



**NATIONAL ASSEMBLY 7<sup>TH</sup> PARLIAMENT**

**PARLIAMENTARY STANDING COMMITTEE ON  
CONSTITUTIONAL AND LEGAL AFFAIRS**

**REPORT OF THE OVERSIGHT VISIT ON CAPITAL PROJECTS  
OF THE MINISTRY OF JUSTICE (VOTE 16)**

**MEDIUM - TERM FRAMEWORK: 2018/19 – 2020/21, 2022/23 –  
2023/24 – 2024/2025**

**REPORT ON THE OVERSIGHT VISITS TO GOVERNMENT  
CAPITAL PROJECTS COUNTRYWIDE**

**MEDIUM - TERM FRAMEWORK: 2018/19 – 2020/21, 2022/23 –  
2023/24 – 2024/2025**

**REPORT NO. 4 OF 2025**

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## **EXECUTIVE SUMMARY**

The Parliamentary Standing Committee on Constitutional and Legal Affairs resolved to conduct oversight visits to capital projects in all 14 regions. These were follow-up visits from visits conducted by the Committee during the 6<sup>th</sup> Session of the National Assembly in 2012.

The main objective of the visits was for the Committee to assess progress made in executing capital projects. In addition, the Committee wanted to determine if a maintenance plan was in place for existing buildings, the level of collaboration and coordination of capital projects between key ministries responsible for implementing capital projects, regional management, and the end users.

In comparison to the last visit of the Committee in 2011/12, the management of capital projects particularly at the regional levels had deteriorated. Apart from the lack of coordination between the head offices of the Ministry of Justice (MoJ) and Office of the Judiciary (OoJ) and the officials at the regional offices, the situation had escalated to the top management which negatively impacted the planning, monitoring, evaluation, and execution of capital projects. Although Government spent millions of dollars from the development budget to fund capital projects, much of it went to waste due to a lack of coordination and a sense of accountability by those entrusted with capital projects.

The consequence was that, in most cases what was planned was not what was implemented, and what was implemented was not what was desired. The findings in all regions were similar and ranged from uncondusive working environments, lack of office space and shortage of staff to safety and security of court officials and the protection of government property. Further to that, most planned projects were not implemented or it was done without proper coordination and supervision in most places visited.

There is a need to follow up on the recommendations of the previous Committee and further to suggest a total overhaul of the management of capital projects

## **1. BACKGROUND/INTRODUCTION**

- 1.1 According to the Inter-Parliamentary Union's Global Parliamentary Report of 2017, Parliamentary oversight aims to promote people's freedoms and well-being and improve government accountability and transparency. Oversight processes assess the impact of government action on society; help ensure that appropriate resources are provided to implement government programs; and identify unintended or negative effects of government policy and actions.
- 1.2 It further states that effective oversight underpins progress towards the Sustainable Development Goals through strengthened legislation and policy, which leads to economic and human development. Given that, as part of its planned annual activities, the Parliamentary Standing Committee on Constitutional and Legal Affairs resolved to conduct oversight visits to capital projects in all 14 regions. These were follow-up visits from visits conducted by the Committee during the 6<sup>th</sup> Session of the National Assembly in 2012.
- 1.3 The main objective of the visits was for the Committee to assess progress made in executing capital projects. In addition, the Committee wanted to determine if a maintenance plan was in place for existing buildings. the level of collaboration and coordination of capital projects between key ministries responsible for implementing capital projects, regional management, and the end users.
- 1.4 About a previous report of the Committee on Constitutional and Legal Affairs from the 6<sup>th</sup> Parliament, the Committee on Constitutional and Legal Affairs, the Committee also wanted to find out to what extent the previous Committee's recommendations were implemented and the impact due to that Committee's intervention.

## 2. COMPOSITION OF THE DELEGATION

2.1 Four groups comprising 3 Members of Parliament each and two support staff visited 14 regions from March 2024, as follows:

Group	Date	Regions	Delegation
Group 1	02-09 March 2024	Zambezi, Kavango East, Kavango West & Oshana	Hon. Kletus Karondo - Chairperson, Hon. Edson Edmund Isaaks, Hon. Emilia Nuyoma-Amupewa
Group 2	03-09 March 2024	Oshana, Oshikoto & Otjozondjupa	Hon. Tjekero Tweya – Head of Delegation, Hon. Herlinde Lucia Tjiveze & Hon. Longinus lipumbu
Group 3	10-16 March 2024	//Karas, Hardap, Omaheke	Hon. Phillipus Katamelo, Hon. Vincent Joseph Mareka, Hon. Diederik Vries
Group 4	10-16 March 2024	Omusati, Kunene & Erongo	Hon. Paula Kooper – Deputy Chairperson, Hon. Elifas Dingara, Hon. Apus !Auchab
Group 5	26-27 June 2024	Khomas	Hon. Kletus Karondo, Hon. Tjekero Tweya, Diederik Vries, Hon. Vincent J. Mareka, Theophelus Kamati, and Hon. Koviao Hengari

## 3. METHODOLOGY

3.1 Throughout the 13 regions visited, the delegation paid courtesy calls to the governors or their representatives. Consultative meetings followed that up with representatives of the Ministry of Justice, Office of the Judiciary, Ministry of Works and Transport, and National Planning Commission. In some regions, the Committee also visited regional offices of the Anti-Corruption Commission, Electoral Commission of Namibia, and Offices of the Ombudsman. Lastly, based on the Medium Framework (MTEF), from 2018-2023, the delegation visited ongoing projects, existing offices/official houses, or plots allocated for the construction of capital projects. The delegation was accompanied by technical staff from the National Planning Commission and the Ministry of Justice.

## 4. MEETING PROCEEDINGS IN THE REGIONS

### 4.1 ZAMBEZI REGION

#### 4.1.1 Katima Mulilo – Capital Projects Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	16/02/7 – Upgrading and Construction of Lower Courts	1318	Construction, Renovation & Extension of Facilities	2018/19-2020/21 – 2021/22-2023/24-2022/23-2024/25 (01-04-2021-3103-2025
Ministry of Justice	Purchase of Legal Aid Houses/ Purchase of Buildings & Houses	20201	Construction, Renovation & Extension of Facilities	2018/19-2020/21-2022/23-2024/25 (01-04-2020 to 31-03-2025)

#### 4.1.2 Consultative Meeting with Ministry of Justice, Office of the Judiciary

Apart from the new magistrate's construction, no renovations were done at the current magistrate's office, despite the deplorable condition of the buildings and the uncondusive working environment;

During the period under review, 6 houses were assigned to the MoJ, and OoJ, and no houses were assigned to the legal aid lawyers. Lack of boundary walls around the houses of the prosecutors to enhance safety and security.

During the period under review, there were only two houses that were renovated, the members were able to visit one of the houses and were not impressed by the work done, and requested the bill of quantity to assess the actual request for the work carried out, (see annexure)

The periodic courts at Impalila Island, Ngoma, and Omega pose a challenge to the effective operation and delivery of effective services. To reach Impalila Island, they have to travel through Botswana, which is very complicated. According to them, the community in Kongola provided land for the construction of the court, but nothing was done.

According to the officials, the Katima Mulilo Magistrate project was near completion but the officials of OoJ were not entirely satisfied with the facility since it had serious shortcomings that could hamper their operations. They expressed disappointment in the fact that as end users, they were never consulted to give their input during the planning stage. Ideally, they would have wanted four courtrooms to cater to the workload but at the new court, only two were built,

even though provision was made for future additions, which means that they would still utilize the old courtroom at the old building.

They further highlighted the following shortcomings:

- No provisions for strong rooms at the new magistrate's office for prosecutors;
- The boardroom had a limited capacity of 10 people, while they have over 100 key stakeholders whom they consult regularly.

The members were also informed about the dispute between MoJ and the first contractor, which ended up in court.

#### 4.1.3 Committee Observation/Findings

The Members visited the site of the new Magistrate's office where they found employees of the second contractor. According to them, the project was at a 75% completion rate and they were expected to hand over the site by the first week of April 2024.

#### The Members observed the following:

- no provision was made for disability access from the holding cells to the courtrooms;
- the toilet pots in the holding cells were put in the centre of the room, with no privacy for offenders while using the toilet, and that was noted as a serious violation of human rights.

