



REPUBLIC OF NAMIBIA

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REVISED ROADMAP FOR THE HIGH COURT OF NAMIBIA WHILST THE STATE OF EMERGENCY DECLARED IN TERMS OF ARTICLE 26 OF THE CONSTITUTION PERSIST COVID-19 PANDEMIC

Kindly be advised that the Hon. Judge President, in his capacity as head of the High Court of Namibia wish to inform all interested parties of the following directives which will apply to the High Court of Namibia whilst the State of emergency declared in terms of Article 26 of the Constitution of the Republic of Namibia persist. This directive is cognisant of the implementation of the four stages of restriction and replaced the Roadmap issued on 18 March 2020. The effective date 5 May 2020 and will persist until the last day of the state of emergency, or any such later date as determined by the Executive Authorities.

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1. GENERAL

- 1.1. All function in the High Court of Namibia, inclusive of both the Main Division and the Northern Local Division, will resume on 5 May 2020, but such functions and duties will be performed in the manner as set out hereinafter.
- 1.2. Any person entering any of the court buildings on any particular day must complete the “Infectious Disease Surveillance Form”.¹
- 1.3. The registrar will maintain a file for safekeeping of all Annexure “A” forms completed, sorted according to date.
- 1.4. Any person attending to any of the court buildings must sanitise his or her hands at the entrance of the building prior to entering the building.
- 1.5. Any person attending to any of the court buildings must at all times :
 - 1.5.1. wear a protective face mask;
 - 1.5.2. avoid person-to-person contact;
 - 1.5.3. maintain social distancing; and
 - 1.5.4. attend to disinfecting all surface areas which they may come into contact with.
Disinfectant and paper towels will be made available at all service areas and inside the court rooms.
- 1.6. Protective hand gloves may be worn freely when attending court and court proceedings.
- 1.7. The attendance of all court proceedings will be limited to the maximum number of people determined by Regulation, which number will be inclusive of the following persons:
 - 1.7.1. Judges;
 - 1.7.2. Officers of Court;
 - 1.7.3. Legal practitioners appearing on behalf of the parties,;
 - 1.7.4. the parties themselves if such parties are unrepresented;
 - 1.7.5. witnesses;
 - 1.7.6. members of the media; and
 - 1.7.7. members of the public,
provided that the presiding officer may, if the people inside the courtroom will exceed the maximum number of persons, exclude members of the public and media, or give alternative directions in the event of the participants in the particular proceedings exceeding the maximum number of persons.
- 1.8. The Registrar may change the time for any court proceedings on the day roll if such change will contribute towards the prevention and/or combat of the spread of Covid-19.
- 1.9. Any court order made from chambers and in absentia of the parties must be served on all parties, provided that –
 - 1.9.1. Where the order made is made in respect of a case with an electronic court file, filing of the order on the electronic court file will be considered as sufficient service;

¹ Infectious Disease Surveillance Form: Annexed hereto as Annexure “A”

- 1.10. Where the order made is made in respect of a case which is not part of the court's electronic case management and document filing system (eJustice), such order must be served on all parties, but service by the Deputy-Sheriff is not required.
- 1.11. Court orders issued from chambers and in the absence of the parties, must be issued and served at least 24 hours prior to the set down date and time.

2. PRECAUTIONARY MEASURES IN COURT PROCEEDINGS

2.1. CRIMINAL INDICTMENT CASES

2.1.1. Criminal Indictment Cases set down for Plea, Trial (including continuation of trial)

- 2.1.1.1. Will proceed subject to the provisions contained under the heading "General";
- 2.1.1.2. Matters which were postponed due to Lockdown must receive priority in the allocation of new dates;
- 2.1.1.3. Matters which involve foreign counsel or witnesses may be postponed to a date after 17 September 2020;
- 2.1.1.4. All matters must be set down on a date during 2020.

2.1.2. Criminal Indictment Cases set down for Ruling or Judgment, including sentencing:

- 2.1.2.1. Delivery of Judgments and rulings will proceed subject to the provisions contained under the heading "General";
- 2.1.2.2. Judgments and rulings, including sentencing which were set down on a date during lockdown must be delivered on a pre-determined date, which date may not be later than 20 May 2020;
- 2.1.2.3. Foreign counsel's involvement in a case does not warrant a delivery date beyond 20 May 2020.

