



Republic of Namibia
MINISTRY OF JUSTICE

ANNUAL REPORT 2019/2020





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LIST OF ABBREVIATIONS

| | |
|-----------------|---|
| AFREXIM | African Export-Import |
| AG | Attorney General |
| AU | African Union |
| AVATT | Africa Vaccine Acquisition Task Team |
| ECN | Electoral Commission of Namibia |
| EU | European Union |
| LRDC | Law Reform and Development Commission |
| MERCOSUR | Southern Common Market (Spanish translation) |
| MLA | Mutual Legal Assistance |
| MOJ | Ministry of Justice |
| MP | Member of Parliament |
| NAMPOL | Namibian Police |
| NEEBB | National Equitable Economic Empowerment Bill |
| NEEFF | National Equitable Economic Empowerment Framework |
| NPC | National Planning Commission |
| NUST | Namibia University of Science and Technology |
| OMA | Offices/Ministries/Agencies |
| OKACOM | Okavango River Basin Water Commission |
| OPM | Office of the Prime Minister |
| PDP | Previously Disadvantaged Persons |
| SACU | Southern African Customs Union |
| UN | United Nations |

PREFACE

It is with great pleasure and a profound sense of accomplishment that the Ministry of Justice presents the Annual Report for the Financial Year 2019/2020. This document stands as a testament to the Ministry's unwavering dedication to providing effective legal services and ensuring access to justice for all Namibians. Despite encountering significant challenges throughout the year, the Ministry's commitment to its mandate remained steadfast, guided by a spirit of resilience and strategic focus.

Annual reports hold a special significance, transcending the mere account of institutional activities. They serve as windows into the future, reflecting the values and aspirations that define an institution. Moreover, they play a vital role in fostering trust and accountability with stakeholders and the public, serving as a gauge of institutional performance.

As the Ministry celebrates its achievements, it is imperative to acknowledge the hurdles that persist. The limitations posed by staffing constraints and have been formidable. Yet, through innovation and adaptability, the Ministry has navigated these challenges with resolve.

The annual report serves as a crucial tool for reflecting on and evaluating the Ministry's work during the period reported on. It provides essential insights into activities, challenges, and successes over the past year, serving as a cornerstone for transparency and accountability. Furthermore, it underscores the Ministry's dedication to advancing the cause of social justice and human rights in Namibia.

During the financial year under review, the Ministry operated within a budget of N\$ 325,998,000.00. Noteworthy regulatory reforms, including revised Legal Aid Regulations, underscore the Ministry's commitment to enhancing access to justice. Additionally, legislative accomplishments, with 88% of Bills and regulations completed within stipulated timeframes, demonstrate efficiency and effectiveness.

Looking ahead, the Ministry remains resolute in its commitment to ensuring equitable access to legal services and justice for every Namibian. Together, the Ministry and its stakeholders will confront obstacles, seize opportunities, and advance the collective vision of a fair and just society.

PART A: INTRODUCTION

1. ABOUT THE MINISTRY OF JUSTICE

The Ministry of Justice was established in line with the Namibian Constitution. The Ministry is headed by the Minister of Justice who is a member of Cabinet duly appointed by the President of the Republic of Namibia in line with Article 35 of the Namibian Constitution.

1.1. FUNCTIONAL AND OPERATIONAL OVERVIEW



MANDATE

The Ministry of Justice is mandated to provide legal services and facilitate access to justice.



MISSION

To deliver quality, timely and accessible legal services and to provide quality, timely and independent legal representation, advice, and prosecutions.



VISION

To be a leading provider of legal services



CORE VALUES

- Integrity
- Transparency
- Service Excellence
- Accountability
- Professionalism
- Synergy

1.2. OUR DIRECTORATES

The mandate of the Ministry is carried out through its various directorates as indicated below:

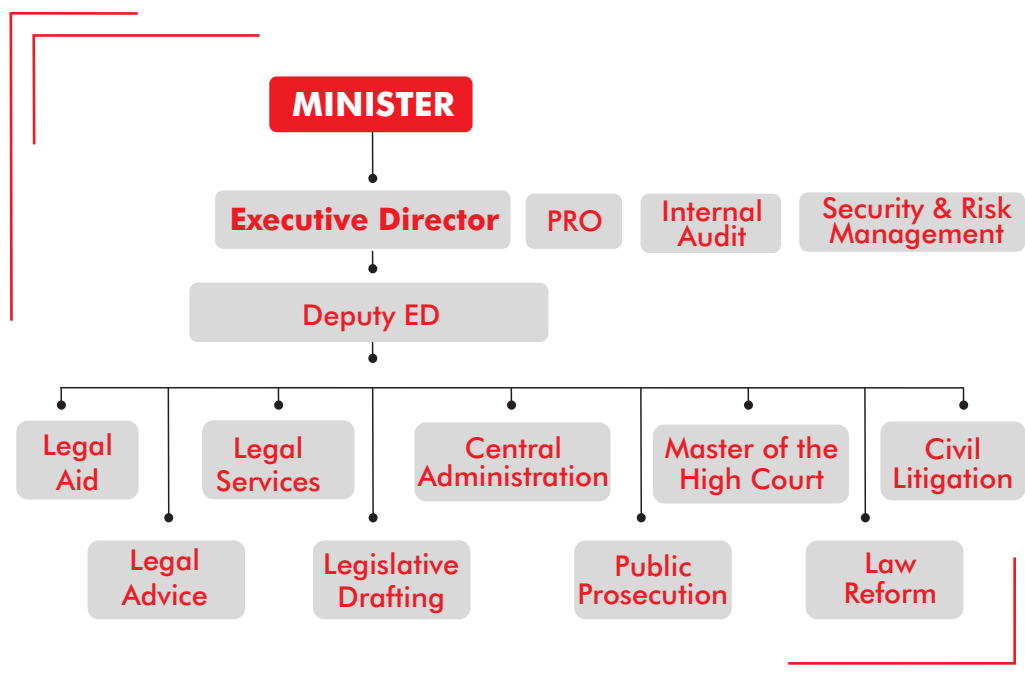
| DIRECTORATE | FUNCTIONS |
|------------------------|--|
| Central Administration | The directorate provides administrative support services to the Ministry of Justice, the Office of the Attorney-General, Prosecutor General, Ombudsman, and legal directorates associated with these constitutional appointees. The Directorate's primary strategic objective is to establish and maintain an enabling environment and promote a high-performance culture. |
| Legal Aid | The mandate is to ensure access to justice by providing legal aid, that is, legal advice and legal representation to persons with insufficient income, at the expense of the State. |
| Legislative Drafting | provides legislative drafting services and publication services in the followings Bills, Statutory Instruments, Publications in the Government Gazette and Advisory function, to Offices, Ministries, Agencies, Local Authority and Regional Councils, Public Owned Enterprises, other statutory bodies and the public. |
| Legal Services | Responsible for the administration and execution of legal processes on national, regional, and international level relating to mutual legal assistance in criminal and civil matters; extraditions; human rights and humanitarian law; reciprocal enforcement of maintenance matters, investigating and presenting of maintenance matters to the court; bilateral and multilateral legal matters; providing administrative support to the Board for Legal Education; Disciplinary Committee for Legal Practitioners and issuing of Apostilles in terms of the Hague Convention of 05 October 1961. |
| Law Reform | The Law Reform and Development Commission Act 29 of 1991 establishes the LRDC. The core function of the directorate is to render support to the LRDC by conducting research in connection with and to examine all branches of the Namibian Law to enable the LRDC to make recommendations for reform and development of the said law. The directorate also provides policy and research capacity for legislation administered by the Ministry of Justice |

| | |
|--------------------------|---|
| Master of the High Court | This directorate is required by statute to supervise the administration of deceased estates, liquidations and insolvencies, registration of trusts and the administration of the Guardian's Fund. |
| Civil Litigation | This directorate is mandated to represent Government O/M/As in civil cases and individual staff members of Government O/M/As when they have acted in their professional capacity. |
| Legal Advice | This directorate provides capacity to the Attorney General on legal matters to enable the Attorney General as principle legal advisor to the President and Government to execute his/ her Constitutional mandate. |

1.3. OUR STRUCTURE

The Minister and Executive Management are tasked with ensuring good corporate governance, which is vital to the Ministry's compliance with the policy and legislative framework guiding the Ministry's operations.

