their undelivered judgments for 2015 – 2016 outside the Guidelines on the date of publication of this report:

<b>JUDGE</b>	<b>JUDGMENTS OVERDUE ON 31 DECEMBER 2016</b>	<b>OVERDUE JUDGMENTS DELIVERED 1 JANUARY 2017 – 28 APRIL 2017</b>	<b>OVERDUE JUDGMENTS OUTSTANDING</b>
NDAUENDAPO J	1	1	0
GEIER J, UEITELE J et MILLER AJ	1	1	0
UEITELE J	0	6	4
USIKU J	1	1	0
OOSTHUIZEN J	1	1	0
VAN NIEKERK J	5	0	5
SILUNGWE AJ	1	0	1
MILLER AJ	7	7	0
KAUTA AJ	1	1	0
<b>TOTAL</b>	<b>28</b>	<b>18</b>	<b>0</b>