2.1.3. Criminal Indictment Cases set down for Judicial Case Management:

- 2.1.3.1. Judicial case management in the criminal stream will proceed subject to the provisions contained under the heading "General";
- 2.1.3.2. Lengthy Court Rolls must be divided in smaller portions and called with appropriate time intervals, thereby limiting the amount of people inside the court room.

2.2. CRIMINAL APPEAL CASES

2.2.1. Criminal Appeal Cases set down for Ruling or Judgment:

- 2.2.1.1. Delivery of Judgments and rulings will proceed subject to the provisions contained under the heading "General";

- 2.2.1.2. Judgments and rulings which were set down on a date during lockdown must be delivered on a pre-determined date, which date may not be later than 20 May 2020;
- 2.2.1.3. Foreign counsel's involvement in a case does not warrant a delivery date beyond 20 May 2020.

2.2.2. Criminal Appeal Mentions Roll:

- 2.2.2.1. Appeal matters set down on the criminal appeals mentions roll in the Main Division for a date during May 2020 will be postponed from chambers and in absentia of the parties and practitioners to 02 June 2020;
- 2.2.2.2. The criminal appeals mentions roll will proceed subject to the provisions contained under the heading "General";
- 2.2.2.3. Lengthy Court Rolls must be divided in smaller portions and called with appropriate time intervals, thereby limiting the amount of people inside the court room.

2.2.3. Criminal Appeal hearings:

- 2.2.3.1. Will proceed subject to the provisions contained under the heading "General";
- 2.2.3.2. Matters which were postponed due to Lockdown must receive priority in the allocation of new dates;
- 2.2.3.3. New dates assigned must be on the allocated judges' rolls and must be on a date which falls on a Tuesday, Wednesday or Thursday;
- 2.2.3.4. Matters which involve foreign counsel may be postponed to a date after 17 September 2020;
- 2.2.3.5. All matters which were set down for hearing during lockdown must be finalised on/before 30 November 2020;
- 2.2.3.6. The parties in appeal matters where all the appellants are represented by legal representatives, are called upon to agree in having the matter determined on the papers before court, without the need of oral arguments;
- 2.2.3.7. The following will apply in the event of counsel agreeing to have the matter determined on the papers before court:
 - 2.2.3.7.1. The agreement must be reduced to writing and signed by all counsel;
 - 2.2.3.7.2. The signed agreement must be filed on the electronic file;
 - 2.2.3.7.3. The written heads of argument by the appellant(s) must be filed on the electronic file by no later than 15 court days after filing of the written agreement; and
 - 2.2.3.7.4. The written heads of argument by the respondent(s) must be filed on the electronic file by no later than 10 court days after filing of the written agreement;
 - 2.2.3.7.5. The responsible judge(s) must inform the registrar of the date of filing of the respondent's heads of argument and the registrar will make a relevant entry in the judgment reserved register;

2.2.3.7.6. Judgment will be due within the allowable period, calculated from the date of filing of the written heads of argument of the respondent(s).

2.3. CRIMINAL REVIEW CASES

- 2.3.1 Judges will proceed to review criminal matters presented to them in terms of section 304 of the Criminal Procedure Act, from chambers;
- 2.3.2 A Judgment delivered in a review matter, may be delivered in absentia of the parties, but must be send to all parties and interested parties and must be published on the website.

2.4. BAIL APPLICATIONS

- 2.4.1. The hearing of bail applications will proceed subject to the provisions contained under the heading "General" on the set down date.

2.5. CIVIL AND LABOUR APPEALS

2.5.1. Civil and Labour Appeal Cases set down for Ruling or Judgment:

- 2.5.1.1. Delivery of Judgments and rulings will proceed subject to the provisions contained under the heading "General";
- 2.5.1.2. Judgments and rulings which were set down on a date during lockdown must be delivered on a pre-determined date, which date may not be later than 20 May 2020;
- 2.5.1.3. Foreign counsel's involvement in a case does not warrant a delivery date beyond 20 May 2020.