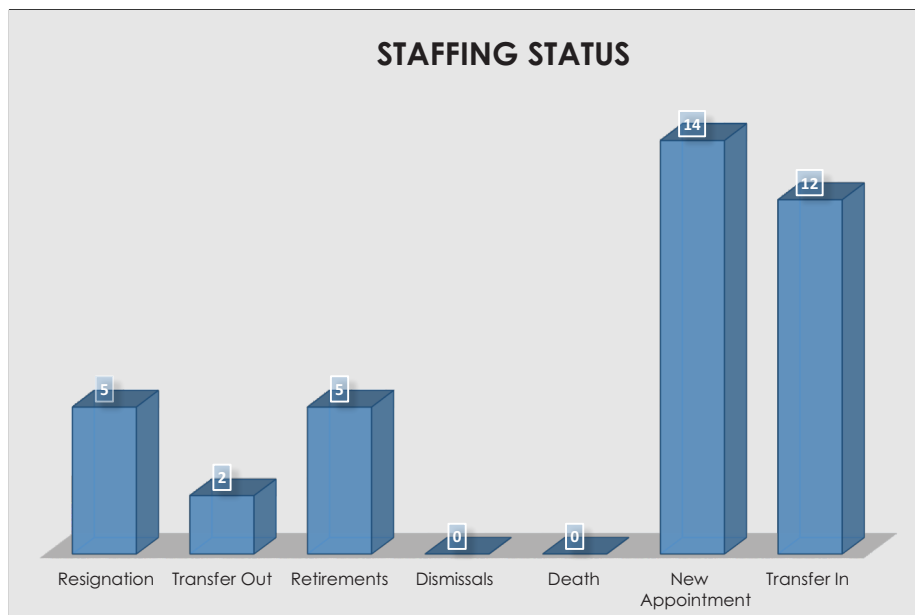
The Executive management of the Ministry is coordinated by the Executive Director and the management team within the Ministry.



1.4. WORKFORCE PROFILE

During the reporting year, the Ministry employed a total workforce of 626 employees which includes legal officers and non-legal officers. The table below reflects the staffing status for the Ministry during the reporting period.

| | |
|-----------------|----|
| Resignation | 5 |
| Transfer Out | 2 |
| Retirements | 5 |
| Dismissals | 0 |
| Death | 0 |
| New appointment | 14 |
| Transfer in | 12 |

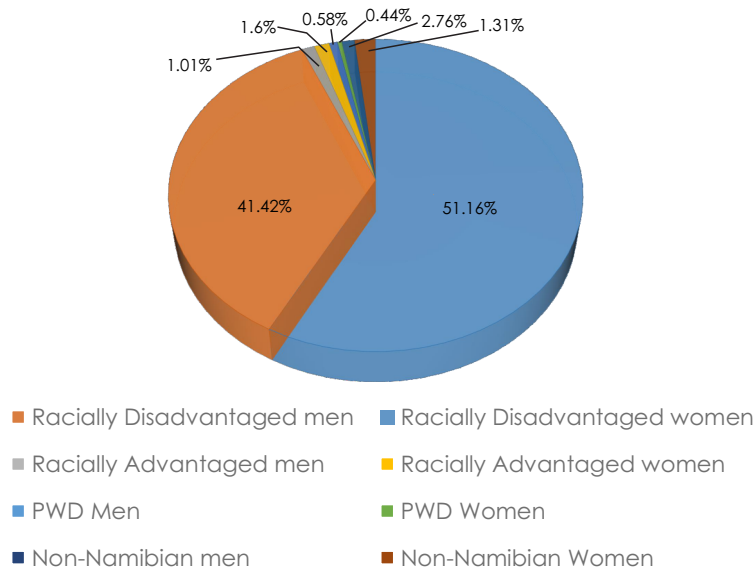


1.5. DIVERSITY MANAGEMENT

The Affirmative Action (Employment) Act, 1998 (No. 29 of 1998) was instituted to address workplace imbalances resulting from the discriminatory socio-economic conditions that existed in Namibia prior to Independence. As a designated employer, and guided by its Affirmative Action Policy, the Ministry is dedicated to transforming the current demographic workforce profile in accordance with the requirements and objectives of the Affirmative Action (Employment) Act, 1998 (No. 29 of 1998). The goal is to achieve an equitable representation of competent employees from designated groups at all occupational levels within the Ministry, to the extent practical.

The following chart illustrates the workforce profile and demography in the Ministry during the period under review:

DIVERSITY AS AT 31 DECEMBER 2019



1.6. STAKEHOLDERS

The Ministry has various stakeholders at national, regional and international level. The Ministry has classified its stakeholders that are pertinent to the functional operations of the ministry and have been instrumental in the success of the attainment of its strategic goals within the reporting period.

2. GOVERNANCE FRAMEWORK

2.1. GOVERNANCE FRAMEWORK

During the period under review, the Ministry set an objective to ensure that relevant policies and compliance frameworks are developed and operationalised.

The legislative framework that governs the Ministry of Justice in Namibia includes various laws, regulations, and statutes that outline the powers, functions, and responsibilities of the ministry. Some key legislative instruments that guide the operations of the Ministry of Justice in Namibia may include, but is not limited to:

1. **The Constitution of the Republic of Namibia**
2. **Public Service Act, 1995 (Act No. 13 of 1995)**
3. **State Financial Act, 1991 (Act No. 31 of 1991)**
4. **Public Procurement Act, 2015 (Act No. 15 of 2015)**
5. **Labour Act, 2007 (Act No. 11 of 2007)**
6. **Affirmative Action Act, 1998 (No. 29 of 1998)**
7. **Legal Aid Act, 1990 (Act, 29 of 1990)**
8. **Legal Practitioners Act, 1995 (No. 15 of 1995)**
9. **Law Reform and Development Commission Act, 1991 (Act No. 29 of 1991)**
10. **Trust Monies Protection Act 1934 (Act No 34 of 1934)**
11. **Government Attorney Proclamation of No. R. 161 of 1982**
12. **Criminal Procedure Act, 1977 (Act 51 of 1977)**
13. **Administration of Estates Act, 1965 (Act 66 of 1965)**
14. **High Court Act, 1990 (Act 16 of 1990)**
15. **Prevention of Organised Crime Act, 2004 (Act 29 of 2004)**
16. **International Cooperation in Criminal Matters Act, 2000 (Act 9 of 2000)**
17. **Extradition Act, 1996 (Act 11 of 1996)**
18. **Community Courts Act, 2003 (Act 10 of 2003)**

The Ministry of Justice operates within a well defined governance structure that is aligned with the principles enshrined in the Namibian Constitution. This structure facilitates effective leadership, accountability, and compliance with legal frameworks governing the Ministry's operations.

Corporate Governance

The Ministry places paramount importance on good corporate governance, recognizing its significance in ensuring transparency, accountability, and adherence to legal frameworks. The Minister and the Executive Management are collectively responsible for upholding these governance standards.

Compliance and Legal Frameworks

The governance structure of the Ministry is underpinned by a commitment to compliance with laws and legislative frameworks that govern its operations. The Ministry operates in alignment with the provisions set forth in the Namibian Constitution and relevant statutes.

2.2. INTERNAL AUDIT

Through its Division of Internal Audit, the Ministry carries out its function of assisting the management in accomplishing its objectives by evaluating the effectiveness of the Ministry's governance, risk management, and internal controls and recommending improvement.

The Division: perform internal audit services in accordance with the International Standards of the Professional Practice of Internal Auditing (ISPPA) and in accordance with the government regulatory framework best practices as approved in the internal audit activity charter.

3. STRATEGY MANAGEMENT

To achieve the Ministry's long-term vision, the Ministry implemented its strategic framework as depicted below. The Ministry implemented five strategic objectives with 16 key performance indicators that determined the level of performance of the Ministry.

