

## **Introduction of Incoming Magistrates Commission<sup>¶</sup>**

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*Minister of Justice*

Today is SADC Day, August 17, commemorating the historic meeting that took place in Windhoek, 26 years ago, to transform the Southern African Development Coordinating Conference (SADCC) into the Southern African Development Community (SADC). As we gather here today, the 38<sup>th</sup> Summit of SADC Heads of State and Government is underway, and many of our brethren and sisters from the region are congregated in Namibia. We welcome them.

In terms of the Magistrates Act, 2003 (Act No. 3 of 2003) I am authorized to appoint the Magistrates Commission which will be with effect from 1 July 2018. It is my absolute honor to fulfill this mandate today.

I wish to thank the previous Commission for their steadfast service. The Commissioners play a vital role in administering justice to ensure that justice can be served and that justice is accessible.

Access to justice and the improvement of the delivery of justice is achieved through the excellent work done by the men and women who work at the Magistrates Courts across the breadth and width of the Namibian hinterland, in the 11 Magisterial Divisions and 43 Districts.

The biggest and busiest Magistrate's Court in Namibia is the Windhoek Magistrate's Court in Mungunda Street. It is served by 10 Principle Magistrates, 6 Senior Magistrates and 2 magistrates. In the 2019/2020 Financial Year, the staff complement should ideally be expanded to include another Principal Magistrate, 6 Senior Magistrates and another 5 Magistrates. The types of cases heard in the Magistrates Courts also necessitate the presence of a social worker, which will be a priority in 2019/2020 at most, if not all the 43 Magistrate Districts.

The next busiest Magistrate's Division is Oshakati. It has 5 Districts, served by only 1 Divisional Magistrate, 3 Regional Magistrates, 5 Principal Magistrates, 1 Senior Magistrate and 2 Magistrates. During the 2019/2020 Financial Year it is intended to employ another regional magistrate, 2 Principal Magistrates and 2 Magistrates to ease the case load on the present staff members.

Swakopmund and Keetmanshoop are both Divisions with 6 Districts under their jurisdiction. At present Swakopmund does not have a Divisional Magistrate while Keetmanshoop has a Divisional Magistrate, but one fewer principal magistrate than the Swakopmund District.

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<sup>¶</sup> Introduction of the new Magistrates Commission members, August 17, 2018 at the Office of the Judiciary, Windhoek. Khomas Region.

In the 2019/2020 Financial Year 8 Magistrates and 3 Principal Magistrates will be required across Namibia, including a new District Principal Magistrate to head the Okahao District Magistrates Court.

Let me take this opportunity to recognize the service of those magistrates who have since left the Magistracy into retirement. In the year 2016, the Divisional Magistrate Benjamin Myburgh who served 27 years retired. In the year 2017, the Principal Magistrate of Eenhana, Natalia Hanhele retired after 26 years of service. In the year 2018, the Principal Magistrate of Opuwo District, Linea Iyambo retired after 27 years of service. In May of this year, the Principal Magistrate at Ondangwa, Penda Nangula retired after 28 years of service. On behalf of the Government of the Republic of Namibia, I must commend you compatriots, for your dedication and service. We wish you the best in your hard-earned retirement, and trust that you will avail yourselves to train the magistrates of the future.

Training remains a priority for me, as Minister responsible for the justice sector. In this regard, I am working with the Chief Justice, who is the chairperson of the Board for Legal Education, to ensure that the Justice Training Center (JTC) is realigned for its purpose, and to ensure that it is available to our magistrates, prosecutors, legal aid counsel, clerks and other staff members who service at all our courts across the country. Katima Mulilo lies 1 211 km's away from Windhoek. Luderitz is 816 km's away while Outapi is 800 km's away. Even Walvis Bay is 389 km's away, and these distances are prohibitive for these servants of our people to travel to Windhoek to attend classes or to be attached. We must therefore innovate and think out of the box.