2.5.2. Civil and Labour Appeal hearings:

- 2.5.2.1. Will proceed subject to the provisions contained under the heading "General";
- 2.5.2.2. Matters which were postponed due to Lockdown must receive priority in the allocation of new dates;
- 2.5.2.3. New dates assigned must be on the allocated judges' rolls and must be on a date which falls on a Tuesday, Wednesday or Thursday;
- 2.5.2.4. Matters which involve foreign counsel may be postponed to a date after 17 September 2020;
- 2.5.2.5. All matters which were set down for hearing during lockdown must be finalised on/before 30 November 2020;
- 2.5.2.6. Civil and labour appeals due for the allocation of a trial date by the Registrar on a date after 4 May 2020 will receive a date on the continuous roll for a Friday at 9h00;
- 2.5.2.7. The parties in appeal matters where all the appellants are represented by legal representatives, are called upon to agree in having the matter determined on the papers before court, without the need of oral arguments;
- 2.5.2.8. The following will apply in the event of counsel agreeing to have the matter determined on the papers before court:
 - 2.5.2.8.1. The agreement must be reduced to writing and signed by all counsel;
 - 2.5.2.8.2. The signed agreement must be filed on the electronic file;

2.5.2.8.3. The written heads of argument by the appellant(s) must be filed on the electronic file by no later than 15 court days after filing of the written agreement; and

2.5.2.8.4. The written heads of argument by the respondent(s) must be filed on the electronic file by no later than 10 court days after filing of the written agreement;

2.5.2.8.5. The responsible judge(s) must inform the registrar of the date of filing of the respondent's heads of argument and the registrar will make a relevant entry in the judgment reserved register;

2.5.2.8.6. Judgment will be due within the allowable period, calculated from the date of filing of the written heads of argument of the respondent(s).

2.6. URGENT APPLICATIONS

2.6.1. The hearing of an urgent application in civil matters will proceed in open court, as set down.

2.7. CIVIL AND LABOUR MOTION AND REVIEW PROCEEDINGS SUBJECT TO JUDICIAL CASE MANAGEMENT

2.7.1. Civil and Labour Motions and Reviews set down for Ruling or Judgment:

2.7.1.1. Delivery of Judgments and rulings will proceed subject to the provisions contained under the heading "General";

2.7.1.2. Judgments and rulings which were set down on a date during lockdown must be delivered on a pre-determined date, which date may not be later than 20 May 2020;

2.7.1.3. Foreign counsel's involvement does not warrant a delivery date beyond 20 May 2020.

2.7.2. Civil and Labour Motion and Review hearings:

2.7.2.1. Will proceed subject to the provisions contained under the heading "General";

2.7.2.2. Matters which were postponed due to Lockdown must receive priority in the allocation of new dates;

2.7.2.3. New dates assigned must be on the allocated judges' rolls and must be on a date which falls on a Tuesday, Wednesday or Thursday;

2.7.2.4. Matters which involve foreign counsel and which warrants on good cause shown a lengthy postponement, may be postponed to a date after 17 September 2020;

2.7.2.5. All matters which were set down for hearing during lockdown must be finalised on/before 30 November 2020;

2.7.2.6. The parties in civil and labour motion and review matters, where all the parties are represented by legal representatives, are called upon to agree in having the matter determined on the papers before court, without the need of oral arguments;

2.7.2.7. The following will apply in the event of counsel agreeing to have the matter determined on the papers before court:

2.7.2.7.1. The agreement must be reduced to writing and signed by all counsel;

2.7.2.7.2. The signed agreement must be filed on the electronic file;

2.7.2.7.3. The written heads of argument by the applicant(s) must be filed on the electronic file by no later than 15 court days after filing of the written agreement; and

2.7.2.7.4. The written heads of argument by the respondent(s) must be filed on the electronic file by no later than 10 court days after filing of the written agreement;

2.7.2.7.5. The responsible judge(s) must inform the registrar of the date of filing of the respondent's heads of argument and the registrar will make a relevant entry in the judgment reserved register;

2.7.2.7.6. Judgment will be due within the allowable period, calculated from the date of filing of the written heads of argument of the respondent(s).