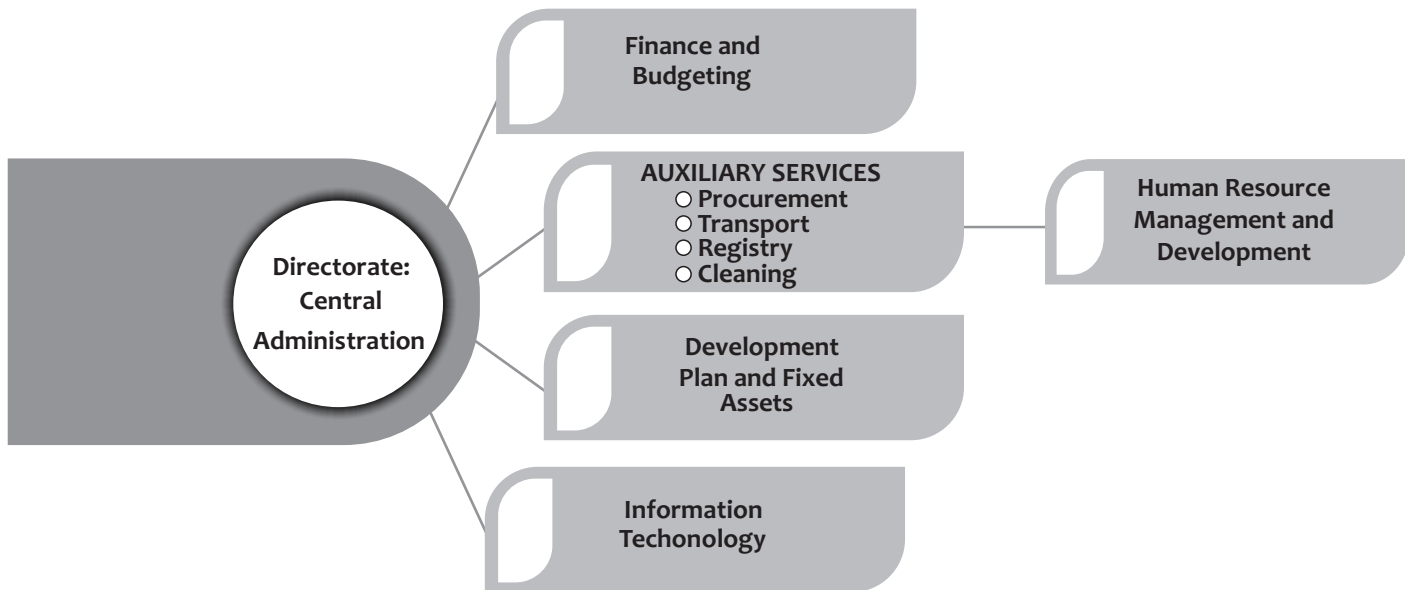
| STRATEGIC PILLAR | STRATEGIC OBJECTIVE | KEY PERFORMANCE INDICATORS |
|----------------------------------|---|---|
| Administration of Justice | To enhance access to justice | <ul style="list-style-type: none"> ● Access to justice for all by providing legal representation to those without or with inadequate income. ● Ensure orderly and speedy supervision and finalisation of deceased estates, insolvencies and trusts and Guardian's fund. ● Key functions decentralized. |
| Promotion of good governance | To ensure effective regulatory framework and compliance. | <ul style="list-style-type: none"> ● Implementation of effective governance framework within the Ministry of Justice. |
| Provision of legal services | To improve timely delivery of quality legal services | <ul style="list-style-type: none"> ● Legal services completed on time. ● Key services streamlined. |
| Supervision and support services | <ul style="list-style-type: none"> ● To promote independent and impartial resolution of complaints relating to public administration ● To enhance organizational performance. | <ul style="list-style-type: none"> ● Compliance with the Performance Management System. ● Decline in justified complaints. ● Increase in ministerial performance score. |

The Ministry's strategic plan is aligned with the Vision 2030 and is guided by the principles outlined in the National Development Plan 5, as well as the Harambee Prosperity Plan.

PART B: CONSOLIDATED PERFORMANCE

4. DIRECTORATE: CENTRAL ADMINISTRATION

The directorate provides administrative support services to the Minister of Justice, the Attorney-General, Prosecutor-General, Ombudsman, and legal directorates associated with these constitutional appointees. The Directorate's primary strategic objective is to establish and maintain an enabling environment and promote a high performance culture.



4.1. OVERVIEW OF ACTIVITIES

In the fulfilment of its mandate the Directorate was seized with the following activities during the reporting year:

- Facilitate strategic planning and management interventions.
- Administer financial transactions.
- Facilitate budgeting and resource management.
- Manage and maintain fixed assets.
- Manage and administer human capital.

4.2. FINANCIAL OVERVIEW

In the financial year under review, the Ministry was allocated a total budget of three hundred twenty-five million and nine hundred and ninety-eight thousand Namibian Dollars **(N\$ 325,998,000.00)** .

The table below provides a breakdown of the appropriation amounts and an overview per Directorates during the financial year under review:

| Service | N\$ | Authorized expenditure | Actual expenditure | Variations | |
|---|----------------|------------------------|-----------------------|-----------------------------|-------------|
| | | | | Under-expenditure/ (Excess) | Percentage |
| | N\$ | N\$ | N\$ | N\$ | % |
| 01. Office of the Minister/Attorney General: | | | | | |
| Original budget | 2,603,000.00 | | | | |
| Plus: Virement | 180,000.00 | 2,783,000.00 | 2,589,357.23 | 193,642.77 | 6.96 |
| 02. Central Administration: | | | | | |
| Original budget | 159,259,000.00 | | | | |
| Mid year (Additional Budget) | 2,900,000.00 | | | | |
| Plus: Virement | 5,051,100.00 | 167,210,100.00 | 161,780,955.79 | 5,429,144.21 | 3.25 |
| 03 Law Reform: | | | | | |
| Original budget | 11,715,000.00 | | | | |
| Less: Virement | (618,300.00) | 11,096,700.00 | 10,900,491.82 | 196,208.18 | 1.77 |
| 04. Legislative Drafting: | | | | | |
| Original budget | 21,263,000.00 | | | | |
| Less: External Virement | (3,312,000.00) | | | | |
| Less: Virement | (2,500,000.00) | 15,451,000.00 | 15,174,257.11 | 276,742.89 | 1.79 |
| 05. Office of the Ombudsman: | | | | | |
| Original budget | 19,924,000.00 | | | | |
| Less: Virement | (1,435,000.00) | 18,489,000.00 | 17,658,082.76 | 830,917.24 | 4.49 |
| 06. Legal Aid: | | | | | |
| Original budget | 67,629,000.00 | | | | |
| Plus: Virement | 2,448,193.00 | 70,077,193.00 | 69,250,181.37 | 827,011.63 | 1.18 |
| 07. Legal Service: | | | | | |
| Original budget | 25,509,000.00 | | | | |
| Less: External Virement | (1,004,993.00) | | | | |
| Less: Virement | (1,354,000.00) | 23,150,007.00 | 23,093,230.56 | 56,776.44 | 0.25 |
| 08. Master of the High Court: | | | | | |
| Original budget | 19,050,000.00 | | | | |
| Less: Virement | (1,309,000.00) | 17,741,000.00 | 17,559,282.95 | 181,717.05 | 1.02 |
| TOTAL: | | 325,998,000.00 | 318,005,839.59 | 7,992,160.41 | 2.45 |

4.3. TRAINING AND DEVELOPMENT

The Ministry of Justice places a significant emphasis on human resources development, demonstrating a firm commitment to enhancing organizational performance and reputation through employee development. This commitment extends to both long-term and short-term development and training interventions, ensuring that employees possess the necessary skills to effectively fulfil their entrusted mandate.

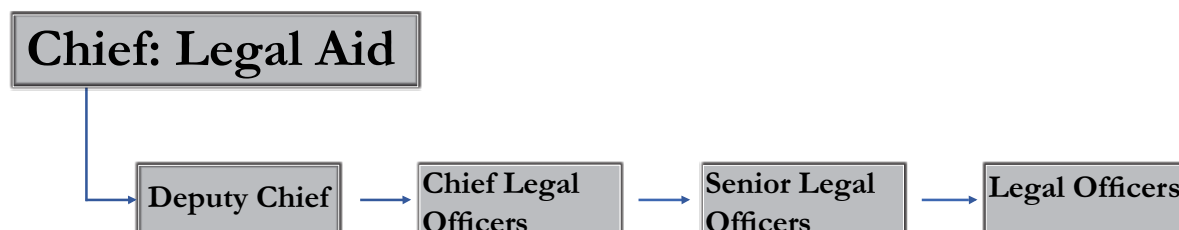
During the period under review the Training and Development Sub-Division conducted the following training interventions:

| TRAINING | No. |
|-----------------|------------|
| Participants | 126 |



5. DIRECTORATE: LEGAL AID

The mandate of the Directorate of Legal Aid is to provide legal aid to indigent persons at State expense. The Directorate gets its mandate from Article 12 and Article 95 (h) of the Constitution, as well as the Legal Aid Act 29 of 1990 (as amended), with the Regulations made thereunder.