The project was extensively delayed due to a dispute between MoJ and the first contractor and Members wanted more insight into the criteria used for the first contractor, the reason for the dispute, and the total funds spent on the project.

## 4.2 KAVANGO EAST REGION

### 4.2.1 Rundu – Capital Projects Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	16/02/4 – Renovation of Lower Courts	1037	Construction, Renovation & Extension of Facilities	2018/19 -2020/21 - 2021/22-2023/24 (01-04-2012 to 31-03-2021)
Ministry of Justice	16/02/3 – Construction of Mobile Courts	20032	Construction, Renovation & Extension of Facilities	2018/19-2020 (01-04-2015 to 31-03-2025)

#### 4.2.3 Consultative Meeting with Ministry of Justice, Office of the Judiciary

During the period under review, prefabricated courtrooms were built to ease the operation of the courts to work concurrently. The renovations/extension included the construction of boundary walls, and a garage was converted into an office. The officials expressed the need for extra office and storage space for sensitive documents, most officials share limited office space, and there was no provision for public parking space. The air-conditioning systems in most offices are dysfunctional, and there was no provision for a security guard at the court to protect government properties.

The Rundu Magistrate also serves the periodic court in Divundu and Kahenge which are having a lot of cases straining their already limited capacity. They suggested the construction of a permanent court at Kahenge in Kavango West Region to release the pressure on the Rundu Magistrate Office. The Members were informed that there was no functional magistrate court in Kavango West except the periodic court in Kahenge and Nkurenkuru at the police station where the same officials in Kavango East also serve. According to them, a plot was availed to the Ministry of Justice in Nkurenkuru, Kavango West, to construct a regional Magistrate Court but it has been idle for over six (6) years.

#### 4.2.4 Committee Observation/Findings

The members took note of the unbearable situation under which the officials performed their duties. The Members were also informed that the boundaries of periodic courts were not supposed to be subjected to political boundaries but rather to the distance from the main court where the accused persons and witnesses could access services easily. That was a serious concern as it complicated the service delivery process and equally imposed more costs on the accused persons and witnesses to travel to those specific courts, to claim their bail money or pay offense costs which are sometimes lower than the transport costs to reach those courts.

### 4.3 KAVANGO WEST REGION

#### 4.3.1 Nkurenkuru – Capital Projects Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	16/02/3 - Construction of Mobile Courts	1318	Construction, Renovation & Extension of Facilities	2022/23 – 2024/25 (01-04-2015 to 31-03-2021)
Ministry of Justice	Construction of Prefabricated Courts in the Regions			2015 to 2024

#### 4.3.2 Committee Observation/Findings

The Members visited the periodic court in Nkurenkuru and the undeveloped plot in Nkurenkuru and wanted to know why the Ministry was delaying the construction of the regional magistrate court if there was a dire need for the service.

### 4.4 OHANGWENA REGION

#### 4.4.1 Eenhana – Capital Projects Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	16/02/7 – Upgrading and Construction of lower Courts	1318	Construction, Renovation & Extension of Facilities	2018/19 -2020/21 (01-04-2012 to 31-03-2021)

#### 4.4.2 Consultative Meeting with Ministry of Justice, Office of the Judiciary

#### 4.4.3 Committee Observation/Findings

The Members were unable to engage the officials at Eenhana Magistrate's Court, the prosecutor assigned to meet the delegation failed to reach on time as he was busy with court proceedings outside Eenhana.

### 4.5 //KARAS REGION

#### 4.5.1 Lüderitz - Capital Project Projects Summary

Institution	Project Name	Project Code	National Project	METF Period (Project Period)
Ministry of Justice, Vote 16	Construction of Mobile Courts	20032	Construction, Renovations, and Extension of Facilities	2018/19-2020/21

#### 4.5.2 Consultative Meeting with Ministry of Justice, Office of the Judiciary - Lüderitz

The Members were informed that the following constructions/renovations were done during the period under review:

- a) addition of two small offices to cater for office space for the legal aid lawyer and a clerk;
- b) construction of boundary walls;
- c) minor renovations done on the new courtroom
- d) ongoing project to create a storm water drainage system in the foyer to prevent over-flooding of the area during rainy seasons. This was a result of poor workmanship during the renovations of the building.

While appreciating the renovations done so far at the court building, the officials expressed a dire need for an addition of another courtroom to accommodate the principal prosecutor should the vacant position be filled. It would enhance the operational capacity of the office if both courts could sit concurrently and not on alternative days.

A concern was raised about the periodic courts in Rosh Pinah and Aus, that are not conducive to serving as courts. According to them, the buildings belong to the police, and there was no furniture only a few broken chairs. Furthermore, they are not allowed to put up cameras they need to use as evidence during court proceedings at the police building.

**4.5.3 Committee Observations/Findings**

The walls of the two offices added were connected to an existing wall in the passage, questioning the credibility of the work done, the offices are very small, and the floors were not tiled like the rest of the building, it was left the same way like the floor in the corridors.

Due to a lack of official accommodation, the safety and security of prosecutors were at risk since they were accommodated at unsafe places in Lüderitz.

**4.5.4 Oranjemund Capital Project Summary**

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice, Vote 16	Construction of Staff Houses	4200	Construction, Renovations, and Extension of Facilities	2018/19-2020/21(01-04-2012 to 31-03-2021)

**4.5.5 Consultative Meeting with Ministry of Justice, Office of the Judiciary Oranjemund**

The main concern raised was the lack of official accommodation and high rental prices charged by private people. The staff complement was 5 but only two vacancies were filled because of the housing crises in the town. An additional relief staff from the Keetmanshoop office was deployed to assist the legal clerk. The magistrate was hosted in a building belonging to the mine, which has no strong rooms to safeguard sensitive documents, the documents are kept in the court and exposed to possible theft or damage. The cash hall has no cash cubicles, and no security or police to protect the officials.

**4.5.6 Committee Observations/Findings**

The Members were assured by the regional head of the office in Keetmanshoop that the MoJ in consultation with the town council in Oranjemund was in the process of negotiating a lasting

solution for official accommodation in Oranjemund. The options were either to be given houses handed over by the mine to the town council or to build houses on the land donated to the ministry.

#### 4.5.7 Keetmanshoop Capital Projects Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	16/06/14 - Construction Regional Office of the Ombudsman	8070	Construction, Renovation & Extension of Facilities	2018/19-2020/21 – 2021/22-2023/24 (01-04-2013 to 31-03-2022)
Ministry of Justice	16/02/4 - Renovation of Lower Courts	1037	Construction, Renovation & Extension of Facilities	2018/19-2020/21 (01-04-2012 to 31-03-2021)

#### 4.5.8 Consultative Meeting with Ministry of Justice, Office of the Judiciary - Keetmanshoop

Although the Members were unable to visit the regional office of the Ombudsman in Keetmanshoop due to time constraints, they were informed that the construction of the office was completed and it was fully operational.

In terms of the MoJ and OoJ, the Members were informed that there was disharmony between the two institutions, derailing the execution of capital projects and effective delivery of services. The lack of communication between the officials of the Ministry of Works and Transport, MoJ, OoJ, and the National Planning Commission was another stumbling block for the smooth operation and management of capital projects and service delivery.

While the infights continued, a lot was at stake, most planned capital projects were abandoned and vandalized. The house of the divisional magistrate was supposed to be renovated, the requisition was issued through the MoJ but was halted by officials from OoJ. The house is badly vandalized the geysers, copper cables, doors, and windows were stolen or broken. No security was provided for this house and the damages are estimated to run in millions of dollars since it was a massive house. None of the officials within MoJ, OoJ, or the Ministry of Works and Transport were willing to take responsibility for the house that was damaged under their watch. The other house that was successfully renovated for the clerical officer was illegally occupied by a cleaner of another ministry and they were in the process of finalizing another

court order to evict the person. There was no proper mechanism to control and manage official houses creating more conflict between the already overwhelmed officials of MoJ, OoJ, and the Ministry of Works and Transport.

There is a dire need for renovations of the court building, the air-conditioning system in most offices is dysfunctional, broken doors, and unsafe parking areas for official cars. The public toilets are out of order for an extended period. The meetings are held regularly with no solutions or agreement to resolve crucial issues. According to the officials who were present at the meeting, the infight started when the process started for the OoJ to become independent from the MoJ, resulting in a power struggle between the institutions.