2.7.3. Interlocutory and Ancillary Applications in Civil and Labour Motion

Cases:

2.7.3.1. Will proceed subject to the provisions contained under the heading "General";

2.7.3.2. Matters which were postponed due to Lockdown must receive priority in the allocation of new dates;

2.7.3.3. New dates assigned must be on the allocated judges' rolls and must be on a date which falls on a Tuesday, Wednesday or Thursday;

2.7.3.3.1. All matters which were set down for hearing during lockdown must be finalised on/before 31 July 2020;

2.7.3.3.2. The parties in civil and labour motion and review matters, where all the parties are represented by legal representatives, are called upon to agree in having the interlocutory or ancillary applications determined on the papers before court, without the need of oral arguments;

2.7.3.3.3. The following will apply in the event of counsel agreeing to have the matter determined on the papers before court:

2.7.3.3.3.1. The agreement must be reduced to writing and signed by all counsel;

2.7.3.3.3.2. The signed agreement must be filed on the electronic file;

2.7.3.3.3.3. The written heads of argument by the applicant(s) must be filed on the electronic file by no later than 10 court days after filing of the written agreement; and

2.7.3.3.3.4. The written heads of argument by the respondent(s) must be filed on the electronic file by no later than 05 court days after filing of the written agreement;

2.7.3.3.3.5. The responsible judge(s) must inform the registrar of the date of filing of the respondent's heads of argument and the registrar will make a relevant entry in the judgment reserved register;

2.7.3.3.3.6. Judgment or ruling will be due within the allowable period, calculated from the date of filing of the written heads of argument of the respondent(s).

2.7.4. Civil and Labour Motion Judicial Case Management:

- 2.7.4.1. Will proceed subject to the provisions contained under the heading “General”;
- 2.7.4.2. Lengthy Court Rolls must be divided in smaller portions and called with appropriate time intervals, thereby limiting the amount of people inside the court room;
- 2.7.4.3. Judges are urged to attend to as many as possible cases from chambers and orders issued from chambers must be finalised at least 24 hours prior to the set down date to avoid unnecessary court attendance.

2.8. CIVIL ACTION PROCEEDINGS SUBJECT TO JUDICIAL CASE MANAGEMENT

2.8.1. Civil Actions subject to Judicial Case Management set down for Ruling or Judgment:

- 2.8.1.1. Delivery of Judgments and rulings will proceed subject to the provisions contained under the heading “General”;
- 2.8.1.2. Judgments and rulings which were set down on a date during lockdown must be delivered on a pre-determined date, which date may not be later than 20 May 2020;
- 2.8.1.3. Foreign counsel’s involvement does not warrant a delivery date beyond 20 May 2020.

2.8.2. Civil Actions subject to Judicial Case Management set down for hearing

- 2.8.2.1. Will proceed subject to the provisions contained under the heading “General”;
- 2.8.2.2. Matters which were postponed due to Lockdown must receive priority in the allocation of new dates and must be set down on the fixed roll, provided that such date is assigned as a result of lockdown only;
- 2.8.2.3. New dates must be during the period 11 May 2020 – 31 July 2020, unless good cause is shown to assign a date after 31 July 2020;
- 2.8.2.4. Matters which involve foreign counsel, may be postponed to a date after 17 September 2020;
- 2.8.2.5. All matters which were set down for hearing during lockdown must be finalised on/before 30 November 2020;

2.8.3. Civil Actions Judicial Case Management:

- 2.8.3.1. Will proceed subject to the provisions contained under the heading “General”;

2.8.3.2.Lengthy Court Rolls must be divided in smaller portions and called with appropriate time intervals, thereby limiting the amount of people inside the court room;

2.8.3.3.Judges are urged to attend to as many as possible cases from chambers and orders issued from chambers must be finalised at least 24 hours prior to the set down date to avoid unnecessary court attendance.

2.9. CIVIL ACTIONS AND MOTIONS: RESIDUAL COURT ROLL

2.9.1. Will proceed subject to the provisions contained under the heading “General”;

2.9.2.Lengthy Residual Court Rolls will be divided in shorter rolls and re-distributed to other judges to limit the number of practitioners and parties entering a court room at the same time;

2.9.3.Lengthy individual court rolls must be divided in smaller portions and called with appropriate time intervals, thereby limiting the amount of people inside the court room;

2.9.4.Judges are urged to attend to as many as possible cases from chambers and orders issued from chambers must be finalised at least 24 hours prior to the set down date to avoid unnecessary court attendance.