5.1. OVERVIEW OF ACTIVITIES

- Prepare the Memorandum of Association to tackle delays in processing legal aid applications.
- Implement the provisions outlined in the revised Legal Aid Regulations.
- Address the deficiencies in the civil unit and improve legal representation for defendants in Superior Courts.
- Conclude the recruitment process for the 16 legal aid lawyers.

5.2. SUCCESSES

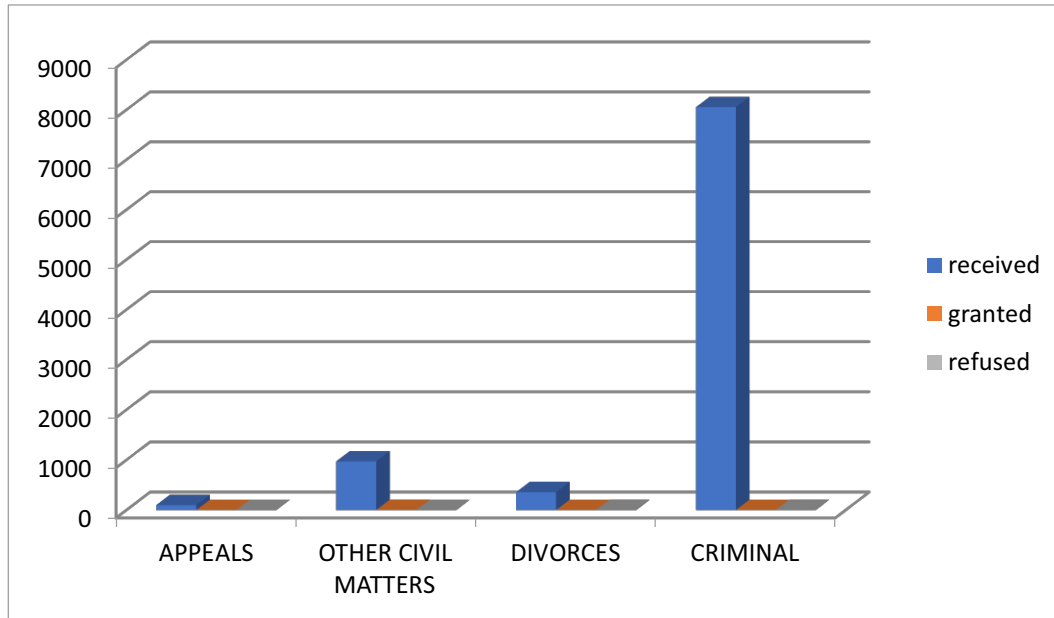
- Revised Legal Aid Regulations, effective April 1st, 2019, introduced mandatory contributions, raised the eligibility threshold to N\$3500, and formalized tariffs for private legal practitioners in legal aid cases.
- A Memorandum of Understanding was signed between the Executive Directors of the Ministry of Justice and the Office of the Judiciary to streamline the management of legal aid applications.
- Performance standards for court clerks handling criminal cases were established in the Memorandum of Understanding to assist the Director.
- Recruitment of 16 legal aid counsel under the second Public Defender Project was completed, with training starting in May 2019 and deployment to duty stations in June 2019.
- Additional legal aid counsel was stationed in towns with heavy caseloads, reducing the need for private practitioners and cutting legal fees costs.

5.3. CHALLENGES

- With the increase in applications for legal aid that are being received, and the lifting of the divorce moratorium, it was noticed that the three senior legal aid lawyers dealing with civil cases are ill equipped to deal with the cases, resulting in many cases being instructed to private legal practitioners, at great cost to the Directorate.
- Office space problems persist for legal aid lawyers, who in some stations are three in very small offices. Windhoek, Mungunda Street is one such, as well as at Katima Mulilo. The only stations where office space is addressed is where prefabricated court structures and offices have been built, these are only at Grootfontein, Rundu, Rehoboth and Otjiwarongo.
- Requests for transport by legal aid lawyers are received daily, as the Directorate does not have adequate vehicles, to the extent that some legal aid lawyers have resorted to seeking authorization to make use of their private vehicles to perform their official functions. This situation is untenable, as the Ministry does not provide financial assistance to cushion the legal officers against costs such as insurance, wear and tear for use of their private vehicles. It must be emphasized that these are legal officers who are not on the car scheme.
- Official accommodation for legal aid lawyers in the regions is another pressing matter.
- The reviewed Legal Aid Regulations make mandatory the payment of contributions by legal aid applicants. It has been noticed that the applicants in the criminal court struggle to pay contributions or take too long to pay the requisite contributions. This has caused some unavoidable delays in issuing instructions. Fortunately, with civil cases or divorce cases, applicants promptly pay their contributions. From the statistics of this financial year, a total of 3349 (47%) are pending contributions by applicants.

5.4. STATISTICS

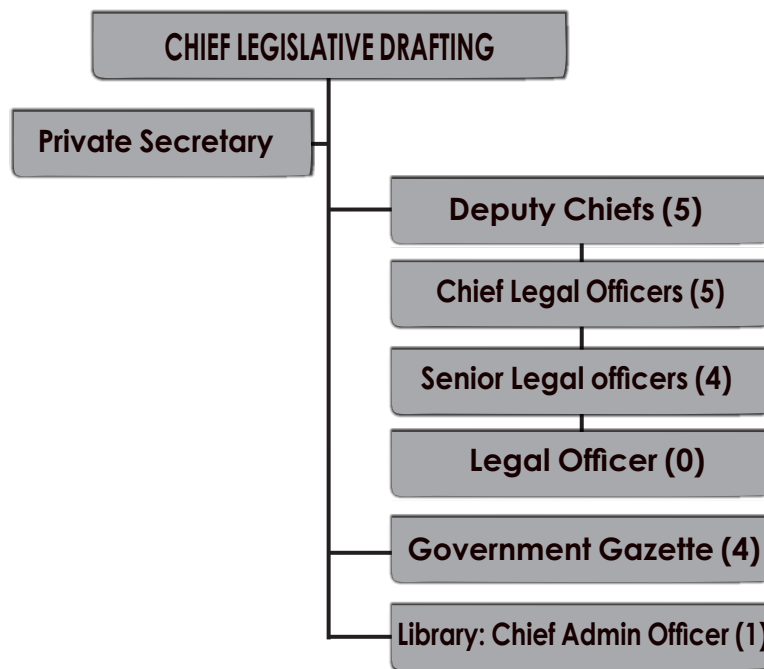
A graphical representation of the work done by the Directorate of Legal Aid is shown below and indicates an increase in the number of applications for legal aid received during the period under review.



6. DIRECTORATE: LEGISLATIVE DRAFTING

The Directorate is mandated to provide legislative drafting services and publication services in the following Bills, Statutory Instruments, Publications in the Government Gazette and Advisory function, to Offices, Ministries, Agencies, Local Authority and Regional Councils, Public Owned Enterprises, other statutory bodies and the public.

The current establishment of the Directorate consists of 48 positions of which 20 are filled and 15 are occupied by legislative drafters. The remainder are not funded. The organogram reflects the currently filled positions.



6.1. OVERVIEW OF ACTIVITIES

Since Namibia gained independence on March 21, 1990, until March 31, 2020, the Directorate's Gazette Office has published 627 Acts of Parliament.

During this financial year, the Directorate submitted 14 Bills to Parliament. Among them, 6 Bills were enacted into Acts of Parliament. Notable legislation includes the Public Enterprises Governance Act, 2019; Electronic Transaction Act, 2019; Prevention and Combating of Pollution of Sea by Oil Amendment Act, 2019; and Bank of Namibia Act, 2020, among others.

6.2. SUCCESSES

- **Bills:** The standard is to finalise Bills within *6 months* from the date of receipt of instructions. This financial year, 15 Bills were due for completion and 12 were completed within timeframe of *6 months*, translating to 88% against the target of 75%.