#### **4.5.9 Committee Observations/Findings**

The Members expressed disappointment with how both executive directors of MoJ and OoJ, allowed the matter to escalate to the point that public funds, properties, and service delivery were negatively affected. They felt that the tension between the officials was very high and there was an urgent need for the Committee to engage both executive directors. The Members wanted to know why the OoJ was not allowing the MoJ to continue with the management of capital projects until the process to amend the Judiciary Act was finalized. As that would empower them to take over the capital projects from MoJ.

#### **4.5.10 Karasburg Capital Project Summary**

<b>Institution</b>	<b>Project Name</b>	<b>Project Code</b>	<b>National Project</b>	<b>METF (Project Period)</b>
Ministry of Justice	16/02/3 – Construction of Mobile Courts	20032	Construction, Renovation & Extension of Facilities	2018/19 -2020/21 (01-04-2015 to 31-03-2021)
Ministry of Justice	Purchase of Legal Aid Houses	20201	Construction, Renovation & Extension of Facilities	2018/19 -2020/21 (01-04-2015 to 31-03-2021)

#### **4.5.11 Consultative Meeting with Ministry of Justice, Office of the Judiciary - Karasburg**

The officials were hesitant to engage the Members, as they felt that nothing came off the visit of the previous Committee that visited them on the same issues they were still encountering. The Head of the Delegation assured them that their concerns would be forwarded to their executive director to provide feedback on all issues raised.

After engaging the officials, the Members were disturbed by the unbearable conditions the officials were subject to daily. The courtroom was not suitable to serve as a court, very small, with no protection for all court officials, as there was barely space to move between the area for the prosecutors and the accused persons. There was no adequate office space forcing prosecutors to share offices, and equally no office provided for the legal aid lawyers.

The Magistrate Court in Karasburg had no cash hall or cash cubicles, cash was handled in an open space visible to the public. This compromises the safety of the officials and public funds as they are exposed to robberies and theft, there was also no provision of security for them to go to the banks to deposit money. Neither, provision for official houses for legal aid lawyers and prosecutors, jeopardizing their safety and security. The holding cells were in deplorable condition, with no toilets, and with an unpleasant smell. Moreover, there was no fence around the holding cells, exposing inmates to temptations from the public, as they could be easily given illegal substances or dangerous weapons before their trials.

It was revealed that the court proceedings at the periodic court in Noordoewer were done in a police boardroom, prompting the question of whether the boardroom was gazetted to serve as a court. The Karasburg Magistrate is the only place; where the accused person could pay fines or be refunded bail money after a court order has been issued. In that case, the affected people have to wait two weeks for the periodic court or travel at own costs to Karasburg.

#### **4.5.12 Committee Observations/Findings**

The Members noted with grave concern that the situation at Karasburg was rather a time bomb waiting to happen. The concerns raised were all critical and very urgent and felt that there was a need for an urgent intervention by MoJ and OoJ, in collaboration with all other key stakeholders such as the Ministry of Works and Transport, National Planning Commission, and the Namibian Police on the security concerns.

### **4.6 HARDAP REGION**

#### **4.6.1 Mariental Capital Project Summary**

<b>Institution</b>	<b>Project Name</b>	<b>Project Code</b>	<b>National Project</b>	<b>METF (Project Period)</b>
Ministry of Justice	16/02/4 – Renovation of Lower Courts	1037	Construction, Renovation & Extension of Facilities	2018/19-2020/21 (01-04-2012 to 31-03-2021)

Ministry of Justice	16/02/14 - Purchase of Legal Aid Houses	20201	Construction, Renovation & Extension of Facilities	2018/19-2020/21 (01-04-2012 to 31-03-2021)
Ministry of Justice	16/02/3 -Construction of Mobile Courts/Prefabricated Courts	20032	Construction, Renovation & Extension of Facilities	2018/19-2020/21 – 2021/22-2023/24 (01-04-2015 to 2025)

**4.6.2 Consultative Meeting with Ministry of Justice, Office of the Judiciary - Mariental**  
Apart from the construction of a prefabricated court at Hoachanas, there were no capital projects carried out at Mariental Urban. Despite a needs assessment done by the National Planning Commission and the Regional Council, and promises made there was nothing done. They cited the lack of communication between key stakeholders such as the National Planning Commission, the Regional Council, and the MoJ regional office as the reason why have not yet been attended to. According to them, after the assessment, requisitions were issued but still nothing was done. It was stressed that it was imperative to carry out periodic maintenance of infrastructures instead of waiting until there was major damage as that would be costly to repair.

Currently, Mariental Urban has only two courts, the regional court because of the demands sit every day, and the district court, causing an increase in the backlog of other cases. The Members were informed that the officials had identified a building that could be transformed into a court but there was no support from the head office to refurbish it or to construct a prefabricated court.

#### 4.6.3 Committee Observations/Findings

The Members observed with concern the issues raised and how the lack of communication and coordination between key stakeholders was hampering the effective operations of the justice system.

#### 4.6.4 Rehoboth Capital Project Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	16/02/14-Renovations of Lower Courts	1037	Construction, Renovation & Extension of Facilities	2018/19-2020/21 (01-04-2012 to 31-03-2021)
Ministry of Justice	16/02/14-Purchase of Legal Aid Houses	20201	Construction, Renovation & Extension of Facilities	2018/19-2020/21 (01-04-2012 to 31-03-2021)

Ministry of Justice	16/02/7 - Upgrading and Construction of Lower Courts	1318	Construction, Renovation & Extension of Facilities	2018/19-2020/21 (01-04-2012 to 31-03-2021)
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#### 4.6.5 Consultative Meeting with Ministry of Justice, Office of the Judiciary Rehoboth

Part of the renovations under the MoJ earmarked for the Rehoboth Magistrate were replacing a new roof, fitting new tiles, constructing boundary walls, and /or installing air-conditioning systems in some offices and a parking bay.

During the period under review, there were no houses purchased or constructed for legal aid lawyers, despite the dire shortage of houses and high rental prices.

#### 4.6.6 Committee Observations/Findings

Although the renovations were done as reported, the quality was compromised. It appears as if there was no proper monitoring of the work to be carried out. It was evident that the material used was of low quality and the officials on the ground had no control over the contractors.

### 4.7 OMAHEKE REGION

#### 4.7.1 Gobabis Capital Project Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	16/02/3 -Construction of Mobile Courts/Prefabricated Courts	20032	Construction, Renovation & Extension of Facilities	2018/19-2020/21-2021/22-2023/24 (01-04-2015 to 31-03-2021)

#### 4.7.2 Consultative Meeting with Ministry of Justice, Office of the Judiciary – Gobabis

According to the officials of MoJ and OoJ present at the meeting, minor renovations were done at the Gobabis Magistrate Court at an estimated cost of N\$1, 7 million. The renovations shown to the Members were the construction of an open parking bay for four vehicles and a waiting area for the public, the painting of some outside walls of the building, and the partitioning of the cash hall. The renovations were also supposed to include the replacement of counters in the cash hall, renovations of holding cells, fixing of apron, and sealing of the roof. It was further stated that the renovations mainly focused on projects of OoJ and not on those of MoJ.

The major concern raised was courtroom A, which was not suitable to serve as a courtroom. Apart from being very small, it had no air-conditioning system, and no suitable furniture within

the courtroom, and the safety of prosecutors was compromised as there was no demarcation between them and the accused persons.

There was no Prefabricated Court constructed in the Omaheke Region during the period under review. The periodic court in Leonardville was also raised as a serious concern as it also poses a safety risk for prosecutors, very small and not demarcated to protect them from aggressive accused persons.

#### **4.7.3 Committee Observations/Findings**

The renovations done appeared to be substandard, the paintings were already peeling off, and nothing to justify the N\$1.7 million used for renovations. The Members wanted to know the justification for leaving out the renovations/extension of the courtrooms. Especially courtroom A, which they also wanted to know if it was gazetted to serve as a court.

