

**REPUBLIC OF NAMIBIA**



**ADDRESS ON BEHALF OF THE HONOURABLE MR UTONI**

**NUJOMA, MINISTER OF JUSTICE,**

**ON THE OCCASION OF THE**

**OPENING OF THE HIGH COURT LEGAL YEAR 2014**

**BY THE DEPUTY MINISTER OF JUSTICE THE**

**HONOURABLE TOMY NAMBAHU**

**WINDHOEK, 16 JANUARY 2014**

**VENUE: HIGH COURT**

Honourable Judge President

Judges of the High Court

The Prosecutor General

The Permanent Secretary of Justice

President of the Law Society of Namibia

President of the Society of Advocates

Members of the legal fraternity,

The Chief Registrar and

Staff members of the High Court

All protocol observed

- 1 It is an honor for me to have been invited to the opening of the High Court legal year 2014 and to make some remarks.
  
- 2 The Ministry of Justice is committed to be a model provider of accessible and timely justice for all Namibians. It continues to endeavor in meeting its four strategic objectives: These are access to justice; timeliness of justice delivery; quality service delivery and promoting the integrity of the justice system as a whole.

- 3 In that regard I must commend the High Court in having successfully completed the reform of the Rules of the High Court which will come into force on 16 April 2014.
  
- 4 I also wish to commend the High Court for continuing to perfect the system of judicial case management, and embracing eJustice - an electronic document filing and case management system - developed by the Ministry of Justice in conjunction with the judiciary. The system is intended to boost efficiency in the delivery of justice. It will enable litigants to file civil court documents and manage case activities electronically and allow digital recording of court proceedings. Phase 1 of this initiative is near completion and will be operational during this year.
  
- 5 As regards the new rules of court, I am pleased that it addresses issues of concern such as, accountability, transparency, alternative dispute resolution and the need to keep cost of litigation low as far as reasonably possible.
  
- 6 Although Judicial Case Management is no longer a foreign process in the High Court, the new rules of court take the process further in providing for early judicial control from the beginning of a case until finalization.

- 7 The Namibian Constitution provides for an independent judiciary. Independence, however, does not indemnify our judges from accountability; and in this respect I am pleased to note that the new rules of court, in addition to the guidelines set by the Judicial Service Commission during 2011, provide clear prescriptions on the delivery of judgments.
- 8 Accountability goes hand in hand with transparency. It is fitting therefore that the new rules require the registrar to publish a report annually on the work of the court.
- 9 Although we are making remarkable in the delivery of justice in civil matters, we must all be concerned about the ever increasing volume of criminal trials which the High Court is expected to adjudicate. Based on the briefing by the Judge President, it appears that the criminal roll is becoming unmanageable. We need to develop a strategy to deal with the amount of criminal trials faced by the High Court. Plea bargaining must be urgently investigated as a possible legislative response to the problem.
- 10 Six of the 14 judges appointed at the High Court, are assigned to deal exclusively with criminal trials. From 1 January 2013 to 31 December 2013, 38 criminal matters were transferred to the High

Court for trial purposes, 23 of which 23 were assigned to the main division and 15 to the Northern local division. In addition to the new matters registered with the High Court as at on 1 January 2013, 53 criminal cases were pending. Despite the fact that the diaries of the 6 judges assigned to deal exclusively with criminal matters had an occupancy rate in excess of 90%, they only managed to finalize 29 of the total of 91 criminal cases, amounting to an average of 32% cases finalized. The need for an urgent policy response is not in doubt.

- 11 The Ministry of Justice extends its full support and appreciation to the judiciary of the Republic of Namibia and we will continue support its independence, honour and integrity as required by the Constitution.
- 12 We must work together to reform our statutory framework in order to ensure speedy and quality justice.
- 13 In conclusion, I wish to reiterate my continued support to the Hon. Judge President and the High Court in the discharge of their constitutional mandate. May you all have a productive legal year 2014.

I THANK YOU