- **Statutory Instruments:** The standard is to finalise Proclamations within 10 days, Regulations/Rules within 120 days and Administrative Notices within 10 days. This financial year a total of 64 regulations were due and 31 completed on time, translating to 88% over the target of 75%. Furthermore, 78 Proclamations were due and 78 completed on time, translating to 100% over the target of 100% and 332 Notices were due and 199 completed on time, translating to 63% against the target of 70%.
- **Publications in the Gazette:** This year the Directorate's Gazette Office published a total of 1 168 instructions consisting of 6 Acts, Statutory Instruments, Estates, Trademarks and Advertisements, amongst others.

6.3. CHALLENGES

- **There is a shortage of experienced legislative drafters:** Drafting is a highly specialized field that requires years of on-the-job training to master. The Directorate currently operates with 15 drafters, including 3 with 16-40 years' experience, 4 with 7 years' experience, and the remainder with 3-5 years' experience.
- **Delays:** Clients typically take 2-3 months to respond to requests for information or provide policy directions. Factors contributing to delays include:
 - supervision by more experienced drafters,
 - complex instructions,
 - constitutional or legal issues,
 - lack of knowledgeable contact persons for policy translation,
 - incomplete or unclear instructions,
 - proofreading before publication,
 - drafting amendments during parliamentary sessions,
 - clients' delays in providing approvals and information,
 - and frequent urgent requests for drafting or publishing, leading to delays in accommodating regular instructions.
- **No drafting course in Namibia:** The plea from the Directorate's head to introduce legislative drafting as a stand-alone course at university level or at postgraduate level has not received the much-needed attention.
- **Drafting Manual:** Consultancy for the draft of Drafting Manual cancelled due to breach of contract by consultant.
- **Client education:** During this financial year, no client education held due to financial constraints.

6.4. STATISTICS

The table below reflects an overview of the pieces of legislations handled by the Directorate during the period under review.

INSTRUCTIONS RECEIVED AND FINALISED THIS QUARTER

| Instructions | Total Received | Completed | Finalised Within Timeframe | Annual target | Annual actual |
|-------------------------------|----------------|------------|----------------------------|---------------|---------------|
| Bills | 8 | 7 | 7 | 75% | 88% |
| Regulations/Rules | 57 | 40 | 35 | 75% | 61% |
| Proclamations | 76 | 76 | 76 | 100% | 100% |
| Administrative Notices | 341 | 289 | 214 | 70% | 63% |
| TOTAL | 482 | 412 | 332 | - | |

PUBLICATIONS IN THE GAZETTE

The Directorates Gazette Office published 1147 instructions in this year.

| PUBLICATIONS 2018/2019 | NUMBER OF PUBLICATIONS |
|-----------------------------|------------------------|
| Acts | 6 |
| Proclamations | 85 |
| Government Notices | 443 |
| General Notices | 564 |
| Air Services | 7 |
| Road Carrier Permits | 11 |
| Estates | 52 |
| TOTAL PUBLICATIONS | 1168 |

7. DIRECTORATE: LEGAL SERVICES

The Directorate Legal Services forms part of the Ministry of Justice and is composed of three divisions: Legal Services; Community Courts and Maintenance. The Division Legal Services is situated at the headquarter of the Ministry of Justice; the Division of Community Courts is situated in Sanlam Building in Windhoek; the Maintenance Division has offices at certain magistrate stations throughout the country.

Functions of the Directorate

- Issue Apostille.
- Process requests for Extradition and Mutual Legal Assistance in criminal matters.
- Process requests for Reciprocal Service of court process on behalf of foreign Governments.
- Process requests for reciprocal enforcement of maintenance orders and foreign civil judgment on behalf of foreign governments.
- Provide administrative functions to the Disciplinary Committee of Legal Practitioners.
- Provide administrative functions to the Board of Legal Education in terms of the Legal Practitioners Act.
- Provide administrative functions to the Inter-Ministerial Committee on Human Rights.
- Draft and submit state reports to international human rights bodies.
- Respond to queries and questions on human rights and international humanitarian law.
- Represent government at SADC, AU, commonwealth countries and UN meetings on legal matters.
- Facilitate the recognition and establishment of the Community Courts.
- Supervise the administration of Community Courts.
- Provide training to personnel of the Community Courts.
- Provision of maintenance services.

7.1. OVERVIEW OF ACTIVITIES

During the review period, the Directorate actively participated in international cooperation, handling extradition and mutual legal assistance requests. It also took on responsibilities like drafting human rights reports, supporting Community Courts, and aiding key stakeholders. The Directorate played a pivotal role in maintaining legal standards and facilitating the effective functioning of various legal entities.

7.2. SUCCESSES

- The Directorate successfully completed all outstanding human rights report on schedule.
- Most Community Courts were provided with financial assistance during the period under review. Community Courts continue to play a big role in the justice of the Republic of Namibia. They reduce the influx of cases into the Magistrate's Courts which reduces cases on the role of the Magistrates Court.
- There is no backlog of maintenance cases as previously anticipated. The Cases are dealt with on a quarterly basis because cases are remanded to a next court date.

7.3. CHALLENGES

- During the period under review the Directorate experienced resource human capital challenges.
- limited stakeholder participation in the deliberations of the Inter-Ministerial Committee on Human Rights and Humanitarian Law slowed the consultation process to finalize the Human Rights Reports.
- The division Maintenance began operating under the auspices of the Directorate during 2019. Since the Division is new, several teething challenges were discovered during the reporting period.
 - Most Magistrate stations do not have dedicated Maintenance Officers and/ or Investigators.
 - Tracing of Defendants/suspects remains a difficulty. Especially those who are not in government employment.
 - Unable to attend to clients reporting defendants who reside in foreign countries especially Angola, Botswana, Zambia, Canada due to non - designation of these countries for bilateral cooperation.

7.4. STATISTICS

EXTRADITION AND MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

The table below gives an overview of the requests received and processed for Extradition and Mutual Legal Assistance in Criminal and Civil Matters

| No. of Requests received | | No. of Requests processed | |
|--------------------------|-----------|---------------------------|-----------|
| Extradition | 6 | Extradition | 4 |
| MLA | 32 | MLA | 24 |
| Civil | 12 | Civil | 8 |
| Criminal | 11 | Criminal | 9 |
| Total | 61 | Total | 45 |

HUMAN RIGHTS REPORTS

The following reports were drafted and coordinated by the Directorate.

- 0 International Convention on the Elimination of All Forms of Racial Discrimination.
- 0 Convention on the Rights of the Child.
- 0 Convention on the Elimination of All Forms of Discrimination Against Women.
- African Charter on Human and Peoples Rights.

MAINTENANCE AFFAIRS

The Maintenance Division derives its mandate from the Maintenance Act, No. 9 of 2003, the Division handles maintenance complaints, maintenance court hearings and investigates maintenance inquiries.

The table below reflect cases dealt with by the Maintenance Division during the period under review and is from nine (9) magistrate districts across the country where maintenance officers and investigators are assigned, namely:

- 0 Keetmanshoop,
- 0 Swakopmund,
- 0 Walvis Bay,
- 0 Windhoek,
- 0 Rundu,
- 0 Ondangwa,
- 0 Katima Mulilo and
- 0 Oshakati.

The table below reflects the status of the maintenance matters handled by the Maintenance Division.

| TYPES OF MAINTENANCE CASES | NO. OF CASES |
|------------------------------|--------------|
| 1. Investigated | 321 |
| 2. Backlog | 144 |
| 3. Court hearing completed | 10 |
| 4. Court hearing outstanding | 203 |
| 5. Enquiries | 868 |

BOARD FOR LEGAL EDUCATION

The board for Legal Education is established in terms of Section 8 of the Legal Practitioners Act, No. 15 of 1995. The administrative work pertaining to the functions of the Board is performed by officials of the Ministry of Justice appointed by the Executive Director for that purpose as a Secretary of the Board.

The table below reflects the number of candidate legal practitioners enrolled for the period 2019/2020.

BOARD OF LEGAL EDUCATION

| | |
|--|-----|
| Admitted Candidate Legal Practitioners | 136 |
| Ordinary Meetings | 15 |
| Exemption Applications | 2 |
| Exemption Interviews | 5 |

DISCIPLINARY COMMITTEE FOR LEGAL PRACTITIONERS

The Disciplinary Committee for Legal Practitioners is established in terms of the Legal Practitioners Act, No. 15 of 1995. The administrative work pertaining to the functions of the Committee is performed by officials of the Ministry of Justice, appointed by the Executive Director, for that purpose as, a Secretary of the Committee as per Section 34(10) of the Act. During the period under review, the Disciplinary Committee carried out its functions as depicted in the table below, with most of the received cases filed against legal practitioners in private practice.