## **4.8 OSHANA REGION**

### **4.8.1 Oshakati Capital Project Summary**

<b>Institution</b>	<b>Project Name</b>	<b>Project Code</b>	<b>National Project</b>	<b>METF (Project Period)</b>
Ministry of Justice	Renovation of Lower Courts in the Regions	1037	Construction, Renovation, and Extension of facilities	2018/19-2020/21
Ministry of Justice	Construction of Staff Houses	4200	Construction, Renovation, and Extension of facilities	2018/19-2020/21
Ministry of Justice	Purchase of Houses	20202	Construction, Renovation, and Extension of facilities	2018/19-2020/21

### **4.8.2 Consultative Meeting with Ministry of Justice, Office of the Judiciary, Ministry of Works and Transport**

Members found that no renovations have taken place at the Oshakati Magistrate Courts, neither were houses purchased but only two double-story flats were constructed. Officials expressed concerns with the structure/layout of the courtrooms as it poses a security challenge for court officials. Concerns were also raised about the lack of CCTV cameras and alarms at the court, the non-functioning mobile locking gate system, and the lack of a safe in the cash office.

#### 4.8.3 Committee Observations/Findings

The Committee undertook site visits to some of the old houses that were allocated to the court officials by the Ministry of Works and Transport to assess their conditions.

Erf 0838, house for the Public Prosecutor. The house has not been unoccupied for a year since the prosecutor was promoted. The house was looted and vandalized and is now in a dilapidated state.

Erf 0890, house for the chief legal clerk. The ceiling is in a deplorable state. During raining season, the water runs through the ceiling into the house. The house also has a bunker in the yard which was used during colonial times, and the occupants fear that some ammunition might have been left there. Erf 8011, The house has big cracks on the wall which keep expanding, and broken tiles around the house, making it a safety hazard for the occupants.

#### 4.8.4 Master of the High Court

The committee also undertook a familiarisation visit to the Master of the High Court, where members were briefed on the following concerns. The lack of security at the workplace and official residence, a non-functioning CCTV camera at the court, an electronic gate, inactive electronic access, and lack of boundary wall and alarm system at the residence, resulting constant break-ins.

#### 4.8.5 Committee Observations/Findings

The officials are unable to store documents in the store room due to leakage from the roof that has been ongoing for the past five years. Furthermore, the ceiling of the high courts has been damaged by rain and requires urgent repairs. Members were disturbed to find that the High Court does not have an electric fence and the main entrance door to the court has fallen off. They were informed that the Court has been without a door for a month and for safety reasons, police officers stationed at the court are required to guard the entrance of the court day and night.

#### 4.8.6 Anti-Corruption Commission Capital Project Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Anti-Corruption Commission	Construction of Anti-Corruption Commission Office Oshakati	20272	Corruption prevention	2022/23-2024/25

#### 4.8.7 Consultative Meeting with the Anti-Corruption Commission

The Members were informed that the process of constructing the office has commenced. Officials were in the process of finalizing the design and land has been earmarked for the construction of the offices adjacent to their current offices.

#### 4.8.8 Ondangwa Capital Project Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	Renovation of Lower Courts in the Regions	1037	Construction, Renovation, and Extension of facilities	2018/19-2020/21
Ministry of Justice	Construction, Upgrading of Lower Courts	1318	Construction, Renovation, and Extension of facilities	2018/19-2020/21
Ministry of Justice	MOJ Purchase of Buildings and Houses	20201	Construction, Renovation, and Extension of facilities	2021/22-2023/24 2022/23-2024/25

#### 4.8.9 Consultative Meeting with Ministry of Justice, Office of the Judiciary

The court deals with district and regional courts and there are three courtrooms. The court has a provision for three magistrates, but currently, only two courts are active. Due to the high volume of cases, all 3 courts must be fully functional. During the period under review, no renovation has taken place in Ondangwa Magistrate Court neither houses nor buildings were purchased. Only two prefabricated courts were built in 2019/2020 which is not enough to cater for the high number of cases, emanating from Omuthiya because the Ondangwa magistrate courts are also serving Omuthiya.

In terms of service delivery and safety of court officials, the following concerns were raised. Lack of manpower causing cases backlog, cases dating back to 2014 are still on the court roll. The security checkpoint was not conducive as such officials were unable to sit inside due to the heat, as a result, the public is not searched when entering the magistrate court, which is a security risk.

The door to the holding cells is broken as a result inmates are kept in an open area exposed to the sun without any shade in the courtyard. Female and male inmates are kept together in the holding cells and there was no holding cell for juveniles.

The absence of a Magistrate court in Omuthiya has resulted in Police officers traveling 160 kilometres daily with inmates from Omuthiya to Ondangwa which poses a security threat. Officials requested for the witness fees to be reviewed in terms of the 30 km radius that is payable and be aligned to the current situation.

#### **4.8.10 Committee Observations/Findings**

The Committee was informed that about 80% of cases being administered at Ondangwa Magistrate emanate from Omuthiya and surrounding areas. The high number of cases makes it impossible for court officials to finalize cases. An estimated number of thirty (30) cases are recorded daily especially during the end of the month and on Mondays.

### **4.9 OSHIKOTO REGION**

#### **4.9.1 Omuthiyagwiipundi Capital Project Summary**

<b>Institution</b>	<b>Project Name</b>	<b>Project Code</b>	<b>National Project</b>	<b>METF (Project Period)</b>
Ministry of Justice	Construction, Upgrading & Renovation of Lower Courts in the Regions.	1318	Construction, Renovation, and Extension of facilities	2021/22-2023/24
Ministry of Justice	Construction of Prefabricated Courts in the Regions	20032	Construction, Renovation and Extension of facilities	2021/22-2023/24 2022/23-2024/25

#### **4.9.2 Committee Observations/Findings**

There was no magistrate court in Omuthiya, and plans to construct a magistrate office were not implemented. The absence of a magistrate court in Omuthiya continues to put pressure on the Ondangwa magistrate courts.

#### **4.9.3 Tsumeb Capital Project Summary**

There was no project earmark for Tsumeb Magistrate Court for the period under review.

#### **4.9.4 Consultative Meeting with Ministry of Justice, Office of the Judiciary**

In the absence of any project budget for Tsumeb during the period under review, members held a consultative meeting with the officials on the operations and challenges experienced at the Magistrate office.

The magistrate has two courts A and B, however, the courts are not victim-friendly. One of the courtrooms was a library which was converted into a court but does not have a recording system. Regular court sittings are disrupted and unable to convene when the regional court is in session due to limited courtrooms. One magistrate has resorted to using his chamber to hear cases.

In terms of the working environment, officials lamented the slow recruitment process of court interpreters as it hampers effective service delivery, resulting in a backlog. The other concerns raised were lack of proper office, office stationary were; limited parking space; storage facilities; ablution facilities, and office space for police officers.

In terms of security, there are only two court orderlies stationed at the magistrate serving both the public and inmates, one for each court. A female court orderly attends to 6-7 inmates alone, which is not safe a female orderly was once attacked by the inmates. There is a lack of CCTV cameras in the cash offices and the courts to monitor movements; Lack of search equipment for members of the public when entering the courts; lack of boundary wall, the court only has an old fence and a gate that was broken. Limited holding cells to cater to all inmates and lights are not functioning.

#### 4.9.5 Committee Observations/Findings

The design of the courtrooms was not conducive and one of the courtroom windows was broken with worn-out curtains.

### 4.10 OTJOZONDJUPA REGION

#### 4.10.1 Grootfontein Capital Project Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	Construction, Upgrading of Lower Courts	1318	Construction, Renovation, and Extension of facilities	2018/19-2020/21
Ministry of Justice	Purchase of Legal aid houses	20201	Construction, Renovation and Extension of facilities	2018/19-2020/21
Ministry of Justice	Construction of Mobile Courts	20032	Construction, Renovation, and Extension of facilities	2018/19-2020/21

#### **4.10.2 Consultative Meeting with Ministry of Justice, Office of the Judiciary**

Two prefabricated courtrooms A and B were constructed during the 2018/19 financial year, no further renovations have taken place apart from the installation of air conditioners. It was stated that, during construction there was no provision made for holding cells and a smaller office with a capacity of 5-6 persons was used as holding cells for over 20 inmates, with only two court orderlies assigned to them compromising their safety and security.

There was no provision for a regional court in Tsumkwe and Gam resettlement. Thus, witnesses must travel to Grootfontein to testify, despite their poor socio-economic background and lack of transport. The official cars allocated to the Legal Aid lawyers were in bad condition and were not suitable for the bad roads in that area. Witness fees are sometimes not sufficient to cater for transport costs, witnesses sometimes make use of Police vehicles and at times they share transport with inmates a practice which is not advisable. In terms of security, officials raised a concern with the lack of a safe to store cash in the cash office.