Today, major universities offer under and post graduate courses on-line. Why can we not do the same with the JTC? Experienced magistrates like Myburgh, Nangula, Hanhele, Iyambo etc can be recorded for video and audio lessons which can be streamed for tailored courses for magistrates and other court staff. If we work with the UNAM Law Faculty, and bring in the LLB program, we can achieve a magisterial bench 100% equipped with LL.B degree's from where we now stand at 87% of Magistrates holding the LL.B degree, 4% with the B.Juris, and 9% with Law Diploma's. This way, we not only improve the level of education, we instill confidence in our magisterial benches and improve the quality of the law meted out from such benches.

The next Commission and Commissions to follow will be expected to work with us to make this a reality. They will also have to make use of courtroom technology to improve delivery of justice, reduce costs and help improve efficiency.<sup>1</sup> The use of technology to ensure proper and speedy access to justice is a large priority for Government and places yet another expectation on the already burdened shoulders of the Judiciary and the Magistracy in particular.

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<sup>1</sup> Wallace A 'The Impact of Technology on Courts' (2017) International Journal for Court Administration 8(2), p.1 available at <<http://doi.org/10.18352/ijca.236>>.

Let me also take this opportunity to announce that soon, I will be bringing to the National Assembly, a bill to increase the jurisdiction of the Magistrates' Courts to a limit of N\$ 1m, being set from N\$ 250 Thousand initially until the maximum of N\$ 1m is met over the next 5 years. Furthermore, we have completed consultations on the Divorce Bill which will bring this aspect under the jurisdiction of the magistracy as well. Our people have long complained that divorce matters are long drawn out, expensive and the basis upon adultery and desertion is not in line with the reality prevailing in Namibia today. Therefore, irretrievable breakdown will be introduced into the divorce law, and once the IT people of the Ministry of Justice are done with the portal where we will avail the Divorce Bill, I will welcome input into the text. As a matter of fact, all Bills being considered by the Ministry of Justice will be posted on that portal for comment and in due course, I will announce the coming to life of this portal.

Also, let me announce that we have commenced consultations with stakeholders on the introduction of a deliberate amendment to the Criminal Procedure Act, 1977 to elaborate on a plea-bargaining process to enable the Prosecutor-General and accused persons to do plea bargaining within articulated parameters. We expect that the implementation of this process will speed up the prosecution of crime.

The prosecution of crime is a public service. As I said on the belated commemoration of Public Service Day at Eenhana earlier this year, many people have pondered the question: why do people work for Government? Why do people practice their professions as public servants? For some it is easy to answer: It may be that Government is the only employer of your services. This is true for career army men. For others, it may be that they start out fulfilling their bursary contract obligations, until they find fulfillment in the work they do.

For some, even if the work they do does not relate to their education, it could have been the only employment opportunity. For whatever reason, one had entered the public service, it no longer matters. What matters is that we all have to perform our functions diligently, effectively, efficiently and with integrity.

I know that for lawyers, your options are almost limitless. Yet you choose to work for the public interest. I salute you, those of you who serve the magistracy. Let us use this day to rededicate ourselves to professionalism, accountability, responsiveness and ethical behavior in the performance of our functions.

I now have the pleasure of announcing the new Magistrates Commission.

In terms of section 5(5) of the Magistrates Act, 2003 I call upon the following persons in their new capacity as members of the Magistrates Commission:

1. Mrs Johanna Salionga,
2. Mr Justice Gervasius Nate Ndaupendapo,
3. Mrs Hendrina Horn,
4. Mrs Inge Koujo,
5. Mrs Tuvoye Nuule, and
6. Mr Marwin Awarab.

As I indicated before, you will have to work with us in realizing those policy decisions which are aimed at improving the delivery of justice to our people. Let us use information, share information and analyze information. Don't gather statistics for the sake of it. Mine those statistics to predict, to plan and to mitigate. I task you with the duty of moving the magistracy into the cyber space and avail myself to assisting in this quest. Tomorrow is a cyber age so we too must move into the new dispensation.

Congratulations on your new appointment and thank you in advance for the excellent service I know you will deliver.

I thank you.

End.