DISCIPLINARY COMMITTEE FOR LEGAL PRACTITIONERS

| | |
|-----------------------|----|
| Complaints Tabled | 38 |
| Complaints Registered | 21 |
| Ordinary Meetings | 5 |
| Extraordinary Meeting | 2 |
| Disciplinary Hearing | 2 |
| Complaints Finalised | 2 |
| Complaints Withdrawn | 1 |

8. DIRECTORATE: LAW REFORM

The Law Reform and Development Commission Act 29 of 1991 establishes the LRDC. The core function of the directorate is to render support to the LRDC by conducting research in connection with and to examine all branches of the Namibian Law to enable the LRDC to make recommendations for reform and development of the said law. The directorate also provides policy and research capacity for legislation administered by the Ministry of Justice.

8.1. OVERVIEW OF ACTIVITIES

The Commission is required, from time to time, to submit a programme of its work to the Minister of Justice for approval, in terms of section 7 (1) of the Law Reform and Development Commission Act, 1991. During 2019/2020, the Commission worked on the following projects:

1. Repeal of Obsolete Laws in Namibia (Phase 1) Project
2. Divorce Law Project
3. Uniform Matrimonial Property Law Project
4. The Review of the Insolvency Act, 1936 Project
5. Laws Impeding Development (Land and Housing) Project
6. Review of Administrative Justice in Namibia Project
7. Disability Rights Project
8. Mental Health Bill Project
9. National Equitable Economic Empowerment Framework (NEEEF) Bill Project
10. Motor Vehicle Accident Fund Bill Project
11. LRDC Bill Project
12. Repeal of Sodomy Law Project
13. Customary Law Marriages Project
14. Locus Standi Project
15. Road Safety Management Bill Project

8.2. SUCCESSES

Despite facing challenges, the Directorate successfully accomplished the following milestones:

Published Reports:

- 0 During the reporting period 2019/2020, the Commission finalised and submitted the Divorce Law Report and proposed Draft Bill to the Minister of Justice on 25 July 2019.
- 0 During the reporting period 2019/2020, the Commission finalised and submitted the Matrimonial Property Regime Law Project Report and the proposed Draft Bill to the Minister of Home affairs and Immigration on 25 July 2019.

8.3. CHALLENGES

The Directorate encountered the following challenges in the execution of its work during the reporting period.

- 0 Lack of feedback on information requested from key stakeholders on various projects.
- 0 Shortage of capacity (Legal Researchers) with adequate skills, which results in slow pace at which projects are completed.
- 0 Long delay in tabling of Draft Bills finalised by the LRDC, in Parliament.

9. DIRECTORATE: MASTER OF THE HIGH COURT

The Directorate: The mandate of the Master of the High Court is to supervise the administration of deceased estates, liquidations (insolvent estates) registration of trusts, appointments of and administrators pertaining to tutors and curators, and the administration of the Guardian Fund (in respect of minors and mentally challenged persons).

9.1. OVERVIEW OF ACTIVITIES

- The Directorate made a presentation on the functions of the Directorate May 2019 to staff members of the Office of the Ombudsman.
- The Law Society of Namibia (LSN), in collaboration with the Office of the Ombudsman, hosted Free Legal Advice Days (FLAD). The objectives are to make legal services more accessible to members of the public who cannot afford legal services
- The first event took place at UN Plaza Community Hall, Soweto, Katutura, on Thursday, 19 September 2019 from 17h00– 20h30. Eighty-one (81) members of the public attended.
- Ms. Jennifer Nghishitende (Senior Legal Officer) gave a presentation on Wills and Deceased Estates.
- The mid-north FLAD took place on Thursday, 24 October 2019, at the Benjamin Kheimseb Community Hall, Nomtsoub, Tsumeb. Presentations were made on several topics were in the form of panel discussions, where after time was allowed for questions and one-on-one sessions. Ms. Olivia Mutjavikua (Chief Legal Officer) gave a presentation on Wills and Deceased Estates.

9.2. STATISTICS

The overall case report includes all applications received on the Master's online system during the financial year.

| Overall Case Report | | | | | |
|---------------------|-----------------------------------|--|-----------------------------|-------------------------------------|--------------------------------------|
| Case Type | Total No of Applications Received | Total Number of Applications Processed | | Total No of Applications In Process | Percentage of Applications Processed |
| | | No of Applications Approved | No of Applications Rejected | | |
| Guardians Fund | 5572 | 4201 | 275 | 1096 | 80.33% |
| Deceased Estates | 2212 | 1720 | 115 | 377 | 82.96% |
| Trust | 621 | 472 | 90 | 36 | 90.50% |
| Total | 8405 | 6393 | 480 | 1509 | 81.77% |

Insolvencies and liquidations that were reported during the financial year:

| TYPE | 2018/2019 | 2019/2020 | | | | | | | |
|---------------------------|-----------|-------------------------|---------------------|-------------------------|---------------------|-------------------------|---------------------|-------------------------|---------------------|
| | | 1 st Quarter | | 2 nd quarter | | 3 rd quarter | | 4 th quarter | |
| | | New received | Certificates issued | New received | Certificates issued | New received | Certificates issued | New received | Certificates issued |
| Insolvencies | 28 | 9 | 9 | 13 | 13 | 14 | 14 | | |
| Insolvent deceased estate | | 1 | 1 | 0 | 0 | 0 | 0 | | |

Trusts registered during the financial year:

| TYPE | 2018/2019 | 2019/2020 | | | | | | | |
|------------|-----------|-------------------------|---------------------|-------------------------|---------------------|-------------------------|---------------------|-------------------------|---------------------|
| | | 1 st Quarter | | 2 nd Quarter | | 3 rd Quarter | | 4 th Quarter | |
| | | New received | Certificates issued | New received | Certificates issued | New received | Certificates issued | New received | Certificates issued |
| Trust | 508 | 65 | 55 | 65 | 59 | 53 | 43 | | |
| Amendments | | 85 | 41 | 32 | 29 | 51 | 48 | | |

Curatorships received during the financial year:

| TYPE | 2019/2020 | | | | | | | |
|--------------|-------------------------|---------------------|-------------------------|---------------------|-------------------------|---------------------|-------------------------|---------------------|
| | 1 st Quarter | | 2 nd Quarter | | 3 rd Quarter | | 4 th Quarter | |
| | New received | Certificates issued | New received | Certificates issued | New received | Certificates issued | New received | Certificates issued |
| Curatorships | 0 | 0 | 1 | 1 | 0 | | | |
| | | | | | 0 | | | |

Activities of the Guardian's Fund during the financial year :

| DESCRIPTION | 2018/2019 | 2019/2020 |
|------------------------------|------------------|------------------|
| Interest rate | 6.5% | 6.5% |
| Monies paid to beneficiaries | 144,654,428.86 | 154,600,498.89 |
| Value of the fund | 1,674,072,035.91 | 1,858,792,115.97 |

The Guardian's Fund is a statutory fund managing the funds of mainly minor beneficiaries that provides for their education, medical and daily needs. The investment strategy of the Fund is capital preservation, stable income for beneficiaries and is in line with the Guardian's Fund liquidity needs and its liability profile.

The bulk of the funds are invested through the Sanlam Namibia administrative platform in various underlying funds. This portfolio aims to grow capital at moderate levels of risk and with an investment horizon of 3 to 5 years. In addition to the growth of capital over rolling 12-month periods, the fund also aims to outperform the benchmark over rolling 24-month periods. To achieve these objectives, a diversified portfolio of local and offshore based collective investment schemes has been constructed.