#### **4.10.3 Committee Observations/Findings**

There was no provision made for the purchase of houses for legal aid officials during the period under review.

There is a delay in the finalization of cases, due to the lack of response from legal aid. Currently, there are 105 cases in the court roll and 70 cases awaiting response from legal aid. The lack of response from Legal Aid is sometimes caused by people's inability to pay the required contribution fees. The majority of the people are from the marginalized community and are not able to pay the contribution fees. The situation is hampering the administration of justice as it results in a backlog of cases and overcrowding in the police cells.

There is a lack of victim-friendly and juvenile courtrooms and vulnerable witnesses are forced to testify in front of the offenders. Officials complained that their mental health is not considered as officials such as Prosecutors work under a lot of pressure without incentives such as provision for housing, resulting in high staff turnover.

#### 4.10.4 Tsumkwe Capital Project Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	Construction of staff houses	4200	Construction, Renovation, and Extension of facilities	2018/19-2020/21

#### 4.10.5 Consultative Meeting with Ministry of Justice, Office of the Judiciary

Tsumkwe has periodic courts overseen by officials from Grootfontein, operating two weeks in a month. Only two houses were constructed, one for the Magistrate and the other for Prosecutor in 2015. The magistrate court has a victim-friendly courtroom which is not operational as the necessary equipment has not been installed.

#### 4.10.6 Otavi Capital Project Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	Purchase of Legal aid houses	20201	Construction, Renovation, and Extension of facilities	2018/19-2020/21
Ministry of Justice	Construction of Mobile Courts	20032	Construction, Renovation, and Extension of facilities	2018/19-2020/21

#### 4.10.7 Consultative Meeting with Ministry of Justice, Office of the Judiciary

The Otavi Magistrate Court only has one court, a former house that was converted into a courtroom. In terms of Capital projects, no legal houses or mobile courts were constructed in the period under review.

#### 4.10.8 Committee Observations/Findings

- The Magistrate court as well as the office space was too small to accommodate all court officials, accused persons as well as the public are forced to remain outside in the sun and or share offices;
- no female holding cells;
- Staff shortage, one court orderly and one casual interpreter
- lack of official transport hamper the effective provision of services to remote communities.
- allocated official accommodation was in a deplorable condition;

#### 4.10.9 Okakarara Capital Project Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	Construction of Mobile Courts	20032	Construction, Renovation, and Extension of facilities	2018/19-2020/21
Ministry of Justice	Construction, Upgrading & Renovation of Lower Courts in the Regions.	1318	Construction, Renovation, and Extension of facilities	2021/22-2023/24

#### 4.10.10 Consultative Meeting with Ministry of Justice, Office of the Judiciary

The Magistrate Court was built in 2008, and renovations were done between 2020 and 2021 in terms of painting, roofing, boardroom, air conditioning installation, and improvement in the courtrooms. Courtroom B has computers that are not functioning and a victim-friendly room that has not been used. The victim-friendly room has leakage from the roof, which is damaging the wall.

No mobile courts were constructed in Okakarara during the period under review. Okondjatu and Okamatapati, which are 100 km away from Okakarara, were gazetted as periodic courts; however, there was no structure for officials to operate from.

#### Officials raised the following concerns:

- only two houses allocated to the Magistrate and the Prosecutor;
- lack of security personnel inside and outside the building, only one police officer assigned; -
- non-functioning alarm and CCTV cameras;
- lack of boundary wall, and security personnel to escort the revenue clerk to the bank to deposit money;
- no security checks at the court entrance.

The court has only one waiting area for accused persons, and witnesses, which was a safety and security concern.

- Shortage of vehicles for effective service delivery;
- During the rainy season, water moves from the ablution facilities, and runs through to the waiting areas and legal aid offices.

#### **4.10.11 Committee Observations/Findings**

There is no Office of the Ombudsman at Okakarara Magistrate courts, currently residents of Okakarara travel to Otjiwarongo or Windhoek for assistance which is very costly. The office space earmarked for the Ombudsman is being occupied by legal aid officials.

The police station is 500 m away from the Magistrate courts, due to the non-availability of cars the court orderly walks with the accused person from the Police station to the Magistrate daily with the inmates who are not handcuffed.

Members also found that the ablution facilities in the holding cells have not been functioning for the past 5 years now, the inmate is taken to the general public ablution facilities, and at times they relieve themselves in the courtyard.

The court has a backup electrical system that has not been operational since 2008. Members observed that there seemed to be a lack of supervision of the project, during the visit Members found renovations taking place at the courts, however, officials were not aware of who authorized the renovations and what was to be renovated. Members further observed that the court's room was dirty, and learned that the court only has one hygiene official also serving as a gardener who is about to retire.

There is potential for expansion; discussions have occurred about relocating the magistrate's office to the old Town Council area for the past three years, but no progress has been made. The prosecutor's residence located next to the magistrate's office is also in poor condition.

#### **Key Concerns Raised by Officials:**

- Only two houses are provided for the Magistrate and Prosecutor.
- There is a lack of security personnel inside and outside the building.
- Only one police officer is assigned to the court.
- Alarm systems and CCTV cameras are non-functional.
- There is no boundary wall for security.
- No security is provided for bank deposits by the revenue clerk.
- No security checks are conducted at the court entrance.
- The single waiting area for accused persons and witnesses raises safety concerns.
- There is a shortage of vehicles affecting service delivery.

- During the rainy season, water from the ablution facilities floods waiting areas and legal aid offices.

#### 4.10.12 Otjiwarongo Capital Project Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	Renovation of Lower Courts in the Regions	1037	Construction, Renovation, and Extension of facilities	2018/19-2020/21
Ministry of Justice	Construction of Mobile Courts	20032	Construction, Renovation, and Extension of facilities	2018/19-2020/21
Ministry of Justice	MOJ Purchase of Buildings and Houses	20201	Construction, Renovation, and Extension of facilities	2021/22-2023/24 2022/23-2024/25

#### 4.10.13 Consultative Meeting with Ministry of Justice, Office of the Judiciary

The Otjiwarongo Magistrate Court comprised of A and B courts, and a regional court. There have been no constructions of mobile courts, and no new houses for legal aid officers have been purchased. A house across from the magistrate's office has been acquired to be used as a Wild Court, funded by donors, though the purchase date needs confirmation. Renovations also included converting two garages into a regional court between 2012 and 2013, with prefabricated office structures erected in 2018.

#### 4.10.14 Committee Observations/Findings

The Magistrate's houses are vandalized and it was proposed that security personnel be employed to guard vacant government houses. The Magistrates court was in a deplorable condition as well as the holding cells; and in need of urgent repairs, lack of office space. The noise from the inmates in the holding cells at times causes a disturbance during the court proceedings.

### 4.11 OMUSATI REGION

#### 4.11.1 Outapi Capital Project Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	Renovation of Lower Courts	1037	Construction, Renovation, and Extension of facilities	2018/19 – 2020/21

Ministry of Justice	Purchase of Legal Aid houses/ MOJ Purchase of Building & Legal houses in the Regions/ MOJ Purchase of Building & houses	20201	Construction, Renovation, and Extension of facilities	2018/19 – 2020/21 2021/22-2023/24 2022/23-2024/25
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#### **4.11.2 Consultative Meeting with the Ministry of Justice, Office of the Judiciary, and Ministry of Works and Transport**

Outapi Magistrate Courts has two court rooms A and B, and a small office that was converted into the Regional Court. The Court has only one waiting area that is being used by both accused persons and witnesses, which is a safety and security concern. During the visit, the committee learned that the courtyard of the Magistrate gets flooded during the rainy season.

Members were informed that the court officials were allocated four houses from the pool of the Ministry of Works and Transport. No renovation has been done on the houses; therefore, the houses are in a dilapidated state. In 2019 the Legal aid officials were requested to look for houses, they complied with a report that was submitted to their head offices, and they are still waiting for a response.

Officials raised the following issues of concern:

- Lack of security in the regional courtroom;
  - the structure of the courtroom poses challenges because there is only one door to the courtroom the accuser sits behind the Prosecutor and next to the Magistrate and there is only one court orderly in the courtroom;
  - the court has two holding cells with dysfunctional ablution facilities;
- The holding cells have no proper locks, therefore, inmates are kept in an open space behind the Lack of a proper recording system in place, hampering effecting recording of court proceedings;
- Limited office space and staff shortage to accommodate all court officials and to render effecting services;
- Unreliable electricity supply, and constantly blocked drainage system.