2.10. ELECTORAL ACT, ACT 5 OF 2014

2.10.1. Will proceed subject to the provisions contained under the heading “General”;

2.10.2. The provisions of the applicable legislation will apply.

2.11. ADMIRALTY COURT

2.11.1. Will proceed subject to the provisions contained under the heading “General”;

2.11.2. The provisions of the applicable legislation will apply.

2.12. IN CHAMBERS MEETINGS

2.12.1. Any meeting scheduled with parties and/or legal practitioners must be held in an open court or with the assistance of video conferencing and may not be conducted in chambers.

2.13. COURT-CONNECTED MEDIATIONS

2.13.1. Court connected mediations may proceed during the period 5 May 2020 – 17 September 2020 provided that:

2.13.1.1. The provisions contained under the heading “General” are observed;

- 2.13.1.2. The mediator is a person employed by the Office of the Judiciary;
- 2.13.1.3. The mediation facility is at the High Court, Supreme Court or at the head office of the Office of the Judiciary, with sufficient space to allow for a distance of at least 1,5 meters between any two persons in attendance;
- 2.13.2. Mediations may with the consent of the mediator and all parties concerned be conducted at any time outside normal office hours, including Saturdays, Sundays and Public Holidays;
- 2.13.3. Mediations may with the consent of the mediator and all parties concerned be conducted through video conferencing.

2.14. TAXATIONS

- 2.14.1. Taxations may proceed during the period 5 May 2020 – 17 September 2020 provided that:
 - 2.14.1.1. The provisions contained under the heading “General” apply;
 - 2.14.1.2. The taxation room is at the High Court, Supreme Court or at the head office of the Office of the Judiciary, with sufficient space to allow for a distance of at least 1,5 meters between any two persons in attendance;
- 2.14.2. All taxations scheduled during the lockdown period must be finalised on/before 31 July 2020.

2.15. GENERAL OFFICE, CASH HALL AND SERVICE BUREAU

- 2.15.1. The General Office, Cash Hall and Service Bureau at both the Main Division and the Northern Local Division will remain open to the public during the hours provided for in terms of the Rules of Court;
- 2.15.2. The provisions contained under the heading “General” apply;
- 2.15.3. Staff members assisting the public must wear protective masks and gloves when assisting the public;
- 2.15.4. Staff members must disinfect service counters and desks at least once every hour;
- 2.15.5. Staff members must maintain a distance between members of the public and themselves of at least 1,5 metres;
- 2.15.6. Staff members may refuse to assist any member of the public, if such member refuses to maintain a distance of 1,5 metres;
- 2.15.7. Staff members must at all times ensure that members of the public maintain social distancing of at least 1,5 metres whilst waiting to be served and standing in a row;

2.15.8. Staff members may not have any physical contact with members of the public so served.

3. HYGIENE IN THE COURT BUILDINGS

3.1. Hand Sanitizer

3.1.1. All entrances must be provided with hand sanitiser for use by all persons entering the building

3.1.2. Additional hand sanitiser must be placed at strategic places for use by judges and staff

3.2. Shared Bathrooms

3.2.1. Cleaners will rotate one another to perform "Bathroom Duty"

3.2.2. Bathroom duty will apply to all public and shared staff bathrooms in the particular building

3.2.3. A cleaner on bathroom duty must be released from other tasks to enable him or her to clean all such areas at least 3 times a day (twice in the morning and once in the afternoon)

3.2.4. Bathroom duty includes first cleaning and then disinfecting floors, toilets, basins, walls, mirrors, tiles, taps, door handles and the toilet handle/flush mechanism

3.3. Private Bathrooms

3.3.1. The cleaner responsible to clean chambers and offices equipped with a private bathroom, will clean such bathroom when the chambers or office is cleaned.

3.3.2. Additional diluted disinfectant and paper towels will be made available in each private bathroom for regular use by the owner of the bathroom.

3.4. Court Rooms

3.4.1. All court rooms must be cleaned daily

3.4.2. Court rooms in use on a particular day must be disinfected prior to using the courtroom

3.4.3. Surface areas of court rooms in use and to be disinfected must be cleaned thoroughly prior to disinfecting such surface areas

3.4.4. Disinfecting a courtroom may be done early in the morning before court commences or in the afternoon after the court adjourned.