The Guardian's Fund held the following investments during the financial year:

| Description | Closing balance 31/3/2019 | Closing balance 30/9/2019 | Interest Amount | Interest % |
|--------------------------|------------------------------|------------------------------|--------------------|------------|
| Sanlam Cautious 1 | | | | |
| 1536663 | 45,003,953.59 | 46,698,744.40 | 1,694,790.81 | 3.77% |
| 1833250 | 42,743,309.86 | 44,353,335.78 | 1,610,025.92 | 3.77% |
| 1542380 | 32,841,252.84 | 34,078,192.06 | 1,236,939.22 | 3.77% |
| 1500255 | 30,073,269.89 | 31,205,564.46 | 1,132,294.57 | 3.77% |
| 1807064 | 29,642,825.61 | 30,759,129.81 | 1,116,304.20 | 3.77% |
| 1558972 | 29,637,928.76 | 30,753,834.22 | 1,115,905.46 | 3.77% |
| 1777580 | 21,848,140.20 | 22,670,508.15 | 822,367.95 | 3.76% |
| 1750397 | 19,489,012.04 | 20,222,584.19 | 733,572.15 | 3.76% |
| 2259752 | 18,859,772.49 | 19,569,630.80 | 709,858.31 | 3.76% |
| 1698646 | 14,127,206.55 | 14,658,748.67 | 531,542.12 | 3.76% |
| 1767706 | 13,725,311.19 | 14,241,701.92 | 516,390.73 | 3.76% |
| 2025690 | 12,433,163.85 | 12,900,906.04 | 467,742.19 | 3.76% |
| 2220283 | 11,665,404.19 | 12,104,131.25 | 438,727.06 | 3.76% |
| 1946425 | 10,334,795.56 | 10,723,480.65 | 388,685.09 | 3.76% |
| Sanlam Cautious 2 | | | | |
| 1841931 | 33,416,138.87 | 34,674,412.22 | 1,258,273.35 | 3.77% |
| 1400779 | 32,532,589.87 | 33,757,490.32 | 1,224,900.45 | 3.77% |
| 1412782 | 32,447,538.57 | 33,669,600.27 | 1,222,061.70 | 3.77% |
| 1285915 | 16,082,946.87 | 16,688,080.90 | 605,134.03 | 3.76% |
| 1345339 | 36,742,589.00 | 38,126,468.16 | 1,383,879.16 | 3.77% |

| Description | Closing balance 31/3/2019 | Closing balance 30/9/2019 | Interest Amount | Interest % |
|----------------------------|------------------------------|------------------------------|--------------------|------------|
| 1361898 | 34,643,517.91 | 35,948,327.94 | 1,304,810.03 | 3.77% |
| 2166023 | 21,743,873.52 | 22,562,256.04 | 818,382.52 | 3.76% |
| 1424431 | 58,586,950.60 | 60,793,804.50 | 2,206,853.90 | 3.77% |
| 1881655 | 18,961,020.01 | 19,674,552.71 | 713,532.70 | 3.76% |
| 1391010 | 13,068,427.75 | 13,560,050.02 | 491,622.27 | 3.76% |
| 1910975 | 10,074,828.76 | 10,454,248.13 | 379,419.37 | 3.77% |
| 2055333 | 12,336,105.81 | 12,800,073.22 | 463,967.41 | 3.76% |
| 2010809 | 25,139,177.17 | 26,085,693.72 | 946,516.55 | 3.77% |
| Sanlam Aggressive 1 | | | | |
| 1227826 | 60,313,363.99 | 61,578,770.23 | 1,265,406.24 | 2.10% |
| 1247345 | 47,326,891.58 | 48,319,944.94 | 993,053.36 | 2.10% |
| 1216886 | 45,496,198.19 | 46,450,734.24 | 954,536.05 | 2.10% |
| 1187657 | 22,719,900.70 | 23,196,070.94 | 476,170.24 | 2.10% |
| 988659 | 21,439,525.83 | 21,888,875.10 | 449,349.27 | 2.10% |
| 1199520 | 18,728,575.65 | 19,120,985.88 | 392,410.23 | 2.10% |
| 1227461 | 18,320,806.76 | 18,704,779.04 | 383,972.28 | 2.10% |
| Sanlam Aggressive 2 | | | | |
| 2789006 | 68,401,637.65 | 70,629,492.65 | 2,227,855.00 | 3.26% |
| 1444132 | 26,474,718.12 | 27,336,737.05 | 862,018.93 | 3.26% |
| 1484336 | 19,543,192.01 | 20,179,279.92 | 636,087.91 | 3.25% |
| 1518638 | 19,306,672.78 | 19,935,125.94 | 628,453.16 | 3.26% |
| 1616135 | 18,970,839.77 | 19,588,196.81 | 617,357.04 | 3.25% |
| 1644780 | 15,374,408.13 | 15,874,735.96 | 500,327.83 | 3.25% |
| Sanlam Aggressive 3 | | | | |
| 1341734 | 72,199,999.71 | 73,714,567.95 | 1,514,568.24 | 2.10% |
| 1271238 | 68,950,121.45 | 70,397,464.73 | 1,447,343.28 | 2.10% |
| 1330992 | 60,533,575.41 | 61,804,288.96 | 1,270,713.55 | 2.10% |
| 1256379 | 48,869,612.13 | 49,895,158.91 | 1,025,546.78 | 2.10% |
| 1298611 | 39,497,738.71 | 40,326,437.37 | 828,698.66 | 2.10% |

| Description | Closing balance 31/3/2019 | Closing balance 30/9/2019 | Interest Amount | Interest % |
|--------------------------------|------------------------------|------------------------------|--------------------|------------|
| 1322262 | 32,038,047.42 | 32,709,993.08 | 671,945.66 | 2.10% |
| | | | | |
| Simonis Storm Portfolio | | | | |
| Call | 1,518,713.04 | 120,237.37 | | |
| | | 2,951,673.43 | | 6.96% |
| Bank of Namibia | 1,000,000.00 | 1,000,000.00 | 85,000.00 | 8.50% |
| Bank of Namibia | 20,000,000.00 | 20,000,000.00 | 2,100,000.00 | 10.50% |
| Bank of Namibia | 4,700,000.00 | 4,700,000.00 | 493,500.00 | 10.50% |
| | | | | |
| NEB Portfolio | | | | |
| | | | | |
| Call Account | 168,015.08 | 168,015.08 | | |
| Bond GC21 | 20,000,000.00 | 20,000,000.00 | 1,572,000.00 | 7.86% |
| Bond GC21 | 3,010,000.00 | 3,010,000.00 | 221,235.00 | 7.35% |
| Bond GC21 | 940,000.00 | 940,000.00 | 63,826.00 | 6.79% |
| Bond GC 23 | 940,000.00 | 940,000.00 | 83,190.00 | 8.85% |
| Bond GC 23 | 10,000,000.00 | 10,000,000.00 | 885,000.00 | 8.85% |
| Bond GC 23 | 2,000,000.00 | 2,000,000.00 | 177,000.00 | 8.85% |
| Bond GC 24 | 10,000,000.00 | 10,000,000.00 | 1,050,000.00 | 10.50% |
| 365 Days FX | 9,200,000.00 | 9,200,000.00 | 805,000.00 | 8.75% |
| Fixed 364 Days | 1,995,000.00 | 1,995,000.00 | 166,183.50 | 8.33% |
| FW Debentures | 2,000,000.00 | 2,000,000.00 | 250,000.00 | 12.50% |
| FW Debentures | 4,500,000.00 | 4,500,000.00 | 506,250.00 | 11.25% |
| FW Debentures | 2,000,000.00 | 2,000,000.00 | 225,000.00 | 11.25% |
| FW Debentures | 1,000,000.00 | 1,000,000.00 | 112,500.00 | 11.25% |
| FW Debentures | 1,000,000.00 | 1,000,000.00 | 112,500.00 | 11.25% |

| Description | Closing balance 31/3/2019 | Closing balance 30/9/2019 | Interest Amount | Interest % |
|------------------------------------|------------------------------|------------------------------|--------------------|------------|
| FW Debentures | 14,500,000.00 | 14,500,000.00 | 1,631,250.00 | 11.25% |
| FW Debentures | 10,000,000.00 | 10,000,000.00 | 1,150,000.00 | 11.50% |
| FL Rate BWHK NCD | 1,900,000.00 | 1,900,000.00 | 152,760.00 | 8.04% |
| FL Rate BWHK NCD | 3,300,000.00 | 3,300,000.00 | 277,530.00 | 8.41% |
| Platinum Financial Services | 33,802,255.63 | 34,827,921.59 | 1,025,665.96 | 2.94% |
| Bank Windhoek | 37,190,607.94 | 37,190,607.94 | 1,982,259.40 | 5.33% |
| First National Bank | 7,049,075.30 | 7,049,075.30 | 260,110.88 | 3.69% |
| Standard Bank | 7,112,395.01 | 7,112,395.01 | 262,447.38 | 3.69% |
| Bank Windhoek Cheque Acc | 60,539,096.59 | 200,000,000.00 | 13,000,000.00 | 6.50% |
| | 1,674,072,035.91 | 1,858,792,115.97 | 71,330,521.05 | 8.51% |

The average return on the investment portfolio was 8.51% for the financial year despite volatile financial markets.