#### **4.11.3 Committee Observations/Findings**

The Committee found that none of the capital projects budget for the Omusati Region were implemented for the period under review.

Members noted that limited regional courts in the region were hampering service delivery and access to justice. The Outapi Magistrate Court has over 4000 cases on the court roll, however, there was only one regional court and limited staff resulting in a backlog in the handling of cases since 2010.

The Committee further found that one of the officials responsible for making the payment through the Ministry’s accounts system was not allocated an official phone, and used their private phone to process the payment a practice which is not safe and not recommended.

#### 4.11.4 Okahao

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	Construction of Mobile Courts	20032	Construction, Renovation, and Extension of facilities	2018/19 – 2020/21

#### 4.11.5 Consultative Meeting with Ministry of Justice, Office of the Judiciary

The periodic court in Okahao District Court is operated by an official from Outapi. The Ministry of Justice does not have a building in Okahao, officials are operating from the Ministry of Home Affairs Immigration Safety and Security building.

Officials raised the following concerns hampering service delivery:

- delay in court proceedings and processing of court documents due to shortage of staff and limited office space;
- The magistrate's houses are vandalized, and it has been recommended that security personnel be employed to guard empty government residences;
- The magistrate's court and the holding cells are in a deplorable condition and in urgent need of repairs;
- Increased number of inmates due to inactive regional court which became a challenge to sustain them;
- Payment of witness fees in Outapi and the distance from Okahao affecting the effective operation of the court as witnesses are unable to travel to Outapi from Okahao at own costs.

#### 4.11.6 Committee Observations/Findings

Members found that there has been a site allocated for the construction of a magistrate court in Okahao, however, no construction has taken place either mobile courts were constructed.

### 4.12 KUNENE REGION

#### 4.12. 1 Opuwo Capital Projects Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	Renovation of Lower Courts	1037	Construction, Renovation, and Extension of facilities	2018/19-2020/21
Ministry of Justice	Purchase of Legal Aid houses	20201	Construction, Renovation, and Extension of facilities	2018/19-2020/21

#### 4.12.2 Consultative Meeting with the Ministry of Justice, Office of the Judiciary

Officials from Opuwo Magistrate courts are also responsible for Okangwati, Epupa, Puros, and Sesfontein. Due to the total population in this area, the Magistrate Courts were supposed to have 3 courtrooms, however, there is only one courtroom, being used for Regional, Court A, and B. During regional court, they avail the court to the Regional magistrate for proceeding and the other magistrates make use of a small boardroom that was converted into a courtroom and the Magistrates Chamber which is also an office as a courtroom although these two rooms have no recording system.

Members were informed that two buildings were standing idle which they have identified for renovations that could be used as courts room. One was previously used by Namcol and was requested to vacate for renovation to be used as a courtroom. Ministry of Works and Transport did the assessments however the amount for renovation was beyond their threshold that currently stands at N\$2 000, 000.00. The matter was reported to the Ministry of Justice to budget for the renovation.

#### Officials raised the following issues and concerns:

- There was no provision made for holding cells and inmates are kept in court B after been sentenced. A practice that is not safe since the court was only having one court orderly without an official phone to call for back-up in case of unruly inmates;

-The carpets in the courtroom and some offices, causing health hazards to the officials, they have requested numerous times for the removal of these carpets but to date, the issues have not been resolved considering Opuwo is a windy place.

#### 4.12.3 Committee Observations/Findings

The Committee found that none of the capital projects budgets for Kunene Region were implemented only one house of the magistrate was renovated between 2010-2011 but the tiles are already broken and during the rainy season the water runs into the house and the garage gets filled up with sand. Members observed that no staff housing was purchased and officials are living in bad conditions, officials are subjected to rent private accommodation compromising their safety and security.

Members observed that the court officials were also responsible for Okangwati, Epupa, Puros, and Sesfontein despite the high volume of cases there was only one courtroom which was affecting the effective service delivery. On the contrary, the Members noted that the gazetted periodic courts in Sesfontein and Okangwati was not operational.

The other major concern was the non-provision of official accommodation and vehicles to legal aid lawyers.

#### 4.12.4 Kamanjab Capital Projects

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	Construction of staff houses	4200	Construction, Renovation, and Extension of facilities	2018/19-2020/21
Ministry of Justice	Construction of Mobile Courts	20032	Construction, Renovation, and Extension of facilities	2018/19-2020/21

#### 4.12.5 Consultative Meeting with the Ministry of Justice, Office of the Judiciary

Kamanjab is a periodic court run by an Official from Outjo. Some of the challenges faced by the officials at the court are as follows. Lack of furniture for the courtroom and offices of the Magistrate, Prosecutor, and Legal aid officials, the courtroom is very small and the structure poses challenges to the security of the Magistrate and witness.

#### 4.12.6 Committee Observations/Findings

During the visit, the Committee only found a vacant plot earmarked for construction of the houses not yet constructed. Despite there being a plan and Kamanjab village council 2023-2027 general valuation roll **annexures A and B**. Members also only found the periodic courts building but no Mobile Courts were found in Kamanjab.

#### 4.12.7 Khorixas Capital Project Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	MOJ Purchase of Building & houses	20201	Construction, Renovation, and Extension of facilities	2021/22-2023/24 2022/23-2024/25

#### 4.12.8 Consultative Meeting with the Ministry of Justice, Office of the Judiciary

The court officials are responsible for Outjo, Kamanjab, and Otjiwarongo. Four houses were assigned to the Court Officials from the Ministry of Works and Transport pool as follows; one for the Magistrate, two for the Clerks, and one for the Prosecutor. Members found that the house for the Magistrate had been vandalized and needed major renovations. The perpetrators that vandalized the house gained entrance by cutting off the fence. Hence, the urgent need for an electrical fence or an alarm system. As the Magistrate was accommodated at the clerk's house in a garage in a very unfavourable unsafe condition, as the same house also need major renovations **Please see the attached letter annexure C**

A letter requesting renovation of the house was written on 15 September 2022, however, the house has not been renovated. **Please see the attached letter annexure D**

When the Magistrate started working at the Court on 5 February 2024, she was accommodated at a guest house. A request for the Magistrate to continue lodging at the guest house until the issues of the house are resolved was declined. **Please see the letter annexures E and F**. Numerous efforts were made by the magistrate to rent a place, however, Khorixas town has no rental facilities or houses to purchase as a result the Magistrate was left with no other option but to be accommodated in the garage.

#### **Officials are facing the following challenges:**

Lack of housing for the Legal aid officials;

The public ablution facilities and the ablution facility in the Magistrate, Prosecutor, and Legal aid block were not operational due to blockage as a result of high calc in the water. A request was sent to the Ministry of Works and Transport for the replacement of ablution facilities but the problem has not been resolved.

**4.12.9 Committee Observations/Findings**

Members found that no buildings or houses were purchased for the MOJ official in Khorixas for the period under review.

The Committee noted with concern that the renovations done in 2020 and 2022 at the houses of the prosecutor and the head of administration respectively were done haphazardly. It appears that the renovations done and the material used was of sub-standards.

**4.12. 10 Outjo Capital Project Summary**

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	MOJ Purchase of Building & houses	20201	Construction, Renovation and Extension of facilities	2021/22-2023/24 2022/23-2024/25

**4.12.11 Consultative Meeting with the Ministry of Justice, Office of the Judiciary**

The following issues were raised as concerns, lack of air-conditioning and blinds in the cash office to protect the computers from, parking space, secured storage facilities and safe for the Prosecutors to store confidential records.

**4.12.12 Committee Observations/Finding**

Members found that the court officials have only four old houses which were allocated to the Ministry of Justice before the period under review, two houses are allocated to the Magistrates of which one of them is occupied by the Magistrate, the other house is occupied by the Chief Clerk and the Cleaner. The fourth house is occupied by the Prosecutor. All four houses are in a dilapidated state and need renovations; only minor renovations such as paint work were done in one house.

Members found that no buildings nor houses were purchased for the MOJ official in Outjo for the period under review.