3.4.5. The following areas in the courtroom are to be disinfected:

3.4.5.1. Judges' bench

3.4.5.2. Table for registrar and stenographer

3.4.5.3. Witness stand

3.4.5.4. Accused dock

3.4.5.5. Side bar benches

3.4.5.6. Arm rests of all chairs in the court

- 3.4.6. Microguard (or bleach) must preferably be used for disinfecting court rooms (1 sachet on 10 litre clean water)
- 3.4.7. Additional disinfectant and paper towels must be placed in each court room in use on a particular day, for use by the Judge, Registrar and Legal Practitioners
- 3.4.8. Three bottles must be filled with diluted Microguard disinfectant (or bleach) for each courtroom in use on a particular day.
- 3.4.9. Disinfectant from the previous day must be discarded and replaced with new disinfectant.
- 3.4.10. Disinfectant and paper towels must be placed on
 - 3.4.10.1. The bench
 - 3.4.10.2. The registrar's table; and
 - 3.4.10.3. On side bar for use by practitioners

3.5. Service Counters

- 3.5.1. Cleaners must clean all service counters daily
- 3.5.2. Surface areas of service counters must be cleaned thoroughly prior to disinfecting the surface areas
- 3.5.3. Disinfecting service counters may be done early in the morning or in the afternoon.
- 3.5.4. The following areas in the service counters are to be disinfected:
 - 3.5.4.1. All counters
 - 3.5.4.2. Glass screens at counters (both sides)
 - 3.5.4.3. Trellises and counter frames (both sides)
 - 3.5.4.4. Floors
- 3.5.5. Microguard (or bleach) must preferably be used for disinfecting service counters (1 sachet on 10 litre clean water)
- 3.5.6. Additional disinfectant and paper towels must be placed in each service area for use by the staff members
- 3.5.7. Staff members are responsible to clean and disinfect their own desks, tables and armrests of chairs
- 3.5.8. It is recommended that staff members working in a particular service area disinfect counters of service areas at least 3 times a day. The disinfectant and paper towels made available are to be used.

3.6. Chambers and Offices

Daily cleaning as per duty roster

3.7. Corridors and Foyers

- 3.7.1. Daily cleaning as per duty roster
- 3.7.2. Disinfectant (Steripine) must in addition to the other cleaning products be added to the water used for mopping and cleaning



E.E. SCHICKERLING

CHIEF REGISTRAR, DIRECTORATE SUPREME AND HIGH COURTS

4. ANNEXURES

Annexure "A"



REPUBLIC OF NAMIBIA
OFFICE OF THE JUDICIARY
IN COOPERATION WITH
THE MINISTRY OF HEALTH AND SOCIAL SERVICES

INFECTIOUS DISEASE SURVEILLANCE FORM

(To be completed by all persons entering the court building)

DATE:		EVENT DETAILS / REASON FOR ENTERING BUILDING	ATTEND COURT SESSION	SERVICE BUREAU ASSISTANCE		
			CASH HALL PAYMENT	COURT STAFF / JUDGE		
			OTHER, <i>state reason</i>			
VENUE	HCMD	HCNLD	SC	REGION :	KHOMAS	OSHANA

NAME	SURNAME		
IDENTITY NUMBER	MOBILE NUMBER		
PHYSICAL RESIDENTIAL ADDRESS			
DO YOU HAVE ANY OF THE FOLLOWING SIGNS AND SYMPTOMS? <i>Please tick where appropriate</i>		YES	NO
Fever			
Running Nose			
Shortness of Breath			
Headache			
Cough			
Sore Throat			
Other, Please specify			
		YES	NO
HAVE YOU BEEN IN CONTACT WITH ANY PERSON WHO TESTED POSITIVE FOR COVID-19			
HAVE YOU BEEN IN SELF-ISOLATION OR QUARENTINE DURING THE PAST TWO WEEKS			
HAVE YOU BEEN TO ANY COVID-19 AFFECTED AREA OUTSIDE THE BORDERS OF NAMIBIA IN THE LAST 2 WEEKS			
PLEASE STATE THE AREA / AREAS IF THE PREVIOUS ANSWER IS YES			