10. DIRECTORATE: CIVIL LITIGATION

This directorate is mandated to represent Government O/M/As in civil cases and individual staff members of Government O/M/As when they have acted in their professional capacity.

10.1. OVERVIEW OF ACTIVITIES

The Directorate undertakes activities akin to legal practitioners, notaries, or conveyancers in adherence to legal norms. It operates as the legal arm for the government, representing Government O/M/A's in litigation. . The Government Attorney, within this framework, delivers legal services to individuals in government service. Furthermore, the Directorate assumes responsibility for representing the government in litigation across various courts, including Magistrates', Labor Court, High Court, and Supreme Court.

NOTABLE MATTERS HANDLED

○ Alex Mabuku Kamwi vs Min of Lands and Resettlement & 10 others:

Case No. SA 16/2016 “Appellant brought an application to evict the 4th to 11th Respondents and their families. The respondents raised points of law under Rule 66 of the High Court Rules (i.e. the defective service on the second respondent, the Communal Land Board of the Zambezi Region)” and the area at issue was not properly described. The Respondents brought an application to dismiss the appeal as being frivolous, vexatious and/or without merit.

Supreme Court rule that section 14(7) of the Supreme Court Act, 15 of 1990 does not grant the right of appeal to an order of an interlocutory nature as of right. Interlocutory orders do not dispose of the dispute(s) before the Court and lacks the hallmark of finality and therefore leave to appeal must be applied for.

○ Pio Marapi Teek vs Minister of Justice and Ombudsman: Case No. SA 18/2018.

Late Judge Teek was criminally charged with abduction, kidnapping and sexually assault against minor girls in 2005. He was discharged in 2006 in terms of section 174 of the Criminal Procedure Act 51 of 1977 in the High Court. The State petitioned the High Court for leave to appeal to the Supreme Court. The High Court refused the petition. The State then petitioned against the refusal to the Supreme Court, and it was granted. The Supreme Court ordered to refer the matter back to High Court for trial. The High Court after having the evidence found the late Judge Teek not guilty and acquitted him of all charges. The State appealed to the Supreme Court for the hearing of the matter for the second time. The Appeal was dismissed, and the acquittal confirmed. The late Judge Teek instituted civil proceedings against the non-resident judges who were specially appointed to hear the matter for unlawful, malicious and irrational long delay to prosecute and finalize the criminal trial. The High Court dismissed the claims on a question of jurisdiction and lack of malice. The Supreme Court confirmed the decision of the High Court and dismiss the claims.

- **Minister of Finance vs Hollard Insurance Co. Namibia and Twelfth (12) others: Case No. SA 51/2020.** This was an appeal against the decision of the High Court in the interlocutory application to discover further documents. The appeal was the order is purely interlocutory in nature and therefore not appealable and thus leave to appeal should not have been granted. The appeal was struck from the roll.
- **Director -General of the Namibian Central Intelligence Service and another vs Mathias Hausiku, Editor of the Patriot Newspaper and Patriot Newspaper: Case No. SA 33/2018.** This appeal against the orders dismissing the application threaten publication of sensitive State information that will harm national security and State intelligence operations. The newspaper contented that the information sought to be published is protected by the right to the freedom of speech and the press. Further, that the said information was lawfully obtained not sensitive information and the press has an obligation to expose corrupt activities. Such publication did not compromise national security. The appeal was dismissed with costs.
- **Minister of Finance and Namibre vs Hollard Insurance Co. Namibia Ltd and fifteen (15) others: Case No. A 8/2018.** The Appellants on advice of Senior Counsel, pending the proceedings sought to compel the respondents to comply with the measures provided for in an Act of Parliament in the interim and in the alternative commit contempt for non-compliance with such a Court Order. The Supreme Court refuse the petition on grounds that it has no powers to suspend an Act of Parliament.



10.2. STATISTICS

| FILE NAME | RECEIVED | CLOSED | ACTIVE |
|--|-------------|------------|------------|
| POCA MATTERS | 6 | 0 | 6 |
| FAMILY LAW | 0 | 0 | 0 |
| WILLS & ESTATES | 6 | 0 | 6 |
| ADMINISTRATIVE LAW MATTERS | 17 | 2 | 15 |
| COLLECTIONS | 0 | 0 | 0 |
| CONSTITUTIONAL MATTERS | 9 | 0 | 9 |
| CONTRACT | 33 | 0 | 33 |
| CONVEYANCING | 10 | 1 | 9 |
| CRIMINAL MATTERS | 3 | 0 | 3 |
| EVICCTIONS | 21 | 1 | 20 |
| IMMIGRATION/CITIZENSHIP/REFUGEE MATTER | 9 | 1 | 8 |
| LABOUR MATTERS | 90 | 6 | 84 |
| LOSS OF/DAMAGE TO/THEFT OF GRN PROPERTY | 84 | 17 | 67 |
| MOTOR VEHICLE ACCIDENT CLAIM | 27 | 2 | 25 |
| MOTOR VEHICLE ACCIDENT OPINION | 355 | 66 | 289 |
| MEDICAL NEGLIGENCE | 2 | 0 | 2 |
| DEFAMATION | 0 | 0 | 0 |
| UNLAWFUL ARREST AND DETENTION | 20 | 0 | 20 |
| UNLAWFUL ASSAULT | 13 | 0 | 13 |
| MALICIOUS PROSECUTION | 1 | 0 | 1 |
| OTHER DELICTUAL CLAIM | 0 | 0 | 0 |
| OTHER | 398 | 25 | 373 |
| NUMBER LEFT OUT | 42 | 42 | 0 |
| TOTAL | 1146 | 163 | 983 |



11. DIRECTORATE: LEGAL ADVICE

This directorate provides capacity to the Attorney General on legal matters to enable the Attorney General as principle legal advisor to the President and Government to execute his/ her Constitutional mandate.

11.1. OVERVIEW OF ACTIVITIES

The directorate provides legal advice and opinions, consultations with clients and drafting of agreements, scrutinizing Bills and Proclamations before tabling in Parliament. It also represents and negotiates on behalf of the Government at national and international forums and represents the President and Government on commissions of enquiry and Offices/Ministries/Agencies (O/M/As) in disciplinary hearings as presiding officers, investigators and initiators.

The Directorate also advises O/M/As on the legal and constitutional aspects of policy issues, when so requested, and trains, coaches and mentors staff as a measure to build capacity.

11.2. SUCCESSES

Some of the high profile matters this Directorate was involved in during the financial year under review are:

- Loan Agreement between Development Bank of Namibia and KFW
- SACU, Mozambique and UK Economic Partnership Agreement
- Signing of the agreement establishing the African Union Continental Free Trade Area (AfCFTA) negotiations
- Completion of the 1st phase of AfCFTA negotiations

11.3. CHALLENGES

The main challenges that the Directorate encountered during the financial year under review were:

- A lot of complex and urgent files received in Q1, Q2, Q3 and Q4, resulting in limited time to attend to backlog files.
- A high demand by O/M/As for legal officers to serve on committees and boards (which entails negotiations, investigations and the attendance of several meetings) *vis a vis* the number of legal officers in the Directorate.
- Inevitable demand for staff to travel as an intrinsic part of the work performed by the Directorate to serve O/M/As effectively. The budget cut contributed even further to the already insufficient budget vote for subsistence and travel allowance.
- A lot of lawyers had to take compulsory leave (amended staff rules) in order to avoid the lapse of their leave days

11.4. STATISTICS

| LEGAL ADVICE | |
|--------------------------|-----|
| Requests | 554 |
| Finalized (files closed) | 116 |
| Pending | 438 |

ACKNOWLEDGEMENT

This report was a product of collective effort and input from management and staff members of the Ministry of Justice. This report may not be reproduced without the full consent of the Executive Director of the Ministry of Justice. In the spirit of accountability, transparency and good governance, the Ministry of Justice presents this report of the 2019/2020 Financial Year.



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