## 4.13. ERONGO REGION

### 4.13.1 Omaruru Capital Projects Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	Purchase of Legal aid houses/MOJ Purchase of Building & houses	20201	Construction, Renovation and Extension of facilities	2018/19-2020/21 2021/22-2023/24 2022/23-2024/25

### 4.13.2 Consultative Meeting with the Ministry of Justice, Office of the Judiciary

The court's officials at Omaruru Magistrate Courts are also responsible for Uis, Okombahe, and Omatjete in the Daures Constituency. Members were informed that although the court has a provision for two Magistrates and two Prosecutors, Omaruru Magistrate only has one courtroom, which affects effective service delivery.

#### The following concerns were raised:

In terms of security the gate was damaged, dysfunctional alarm system with only one security officer station at the court; absence of police during court proceedings, and damaged holding cells with holes through which the offenders could be given objects and other unlawful items. The issues were reported in 2022 but no feedback was received; lack of vehicles for Legal aid officials, lack of an official mobile phone for the Prosecutor to conduct a child maintenance investigation, and officials making use of their private phones to conduct the investigation and bad road condition between Omaruru and Uis, Officials have to constantly drive on the gravel road to work in Uis.

### 4.13.3 Committee Observations/Findings

Members found that there is a lack of staff housing only two old houses were allocated to the court officials from the Ministry of Works and Transport. Although the Magistrate court has two Magistrate only one house was allocated to the Magistrates, and the other magistrate is renting. The other house was allocated to one Prosecutor. The other Prosecutor and Legal aid officials are renting private accommodation. This practice compromises the safety of the officials.

Legal aid officials were requested in 2019 to identify four houses for purchasing but they have not received any feedback since 2019. A member found that no houses for Legal aid and MOJ officials were purchased, and officials are renting their private accommodation.

#### 4.13.4 Uis Capital Projects Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	Construction of Mobile Courts	20032	Construction, Renovation, and Extension of facilities	2018/19-2020/21

#### 4.13.5 Consultative Meeting with the Ministry of Justice, Office of the Judiciary

Uis periodic court is run by an official from Omaruru. The Ministry of Justice does not have a building in Uis, officials are operating from the Ministry of Home Affairs Immigration Safety and Security building. The administration in terms of court documents and witness fees is administered in Omaruru.

The following are some of the issues raised by the court officials. Lack of a recording system in the courtroom, Magistrate has to write down evidence of proceeding for each person manually; lack of air conditions, the Magistrate is forced to open the office window that is connected to the holding cells and suffer harassment from the inmates; lack of enough ablution facility, there is only one ablution facility in the Magistrate office that is being used for all court officials and the office of the Magistrate does not lock and it's not safe to leave court documents there.

#### 4.13.6 Committee Observations/Findings

Members found that the practice of administering the administration in Omaruru resulted in witnesses and offenders incurring costs. At times witnesses request for withdrawal of cases due to lack of transport fees to travel to Omaruru. Members further found that no mobile courts were constructed at Uis, officials are operating a periodic court in a building that belongs to the Ministry of Home Affairs, Immigration Safety, and Security.

#### 4.13.7 Henties Bay Capital Project Summary

There was no project earmark for the period under review.

#### 4.13.8 Consultative Meeting with Ministry of Justice, Office of the Judiciary

The periodic court in Henties Bay Magistrate was run by an official from Swakopmund. The Court has a small waiting area in the courtyard, however, due to the cold weather conditions, the inmates are kept in the front row of the court, with the public, however, this practice is not safe in terms of security.

#### 4.13.10 Swakopmund Capital Project Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	MOJ Purchase of Building & houses	20201	Construction, Renovation, and Extension of facilities	2021/22-2023/24 2022/23-2024/25

#### 4.13.11 Consultative Meeting with Ministry of Justice, Office of the Judiciary, Electoral Commission, and Anti-Corruption Commission.

During the consultative meeting, the following concerns were raised such as the lack of an alarm system, CCTV cameras, and only one Security officer guarding the massive magistrate court, absence of the police during court proceedings compromising the safety and security of court officials.

#### 4.13.12 Anti-Corruption Commission

The Anti-Corruption Commission officials present at the meeting also raised the same issue of lack of office space with a high rental fee of N\$50 000 for a small office accommodating not more than 10 people. An old fleet that was not in good condition and was affecting their operations.

#### 4.13.13 Committee Observations/Findings

No new houses were purchased for the court officials at Swakopmund. Officials only have 5 old houses which were allocated to them by the Ministry of Works and Transport.

#### 4.13.14 Walvis Bay Capital Project Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
Ministry of Justice	Renovation of Lower courts	1037	Construction, Renovation and Extension of facilities	2018/19-2020/21

#### 4.13.15 Consultative Meeting with Ministry of Justice, Office of the Judiciary

Renovation of the Walvis Bay lower courts was almost completed but the building is still not occupied pending telephone line connections, electrical cabling, and the court system.

The Committee was dissatisfied that the build was completed 9 years ago, but has not yet been occupied, while staff members are struggling with office space. The Committee was equally

not pleased by the poor quality of work done by the constructor that renovated the lower court, the tiles have started cracking already. <sup>4</sup>

Officials raised a concern regarding the lack of enough space in the holding cells resulting in the juvenile being accommodated with senior inmates and some inmates sleeping on the floor. Mentally disturbed inmates remain on the waiting list for up to 3 years before appearing before the court.

#### 4.13.16 Committee Observations/Findings

Members found that one of the buildings which belongs to the Ministry of Justice, is being occupied by Namibia Revenue Agency (NAMRA), while the Ministry of Justice Officials are struggling with office space. Some doors of the newly constructed court building have rusted and cannot open. Due to the lack of office space, Members found Police officers operating from the corridor of the court when attending to inmates.

### 4.14. KHOMAS REGION

#### 4.14.1 Windhoek East Capital Projects Summary

Institution	Project Name	Project Code	National Project	METF (Project Period)
1. Ministry of Justice	Upgrading of High Court	8072	Construction, Renovation, and Extension of facilities	2021/22-2023/25
2. Ministry of Justice	a. Construction of Attorney-General's Office b. construction of Prosecutor's General's Office (starting 01-04-2013, concluding date 31-03-2020 c. Purchase of Corporate House (starting 01-04-2018, concluding date 31-03-2019)	20033 20200 18729	Construction, Renovations, and Extension of Facilities	2018/19-2020/21
3. Ministry of Justice	Justitia Building Renovation	140	Construction, Renovations, and Extension of Facilities	2018/19-2020/21
4. Ministry of Justice	Renovation of Lower Courts	1037	Construction, Renovations, and Extension of Facilities	2018/19-2020/21
5. Ministry of Justice	Purchasing of ombudsman Building	20203	Construction, Renovations, and Extension of Facilities	2018/19-2020/21
6. Ministry of Justice	Construction of Prefabricated Courts in the Regions	20032	Construction, Renovations, and Extension of Facilities	2022/23-2024/25

7. Ministry of Justice	Upgrading of the Supreme Court and the Renovation of the Office of the Judiciary Building	20238	Construction, Renovations, and Extension of Facilities	2020/21-2024/25
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#### **4.14.2 Consultative Meeting with Ministry of Justice, Office of the Judiciary**

##### **1. Ministry of Justice - Upgrading of the High Court in Windhoek (8072), Windhoek East**

The project entails alterations and additions to the High Court building, to provide more office space for the Judge President and staff members, with an objective of providing a conducive working environment for the administration of the justice system. The components are: Construction of offices, Judges Chambers, Record Rooms and Ablution. The beneficiaries are: The Judge President, the Chief Registrar, High Court Judges, High Court Advocates, other High Court officials and members of the public.

The project was completed as planned although the High Court still needed renovation and upgrade. The committee was assured that the extension and upgrading would continue.

During their onsite visit, Members observed that the entire building is just too small, some Honourable Judges and staff perform their duties in an extremely unconducive working environment because some offices are just too small, carpets are worn out, corridors are narrow and generally creating a claustrophobic scene; which is unconducive and unacceptable. The corridor through which trial awaiting accused persons/inmates have to walk from the police van and holding cells are sometimes without lights and needs urgent upgrading. The Committee was assured that the extension and upgrading would continue.

##### **2. Ministry of Justice – Construction of the Offices of the Attorney General, and Prosecutor-General Offices 20033 Under Project Codes 20033, 20200, and 18729.**

Although the Ministry has the plot to construct the offices of the Attorney-General and the Prosecutor-General the Committee noted with concern that due to budgetary constraints, the projects were not executed even so, both offices continue to rent private offices at exorbitant prices.

In the Justice Cluster Report of this Standing Committee adopted by the 7<sup>th</sup> National Assembly it was observed as follows: “There is no Head Office Building for the **Office of the Prosecutor-**

**General.** The current rented offices are simply inadequate. The Office space is too small and deprived of many facilities expected in modern day prosecution offices. Further, the drainage and sewer systems are faulty and subject to constant blockages.”

### **3. Ministry of Justice – Justitia Building Renovation, MoJ Construction, Upgrading & Renovation (140), Windhoek East**

Although the renovations at the Justitia building were done satisfactorily, the Committee noted with concern the dilapidated old library and the neglected offices of the judges. The Members felt that there was an urgent need for the Ministry of Justice to upgrade the Offices of the Judges as the current conditions they were subjected to was unacceptable.

### **3. Ministry of Justice – Justitia Building Renovation, MoJ Construction, Upgrading & Renovation (140), Windhoek East**

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### **4. Ministry of Justice – Renovation of Lower Courts (1037) Windhoek East**

Only minor renovations were done at the Katutura Magistrate Court during the period under review.

### **5. Legal Aid Office in Katutura**

The committee also visited the Legal Aid Office just opposite the Katutura Court. The office is cramped, with no space for filing or to accommodate more staff. It is seriously understaffed as it handles all applications from all regions.

### **6. Ministry of Justice – Purchase of Ombudsman Building (20203) Windhoek East**

The Committee observed that the Ministry of Justice had an offer of N\$28 million to purchase a building in 2019. However, the evaluation done by the national surveyor was at N\$12 million, which prompted the owner to cancel the deal. On the contrary, the office still rents the same building for N\$3 million annually, without a valid contract. The other concern raised was the inability of both the Ministries of Justice and Works and Transport to provide the Ombudsman with official transport.

## **7. Ministry of Justice – Construction of Mobile Courts (20032)**

**Katutura East Prefabricated Court** – no construction took place during the period under review.

## **8. Upgrading of the Supreme Court and the Renovation of the Office of the Judiciary Building**

The renovations during the period under review included the renovation of the ablution block and the completion of the commercial court.

## **9. Office of the Judiciary Building Renovation**

Renovation of ablution blocks at the commercial court block was completed. Partitioning of the IT block as well as the installation of a security system at the commercial court is completed. Except the ICT system which was dysfunctional. However, the Members found an abandoned project of a ramp that was built at the head office to connect to the commercial court. According to them, government funds were spent and it appeared as if no one was held accountable for that failed project, raising the questions of how the tender was awarded and who responsible was for the supervising of that project.

## **5. GENERAL FINDINGS**

1) The Members noted with concern that there are no proper mechanisms in place to monitor the National Planning Commission in terms of planning and following up on capital projects earmarked for regions, capital projects are lumped together such as construction, renovations, and extension of facilities making it extremely difficult to determine the exact activities conducted and completed per region.

2) The fact that the management of capital projects is too centralized, there is a lack of proper monitoring and evaluations of ongoing capital projects, the material used is of low quality, and after completion, projects are signed off without considering the quality, budget, and impact of work done.

3) The internal “issues” between the MoJ and OoJ, were affecting the operations and management of capital projects derailing the completion of capital projects and effective service delivery to the public.

4) The construction of mobile/prefabricated courts is a costly temporary solution; the estimated costs were between N\$10 000.00 to N\$15 000.00, with a 10-year lifespan. The members wanted to know how that was economically viable and the possible negative environmental impacts associated with the disposal of such buildings.

5) Members were unable to determine if there was a maintenance plan for government buildings, as most buildings visited were in deplorable conditions;

6) On the security of court officials, considering the small courtrooms in most towns that were not restricted, members were appalled that there were no provisions at courts to screen and search members of the public; and accused persons entering the court.

7) There are no provisions for security guards and most court buildings and houses of magistrates and prosecutors as well as legal aid lawyers, as such break-ins have become more prevalent which is a matter of concern.

8) The amount spent on renovations at most offices/houses visited is not justifiable to the actual work done and that is a serious concern that prompted the Committee to request a breakdown of the expenses and expenditure report;

9) In most places visited, there was no provision made for official accommodation for magistrates, prosecutor generals, and legal aid lawyers. Thus, compromising their safety and security. Where there was provision made for official accommodation the security aspects such as boundary walls, and burglar doors were overlooked;

10) The working conditions at most offices are not conducive, small offices that officials have to share, no air-conditioning, inadequate ablution facilities, lack of parking space, and no consultation rooms for public prosecutors and legal aid lawyers.

11) The current working environment and conditions for judges of the High Court of the Republic of Namibia, Main Division: Windhoek is uncondusive and unacceptable. The offices are too small and not in line with the duties and responsibilities bestowed upon judges.

## **6. CONCLUSION**

The oversight visit to the 14 regions, served as an eye-opener for Members of Parliament, as they realized that there was a need for parliamentary committees to strengthen collaboration on the oversight of capital projects.

The lack of responsibility and accountability by those entrusted with the developmental programs/projects calls for an overhaul of the operation/management systems in place for capital projects.

There is no proper mechanism in place to monitor and evaluate the progress of projects with such huge investment amounts, and no measures for quality control or assurance before signing off completed projects.

## **7. RECOMMENDATIONS**

Based on the findings above, the Committee recommends that the following Offices/Ministries/Agencies (o/M/As) implement the Committee's recommendations as a matter of urgency:

- (a) The Ministry of Justice, Office of the Judiciary, National Planning Commission, Ministry of Finance and Public Enterprises and Ministry of Works and Transport should collaborate to implement the following recommendations:**
- (i) Study the report and urgently find short, medium and long term solutions to the issues raised in the report;
  - (ii) Review the planning and execution of capital projects in the country, and to come up with effective and sustainable strategies for coordination, monitoring and evaluation of capital projects from the onset to the end;

- (iii) Decentralize the management capital projects for effective planning, monitoring and smooth implementation of capital projects by the chief regional officers;
- (iv) Establish a maintenance plan for government buildings;
- (v) Implement effective and consistent strategies to ensure the protection of court officials and government properties;
- (vi) Establish effective monitoring and evaluation strategies for capital projects;
- (vii) Provide safe and secured official accommodation to all court officials countrywide;


**(b) The Ministry of Justice and Office of the Judiciary should:**

- (i) Reconsider the decision for the construction of prefabricated courts and or mobile courts as it is too costly and not sustainable for the long term.
- (ii) Fast-track the finalization of the Judiciary Bill for effective governance and accountability;
- (iii) Provide a conducive working environment for key court officials and judicial officers, particularly the judges as a matter of urgency in general and in particular, urgently find solutions to the unconducive working environment of the judges and court officials at the High Court of the Republic of Namibia, Main Division, Windhoek.
- (iv) Revive the capital projects i.e. construction of the offices of the Attorney-General and Prosecutor-General.

**8. Implementation of recommendations of Committees**

In accordance with the Committee Rules of the National Assembly, when the Assembly accepts, with or without amendments, any recommendation of a Standing Committee on any subject, and the recommendation requires an Office, Ministry, Agency or Government Entity to perform or to refrain from performing an action, the Office, Ministry, Agency or Government Entity must comply with the recommendation of a Committee adopted by the Assembly, within a period of three (3) months or earlier.

**8. SIGNATURE(S)**



Hon. Kletus Karondo : Chairperson

Date 18. 02. 2025

**Hon. Paula Kooper : Deputy Chairperson**

*Paula Kooper*  
*Phil*

**Hon. Phillipus Katamelo**

*Her*

**Hon. Herlinde Tjiveze**

**Hon. Tjekero Tweya**

*Patience*

**Hon. Patience Masua**

**Hon. Diederik Vries**

**Hon. Inna Koviaio Hengari**

*Inna*

**Hon. Elifas Dingara**

*Elifas*

**Hon. Julieta Kavetuna**

*J.K.*

**Hon. Vincent Joseph Mareka**

*Vincent*

**Hon. Theofilus Kamati**

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**Hon. Longinus Iipumbu**

*Longinus*

**Hon. Bernadus Swartbooi**

**Hon. Apius !Auchab**

**Hon. Rebekka Kambayi**

**Hon. Emilia Nuyoma-Amupewa**

**Hon. Reginald Diergaardt**

*Reginald*

**Hon. Josef Kauandenge**

*Josef*

